

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

Trinidad & Tobago Association	
t/a T & T Association	Show Cause
5123 Georgia Ave., NW	Hearing
Retailer C Club - ANC-4D	(Status)
License No. 17426	
Case #15-251-00006	

(Chief of Police Closure
 January 17, 2015)

July 8, 2015

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

PRESENT:

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

ALSO PRESENT:

FERNANDO RIVERO, OAG

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

2 11:13 a.m.

3 CHAIRPERSON MILLER: All right. The
4 next case on the morning calendar is Case No. 15-
5 251-00006, Trinidad & Tobago Association t/a T &
6 T Association located at 5123 Georgia Avenue,
7 N.W., License No. 17426, in ANC-4D.

8 And I believe this can be
9 characterized as a Summary Suspension (Status)
10 Hearing.

11 MR. RIVERO: That is correct.

12 CHAIRPERSON MILLER: Okay. Good. All
13 right. So let's have introductions for the
14 record.

15 MR. RIVERO: Good morning, Board
16 Members. Fernando Rivero for the record -- not
17 for the record, for the District of Columbia.

18 MEMBER SILVERSTEIN: That too.

19 MR. RIVERO: That too.

20 MR. SCOTT: Good morning, Madam
21 Chairman, Nigel Scott for the Trinidad & Tobago
22 Association.

1 CHAIRPERSON MILLER: I'm sorry? What?

2 MR. BARRINGTON: Claude Barrington,
3 President of Trinidad & Tobago Association.

4 CHAIRPERSON MILLER: Claude
5 Barrington?

6 MR. BARRINGTON: Yes.

7 CHAIRPERSON MILLER: Okay. You are
8 president of the Trinidad & Tobago Association?

9 MR. BARRINGTON: Yes.

10 CHAIRPERSON MILLER: And, Mr. Scott,
11 what's your position?

12 MR. SCOTT: I'm an attorney.

13 CHAIRPERSON MILLER: What?

14 MR. SCOTT: I'm the attorney.

15 CHAIRPERSON MILLER: Attorney. You're
16 the attorney. Okay. As the attorney then, I'll
17 ask you did your client receive notice of this
18 hearing?

19 MR. SCOTT: Yes, ma'am, we have been.

20 CHAIRPERSON MILLER: Read it and
21 understood it?

22 MR. SCOTT: Yes, we have. Well, it

1 was an oral communication with Mr. Rivero, but --

2 CHAIRPERSON MILLER: Okay.

3 MR. SCOTT: -- it was understood.

4 CHAIRPERSON MILLER: Okay. Good.

5 Then you have no issue with notice of this
6 hearing.

7 MR. SCOTT: No, we have no issue with
8 notice --

9 CHAIRPERSON MILLER: All right.

10 MR. SCOTT: -- whatsoever.

11 CHAIRPERSON MILLER: Do we have a
12 preliminary matter to consider in this case?

13 MR. RIVERO: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. RIVERO: The parties have an Offer
16 in Compromise to present to the Board, at this
17 time. I'll be speaking a little bit faster, we
18 don't have an Interpreter here, because we don't
19 need one.

20 CHAIRPERSON MILLER: Okay. And for
21 the record, I believe that you also provided this
22 one in writing to the Board.

1 MR. RIVERO: That is correct. Board
2 Members are able to follow along with their
3 copies.

4 CHAIRPERSON MILLER: Follow along.

5 MR. RIVERO: As I describe the terms.

6 CHAIRPERSON MILLER: Okay. Does
7 everybody --

8 MR. RIVERO: This matter --

9 CHAIRPERSON MILLER: -- have one? Do
10 you have one? Wait one second. I want to make
11 sure. That's the whole point that we follow.

