DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
Twin T's, LLC, :
t/a DC Shenanigans :
2450 18th Street NW : Fact Finding
Retailer CT - ANC 1C : Hearing
License No. 88119 :
Case #19-251-00052 :

(Chief of Police Hearing :
Request, Aggravated :
Assault) :

Wednesday
May 22, 2019

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
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
JAMES SHORT, JR., Member
MIKE SILVERSTEIN, Member
REMA WAHABZADAH, Member
ALSO PRESENT:

STEPHEN O'BRIEN, Licensee's Counsel

THOMAS HALL, Licensee

THOMAS KING, Licensee

TAVRIL PROUT, ABRA

CHRISTIAN TOBE, MPD
1:52 p.m.

CHAIRPERSON ANDERSON: All right. So our next case is a fact-finding case hearing. Case Number 1925100052. DC Shenanigans, License Number 88119.

Will the parties please approach and identify themselves for the record, please?

MR. O'BRIEN: Stephen O'Brien for the licensee.

CHAIRPERSON ANDERSON: Mr. O'Brien.

MR. O'BRIEN: Accompanied by Thomas Hall to my immediate left, and Thomas King to my far left.

CHAIRPERSON ANDERSON: Thomas Hall and Thomas --

MR. O'BRIEN: King and Hall.

CHAIRPERSON ANDERSON: King and Hall.

Okay.

MR. O'BRIEN: Who are the principals of the licensee.

CHAIRPERSON ANDERSON: All right.
Thank you.

INVESTIGATOR PROUT: I'm Investigator Prout with ABRA.

CHAIRPERSON ANDERSON: Good afternoon Investigator Prout.

SERGEANT TOBE: And I'm Sergeant Tobe with the Metropolitan Police Department.

CHAIRPERSON ANDERSON: Good afternoon Sergeant Tobe. Now, this is a fact finding hearing that was requested by the Chief of Police.

And it stems from a March 2, 2019 enforcement investigation that was -- regarding an altercation that occurred between three male patrons.

Now, my only concern was -- that the Board has that it doesn't appear that the cameras recorded. And it doesn't appear that there was any working.

And I guess this is a CT. So, do you guys have -- do they have a security plan?

MR. O'BRIEN: Yes, sir.
CHAIRPERSON ANDERSON: And is your client aware that as part of our regulations that if your camera is not working, -- the camera was not working, or was it just not -- was it not recording?

MR. O'BRIEN: Well, the security plan based at 2014. And it -- the security plan does not require cameras.

CHAIRPERSON ANDERSON: Okay. All right. All right. Okay.

MR. O'BRIEN: But then I -- but to finish I think where you're going --

CHAIRPERSON ANDERSON: No. I was about to say that if your -- to see if your security plan is a -- security plan requires cameras that our regulation states that if your cameras are not working, that the licensee is supposed to advise the Board.

To take proactive steps to advise the Board that your camera is not working. So it shouldn't be that we go to an establishment and the camera is not working.
That you are supposed to know that it's not working. And you need to advise the Board that a camera is not working.

I was just --

MR. O'BRIEN: No. I understand. But it's -- as the Chair has recognized, if a security plan doesn't require cameras in the first place.

CHAIRPERSON ANDERSON: Right.

MR. O'BRIEN: Okay. I'm told that this business was established in 2011. Am I correct?

The cameras that the investigator observed were there when they took over from the predecessor operator. And in all the time they've been there, have never worked and never been utilized.

They're dead -- they were dead cameras that were sitting there.

MR. KING: Actually, you can view.

They don't record.

MR. O'BRIEN: Oh. All right. Could
you always view?

MR. HALL: Certain cameras at certain parts.

MR. O'BRIEN: Even up too currently?

MR. HALL: Yes. You could.

MR. O'BRIEN: Okay.

MR. KING: The -- it goes with the -- we saw the Chief's request, the camera system now records.

MR. O'BRIEN: All right.

MR. KING: And I have the receipt to show it.

CHAIRPERSON ANDERSON: All right. So what I'll do then is I'll start with the investigator. And then I'll have him, Investigator Prout, Prout will tell us a little about the report.

And then you can respond. And so, Investigator Prout, can you introduce yourself for the record, please?

INVESTIGATOR PROUT: Yes, sir. My name is Investigator Tavril Prout.
MEMBER SILVERSTEIN: Could you please speak up, sir?

