GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY
MARCH 7, 2018

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The District of Columbia Board of Elections convened a Regular Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
DIONNA MARIA LEWIS, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
RUDOLPH MCGANN, Staff Attorney

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CHAIR BENNETT: So the meeting is called to order. First thing on the agenda is the adoption of the agenda, and so if I could get a motion to adopt the agenda.

MEMBER GILL: Motion to move the agenda for today's meeting.

CHAIR BENNETT: And I think Ms. Lewis has seconded the motion to adopt the agenda, and so the agenda is so adopted unanimously. Adoption of the minutes from our February 1, 2018 meeting.

MEMBER GILL: I move to approve the minutes from February 1st.

CHAIR BENNETT: The meeting properly moved and seconded by Ms. Lewis, so the agenda for the -- from February 1, 2018 is adopted unanimously.

Next on the agenda are board matters. Any matters, Ms. Lewis, and I'll repeat, if, indeed, you do have any.

MEMBER LEWIS: No board matters for me.
CHAIR BENNETT: Okay. Great. Mr. Gill?

MEMBER GILL: Nothing other than a beautiful, beautiful baby. Thank you for the pictures. We're going to have a tough time concentrating now.

CHAIR BENNETT: Yes.

MEMBER LEWIS: You're welcome. I'm planning to bring her to the April meeting.

CHAIR BENNETT: Oh, we'll have a new guest at the April meeting. A new Lewis. So great. Thank you. And I don't have any matters beyond those that we have already discussed today.

Let me just, before I turn it over to Mr. McGhie, what I'd like to do is to make sure that we all have an opportunity to do what we came to do today in terms of the -- at least the initial planning here, and so I'll ask you to focus on the issues that you're discussing.

Mr. McGhie will give you the rules relative to how much time you have and all that. We'll do our best to try and hear everything. Our
focus, though, just so you know, is whether or not the initiative meets the requirements of the law that will allow us to certify it or not.

And so if we pull you off of something that you're talking about and bring you back to something that we really need to hear about, please forgive us. It's not a matter of no interest, but trying to make sure that we're able to focus properly to get through the matters appropriately as appropriate for this board.

So with that, I'm going to turn the process over to Mr. McGhie and ask him to get started upon that.

MR. MCGHIE: Okay. The first thing I have on my agenda is a proper subject matter hearing on the initiative, which is entitled, Legalization of Retail Cannabis in the District of Columbia 2018.

Now, we're here, as the Chairman said, for a proper subject matter determination hearing, which means that, you can have an initiative and an initiative means that the citizens are putting
forth something that they would like to be law in
the District of Columbia.

So you can have an initiative in the
District of Colombia on almost anything. Anything
you want, you can have an initiative on, and say
that, I want this to be a law in the District of
Columbia, except those items that are on the board.

So you cannot have an initiative in the
District of Columbia if it's contrary to the Home
Rule Act, seeks to amend the Home Rule Act, would
appropriate funds, and people don't know what
appropriate funds means, but appropriation of
funds means your initiative identifies a fund of
money, identifies the money and says how the money
is supposed to be used.

So if you give us an initiative that
says -- that identify funds and says how it's
supposed to be used, that would violate the
appropriation of funds.

Can't have an initiative that would
violate the U.S. Constitution, your initiative has
to be in compliance with all the campaign finance
filing requirements, so if you file an initiative in the District of Columbia, you have to fill out a campaign finance, and just fill out forms for operations for -- so give a bank account and stuff like that.

It is not in the proper legislative form, you just can't have an initiative that just rattles a whole bunch of stuff down in about five or six different paragraphs. You need to have it in a proper legislative form, meaning, it's got to look like a law. It's got to have an enactment date and stuff like that.

And your initiative cannot discriminate and it cannot negate or limit a budget act. Now, what that means is that, a while back, we had -- somebody came forth with an initiative that was going to prohibit the District from booting cars. So you could not boot a vehicle in the District of Columbia anymore.

And that was determined to have negated a budget act because the Council had already put in the budget act a certain amount of money that
was going to be collected in fines and penalties from the boot, so your initiative was found to have negated or limited a budget act.

So that's pretty much the long and short of it as far as what can't be on the initiative.

Now, procedurally, what we're going to do is that, we're going to start with opponents of the initiative, people that are against the initiative, and have them speak first, and then followed by people that support the initiative, and they will speak.

And then the last person to speak will be the proposer of the initiative, Mr. Mustafa. Now, we have a list of people that called my office that wanted to speak. It's about ten people. And that's the only people we have so far and they're all in favor of it.

So what will happen is that, you will be given three minutes to speak and Mr. McGann, down at the end, will let you know how much time you have left, two minutes, to one minute, to 30 seconds.

Now, you have to stay within the
timeframe because we got a lot of people here and we want to try and get everything done within a reasonable amount of time.

So three minutes to speak for anybody that wants to speak for or against the initiative, and Mr. Mustafa has five minutes. That's my summary. Okay. The Board Members just told me that, even though you didn't contact the office to speak today, they will open it up to anybody else that would like to speak.

Yes, prior to Mr. Mustafa, for or against the initiative. All right.

MEMBER GILL: So let's open it up. You said there's nobody on the list who opposes.

MR. MCGHIE: What?

MEMBER GILL: You said there's nobody on the list who opposes?

MR. MCGHIE: Yes, nobody called me that said they were opposed.

(Off the record comments.)

CHAIR BENNETT: Has the proposed measure met the statutory clerical disclaimer with
respect to its filing?

MR. MCGHIE: Yes, they did. The proposal of the initiative timely filed, a statement of organization at the Office of Campaign Finance, so they're in compliance with that requirement.

CHAIR BENNETT: Are there any comments from the opponents?

MR. MCGHIE: Are there anybody that would like to speak up against the initiative?

CHAIR BENNETT: Speak now or forever hold your peace in this -- today.

PARTICIPANT: Can I ask a question?

CHAIR BENNETT: Sure.

PARTICIPANT: What exactly do you mean against the initiative? Can you clarify?

MR. MCGHIE: Yes, you're not in favor of the initiative. You don't want it to go forward. So this initiative is to --

MEMBER GILL: So based on the Board, not on personal feelings about the --

MR. MCGHIE: Yes. No.
MEMBER GILL: Okay. Yes, sir.

PARTICIPANT: I think a lot of people in here don't really know what the initiative is, and we'd appreciate some clarification.

CHAIR BENNETT: Okay. You want to give a quick summary of the initiative?

MR. MCGHIE: Yes, well, Mr. Mustafa, it's his initiative. Mr. Mustafa, do you want to summarize what your initiative is for the people?

CHAIR BENNETT: That does not negate your five minutes at the end, sir.

MR. MUSTAFA: Greetings, everyone.

MR. MCGHIE: And, sir, just take a seat and state your name and address for the record so that you're -- so that everybody could -- the mics can pick you up.

MR. MUSTAFA: Greetings. My name is -- good morning, Committee, good morning, citizens, thank you very much for coming out. My name is Asar Mustafa. I own the Economic and Protection Independent Political Party here in the District of Columbia, and the reason I filed this
initiative was that, I understand business --

MR. MCGHIE: Hands are coming up because they can't hear you.

PARTICIPANT: Is the mic working?

PARTICIPANT: There is no mic.

MR. MUSTAFA: I'm going to be real short. Can everybody hear me?

CHAIR BENNETT: We're getting one, but the building's new and -- getting a mic, but we just haven't gotten it installed yet, so our apologies.

MR. MUSTAFA: The reason I filed the initiative --

PARTICIPANT: But your name is Asar?


The reason I filed the initiative was that I understand business and I've been looking at states around the nation legalizing retail cannabis, and I see the tax dollars all across the
nation, and I see what those tax dollars are doing for the city in those states, and for the state period. Yes, sir.

PARTICIPANT: Could you define retail cannabis? Is that different from medical cannabis?

MR. MUSTAFA: That you can sell it -- you can sell cannabis in a dispensary, or you can have a grow house, or where you're the citizen. It's a business. And now you have the rights and the licensing to do -- to sell cannabis or whatever is involved in cannabis.