12 MR. RIVERO: Correct.

13 CHAIRPERSON MILLER: Do you have it?
14 Okay. Do you have it?

15 MEMBER RODRIGUEZ: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: Ms. Walker handed
18 them out.

19 CHAIRPERSON MILLER: Okay. Thank you.
20 Yes.

21 MR. RIVERO: Okay.

22 CHAIRPERSON MILLER: Okay.

1 MR. RIVERO: So this matter arose as
2 a Summary Suspension proceeding for an incident
3 that took place on January 17th of this year.
4 Subsequently, the parties met to negotiate the
5 terms to end the Summary Suspension of the
6 license, which, as Board Members are aware, the
7 purpose of this proceeding is to ensure that the
8 imminent harm that is the reason for the Summary
9 Suspension is eliminated.

10 All right. The first term is that
11 Trinidad & Tobago Association or T & T
12 Association agrees not to let the premises be
13 used by promoters or anyone else to promote
14 events to the general public.

15 The licensee shall not open the
16 establishment to the general public while
17 alcoholic beverages are being sold, served,
18 consumed or stored on the premises.

19 Events at which alcoholic beverages
20 are sold, served or consumed shall be limited to
21 members and their guests.

22 The licensee shall maintain a current

1 list of club members at all times. The list
2 shall be made available for inspection upon
3 request by an ABRA Investigator, police officer
4 or other law enforcement official.

5 No later than July 22nd the licensee
6 shall file a copy of the current list of its club
7 members with the Board.

8 Page 2. Licensee shall maintain a
9 guest log at the establishment that contains the
10 name of the member and the member's guest for
11 each visit.

12 No later than July 22nd of this year,
13 the licensee shall submit a copy to the Board of
14 the form on which the licensee intends to
15 maintain the guest log.

16 The licensee shall not rent the
17 premises for use by non-members if alcoholic
18 beverages will be sold, served, consumed or
19 stored on the premises during the period of the
20 rental.

21 Either the president or an officer of
22 the club or a currently licensed ABC manager

1 shall be present at the establishment while
2 alcoholic beverages are being sold, served or
3 consumed.

4 The licensee shall provide training to
5 the officers of the club and its ABC managers on
6 situations in which employees are to call for
7 police or medical assistance, including violent
8 incidents and instances when patrons request
9 medical assistance.

10 The licensee shall provide training to
11 the officers of the club and its ABC managers on
12 how to handle violent incidents, preserve a crime
13 scene and maintain an incident log.

14 Within 60 days, the licensee shall
15 submit documentation of the officers of the club
16 and its ABC managers trained along with materials
17 used in the training referenced in the last two
18 paragraphs I just read.

19 The licensee shall maintain a manual
20 of its policies addressing the Paragraphs 10 and
21 11, which concern calling for police and medical
22 assistance and handling incidents at the

1 establishment. And that manual shall be made
2 available to members of the club.

3 This matter shall be referred to the
4 Office of the Attorney General for the District
5 of Columbia for Show Cause proceedings.

6 Those are the terms and I would like
7 to provide a little context for the Board to
8 understand them.

9 The license holder is a private club,
10 not a restaurant, not a nightclub, not a tavern,
11 a private club. Private clubs function
12 differently from other establishments of public
13 accommodation that are generally open to the
14 public. By its nature, it is closed to the
15 public. You have to be a member, that's the
16 general conception.

17 The state of the law indicates in
18 Title 25 with respect to how private clubs are
19 regulated is how we say not detailed at best.
20 Therefore, the terms to which the licensee has
21 agreed to regulate itself are above the legal
22 standard found in Title 25.

1 I personally was cognizant of this,
2 because it would be my hope that if that section
3 of Title 25 is to be developed in the future,
4 that we might look to there terms for guidance.

5 The establishment does not normally
6 have alcoholic beverages on the premises for
7 sale, service or consumption. A majority of
8 their activities do not involve alcoholic
9 beverages.

10 However, the terms in this agreement
11 particularly Paragraphs 10 through 13 deal
12 directly with the facts of this case, in which
13 there were incidents that took place, so they are
14 responsive to those facts.