CHAIRPERSON ANDERSON: And speak -- you can pull the microphone closer. And I am aware that you're -- no, not that one.

The other one. That, yeah that's it. That's the recorder for the transcriber. That's the report.

And I know this is your first, at least this is the first time you are appearing in front of me to testify. So, don't be nervous. I won't bite you.

And just so you -- tell us your name for the record. And how are you familiar with this establishment?

INVESTIGATOR PROUT: Yes. So, my name is Tavril Prout. And I am an investigator for ABRA. On Saturday, March 2, I responded to a call to the ABRA line from the Metropolitan Police Department.

It was stated an aggravated assault had just taken place inside of DC Shenanigans
located at 2450 18th Street, NW. Involving one male patron, who was struck in the face multiple times with a closed fist by two unknown male patrons.

Upon arrival on Saturday, March 2, 2019, I interviewed the responding MPD Officer, Benitez Garcia, on an aggravated assault that occurred resulting in one male patron being treated at George Washington University Hospital for a fractured skull, nose, and internal bleeding.

With one suspect arrested, treated for abrasions on the right hand at George Washington University Hospital. And then transported to PD's Third District for processing.

CHAIRPERSON ANDERSON: This is what I want you to do. You don't have to read your report word for word. Just summarize what happened.

INVESTIGATOR PROUT: Okay.

CHAIRPERSON ANDERSON: And what -- what were your findings as a result of your
INVESTIGATOR PROUT: So, on March 2 I arrived to DC Shenanigans. We received a call for an aggravated assault that occurred.

A male patron was struck in the face by two male patrons. One male patron was holding the victim up against the bar.

And the alleged brother struck him in the face. The victim lost consciousness. And he was transported to George Washington University Hospital.

From the last conversation I had with MPD, he was in an induced coma. He is from Australia.

The cameras were not working in the establishment. An incident report was taken. And medical attention was provided by the ABC Manager, Sean Griffith, who was on duty on that evening.

After the assault transpired, the licensee did take reasonable steps in contacting MPD in a timely manner.
CHAIRPERSON ANDERSON: So, did you see, as a result of your investigation, did you see any violation that occurred at -- at the establishment?

INVESTIGATOR PROUT: No.

CHAIRPERSON ANDERSON: And did the licensee cooperate with you in conducting your investigation?

INVESTIGATOR PROUT: Yes, sir. I did take the opportunity to review their security plan. And they did have four security staff on duty. Which is in correspondence with what the security plan states.

CHAIRPERSON ANDERSON: Okay. Do you have anything else you want to add?

INVESTIGATOR PROUT: The only concern that I do have, was already brought up by the Board, is that the cameras are not able to record.

MEMBER SILVERSTEIN: Will you say again?

INVESTIGATOR PROUT: The -- so my only
concern that I have at this current time is that
the cameras inside the establishment are unable
to record.

CHAIRPERSON ANDERSON: Now, I heard
there was a statement by the licensee that that
has been corrected. Was that information
provided to you prior to this hearing?

INVESTIGATOR PROUT: No.

CHAIRPERSON ANDERSON: So you weren't
aware that they had taken any steps to correct
that?

INVESTIGATOR PROUT: No, sir.

CHAIRPERSON ANDERSON: All right. All
right. Sergeant? Sergeant Tobe?

SERGEANT TOBE: Yes?

CHAIRPERSON ANDERSON: This is one of
the reasons why we had the spec line in here.
And it's because the Chief of Police had
requested that we have that.

And so, what -- what if anything, can
you add to this hearing?

SERGEANT TOBE: One thing I'd like to
add, as far as the on-scene investigation went, their security did an excellent job in helping us. Not only alert us to the situation, but also to close the case.

They flagged us down immediately. And a couple of the staff members actually were able to act as witnesses. And we were able to get the case closed immediately when they -- when they were able to point out to us.

They gave us a good description to go on as to who was the suspect in this case. We were able to make a stop right outside of the bar by the bus stop, on the individual that had actually committed the crime.

And they assisted us when we did the show up. And actually were crucial in helping us close this case.

So, we were impressed with what they did on scene. So, it's very much complimentary of how they helped us that night, so.

CHAIRPERSON ANDERSON: Mr. O'Brien, the Sergeant, right?
SERGEANT TOBE: Yes, Sergeant.