PARTICIPANT: So what would be the details on the retail of it?

MR. MUSTAFA: If it's allowed to be passed and be put on the budget, there's a long fight, because I'm still dealing with Congress and dealing with other things, but if it is passed, the citizens would have an opportunity to have a grow house in their house.

The citizens would be able to have a lab.
PARTICIPANT: What about those, you know what I'm saying, that are already growing it under Initiative 71?

MR. MUSTAFA: Well, that would be phased in, because we're talking about something that's retail now, that you can sell in a specific area, whether it's regulated and the operation, and under the licensing, and the fees of the District of Columbia. Everything would be phased in from that point --

CHAIR BENNETT: Can I ask you, and I appreciate the questions, we're really kind of creating process as we go. So let me let Mr. Mustafa --

MR. MUSTAFA: Mustafa.

CHAIR BENNETT: Mustafa, sorry.

MR. MUSTAFA: Yes, sir.

CHAIR BENNETT: Mr. Mustafa do his summary and if there are a couple of questions after he finishes, then we will take those, but this could get to be, kind of, all day back and forth, so please do that.
PARTICIPANT: So what is the initiative?

CHAIR BENNETT: Can you let him finish, please, sir, and then --

MR. MUSTAFA: It's the legalization of retail cannabis in the District of Columbia 2018. That's the initiative. And again, the reason I did it is because I understand business, and the business of America is business.

And what I understand is that, we can take tax dollars and we can take this city to another level. We can tell infrastructure, education, anything that you want, we have tax dollars coming in here, but the most important thing why I wrote it, and I want to be clear on this, is, I would like to see 39.9 percent of tax dollars that go to the people who need the most constructive help, with the Black citizens here in the District of Columbia.

Understand everything else that's going on, there has to be some resources directed to the most constructive group, and I understand
that the District is unlike any other place in the nation. We have an opportunity to tax this four different ways, four; the residents, the tourists, Maryland, and Virginia.

We're talking about $4 billion to $5 billion. This is business. It's nothing about smoking, it's nothing about none of that, we're talking about how can we help the District, but how can we help the most -- the people who needs the most constructive help in Ward 7 and Ward 8.

Summarization.

CHAIR BENNETT: And we're going to allow three questions and the hand here --

PARTICIPANT: Yes, can you tell me what other city or what other state that may have the same type of program?

MR. MUSTAFA: I don't know of any other one that has directed tax dollars to a specific group. All I know what they do is, they're building their infrastructures up, and they're taking their tax dollars, and their city, their states are just flying off the roof with finances.
and money.

And again, the bottom-line of America is all about money.

CHAIR BENNETT: The young lady in the black.

PARTICIPANT: Yes, how did you determine the tax --

MR. MUSTAFA: Well, what I looked at is that, I look at the gentrification of the city. And I looked at how, where Black citizens were and where they are now, in the vicinity of where we are now, and I said at first, let me say, I wanted 51 percent, I said, no, that's not going to happen, so let's look at where we are as a group right now, as Black citizens right now, and that 39.9 percent seems to be fair, with the number of people that we have here in the city right now, Black citizens.

I'm not talking about anybody else. I'm talking about Black citizens.

CHAIR BENNETT: And last question, gentleman over here on the left; on my left.

PARTICIPANT: I like the act of the
initiative, but if the buy-in costs would be more affordable, it would be more effective for the Black citizens, you know what I'm saying?

So we should move forward with the initiative for recreational sales, but also, don't make the price of getting into it skyrocket so that it can be deemed to a home, like a certain market.

MR. MUSTAFA: Well, see, that's why the initiative, we're talking about regulations. That's one thing I would not allow, well, if I have anything to do with it, is that, we have to make sure it's not monopolized, because big business come in, and corporations come in and dominate.

So we have to have contingencies within the initiative, within the law, that states that if Black citizens, or Latin citizens, or any other citizens that you want to call a minority can say, I want to get into this cannabis business. I want to take my house and I want to get my house out, and I just want to roll cannabis in my house.

It's regulated, it's organized, and everything is done.
CHAIR BENNETT: Thank you, Mr. Mustafa.

MR. MUSTAFA: Thank you.

CHAIR BENNETT: Mustafa. I'm sorry.

MR. MUSTAFA: Mustafa.

CHAIR BENNETT: And what I would suggest, because a lot of this, and it's not bad conversation at all, but a lot of this doesn't lead to, or doesn't lead to our decision relative to whether it's an initiative that is proper or any proper subject matter for start, for -- to be an initiative, like, on the ballots, but a lot of those questions are probably best for some of you folks and Mr. Mustafa after this particular hearing.

But with that, thank you for doing that and hopefully that gives folks some of the information that they need in order to understand the process or to understand the testimony here. So, Mr. McGhie, would you start with the -- those to testify.

MR. MCGHIE: Okay. We received only two written comments opposing the initiative. The
first one, which I'll summarize, is from the Office of the Attorney General and then the second one is from the General Counsel's Office for the Board of Elections.

It's the Attorney General for the District of Columbia, Mr. Karl Racine, and just to summarize his written comments, he said that this was not a proper subject matter for an initiative, basically, for four reasons.

The first one was that it was not in the proper legislative form, and it violated the D.C. Appropriations Act. So the District of Columbia Appropriations Act of 2017, which is the act appropriating funds that we get from Congress.

So Congress put a provision in there that prohibits the District from using any funds that would minimize the penalties for possession of marijuana. It, in fact, says, therefore, the District, therefore, cannot expend any funds, including local funds, and non-fiscal year 2017 funds, to legalize the purchase and sale of any Schedule I substance, including marijuana, or
establish a regulatory scheme for its purchase and 
sale.

So they're saying, Mr. Racine is saying 
that, this initiative would violate Congress' 
prohibition on the District of Columbia.

The next thing was that, he said, it was 
a law appropriating funds, that the initiative 
identified funds and directed how it should be 
spent when it said that 39 percent of the tax money 
shall go to Black enterprises.

And then, finally, the last thing he 
said is that the initiative violated the D.C. Human 
Rights Act in that it discriminated on the basis 
of race because the tax dollars were only going to 
be for the benefit of Black businesses and Black 
farmers.

So that is the opinion that summarizes 
the opinion from the Attorney General. And then 
I will have Mr. McGann give the opinion of the Board 
of Elections.

MR. MCGANN: Good morning, ladies and 
gentlemen. The power of initiatives has coexisted
with the power of the Legislative Branch to enact legislative acts. However, the citizenry's power to legislate is not extensive or as extensive because it cannot involve a law appropriating funds.

The limitation is further clarified in the Initiative Procedures Act, which provides that a proposed initiative, measure, is not a proper subject for initiative if the measure would negate or limit an act of the council of the District of Columbia pursuant to Section 446 of the Home Rule Act.

This Section 446 of the Home Rule Act sets forth the process by which the Council enacts the budget for the District of Columbia and transmits the budget to Congress and to the President.

Accordingly, the Council sought to circumscribe the limits of the initiative right to reflect the areas within, or wherein, citizens are unable to legislate. For instance, no measure may conflict with the Terms of Title IV of the District
of Columbia Home Rule Act, any measure presented
cannot negate or limit an act of the Council in the
District of Columbia, and a measure may not
authorize or have the effect of authorizing
discrimination prohibited under the Human Rights
Act.

In summary, the LRC, the Legalization
of Recreational Cannabis in the District, for the
total legalization that will use 39.9 percent of
the legalized retail cannabis tax dollars to
provide Black citizens with an opportunity for
ownership, education, training, employment, and
special assistance to Black farmers in the cannabis
industry.

The proposed measure contemplates the
establishment of consortiums setup in specified
locations that provide services to the business
owners to mitigate concerns arising during
business operations and to ensure the owners are
current with their taxes and fees.

Each case determining the proper
subject of the initiative is foremost concerned
with the allocation and control of revenues. This means that a measure which would intrude upon the discretion of the Council to allocate District Government revenues in a budget process is not a proper subject for initiative.