15 The initial Paragraph 1 and 2 really
16 get at the heart of this particular case. The
17 establishment got into this situation by working
18 with promoters who brought in the cliental that
19 apparently led to this situation.

20 By eliminating the ability to work
21 with promoters to open the establishment to the
22 general public, that should obviate or in

1 significant part lessen the likelihood that this
2 will ever happen again, number one.

3 And number two, it also is in
4 accordance with the nature of this establishment.
5 It's a private club.

6 CHAIRPERSON MILLER: Yes.

7 MR. RIVERO: And the fact that this
8 case showed that the promoters were operating
9 events open to the public. We have eliminated
10 that situation, which is really more constant
11 with the kind of license that we have here.

12 I hope that this context is helpful in
13 understanding the various terms presented here.
14 If there are any questions, I would be happy to
15 answer them.

16 MEMBER SHORT: Madam Chair?

17 CHAIRPERSON MILLER: Yes, Mr. Short?
18 Go right ahead.

19 MEMBER SHORT: Mr. Rivero, thank you
20 very much for this document. And as you stated,
21 it gives a clear somewhat of a guide or procedure
22 for operating private clubs that I think this

1 Board should take into consideration when there
2 comes another time we can do a rulemaking on this
3 subject. And thank you very much for the
4 footprint.

5 MR. RIVERO: I do have a
6 clarification. I think there is a bit of -- the
7 Board's indulgence. There might be a typo.

8 CHAIRPERSON MILLER: Okay.

9 MR. RIVERO: All right. I have a
10 clarification and I want to make sure that
11 everyone has that, because there was a typo.
12 There was a word that is supposed to be omitted
13 and it was not, so I'm going to bring that to
14 your attention now.

15 CHAIRPERSON MILLER: Okay.

16 MR. RIVERO: Please go to Paragraph 2.
17 That's the paragraph that prohibits the opening
18 of the establishment while alcoholic beverages
19 are being sold, served, consumed or stored. Do
20 you see that?

21 CHAIRPERSON MILLER: Yes.

22 MR. RIVERO: Okay. The word that

1 needs to be deleted or the phrase is secured or,
2 because --

3 MEMBER SILVERSTEIN: Say again?

4 MR. RIVERO: Secured.

5 MEMBER SILVERSTEIN: Okay.

6 MR. RIVERO: So I will tell you how it
7 reads now. The licensee shall not open the
8 establishment to the general public while
9 alcoholic beverages are being sold, served,
10 consumed or stored unsecured on the premises.

11 So or stored unsecured on the
12 premises. The establishment has a basement level
13 where they lock up the beverages in a locker.
14 And so this is not intended, this phrase, this
15 paragraph was intended rather to allow them to
16 store and lock away their beverages. That's why
17 the word there is unsecured. So that's the
18 clarification.

19 CHAIRPERSON MILLER: Other questions?

20 I have a question. No. 12 --

21 MR. RIVERO: Yes.

22 CHAIRPERSON MILLER: -- I think it's

1 obvious, but I don't know. It doesn't say I
2 believe to whom the licensee shall submit
3 documentation.

4 MR. RIVERO: To the Board.

5 CHAIRPERSON MILLER: It means the
6 Board. That's what I figured. Okay. Okay. Let
7 me ask the licensee then, do you have a copy of
8 this Offer in Compromise in writing that Mr.
9 Rivero just read and went through?

10 MR. SCOTT: Yes, we do, Madam Chair.
11 And we met with Mr. Rivero two or three times to
12 work it, so we are quite familiar with the
13 document.

14 CHAIRPERSON MILLER: Okay. And do you
15 agree to the Offer in Compromise?

16 MR. SCOTT: Completely.

17 CHAIRPERSON MILLER: As amended just
18 now by Mr. Rivero?

19 MR. SCOTT: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay.
21 Completely. Okay. And, Mr. Rivero, just for
22 context, well, not just for context, but, the

1 point here is that you are offering this to the
2 Board upon which the Board could then make a
3 determination that no imminent danger exists to
4 the public, because of these provisions that are
5 being put in place, correct?