CHAIRPERSON ANDERSON: The Sergeant made -- made your job that much easier.

MR. O'BRIEN: (Laughing)

CHAIRPERSON ANDERSON: But what is that you can add? Sir, if your lawyer said that you can speak, then you can speak.

So -- so, Mr. O'Brien, what can you now, you're -- based on the investigation and information by the Sergeant, how does the licensee respond?

MR. O'BRIEN: Well, Mr. Chair, one of the thing a lawyer learns only through experience and seasoning is when not to say anything more.

CHAIRPERSON ANDERSON: Right.

MR. O'BRIEN: But -- and I thank the Sergeant and the Investigator for their very frank and helpful description of what happened.

I did discuss with the clients, the issue of cameras. I did tell them that they were not in violation.

That it was not required by the
security plan. But I thought it was an awful good idea, and I thought they would look a lot better today in front of the Board, to say that they have installed working cameras.

Now working and recording cameras.

And I am told, and given some documentation here that they have.

CHAIRPERSON ANDERSON: All right.

MR. O'BRIEN: That there are no cameras, --

MR. KING: Yes, sir.

CHAIRPERSON ANDERSON: How many cameras?

MR. O'BRIEN: Recording for up to 30 days.

CHAIRPERSON ANDERSON: How many cameras do you have? And how long can -- do they record for?

MR. KING: Eight days, I mean, or excuse me, eight cameras. And they record up for a month.

CHAIRPERSON ANDERSON: For 30 days.
Would you, Mr. O'Brien again, this is a fact-finding hearing.

And would your client be averse to an Investigator go to the establishment to look at the cameras to make sure that they're -- to assist to see if there are any blind spots?

MR. O'BRIEN: Not adverse, rather welcomed.

CHAIRPERSON ANDERSON: So, I would -- I am requesting that the Agency work with the licensee to go to the establishment to check on the location of the cameras to see if there are any obvious blind spots.

MEMBER SHORT: Do they have a security plan?

CHAIRPERSON ANDERSON: They do have a security plan. And I guess, it's a CT?

MR. O'BRIEN: It is.

CHAIRPERSON ANDERSON: So, I'm not going to -- they have a secure all voids that are -- I guess Mr. O'Brien, I know you had stated that they're updated there.
Do you know whether or not the security plan that they have is a -- has it been updated? Is it current?

Is it current with our current rules and regulations? And if it's not, would you be averse to providing the Agency with an updated?

And this is, it's an updated security plan that's --

MEMBER SHORT: Sufficient, yeah.

CHAIRPERSON ANDERSON: That's legally sufficient?

MR. O'BRIEN: Well, I believe the present plan to be legally sufficient.

CHAIRPERSON ANDERSON: I don't know.

MR. O'BRIEN: It's been reviewed and approved by the Board's legal staff.

MR. KING: We actually added another security person to the plan.

MR. O'BRIEN: Yeah.

MR. KING: To roam around. We added a person to roam. We have a person at the front door, second floor, first floor.
And we have a fourth person that, you know, goes -- roams around. Put an extra set of eyes on where it's busiest on the night.

CHAIRPERSON ANDERSON: Let me -- now, I see why the -- tell me about the security procedures. I see one of the things that came up in the report was that when the clientele goes in there, they're not wand.

I mean, what's that about?

MR. HALL: Go ahead, sir?

CHAIRPERSON ANDERSON: They're not wanded.

MR. HALL: They're not wanded?

CHAIRPERSON ANDERSON: Yes.

MR. HALL: We just don't have a -- this is a pub. This is a pub that plays Irish music and throwback music.

We only even have the upstairs open out of the 88 hours a week we're open, the upstairs is open a grand total of nine. So we're barely even open upstairs.

We've never had a weapon used ever.
Just a, you know, we only know of a couple of incidents period in the eight years where there's an altercation inside the place.

So, we -- and we don't like using, it, because we have a very high contingent of females in our place. There's a lot of females come in.

And they tend not to like. They tend to shun upon being wanded. They think it's a dangerous place.

And we think that would hurt our reputation. That's why we never did it.

CHAIRPERSON ANDERSON: I'm not -- I cannot tell you what to do or -- what to do or what not to do.

But now you are aware of certain dangers that are out there. So, as long as you take appropriate measures that you think works with the operation of your business.

And you have to keep that in consideration.