This is true whether or not the initiative would raise new revenues. For an initiative measure to pass muster, the measure may not block the expenditure of funds requested or appropriated, it may not directly appropriate funds, it may not require the allocation of revenues to new or existing purposes, it may not establish a special fund, it may not create an entitlement enforceable by private right of action, it may not directly address and eliminate any revenue source.

Finally, the mandatory provisions of any initiative may not be precluded by any lack of funding. In the instant case proposed proponent's measure implicates many of the prohibitions established in prior court precedent.

By allocating a percentage of retail
cannabis tax revenue to a specified purpose, namely, to provide Black citizens with an opportunity for ownership, education, training, and employment, the LRC directly requires the allocation of revenues to a new purpose.

Moreover, the measure calls for the formation of consortiums to administer assistance and ensure tax compliance. Without delineating the number of consortiums or defining the type of assistance offered, this new administrative scheme will also require an indeterminate appropriation of funds to come to fruition.

Even if the LRC contained more specificity with respect to the consortiums, there are mandatory provisions of the proposed measure that could not be precluded by lack of funding.

Accordingly, the provisions allocate a percentage of the tax revenue to a specific purpose in creating new mandatory administrative consortiums are considered appropriations that render the LRC an improper subject for initiative.

In conclusion, LRC presents an improper
subject for initiative because it improperly appropriates funds by requiring the allocation of tax revenues to a new purpose in establishing an unfunded program and it cannot function as intended without forcing the Council to appropriate for an unknown expense.

For these reasons, the Board should accordingly refuse to accept the LRC as a proper subject.

MR. MCGHIE: Okay. With that, I would ask the Board to accept the two written comments, one from the Attorney General of the District of Columbia and one from the General Counsel's Office of the Board of Elections into the record.

CHAIR BENNETT: Okay. And, Dionna, enter into the record. Your vote is?

MEMBER LEWIS: What are you saying?

CHAIR BENNETT: Enter the opinions into the record; the legal opinions. That's a question. Do you vote yes?

MEMBER LEWIS: Yes, in favor. I was on mute.

MR. MCGHIE: In short --

CHAIR BENNETT: Are you getting everything okay?

MR. MCGHIE: In short, what happened is that, opponents of the initiative, which were only two, submitted written testimony to the Board, so we have a written opinion from the Office of the Attorney General and we have a written opinion from the General Counsel for the Board of Elections, and they are saying that it should not be allowed to move forward because it would appropriate funds and -- well, it would violate the Constitution because it's violating the Appropriation Act, which is an act of Congress.

And then, it's not in the proper legislative form and it would unlawfully discriminate. So the Board has accepted those into the record and so that means that the Board, when making its decision, can look to those written opinions and use that in consideration on whether
to vote for or against it.

So it would consider the written opinions and the oral presentation of the people that come forward today in rendering its decision.

With that said, we'll move to the next thing, which would be --

CHAIR BENNETT: Yes, if you can call the proponents for the --

MR. MCGHIE: Proponents of the initiative.

CHAIR BENNETT: For the initiative.

MR. MCGHIE: All right. So I'm going to call you up three at a time, take a seat in the front, and you'll be allowed three minutes. First person is John Kenny, Antionne Nailon, Lisa Scott, Danielle Sherman. Okay. Beginning with Mr. Kenny. First, state your name and address for the record. That'd be for all of you.

PARTICIPANT: Mr. Kenny's not here.

MR. MCGHIE: Oh.

CHAIR BENNETT: Let me just ask you, too, is to speak up. My guess is, for those in the
back, you're probably not going to be able to hear
everything, because I really need them to talk to
us, and so their voices are going to travel this
way and not back, but if there is something that
you feel real strong about missing, please, you
know, raise your hand or let us know, but if you
just missed a few things here and there, we want
to try and keep this flowing.

So my apologies, but we, hopefully,
will have a microphone system in the facility very
soon. So, Mr. McGhie, do you have anything?

MR. MCGHIE:  No.

CHAIR BENNETT:  Okay.

MR. MCGHIE:  Like I said, would
everyone state your full name and address for the
record and then we will begin from my left to right.

Sir.

MR. NAILON:  What are we doing again?

CHAIR BENNETT:  Your full name and
address for the record.

MR. NAILON:  I know, but you need -- I
mean, I'm for the initiative and all that, but after
what we've already talked about, my name is Antoine, everybody knows who I am.

CHAIR BENNETT: No, but we need it for the record.

MR. MCGHIE: There's a record in front of us.

MR. NAILON: My name is Antionne Nailon, for the record.

CHAIR BENNETT: And your address.

MR. NAILON: What is my address? 3714 Terrace Drive, Alexandria, Virginia 22302.

CHAIR BENNETT: Okay.

MR. NAILON: Okay.

MR. MCGHIE: Next person, please.

MS. SCOTT: Lisa Scott, 1218 Shepherd Street, NW. I've lived there for more than 30 years and I'm a voter.

MR. MCGHIE: Miss?

MS. SHERMAN: My name is Danielle Sherman. My address is 7618 Shelly Lane, Manassas. I'm representing a non-profit cannabis association.
MR. MCGHIE: All right. So we're going to begin with you and your three minutes start right now, Mr. Nailon.

MR. NAILON: After some of the information that's already been presented, I really can't comment too much. I need to actually talk with the person who's initiated everything and we would have to discuss more about the language that's being used in this initiative, and discuss -- you know, I wasn't aware of this rule set either.

So we need to be in alignment of that. That's really important because the person that's opposing it has bring up some good opposing arguments based on that rule set, so we have to reconfigure it, possibly.

I'm not really too sure, you know, I don't want to say too much, but that would be -- that's really all I can say right now.

CHAIR BENNETT: Okay. Thank you.

MS. SCOTT: Hello. My name is Lisa Scott, again. I'm a resident of Ward 4. I'm here representing private citizens and also, the
businesses, cannabis businesses, of the future here in the District of Columbia.

I am fully aware that there is a Harris rider on our laws and I don't know how the process of removing the Harris rider is. If he is gone and it just goes away or if we have to vote it out, but I'm here telling you that, as a voter, and the citizens voted for Initiative 71, and since you guys are on the Board of Elections, whatever we voted for, you're representing us, you should also help push along to remove the Harris rider, because we voted for Initiative 71.

And we're citizens and we should be respected for our vote and not let a conservative from another state dictate what we voted for. So I'm asking for your support in that matter as well.

The recreational cannabis is legal now in nine states, plus District of Columbia, but we are not free because of the Harris rider. We're not free to make our laws the way we want them to and I think that we need to do something to establish our freedom so that we can do that.
And I know that, right now, today's administration is very pro state's rights and I know we're not a state, but we should demand our rights, because we voted for it. And I think that you guys -- I don't know what you are allowed to do, but I would hope that you would push our initiative in the way that the citizens have voted.

And, you know, Mr. Mustafa was talking about a lot of things, like bringing revenue into the city, so I know you guys know that the city is very dependent on tourism and the residents of the neighboring states that will come in here just because of the recreational cannabis legalization, and the Smithsonian is just a secondary reason for them to come.

So we could bring in that revenue and do a lot for that money. It doesn't have to be -- I don't know how this initiative, if we can change it to fit and redo it so that it will fit, it would be perfect, and I would like some guidance on that.

I started a D.C. Cannabis Business Association in preparation of the future, when the
rider is removed and we can actually legalize it. So anybody who's here and wants to be part of our association, please contact me, D.C. Cannabis Business Association. Okay. Thank you.

CHAIR BENNETT: Thank you.

MS. SHERMAN: Hi. Again, my name is Danielle Sherman. I am speaking on behalf of the Cannabis Consumers Coalition. We are a 501(3)(c) non-profit organization, watchdog organization, out of Denver, with a D.C. chapter started in February.

We are looking to create legislation that is consumer-based, and I think this initiative is consumer-based. Just a little bit about myself, I grew up in Annandale, my dad spent 26 years in the military, the executive director of our non-profit was born in D.C. and moved to Denver as a cannabis refugee.

She's also the cofounder of another non-profit called the National Diversity and Inclusion in Cannabis Alliance, and she wrote her Master's thesis on enduring racial disparity after
cannabis legalization.