6 MR. RIVERO: That is correct. The
7 legal standard is essentially that under the
8 Summary Suspension provision, an establishment
9 must remain closed because, and I'm paraphrasing,
10 there is no other way --

11 CHAIRPERSON MILLER: Yes, yes.

12 MR. RIVERO: -- to protect the public.
13 Okay. But I'm actually showing the Board Members
14 another way to protect the public. And
15 therefore, the imminent harm is addressed.

16 CHAIRPERSON MILLER: Okay. Any other
17 questions or comments? Okay. Then I would move
18 that we accept this Offer in Compromise and lift
19 the Summary Suspension on the grounds that the
20 Offer in Compromise addresses any of the issues
21 which go to imminent danger and that, in light of
22 these provisions, that concern is addressed and

1 that no longer does imminent danger exist, that
2 was the basis for this suspension.

3 All right. Do I have a second?

4 MEMBER SHORT: Second.

5 MEMBER SILVERSTEIN: Madam Chair, I
6 second.

7 CHAIRPERSON MILLER: Okay. I guess,
8 Mr. Short seconded first.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? Okay. The
13 motion passes 5-0-0.

14 Now, this looks like an excellent
15 Offer in Compromise and I'm glad that you all put
16 your work into it. And the Board will issue an
17 order later encompassing the Offer in Compromise.

18 MR. SCOTT: Thank you, Madam Chair.

19 CHAIRPERSON MILLER: Okay. Thank you
20 very much.

21 MR. BARRINGTON: Thank you.

22 CHAIRPERSON MILLER: Okay. Okay. I

1 think that that concludes our, wait a second let
2 me make sure, but I think, morning session.