MR. O'BRIEN: Mr. Chair, may I emphasize that the instant matter, the March 2
matter did not involve a weapon.

CHAIRPERSON ANDERSON: All right.

MR. O'BRIEN: So, wanding would not have made any difference.

CHAIRPERSON ANDERSON: Right.

MR. O'BRIEN: And there's no history of weapon problems.

MR. HALL: There's never been weapons.

MR. O'BRIEN: This is not a nightclub is what he's saying.

CHAIRPERSON ANDERSON: I know. I'm given certain notes. And that was one of the key points I was told to touch.

So, that's the reason why I had asked.

MR. O'BRIEN: Yes, sir.

CHAIRPERSON ANDERSON: Anything else you want to add?

MR. O'BRIEN: No. Well, the licensee regrets anything like this happening. It happened.

The licensee dealt with it quickly.

I know the Board does not want to prolong this
hearing.

We do have the bartender present if the Board needed to talk to him. Who, as soon as this -- that it was not -- it's not like this was a build up to a problem.

Or that you could sense that things were going bad. It was very sudden. The bartender immediately went over the bar to assist the victim.

And as -- as Sergeant -- as the Sergeant has said, assisted in all different ways.

So, we did what we could once this unexpected event transpired.

(Off mic comments)

MR. KING: One of our security is a trained EMT.

MR. HALL: We have a security guy that's a trained EMT.

MR. KING: So he treated him when they were called.

MR. O'BRIEN: Okay. One of the
security personnel on duty that night is an
Emergency Medical Technician.

CHAIRPERSON ANDERSON: Okay.

MR. O'BRIEN: And is present. And
that individual treated the victim that night on
the spot.

CHAIRPERSON ANDERSON: Okay.

MR. O'BRIEN: And called for -- for
emergency assistance. The purpose of bringing
him and the bartender today was to show that we
did everything we could once this transpired.

If the Board wants to hear from either
-- either of them, they're certainly available.

CHAIRPERSON ANDERSON: If you want --
that -- it's your call Mr. O'Brien, if you want
the person to testify since there here.

If they want to add anything, I'm fine
with it.

MR. O'BRIEN: No. I think I'll leave
it as it is here.

CHAIRPERSON ANDERSON: Okay. All
right.
MEMBER SHORT: I'd like to make a
comment.

CHAIRPERSON ANDERSON: Yes. Go ahead
Mr. Short.

MEMBER SHORT: Well, I'd like to think
that it sounds like a lot of cooperation went on
between the ABRA person, Investigator, and MPD.
And thank you Sergeant for your service.

And it sounds like you have an EMT
there that worked on it right away. And that's
music to my ears for certain reasons.

But anyway, you're doing a lot of the
right things. And I see where you've got the
cameras functioning.

And you're going to have an
investigator to come by. But, I have to make
this observation.

You know, in this day and time, and
they say in this city, not if, when something
could occur. And I would -- I understand that
you have a nice crowd.

A pub, and your business is great.
But, you might want to think about what's going on currently in this country and around the world.

You can't have too much security now a days. Because when they know people don't wand or don't do any detecting, those are soft spots or soft targets as they would call them.

So you might want to think about doing something. I don't know if you -- we suggested in the hearing that we can't describe anything for you.

But, just consider what's going on as far as public safety is concerned in places of public assembly. And there are just a lot of angry people.

And like they're coming out of the woodwork. So, Washington, D.C. is a prime target for something to happen.

So, just be cautious. And if you can, do a little something better with security. With all this coming and going.

You probably know most of your
regulars. Is that correct?

MR. HALL: Yes, sir.

MEMBER SHORT: So, when somebody comes in who's not a regular, would that person get wanded?

MR. HALL: Currently we don't have -- we do no wanding at all. But I take under -- I understand what you're saying.

MEMBER SHORT: Okay. Good. That's all I want to hear.

MR. HALL: So if you want us to look at ways to enhance anything we can do, because we want to do everything we can. We don't want any problems.

That's the last thing we want.

MEMBER SHORT: Thank you. That's -- that's very encouraging coming from you. And again, thank everybody for coming today.

And we've heard some things. And I'm glad to hear that you've got the cameras functioning. And that this agency is coming over.
Thank you Mr. Chair. That's all I have.

CHAIRPERSON ANDERSON: Thank you. Any other questions by other Board Members?