I think this initiative for D.C. opens doors for individuals to be able to create revenue, not just for themselves, but for the city. Commercial real estate is harder to come by. I think allowing individuals to pursue the right and the opportunities to be able to cultivate, test, produce, manufacture cannabis will not only put money back into the city, but will also put some positive reinforcement into some of the citizens that live in the city that have been taken advantage of and need the help.

So we are in support. We will do whatever we can to help. Any consumer that's interested in helping, let me know. Thank you for giving me the opportunity to speak.

CHAIR BENNETT: Thank you. I don't have any questions. No questions? Ms. Lewis, you have any questions?

MEMBER LEWIS: No questions. Thank you.

CHAIR BENNETT: Okay. Thanks.
MR. MCGHIE: Thank you very much.

Next panel is Joseph Tierney, Darla Holmes, Scott Williams, Orlando Littlejohn, and Andrew Asifo. Okay, sir, would you -- well, both of you, would you please state your full name and address for the record?

MR. ASIFO: Well, I'm actually not Andrew, but I'm standing in for him today because we had a death in the family, but I'm his younger brother, Justin Asifo, and I live at 251 South Burnham Street, Alexandria, Virginia.

MEMBER GILL: Could you spell your last name, sir?

MR. ASIFO: What?

MEMBER GILL: Your last name, could you spell it for the record?

MR. ASIFO: A-S-I-F-O.

MR. WILLIAMS: Hi. My name is Scott Williams. I'm at 420 58th Street, NE, in Deanwood.

MEMBER GILL: No one can hear.

MR. WILLIAMS: Sorry. Scott Williams, 58th Street --
MEMBER GILL: Just talk louder. You don't have to stand.

MR. WILLIAMS: 420 58th Street, NE.

MR. MCGHIE: Okay. Mr. Williams, your three minutes starts right now.

MR. WILLIAMS: Thank you. Good morning, Board, and thank you for your service. My name is Scott Williams and I'm the president of the D.C. Cannabis Business Association, and also a resident of Deanwood.

We're an association of cannabis businesses in the District who have gathered to promote the private legal industry started by I-71 and our member companies.

Our mission to advocate on behalf of our members in the legislative, regulatory, legal, and public policy arenas. I speak to you today in support of an established retail industry framework which would legitimize and already thriving black market in the District, and set a platform for which we would hold our members accountable to the highest standards set forth in
the regulations.

Along with the legislative framework, we've already begun discussing policies, internally, that are being used in states with years of experience, such as cannabis testing guidelines on pesticide tests. Guidelines that aren't even being implemented in the current D.C. market.

I ask that you review the current initiative and consider moving it forward. The District is missing out on over $100 million in tax revenue, based on current numbers coming out of Colorado and Washington.

The D.C. current services collective funding budget is $7.6 billion for fiscal year 2018. Cannabis tax revenue would account for over 1 percent of that total operating budget. Not only that, 39.9 percent of that revenue could go to African-American programs who have been historically racially targeted at a 7:1 ratio by the police.

This is also assuming only D.C.
residents would have access to this legal market. You take into consideration Wikipedia suggests there's 9.3 million residents in the Greater DMV area. Take those numbers into consideration, you're now looking at $1.5 billion in tax revenue.

That's right, folks, billion, with a capital B. So you're almost supplementing the budget at a rate of 20 percent. Think about that for a moment. Twenty percent of your overall operating budget for D.C. could be supplemented by the legal cannabis market.

From undercutting the black market to ensuring the cannabis being sold in the District is being grown in the District, establishing a retail framework will only benefit D.C. and its people. Thank you.

MR. ASIFO: So once again, my name is Justin and I'm representing Pot Luck Solutions, which is an I-71-compliant business. And like, I see that you guys, like, ask, like, why would we benefit from legalization, but as a counter, like, I ask, like, why wouldn't we?
Because, like, it's, like, basically proven that the legalization of cannabis can solve, like, many problems. Like, we see that Colorado has the lowest unemployment rate and, like, it's no secret to why, because initially, before legalization, they had an unemployment rate, which was still -- it was sitting at, like, the national average of 5.6 percent, and now they're at 2.3 percent, basically, right after legalization.

And that's due to the fact that they created over 18,000 new full-time jobs. And then, like, we also have the fact that -- so, like, D.C., is, like, already about 90 percent small businesses, so we already have access to millions of local dollars.

But with the legalization of cannabis, and with, like, the new influx of tourism, because -- and not just national tourism, we're talking about on an international scale, because the only reason why, like, if somebody's, like, deciding whether they want to go to Colorado or D.C., the only reason they they're going to decide to go to
Colorado is because of -- is because they have a -- is because marijuana is legal there.

You know, D.C., has, like, the potential to be, like, the flagship for, like, recreational marijuana, based on the fact that it's D.C. So with that being said, we have an influx of international tourism, we have the potential to, like, increase our GDP by, like, at least 100 million per year, because right now, I believe D.C.'s GDP is about 94 billion.

We have the potential to increase -- to get that to 100 billion by, like, 2023, I believe. And also, I see, like, D.C., like, for the past, like, five to seven years, like, everybody here has seen how D.C. is trying to, like, revamp the city by way of gentrification, and, you know, I feel like gentrification is something that kind of needs, like, a partnering agent to go with it, because we're still only safer than 3 percent of all areas in the country, which is really bad.

It's proven that legalization of marijuana hasn't -- it's not going to, like,
completely delete all the crime, but it does sure
bring it down. We're talking about, like, a 9
percent -- all right, so currently we have, like,
32,000 cases of property crime each year, and 8000
cases of violent crime, in the first year, we can
decrease both of those by 9 percent.

And, like, in about three to five years,
rather than 40,000 cases of both of these put
together, we could be sitting at 37,000, which is
progress. As we see, like, gentrification really
hasn't made much progress in that sector.

And also, we have -- yes, we -- all
right. So, yes, just based on the fact that --
like, on a geographical scale, I guess Colorado,
their first year, they made $200 million in revenue
from all sales of marijuana, and that's a state,
and this is a District, so I'm going to project that
-- oh, my fault.

MR. MCGHIE: Sorry.

MR. ASIFO: All right. I was
basically done anyway.

MR. MCGHIE: Thank you. Any questions
for this panel?

MEMBER GILL: No. In general, I should have mentioned it when Antionne was up here, we do need, as a Board, to do a better job, I think, of making this, sort of, what it takes to get an initiative through more available. And I know it's available, but I hate when people take the time and then they learn from the local attorney general that it's got problems.

So I think we're always willing to work with folks to get it in line if we decide there's a problem, but I hate that people don't have that full knowledge beforehand.

CHAIR BENNETT: Dionna, do you have any questions?

MEMBER LEWIS: I don't have any questions. Thank you.

CHAIR BENNETT: Okay. Great. Thank you. We will open it up -- we'll take another -- we're going to have to vote, probably, in about 20 minutes, but we'll open it up for a few more.

MR. MCGHIE: Anybody else that would
like to be heard in favor of the initiative?  First
three, one, two, three, we can take four.  Okay.
That gentleman all the way in the back.  Okay.
Begin.

MR. KHAN:  Hi.  Good morning.  So my
name is Arsalan Khan.

MR. MCGHIE:  Arsalan?

MR. KHAN:  Arsalan Khan, so it's very
good to meet you all today.

MR. MCGANN:  Could you spell that for
the record, sir?


CHAIR BENNETT:  And your address,
please.

MR. KHAN:  So I live at 1107 South
Walter Reed Drive, Arlington, Virginia.  Though we
do have a --

MR. MCGHIE:  Hold on.  Next person.

MR. WILLIAMS:  My name is Corey
Williams.  I live at 350 50th Street, SE, Apartment
217 in Southeast.  I'm a medical marijuana
patient. I'm also a former member of the Mayor's Youth Leadership Institute.

MR. MCGHIE: Thank you, sir.

MR. CATRON: Tim Catron. I'm at 1639 Lang Place in Northeast.

MR. MCGANN: Can you spell your last name for the record?

MR. CATRON: C-A-T-R-O-N.