3 MEMBER SHORT: It does.

4 CHAIRPERSON MILLER: It does. Okay.

5 (Whereupon, the Show Cause (Status)
6 Hearing in the above-entitled matter was
7 concluded at 11:30 a.m.)
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<p style="text-align: center;">A</p> <p>a.m 2:2 17:7 ABC 7:22 8:5,11,16 ability 10:20 able 5:2 above-entitled 17:6 ABRA 7:3 abstaining 16:12 accept 15:18 accommodation 9:13 activities 10:8 addressed 15:15,22 addresses 15:20 addressing 8:20 agree 14:15 agreed 9:21 agreement 10:10 agrees 6:12 ahead 11:18 ALBERTI 1:17 5:17 alcoholic 1:2,12,13 6:17,19 7:17 8:2 10:6 10:8 12:18 13:9 allow 13:15 amended 14:17 ANC-4D 1:7 2:7 answer 11:15 apparently 10:19 arose 6:1 assistance 8:7,9,22 Association 1:6,6 2:5,6 2:22 3:3,8 6:11,12 attention 12:14 attorney 3:12,14,15,16 3:16 9:4 available 7:2 9:2 Ave 1:7 Avenue 2:6 aware 6:6 aye 16:9,10</p>	<p>bring 12:13 brought 10:18 Building 1:13</p>	<p>Control 1:2,12,13 copies 5:3 copy 7:6,13 14:7 correct 2:11 5:1,12 15:5 15:6 crime 8:12 current 6:22 7:6 currently 7:22</p>	<p>form 7:14 found 9:22 function 9:11 future 10:3</p>
<p style="text-align: center;">B</p> <p>Barrington 3:2,2,5,6,9 16:21 basement 13:12 basis 16:2 believe 2:8 4:21 14:2 best 9:19 Beverage 1:2,12,13 beverages 6:17,19 7:18 8:2 10:6,9 12:18 13:9 13:13,16 bit 4:17 12:6 Board 1:2,12 2:15 4:16 4:22 5:1 6:6 7:7,13 9:7 12:1 14:4,6 15:2,2 15:13 16:16 Board's 12:7</p>	<p style="text-align: center;">C</p> <p>C 1:7 calendar 2:4 call 8:6 calling 8:21 case 1:8 2:4,4 4:12 10:12,16 11:8 Cause 1:6 9:5 17:5 Chair 11:16 14:10 16:5 16:18 Chairman 2:21 Chairperson 1:14,16 2:3,12 3:1,4,7,10,13 3:15,20 4:2,4,9,11,14 4:20 5:4,6,9,13,16,19 5:22 11:6,17 12:8,15 12:21 13:19,22 14:5 14:14,17,20 15:11,16 16:7,11,19,22 17:4 characterized 2:9 Chief 1:9 clarification 12:6,10 13:18 Claude 3:2,4 clear 11:21 client 3:17 cliental 10:18 closed 9:14 15:9 Closure 1:9 club 1:7 7:1,6,22 8:5,11 8:15 9:2,9,11 11:5 clubs 9:11,18 11:22 cognizant 10:1 Columbia 1:1 2:17 9:5 comes 12:2 comments 15:17 communication 4:1 Completely 14:16,21 Compromise 4:16 14:8 14:15 15:18,20 16:15 16:17 conception 9:16 concern 8:21 15:22 concluded 17:7 concludes 17:1 consider 4:12 consideration 12:1 constant 11:10 consumed 6:18,20 7:18 8:3 12:19 13:10 consumption 10:7 contains 7:9 context 9:7 11:12 14:22 14:22</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 danger 15:3,21 16:1 days 8:14 deal 10:11 deleted 13:1 describe 5:5 detailed 9:19 determination 15:3 developed 10:3 differently 9:12 directly 10:12 District 1:1 2:17 9:4 document 11:20 14:13 documentation 8:15 14:3</p>	<p style="text-align: center;">G</p> <p>general 6:14,16 9:4,16 10:22 13:8 generally 9:13 Georgia 1:7 2:6 gives 11:21 glad 16:15 go 11:18 12:16 15:21 going 12:13 Good 2:12,15,20 4:4 grounds 15:19 guess 16:7 guest 7:9,10,15 guests 6:21 guidance 10:4 guide 11:21</p>
		<p style="text-align: center;">E</p> <p>Either 7:21 eliminated 6:9 11:9 eliminating 10:20 employees 8:6 encompassing 16:17 enforcement 7:4 ensure 6:7 essentially 15:7 establishment 6:16 7:9 8:1 9:1 10:5,17,21 11:4 12:18 13:8,12 15:8 establishments 9:12 events 6:14,19 11:9 everybody 5:7 excellent 16:14 exist 16:1 exists 15:3</p>	<p style="text-align: center;">H</p> <p>handed 5:17 handle 8:12 handling 8:22 happen 11:2 happy 11:14 harm 6:8 15:15 hearing 1:7,13 2:10 3:18 4:6 17:6 heart 10:16 HECTOR 1:18 helpful 11:12 holder 9:9 hope 10:2 11:12</p>
		<p style="text-align: center;">F</p> <p>fact 11:7 facts 10:12,14 familiar 14:12 faster 4:17 favor 16:9 Fernando 1:20 2:16 figured 14:6 file 7:6 first 6:10 16:8 follow 5:2,4,11 footprint 12:4</p>	<p style="text-align: center;">I</p> <p>imminent 6:8 15:3,15 15:21 16:1 incident 6:2 8:13 incidents 8:8,12,22 10:13 including 8:7 indicates 9:17 indulgence 12:7 initial 10:15 inspection 7:2 instances 8:8 intended 13:14,15 intends 7:14 Interpreter 4:18 introductions 2:13 Investigator 7:3 involve 10:8 issue 4:5,7 16:16 issues 15:20</p>