(No response)

CHAIRPERSON ANDERSON: Mr. O'Brien, I was -- while Mr. Short was asking, I was reviewing this security -- your security plan.

I see that your firm had provided the security plan to the Agency on March 18, 2014. And the suggestion that I would ask is that -- is to ask that you amend the security plan to add the cameras since you do have the cameras.

I don't know how many cameras. But whatever amount of cameras that you have, to -- for you to amend the security plan to add cameras, so that it becomes an official portion of your security plan.

Would you be amenable to doing that?

MR. O'BRIEN: Yes.

CHAIRPERSON ANDERSON: So I would ask that you provide that within the next -- could
that be provided to the Agency within the next 30
days?

MR. O'BRIEN: Yes.

CHAIRPERSON ANDERSON: That you would
amend your security plan to add the cameras. How
many cameras that you currently have?

MR. KING: Eight.

CHAIRPERSON ANDERSON: Eight cameras.

And that -- add the cameras in. And since we're
going to add the cameras that it will record for
the 30 days.

MR. O'BRIEN: Very well.

CHAIRPERSON ANDERSON: Any other
questions? Thank you Sergeant for being here.

Investigator Prout, thank you for being here.

It's your first hearing. So, I guess
it -- I guess it -- you're still alive, so I
guess it still went to it well.

And Mr. O'Brien and your client, thank
you for being here. I'll make a -- I'll make a
motion that we take no further action.

MEMBER SHORT: Second.
CHAIRPERSON ANDERSON: So, all those in favor, say aye.

(Chorus of ayes)

CHAIRPERSON ANDERSON: All opposed?

(No response)

CHAIRPERSON ANDERSON: So the Board has voted four to zero to NFA this. And thank you for your presence today. Have a good day.

(Whereupon, the above-entitled matter went off the record at 2:12 p.m.)
ABRA 2:14; 4:3; 8:18, 19
23:7
abrasions 9:13
Accompanied 3:12
act 13:7
action 27:21
add 11:15; 12:21; 13:1; 14:6; 20:17; 22:17; 26:12, 16; 27:5, 9, 10
added 17:19, 20
adverse 16:7
advise 5:18, 19; 6:2
afternoon 4:4, 8
agency 16:10; 17:6;
25:21; 26:10; 27:1
aggravated 1:10; 8:21;
9:7; 10:4
ahead 18:10; 23:3
Alcoholic 1:2, 14, 14
alert 13:3
alive 27:17
alleged 10:8
altercation 4:14; 19:3
amenable 26:19
amend 26:12, 16; 27:5
amount 26:15
ANC 1:7
Anderson 1:16, 18; 3:3; 3:11, 15, 18, 22; 4:4, 8; 5:1, 9, 13; 6:9; 7:13; 8:3;
9:16, 21; 11:1, 6, 14;
12:4, 9, 13, 16; 13:21;
14:2, 5; 15:8, 12, 16;
15:22; 16:9, 16, 19;
17:10, 14; 18:4, 11, 14;
19:12; 20:2, 5, 11, 16;
22:3, 7, 14, 21; 23:3;
26:3, 6, 21; 27:4, 8, 13;
28:1, 4, 6
angry 24:15
anyway 23:12
appear 4:17, 18
appearing 8:10
approach 3:7
appropriate 19:17
approved 17:16
arrested 9:12
arrival 9:5
arrived 10:3
asked 20:14
asking 26:7
assault 1:10; 8:21; 9:7;
10:4, 20
assembly 24:14
assist 16:6; 21:8
assistance 22:9
assisted 13:15; 21:11
attention 10:17
Australia 10:14
available 22:13
averse 16:3; 17:6
aware 5:2; 8:5; 12:10;
19:15
awful 15:1
aye 28:2
ayes 28:3
bad 21:7
bar 10:7; 13:12; 21:8
barely 18:21
bartender 21:2, 8; 22:10
based 5:7; 14:9
believe 17:12
Benitez 9:7
better 15:3; 24:20
Beverage 1:2, 14, 14
bite 8:12
bleeding 9:11
blind 16:6, 13
Board 1:2, 14; 4:17; 5:18;
5:20; 6:3; 11:18; 15:3;
20:22; 21:3; 22:12; 26:4;
28:6
Board's 17:16
bringing 22:9
brother 10:8
brought 11:17
build 21:5
Building 1:15
bus 13:13
busiest 18:3
business 6:11; 19:18;
23:22
C