MR. MCGANN: Thank you.

MR. WALLACE: Daniel David Wallace, 5615 7th Street, NW, Apartment Number 1. I'm a special education teacher.

MR. MCGHIE: Okay. Mr. Khan, your three minutes start --

MR. KHAN: So we do have a group of us that I'm representing. We're called Trending Leafs. We're located at 652 Girard Street, NE. We're in the Brookland area. So it just seems like when I was graduating high school, the whole world was imploding under the big depression that we live in.

And it seems like there is an
inevitability of our recovery, whether it be through individual might, through social support, or just through God's hand, if it's necessary. And whether this plant is, you know, something spiritual, whether it comes from this ethereal land that we think of, before humanity, it is sacred and it has a right to exist, just as any living creature that gives so much to so many.

And this pharma pinata, it needs to get cracked open. There are too many poor people. I'm good.

CHAIR BENNETT: Thank you.

MR. MCGHIE: Mr. Williams.

MR. WILLIAMS: Good afternoon. I'm a medical marijuana patient. I've been off of opioids for five years. Thank God. But the main concern, you know what I'm saying, why I feel as though that this initiative needs to be approved, there's a K2 epidemic that's going on in D.C. right now, especially in the homeless section.

And because of the simple fact that, under the African-Americans that people are not
taking advantage of Initiative 71, let alone, you know what I'm saying, knowing about Initiative 71.

And with the epidemic that's going on throughout that, I feel as though that would minimize at least that problem that's going on, especially over near Hechinger Mall area, where the streetcars are at, there's a lot of guys, you know what I'm saying, that are passed out and you think they're on heroin, but they're not. It's K2.

And it's a synthetic drug that is killing people, especially that killed Marion Christopher Barry. So that, you know what I'm saying, with that being said, if we let this initiative pass on, this will also help, you know what I'm saying, those that are getting off of K2, because CBD, which is a cannabinoid that a lot of people don't talk about, unlike THC, helps people get off of K2, helps those, you know what I'm saying, that are opioids.

Because, you know what I'm saying, the thing about THC, it's not the -- it's the psychoactive, but with the CBD, it has a lot of
beneficial factors that's been tested, you know what I'm saying, throughout Colorado, Oregon, and California. Thank you.

CHAIR BENNETT: Thank you.

MR. CATRON: Yes, I wanted to -- you know, I think the thing in a nutshell is, I mean, the solution is to not appropriate the funds. I mean, it's absolutely ridiculous to deny the city an opportunity to make 39 percent tax.

The benefits of this plant are unbelievable. I mean, look at me. I'm an old White man that has used cannabis since I was 16. I'm 72 years old. I own my own business, I produce CBD, we ship it nationally, it's an incredible product. The accolades. People stop smoking. People are healed. Everything's direct.

There's no questioning the benefit of the plant. I mean, we all realize that, but you have to take advantage of these tax dollars, and we have to have the freedom to market the non-CBD items, like the citizens voted to have access to it.
This business of being harassed at this location, that location, the money you're missing out on. You know I have an LLC here. I'm paying taxes here. I want the freedom to market my THC product that will actually heal people. And that's it simply in a nutshell.

MR. WALLACE: I want to thank you all for the opportunity of being heard today. I know that, technically, this might violate the rider simply because the District is spending money --

CHAIR BENNETT: Please speak up a little bit, sir.

MR. WALLACE: I want to thank you all for the opportunity to be here, simply because addressing the issue might actually be overriding the rider. I want to implore you for your compassion. We have a lot of people in this city that need assistance, that need guidance.

This initiative or subsequent versions of it might be able to provide that assistance. We are looking for a way to be able to comply and to work within the legal boundaries so that we can be
part of the city and more than just taxes, but the community and the society that's here.

I feel like, since I moved here seven years ago, the city has lost part of its identity. I'm not saying that this will bring it back, because it won't, I'm saying that, we can enhance the lives of the people that are still here with this.

And if we are in violation of some of these guidelines, please give us guidance. Please help us. Thank you.

CHAIR BENNETT: Mr. McGhie, you have any questions?

MR. MCGHIE: No.

CHAIR BENNETT: Ms. Lewis, you have any questions?

MEMBER LEWIS: Yes, I do, actually. So in terms of the various criteria that we cannot violate -- can you all hear me okay?

CHAIR BENNETT: Can you speak up a little bit, Dionna?

MEMBER LEWIS: Okay. In terms of the criteria that we're actually (telephonic
interference) maybe we want to speak to why they
do not believe this, as proposed, does not violate
the appropriation criteria or the violation of the
U.S. Constitution criteria.

CHAIR BENNETT: The question was
whether or not --

MR. CATRON: Well, the appropriation
one is clear. I mean, it doesn't take a lot common
sense to figure that out. You can't appropriate
the money. Okay. Take that 39 percent and do what
you want to with it. Don't be insane.

MR. KHAN: Could we have a volunteer
organization?

CHAIR BENNETT: The other question she
had was whether or not -- I'm not ignoring your
question, by the way --

MR. CATRON: Well, the legal aspect of
it.

CHAIR BENNETT: Yes. The other
question that you had, Ms. Lewis, let me let you
ask it. Well, I guess, was, why does it not violate
the Constitution.
MEMBER LEWIS: Correct.

MR. CATRON: I think because of de-criminalization, and I don't think we should be too concerned about the U.S. Attorney General. I think his days are simply numbered. Everyone's days are numbered if they don't turn this situation around.

MR. MCGANN: Point of order, it wasn't the U.S. Attorney that opined, it was the District of Columbia Attorney General.

MR. CATRON: Well, it has to work in tune with these people.

MR. KHAN: The tide is rising for all through this. We're not trying to --

MR. WILLIAMS: Not only that, we're saving millions of lives out here. There's children that suffer from epilepsy, right now, as we speak, and it's already been proven that with the CBD products, that it does help, you know what I'm saying, with those that have epilepsy, MS, a person like myself who has spinal stenosis, it truly, you know what I'm saying, benefits a whole
CHAIR BENNETT: I'm not familiar with what CBD is. Can you explain that?

MR. WILLIAMS: CBD is a cannabinoid, unlike THC, it's no THC at all. THC is the psychoactive cannabinoid that most people are familiar with, but with CBD, CBD is a non-psychoactive cannabinoid that helps, you know what I'm saying, with medicinal purposes.

MR. CATRON: It's the vitamin, the healing, part of the cannabis.

CHAIR BENNETT: What does CBD stand for?

(Simultaneous speaking)

CHAIR BENNETT: Okay. Thank you. It's just educational.

MR. WILLIAMS: I was just using that as an example.

MR. KHAN: It's a complicated plant.

MR. CATRON: It's complicated, but they go hand in hand.

CHAIR BENNETT: Okay. All right.
Any other questions for the panel?

MEMBER LEWIS: I do. I actually have a clarifier just to clarify, so what went (telephonic interference) someone on the panel, and forgive me for not being present, so I can't identify you directly, but someone indicated that they wanted guidance.

So from our perspective, what we're looking at are the various criteria as to whether or not there is a (telephonic interference) of this matter to move forward in our process.

So while I certainly understand the responses regarding the U.S. Constitution, as well as the ones regarding appropriations, which would technically require lengthy modification as it's written in order to say, well, we can do -- you know, we don't have to say what we can do or should do with the money. I get that.

But in terms of the Constitution, what we're actually looking at is whether there is a violation of the U.S. Constitution, and part of that consideration with respect that it's based on
whether or not people are being treated differently by this proposed matter.

So just about me, I'm a civil rights lawyer, so from my review of this, it looks as though there is a certain group of people being treated more favorably than another group of people, or other groups of people. While I certainly understand the response that, you know, essentially what you all are saying is, well, there are more benefits, right, with this.

And so these benefits should outweigh any potential legal violation. What I want you all just to understand and be aware of, kind of, similar to the point that Board Member Gill was thinking, is that, we still have to go by the letter of what our guidelines provide.

So for us, we have to make a determination as to whether or not there is, in fact, differential treatment of the -- by this proposed language. So can someone speak to how or why we should not consider this a violation of the U.S. Constitution, based on the preference or
favorability of one group over another based on the
current written language.