J		P	R
JAMES 1:18	members 2:16 5:2 6:6 6:21 7:1,7 9:2 15:13	P-R-O-C-E-E-D-I-N-G-S 2:1	read 3:20 8:18 14:9
January 1:10 6:3	met 1:13 6:4 14:11	Page 7:8	reads 13:7
July 1:11 7:5,12	MIKE 1:17	paragraph 10:15 12:16 12:17 13:15	really 10:15 11:10
K	Miller 1:14,16 2:3,12 3:1,4,7,10,13,15,20 4:2,4,9,11,14,20 5:4,6 5:9,13,16,19,22 11:6 11:17 12:8,15,21 13:19,22 14:5,14,17 14:20 15:11,16 16:7 16:11,19,22 17:4	paragraphs 8:18,20 10:11	reason 6:8
kind 11:11	morning 2:4,15,20 17:2	paraphrasing 15:9	receive 3:17
know 14:1	motion 16:13	part 11:1	record 2:14,16,17 4:21
L	move 15:17	particular 10:16	Reeves 1:13
law 7:4 9:17	N	particularly 10:11	referenced 8:17
led 10:19	N.W 1:13 2:7	parties 4:15 6:4	referred 9:3
legal 9:21 15:7	name 7:10	passes 16:13	regulate 9:21
lessen 11:1	nature 9:14 11:4	patrons 8:8	regulated 9:19
let's 2:13	need 4:19	period 7:19	remain 15:9
level 13:12	needs 13:1	personally 10:1	rent 7:16
license 1:8 2:7 6:6 9:9 11:11	negotiate 6:4	phrase 13:1,14	rental 7:20
licensed 7:22	NICK 1:17	place 6:3 10:13 15:5	request 7:3 8:8
licensee 6:15,22 7:5,8 7:13,14,16 8:4,10,14 8:19 9:20 13:7 14:2,7	Nigel 2:21	Please 12:16	respect 9:18
lift 15:18	nightclub 9:10	point 5:11 15:1	responsive 10:14
light 15:21	non-members 7:17	police 1:9 7:3 8:7,21	restaurant 9:10
likelihood 11:1	normally 10:5	policies 8:20	Retailer 1:7
limited 6:20	notice 3:17 4:5,8	position 3:11	right 2:3,13 4:9 6:10 11:18 12:9 16:3
list 7:1,1,6	number 11:2,3	preliminary 4:12	Rivero 1:20 2:11,15,16 2:19 4:1,13,15 5:1,5,8 5:12,21 6:1 11:7,19 12:5,9,16,22 13:4,6 13:21 14:4,9,11,18,21 15:6,12
little 4:17 9:7	NW 1:7	premises 6:12,18 7:17 7:19 10:6 13:10,12	RODRIGUEZ 1:18 5:15
located 2:6	O	present 1:15,19 4:16 8:1	Room 1:13
lock 13:13,16	OAG 1:20	presented 11:13	rulemaking 12:2
locker 13:13	obviate 10:22	preserve 8:12	Ruthanne 1:14,16
log 7:9,15 8:13	obvious 14:1	president 3:3,8 7:21	S
longer 16:1	Offer 4:15 14:8,15 15:18,20 16:15,17	presiding 1:14	sale 10:7
look 10:4	offering 15:1	private 9:9,11,11,18 11:5,22	scene 8:13
looks 16:14	Office 9:4	procedure 11:21	Scott 2:20,21 3:10,12 3:14,19,22 4:3,7,10 14:10,16,19 16:18
M	officers 8:5,11,15	proceeding 6:2,7	second 5:10 16:3,4,6 17:1
ma'am 3:19 14:19	official 7:4	proceedings 9:5	seconded 16:8
Madam 2:20 11:16 14:10 16:5,18	Okay 2:12 3:7,16 4:2,4 4:14,20 5:6,14,16,19 5:21,22 12:8,15,22 13:5 14:6,6,14,20,21 15:13,16,17 16:7,12 16:19,22,22 17:4	prohibits 12:17	section 10:2
maintain 6:22 7:8,15 8:13,19	omitted 12:12	promote 6:13	secured 13:1,4
majority 10:7	open 6:15 9:13 10:21 11:9 13:7	promoters 6:13 10:18 10:21 11:8	see 12:20
manager 7:22	opening 12:17	protect 15:12,14	served 6:17,20 7:18 8:2 12:19 13:9
managers 8:5,11,16	operating 11:8,22	provide 8:4,10 9:7	service 10:7
manual 8:19 9:1	opposed 16:12	provided 4:21	session 17:2
materials 8:16	oral 4:1	provision 15:8	Short 1:18 11:16,17,19 16:4,8 17:3
matter 1:5 4:12 5:8 6:1 9:3 17:6	order 16:17	provisions 15:4,22	Show 1:6 9:5 17:5
means 14:5		public 6:14,16 9:12,14 9:15 10:22 11:9 13:8 15:4,12,14	showed 11:8
medical 8:7,9,21		purpose 6:7	showing 15:13
MEETING 1:3		put 15:5 16:15	significant 11:1
member 1:17,17,18,18 2:18 5:15,17 7:10 9:15 11:16,19 13:3,5 16:4,5 17:3		Q	SILVERSTEIN 1:17 2:18 13:3,5 16:5
member's 7:10		question 13:20	situation 10:17,19
		questions 11:14 13:19 15:17	
		quite 14:12	