call 8:19; 10:3; 22:15;
24:7
called 21:21; 22:8
camera 5:3, 3, 20, 22; 6:3;
7:8
cameras 4:17; 5:8, 16, 17;
6:7, 13, 18; 7:2; 10:15;
11:18; 12:2; 14:20; 15:4;
15:5, 10, 13, 17, 20; 16:5;
16:12; 23:14; 25:20;
26:13, 14, 15, 17
27:5; 6, 8, 9, 10
case 1:8; 3:4, 4, 5; 13:4, 8;
13:11, 17
cautious 24:19
certain 7:2, 2; 19:15
20:12; 23:11
certainly 22:13
Chair 6:6; 14:12; 19:21;
26:1
Chairperson 1:15, 18;
3:3, 11, 15, 18, 22; 4:4, 8;
5:1, 9, 13; 6:9; 7:13; 8:3;
9:16, 21; 11:1, 6, 14;
12:4, 9, 13, 16; 13:21;
14:2, 5, 15; 18, 12, 16;
15:22; 16:9, 16, 19;
17:10, 14; 18:4, 11, 14;
19:12; 20:2, 5, 11, 16;
22:3, 7, 14, 21; 23:3;
26:3, 6, 21; 27:4, 8, 13;
28:1, 4, 6
check 16:11
Chief 1:9; 4:10; 12:18
Chief's 7:8
Chorus 28:3
CHRISTIAN 2:15
city 23:19
client 5:2; 16:3; 27:19
clientele 18:7
clients 14:19
close 13:4, 17
closed 9:3; 13:8
closer 8:4
COLUMBIA 1:1
coma 10:13
come 19:6; 23:16
comes 25:3
coming 24:16; 21:25;
25:18, 21
comment 23:2
comments 21:15
committed 13:14
complimentary 13:19
concern 4:16; 11:16;
12:1
centered 24:13
conducting 11:7
consciousness 10:9
consider 24:12
consideration 19:20
contacting 10:21
contingent 19:5
Control 1:2, 14, 14
conversation 10:12
cooperate 11:7
cooperation 23:6
correct 6:12; 12:25:1;
corrected 12:6
correspondence 11:12
Counsel 2:11
country 24:2
couple 13:6; 19:1;
crime 13:14

crowd 23:21

crucial 13:16
CT 1:7; 4:20; 16:17
current 12:1; 17:3, 18
currently 7:4; 24:2; 25:6;
27:6

d
D
DC 1:15; 24:17
dangerous 19:9
dangers 19:16
day 23:18; 28:8
days 15:19, 22; 24:5;
27:2, 11
DC 1:6; 3:5; 8:22; 10:3
dead 6:18, 18
dealt 20:21
Department 4:7; 8:20
describe 24:10
description 13:10;
14:18
detecting 24:6
difference 20:4
different 21:11
discuss 14:19
District 1:1; 9:15
documentation 15:6
doing 23:12; 24:8; 26:19
Donovan 1:16, 18
door 17:22
duty 10:18; 11:12; 22:1
ears 23:11
easier 14:3
eight 15:19; 20; 19:2;
27:7, 8
either 22:12, 13
emergency 22:2, 9
emphasize 19:22
EMT 21:17; 19; 23:9
encouraging 25:17
enforcement 4:13
enhance 25:12
established 6:11
establishment 5:21
8:15; 10:16; 11:4; 12:2;
16:4, 11
evening 10:19
event 21:14
everybody 25:18
excelled 13:2
excuse 15:20
experience 14:13
extra 18:2
eyes 18:3

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worked 6:16 23:10  
working 4:19 5:3,4,17  
5:20,22 6:2,3 10:15  
15:4,5  
works 19:17  
world 24:3  
_________  
 X  
_________  
 Y  
years 19:2  
_________  
 Z  
zero 28:7  
_________  
 0  
1  
1:52 3:2  
14th 1:15  
18 26:10  
18th 1:7 9:1  
19-251-00052 1:8  
1925100052 3:5  
1C 1:7  
_________  
 2  
2 4:12 8:18 9:5 10:2  
 19:22  
2:12 28:10  
2000 1:15  
20009 1:15  
2011 6:11  
2014 5:7 26:10  
2019 1:12 4:12 9:6  
22 1:12  
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Shenanigans

Before: DCABRA

Date: 05-22-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

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Court Reporter