CHAIR BENNETT: Anybody on the panel be
able to answer that.

(Simultaneous speaking)

CHAIR BENNETT: Whoa, whoa, whoa,
we're trying to deal with the panel right now.

MR. CATRON: Well, wasn't I-71 in
violation of the Constitution? I mean, we created
this mess. You know, we created this non-taxable
gifting mess. And it's time to fix it before you
lose out on all this income. 71 was against the
Constitution. All this is against the
Constitution.

We're doing our own thing. We're
trying to do it the right way, but we do need some
guidance, and it's time that these elected people
step up to solve this problem for the financial
benefit of everyone.

MR. WILLIAMS: Especially with the way
how -- with the rising of housing is in D.C., it's
not affordable anymore, especially those like
myself. I'm on low income, I'm on disability, and for me, you know what I'm saying, I have to make a choice. It's either pay my rent on time and deal with this pain without any medication, or lose my housing, but have, you know what I'm saying, my medicinal purpose, and be, you know what I'm saying, homeless on the streets.

MR. KHAN: Would it work better without the 39.9 percent rider? Would there be any difference?

CHAIR BENNETT: We're going to finish with this panel and then we'll ask four other people to come up. I think they -- Ms. Lewis, I think they answered your question accordingly. Okay. All right. Any other questions for this panel?

MR. KHAN: Do you all believe in this initiative?

CHAIR BENNETT: We have to consider this.

MEMBER GILL: It doesn't really matter what we believe. That's not our job.

CHAIR BENNETT: Thank you.
MR. MCGHIE: Okay. Anybody else that would like to be heard for? Next four; next three.

Sir. Okay. Take a seat. You, take a seat. All the way in the back. You can come up. You can come up.

CHAIR BENNETT: This is the last thing before we go to Mr. Mustafa.

MR. MCGHIE: This is the last panel?

CHAIR BENNETT: Yes.

MR. MCGHIE: Okay. Anybody else? This is the last panel. Okay. Miss.

CHAIR BENNETT: Proceed.

MR. MCGHIE: Okay. State your full name and address.

MR. PLUNKETT: Marvin Plunkett, 4809 70th Place, Hyattsville, Maryland.

MR. PARSONS: Jeffrey Allen Parsons II, 1300 Congress Street, SE, D.C.

MS. WARVES: Karen Warves, 4472 Oakdale Crescent Court, Number 921, Fairfax, Virginia.

MR. AHMED: My name is Hani Ahmed from
Southeast, 1245 U Street, SE, born and raised.

MR. MCGANN: Sir, could you spell your name. It's getting a little bit --


CHAIR BENNETT: Thank you. Mr. Plunkett.

MR. PLUNKETT: I don't really have too much to say. I'll just speak naturally and organically, so to speak. Born in D.C., raised in Washington Hospital Center. My father came here with Marion Barry. They both moved down here from Memphis to create something new for this city back in the '60s, just to lay down a little bit of history.

Marion Barry, himself, despite what personal issues he may have had, did a lot for this city, and made a lot of influential, positive, and impactful changes for this city. He had summer programs that were "appropriated" for certain demographics, which worked.
To this day, some of us are still -- a lot of us are still here and are products of that era. To the gentleman's point about a lot of the homeless, and a lot of the veterans, and a lot of the -- and the big opioid problem that we still have. It's still here and it still hits home. Extremely hard.

So for this initiative, despite the dollars and cents, which I'm sure, most people, that's all they're really concerned about, it gives the youth a chance, or another chance, it gives young adults another chance, it gives the city another chance, and gives the "citizens" another chance.

And it can be worldwide. We can set a precedent. Although it's going down in -- excuse me, it's a little bit different cannabis things are going on in California and Colorado, D.C. can trailblaze, in a sense, from this standpoint. So whether you use cannabis or you don't use cannabis, it's not -- shouldn't be the focal point.

Whether it's going to be appropriated
for certain individuals, albeit, whether that's constitutional or not, we're smart enough to figure that out. So I don't really understand what any apprehension or hesitation would be.

Not to mention the health aspect. Doctors prescribe it, you know, so forth and so on, so we can all be mature and adult about this and stand up and do what's right as citizens, not just for D.C., but for the country, and for the world. That's that. Thank you.

MR. PARSONS: I'm going to speak pretty freely like my brother right here. I don't really understand the hesitation with something that's been proven to work in other places, with not only, like, the medical benefits, and then the benefits in society with crime going down, and then I believe that one of the things that could help boost the economy, small businesses, and people working for people and they could help boost our community, are small businesses owned by our community.

And the amount of small businesses that could be started with this alone, like, the
benefits alone, I really don't understand maybe, like, how much needs to be taxed or how much do the people in charge need in order for this to happen, like, well, what exactly is the problem with something so positive and so beneficial for everybody, like, everybody, all the -- not even on like using the plant, it's, on an industrial level, you can make clothes, and paper, and books.

I had all types of things that could benefits everybody. And it's renewable. You can grow it like corn and -- you know what I'm saying? I don't understand. It's like taxing breath. Like, we all need to breathe. Breathing clean air would be so much better, but I'm going to sit you behind an exhaust filter and charge you to take a clean breath. I really don't understand what the problem is.

MS. WARVES: So I thank you all for taking the time to meet with us. Many, many years ago I saw a bumper sticker on a building and it said, pot smokers don't do drive-by shootings, and it's true.
Well, I've been in corporate many, many years and was in a very toxic environment, physically, and am transitioning into wellness, and more and more that I'm finding is reaching out to the cannabinoid, which is from the hemp plant.

It isn't intoxicating, but they're finding it reacts between the synapsis and the brain cells and attacks cancer cells. They're finding it helps M.S. The gentleman about the epilepsy, absolutely. ADHD and autism. It is a legal substance that is helping opioid. It's helping opioid addiction. It is helping people with Alzheimer's.

I mean, it is amazing and we have the opportunity to grow hemp and give it -- and let people eat it, have no hallucinogenic reactions to it, but be healthy? Our Constitution is written on hemp. I mean, we got to stop and we got to think that, unfortunately, I feel like greed is what took the legalization of the hemp plant out of all of the pharmaceutical things that you used to really help us.
And if you look back in, I think it's, 1963, they needed something, got it, thank you, they needed something and they went against marijuana, hemp -- well, the nicknamed it marijuana, because it was free. So let's give it back and let's let our country benefit -- our world, benefit from it. Thank you.

MR. AHMED: I get what I-71 compliance means, but what is it? What is the rules and regulations on it? We don't even know what all this says on the paper, number one, as citizens. We got one person, or a group of people, that wrote this paper for our rules. We're a community.

A lot of us have been -- number one, I am homeless. Let's keep it real. Because of my doing what I'm doing right now, it's helping me and a lot of homeless people out.

I am a mental patient. I haven't took my medications for nine months. You want to know why? It's because I'm taking marijuana. CBD. But most importantly, THC keeps my calm. So you all rather us spend thousands of dollars with these
doctors that is making me worse?

    All I had was scoliosis. My scoliosis went to seizures, from seizures to muscle spasms, because of all the medication that has effects to it.

    So what I'm saying to you all is, would you all rather have a lot of these homeless people in D.C. area? Do you all like seeing all these tents in D.C.? I mean, there's a lot of them out here right now. You all building all these condos that I can't afford.

    I was on disability. I took myself off of disability, now I owe the system. I'd rather be living life. I'd rather be free. I'd rather have my own small business to help other people.

    Your own senior citizens out here can't even afford CBD. We out here giving it to them with no cause. Some of us out here are doing community gardens, peace concerts, we are helping the community out. It's not us just taking money from our community.

    So what I'm asking is, if you all know
what I-71 provide is, I want to see the paperwork. I haven't seen no proof. You all say this is I-71 compliant for this, this, and that. We are doing it, but as soon as we doing it the right way, we still getting messed up. We still getting targeted. That's another thing.

Another thing is, why do we have to go through that? We voted it in. We should have our freedom to do it. You all talking about our young folks need to be voting. That's the reason why young folks don't vote, is because you all say one thing and do another thing.