11:10 situations 8:6 sold 6:17,20 7:18 8:2 12:19 13:9 somewhat 11:21 sorry 3:1 speaking 4:17 standard 9:22 15:7 state 9:17 stated 11:20 Status 1:7 2:9 17:5 store 13:16 stored 6:18 7:19 12:19 13:10,11 Street 1:13 subject 12:3 submit 7:13 8:15 14:2 Subsequently 6:4 Suite 1:14 Summary 2:9 6:2,5,8 15:8,19 supposed 12:12 sure 5:11 12:10 17:2 suspension 2:9 6:2,5,9 15:8,19 16:2	<hr/> V <hr/> various 11:13 violent 8:7,12 visit 7:11 <hr/> W <hr/> wait 5:10 17:1 Walker 5:17 want 5:10 12:10 Washington 1:14 way 15:10,14 went 14:9 whatsoever 4:10 word 12:12,22 13:17 work 10:20 14:12 16:16 working 10:17 writing 4:22 14:8 <hr/> X <hr/> Y <hr/> year 6:3 7:12 <hr/> Z <hr/> 0 <hr/> 1 <hr/> 1 10:15 10 8:20 10:11 11 8:21 11:13 2:2 11:30 17:7 12 13:20 13 10:11 14th 1:13 15 2:4 15-251-00006 1:8 17 1:10 17426 1:8 2:7 17th 6:3 <hr/> 2 <hr/> 2 7:8 10:15 12:16 2000 1:13 20009 1:14 2015 1:10,11 22nd 7:5,12 25 9:18,22 10:3 251-00006 2:5 <hr/> 3 <hr/> 4 <hr/> 400S 1:14 <hr/> 5	5-0-0 16:13 5123 1:7 2:6 <hr/> 6 <hr/> 60 8:14 <hr/> 7 <hr/> 8 <hr/> 8 1:11
<hr/> T <hr/> T 1:6,6 2:5,6 6:11,11 t/a 1:6 2:5 take 12:1 tavern 9:10 tell 13:6 term 6:10 terms 5:5 6:5 9:6,20 10:4,10 11:13 thank 5:19 11:19 12:3 16:18,19,21 think 11:22 12:6 13:22 17:1,2 three 14:11 time 4:17 12:2 times 7:1 14:11 Title 9:18,22 10:3 Tobago 1:6 2:5,21 3:3,8 6:11 trained 8:16 training 8:4,10,17 Trinidad 1:6 2:5,21 3:3 3:8 6:11 two 8:17 11:3 14:11 typo 12:7,11		
<hr/> U <hr/> understand 9:8 understanding 11:13 understood 3:21 4:3 unsecured 13:10,11,17 use 7:17		