I have a radio show. I promote vote every day, every time, but how can I tell my young folks to vote something and you all twisting the words on us? It don't make sense. I'd ready to get my own apartment in the next couple of months, because of the community of the cannabis helped me realize, I can do better. Stop saying you can't do it.

You all got to look at the bigger picture here. It's helping our young 21-year-olds
to see a business opportunity for us, not just putting us down working at McDonald's making $8 an hour. You got to look at the bigger picture, you all.

And I want -- before I leave today, if he is here, I want to see some paperwork. I want to see what's the rules and regulations. Can we have edibles? Can we have 2 ounces of weed? Can we have this? I'm done. Thank you.

CHAIR BENNETT: Thank you. Any questions, Mr. Gill?

MEMBER GILL: No. Thank you.

CHAIR BENNETT: Ms. Lewis? You may be on mute.

MEMBER LEWIS: No questions. Thank you.

CHAIR BENNETT: And none from me. Thank you. Thank you all. What we'll do now is Mr. Mustafa, I'm so sorry, Mr. Mustafa, if you could close us out with five minutes, sir.

MR. MUSTAFA: Thank you again for hearing the initiative and thank you, citizens, for
coming out and supporting this also, because I believe that this could be the most revolutionary thing that the District of Columbia has ever done.

And I'm going to pick some points right now, I only have five minutes, I want to go directly to Attorney General Karl Racine's point of view.

We're talking about education, training, ownership, and employment. Those same young men and same young women in Ward 7 and Ward 8 that the city has typecast as criminals, that's breaking and entering, that you're saying they doing this and they doing that, if you legalize cannabis, we're talking about employing those young men and young women.

We're talking about taking them off the street, making them viable citizens, and you get a chance to tax them while they're paying -- while they're working in the cannabis industry.

See, this is a thing where we have to be -- we have to look a little bit different here, because it's coming, whether it's here today or here tomorrow, legalization of cannabis will be
here. So why can't we take the opportunity to show the world that we can do better?

And as the Commissioner stated about the Constitution, well, the Constitution was written by White supremacists, and it has always been a policy, and that policy has always affected Black citizens worldwide, through Jim Crow segregation and slavery.

Now, we're talking about the 39 percent, something has to happen to appropriate funds to send to Black citizens who need it the most, who need the most constructive effort. This is a way that the city doesn't have to come out of their pocket.

This is new revenue coming to the city. I see we're talking about the appropriation, appropriation, appropriation, I understand that, but why wouldn't you want to help the people who need the most help? And if you don't want to help the people who need the most help, then what's going on with you?

Because, see, that shows that you're in
favor, or in alignment, I understand about policy and law, but you're in favor of the system. And if you're in favor of the system, that means you in favor of -- not in favor of Black citizens. And I'm not making it Black and White, but it is Black and White.

So let's take care of business here. Let's pass this initiative and I know that it's some things that's going on with Congressman Andy Harris, and I've spoken to Congressman Harris' office. And what we're saying, if he's made a statement that he may not push forth the initiative, I mean, the amendment for the rider, so he doesn't know if he's going to go or not move forward or against it.

But what I'm saying to Mr. Harris is, Maryland has a medicinal policy and they're contemplating on legalization. So why would you be against the District's policy, but you're in favor of Maryland's policy?

So the citizens of Maryland, they can have legalization of marijuana, but you're saying
that you don't want the tax or sale of cannabis in
the District of Columbia, so what are you saying?

Who are you? Are you a White
supremacist just saying that we just don't like
Black people? I mean, let's be honest, because
he's a Caucasian man, and there's no reason to put
a rider on a bill like that, unless there's an
alternative, excuse me, purpose.

And that purpose is to keep those
citizens down. Now, I don't know, but I see what
I see and I read what I read. Now, understanding
policy, this is all about policy. Sometimes you
have to do the right thing and you just can't say,
well, since the Commissioner is a civil rights
attorney, or I believe that's what she stated that
she is.

CHAIR BENNETT: Yes.

MR. MUSTAFA: Okay. Fine, if you
understand civil rights, you understand all those
amendments and all those things are written by a
group of certain people that has -- that affected
Black citizens. Slavery, Jim Crow segregation.
Why are the citizens in Ward 7 and Ward 8 continuously not getting the resources that they need?

Why are they continuously have bad health? Why are they continuously unemployed? And don't say that they're -- some of them are unemployed, but most of them are looking for a job. Most of them are doing the things that they want to do to succeed, but why are we pushing it back?

Let's pass this initiative. Let's bring tax dollars to the city. Let's tax them. Let's use them appropriately. Everybody's going to benefit from this, not just Black citizens, everybody will benefit from it.

But what I know is, throughout the country, Black citizens are being etched out of the business of cannabis, and being monopolized. So what we have to do as a group, as a city, to say that, look, we want these tax dollars to come in, to build our infrastructure, to build our education, to help the people who need the most constructive help.
And it's not a hard thing. It's not a hard thing, because everybody will benefit from it. People around the world will see that the District of Columbia is in the forefront of fighting the system of racism and White supremacy, and helping everybody, not just one group. Everybody. Thank you very much.

CHAIR BENNETT: Any questions for Mr. Mustafa? Ms. Lewis?

MEMBER LEWIS: Yes. Mr. Mustafa, thank you.

CHAIR BENNETT: Mustafa.

MR. MUSTAFA: We're going to get it.

CHAIR BENNETT: Okay. We're going to get it.

MR. MUSTAFA: We're one team.

MEMBER LEWIS: Mustafa. Okay. Thanks so much for your comment. I just want to reiterate Board Member Gill's point earlier and just also add to it, in that, you know, we certainly want to see initiatives succeed on the Board. We definitely want these issues to get to the voters.
to make sure that the voice of the citizenry is heard.

But I do want to reiterate the fact that, you know, we are hampered in what we can do because we are, in fact, limited, to your point, based on what the policies, the legalities, require us to make assessments under.

And so I just want to ask my question again, and I know you touched on it a little bit, but how -- just to provide some insight. I can't go into a discussion about whether or not is the proper subject determination saying, well, because the laws of the land were written by White supremacists, you know, we should just ignore the fact that there are potential Constitutional challenges here based on what the current laws of the land actually are and ignore that, and vote this as a proper subject matter.

So how do we get around the hurdles that I foresee before us with regards to appropriations challenges and with regards to the fact that there do seem to be some Constitutional infringement
implications here with the way it's written as it stands?

And just keep in mind, we're not here to make determinations on the merits or the content of initiatives, we are purely just making assessments as to whether or not the criteria for this initiative, whether they are actually (telephonic interference) subject matters and that threshold can be met.

MR. MUSTAFA: Okay. Well, my answer to that is, again, policies can be changed. And speaking with certain groups, and dealing with Congressman Harris, if he does not go forward with the rider, then that eliminates one big hurdle, because I've spoken to the City Council, I've spoken to Congresswoman Eleanor Holmes-Norton and Mr. Holbrook, and they -- their problem was, was the rider, not the other legalities. It was the rider.

So if the rider is removed, then we -- the Board should have no problem with moving forward. And he's talking about removing it. And
we're going to help him along with that also by, we have a committee of people that we're going directly to Mr. Harris to advocate for the legalization and see what his policies are.

And if it does change, then what's the Board's position then? That's my query to you.

CHAIR BENNETT: Did you hear him, Ms. Lewis?

MEMBER LEWIS: Yes. I'm on mute. I probably shouldn't do that anymore.

CHAIR BENNETT: Okay.

MEMBER LEWIS: So yes, I do hear that, but, you know, you have to keep in mind, Mr. Mustafa, that we can only make comments and ask questions with regard to what's in front of us. We can't really pontificate about hypotheticals. So in the event, you know, that there is additional language for our consideration, I know we'd certainly review that and take it under advisement, and engage in an interactive process at that point.

CHAIR BENNETT: Thank you. Mr. Gill, you have any questions?
MEMBER GILL: No. Thank you, sir, for your patience and --

MR. MUSTAFA: Thank you.

CHAIR BENNETT: And the only other thing I would add is that, while there are challenges there, I encourage you -- I mean, we -- our job is to try and make sure the system in the District of Columbia, as it relates to initiatives, have an opportunity to see and vote on those things that other citizens would like for them to vote on.

As Ms. Lewis said, we do have certain criteria, whether we personally agree or disagree, like, we have the obligation to follow the law, and so we will consider all the things, like, that have been said.

But further, let me say, thank all of you for coming and participating in the process as it relates to this particular initiative. It's a little different, relative to trying to get people up to be heard when we don't have those things in advance. We've tried our best to accommodate every voice that we could within the bounds of the
process.

And we encourage you to continue to support and participate in these matters that you have some concerns about and your voice. So, Mr. Mustafa, we will consider the initiative in the closed session and you will get a response from us, and we'll move forward with that.

I'll let you --

MEMBER LEWIS: Mr. Chair, I just have a final comment. Just like with all of our initiatives that we consider, if stated not successful, we certainly do encourage the proponent to go back to the drawing board and review it, and see how it can be submitted, taking our response and our questions in mind, and see how it can be resubmitted to ensure that it does pass a threshold.

That's just, generally, something that we like to see proponents do in the event that they are not successful, because as the Chairman said, we certainly want to have the voice of our generous citizenry represented and reflect on our
(telephonic interference).

CHAIR BENNETT: But we will consider it as submitted and move forward accordingly. Okay? We are going to take a five-minute break. We've got a few other things on our agenda to deal with, just to get people who only came here to support or to oppose this initiative an opportunity to leave, if you don't think -- but you're more than welcome to stay and be a part of the remaining part of our meeting as well.

Again, thank you so much and we're going to take a five-minute break.

(Whereupon, the above-entitled matter went off the record at 12:11 p.m. and resumed at 12:19 p.m.)

CHAIR BENNETT: Call the meeting back to order. We still have Mr. McGhie on the agenda. Next on the item is notice of proposed emergency rulemaking.

MR. MCGHIE: Yes. Next thing on my agenda is notice of proposed emergency rulemaking to Chapters 10 through 11 and 14 through 17. The
purpose of these amendments is to establish rules for the use of electronic petitions following the passage of the Ballot Access Modernization Amendment Act of 2016.

This is to allow for e-signing as far as when you collect signatures on petitions. So at this time, I'm asking the Board to consider a motion to adopt this as emergency and proposed rulemaking.

If the Board adopts that, then it would -- we'd have a 30-day comment period.

CHAIR BENNETT: Okay. Let me just -- before I ask for a vote from the Board, let me get Ms. Miller just to give a quick summary of the e-signature process and where we are from a technology perspective, just for the record, so it's real clear what we're doing here.

MS. MILLER: Sure. E-sign allows candidates circulating petitions to obtain those petitions by using an electronic method. Basically, an app that we have developed, working closely with the City of Denver, who initially has
-- was the first city to use that application, and it connects directly to our voter registry, so that anyone signing by using the app, automatically is able to determine whether or not the voter is a registered voter, whether or not they live in the Ward, and if they are qualified to sign a petition which they are being asked to sign.

So anyone using the app, they don't have to use it, they can use it, it pretty much guarantees that their signatures are going to be valid and accepted through the e-sign process.

CHAIR BENNETT: Okay. Any -- just to add to that, what it would look, pretty much -- like, what it would look like is, an iPad-like device that one would put the voter's name in and have the voter sign with a wand, or with their finger --

MS. MILLER: With a stylus.

CHAIR BENNETT: With a stylus, rather, just as you do when you go through some retail outlets now to purchase items, and that would have an immediate connection to the voter rolls and to
the database to verify that. It's an amazing piece of technology that is tried and true technology, but only one other jurisdiction in the country is using it, and that's Denver.

So we are certainly leading the edge -- or leading the nation with regard to that aspect of our voting -- or our process. Any --

MS. MILLER: Let me just add, when we -- to initiate the process, we did purchase 100 iPads so that we have the iPads available for individuals who wanted to use it, through a rental process, $350 to rent it. I don't know if the regulations address that, but I wanted to put that on the record.

The $350 is returnable, totally refundable, once the iPad is returned, and that's just by certified check or money order, we accept $350, no cash. And then we return that money back to the individual once the iPad is returned.

For this version of e-sign, the signatures are retained on the iPad itself. It has to be returned to us and then we will download the
signatures of the circulator in house and then return it. In other words, they cannot bring the paper signatures to us. We have to download those internally.

CHAIR BENNETT: Okay. Any questions? Mr. Gill?

MEMBER GILL: No.

CHAIR BENNETT: Ms. Lewis, any questions?

MEMBER LEWIS: No. Thank you.

CHAIR BENNETT: Okay. Ready for the vote? Do you have a --

MEMBER GILL: I didn't know if we had to move it first.

CHAIR BENNETT: Yes.

MEMBER GILL: So I move that we consider the proposed emergency rulemaking.

CHAIR BENNETT: Okay. And we accept the emergency rulemaking. Ms. Lewis?

MEMBER LEWIS: Second.

CHAIR BENNETT: You vote yes?

MEMBER GILL: She said second.
CHAIR BENNETT: Second. Okay. Thank you. It's unanimous, so that passes.

MR. MCGHIE: That would conclude my section for the general counsel.


MS. MILLER: Thank you, Mr. Bennett. The first item I want to get to on the agenda is the results of the Initiative Petition Measure Number 77. That's the District of Columbia Minimum Wage Amendment Act of 2017. Just briefly, I will summarize the process associated with that initiative filing.

It was filed on April 3, 2017. The proponent filed 40,679 signatures, of which 27,688 were proved to be valid, which was 3218 over the minimum required number of signatures. Once the petition was filed, the Board completed a standard process for verifying the signatures of registered voters that were contained in the signature -- on the initiative petition, by going through and verifying each of the signatures as registered
voters within the District of Columbia.

The first thing the Board did was verify that the circulator was a resident of the District of Columbia or resident of another jurisdiction he was registered as the petition circulator within -- with the Board prior to the certification of the petition sheet, and if the petition circulator had completed the affidavit.

Second, the name, address, and signer of each petition was checked against the voter registration system to determine if the petitioner was registered to vote at the resident's address listed on the petition at the time the petition was signed, as required by law.

Only those signers whose names and addresses were found to match were put into the program -- into the universe to be checked against verified signatures. And third, the total of verified signature registrants that were compiled by the registration system and determined to be sufficient, proceeded to the verification stage, in which the actual signatures on the petitions
were verified.

And then fourth, the total number of verified registrants determined to have met the minimum signature requirement for a random sample process, which was conducted with the Office of Planning, was wrong drawn and compared to the signatures with the Board's records on file.

We did receive, from the Office of Planning, once the random -- the Office of Planning provided us with the numbers to prove from a random sample process, that is according to the law. There is a formula that the Office of Planning goes through in order to determine whether or not the petition is valid.

We received back from the Office of Planning on February 21st, a certification that the statistical summary and findings on Initiative Measure 77 was, in fact, sufficient, and that the table -- and that the number submitted showed that the required number of valid signatures and the number of registered signatures by Ward as a whole that was subject to the random sample, was
sufficient with a 95 percent confidence rate.

And that it was confident in five of the eight Wards, and I've given you a copy of their memo that basically documented what the Wards were, but the Wards that were found to be having the valid number of signatures were Wards 1, 2, 4, 6, and 7. Ward 3 was rejected, and Ward 5 and Ward 8, they could not make a decision on because there were not enough signatures to make a decision on those Wards.

However, it only -- they didn't need to because they only needed to be -- a petition was required in five of the eight Wards, so with the Wards that I indicated, it met the five of the eight Ward requirement in terms of validity, and therefore, the petition, at this point, based on the information that we have, both from the Office of Planning and the staff review of the initiative petition, it is ready to go forward and I would recommend that our Board certify it for ballot access with the next citywide election, which is the June 19 primary election, and that's pursuant
to D.C. Committee Section 1-1001.1601.

CHAIR BENNETT: Okay. Any questions?

Mr. Gill?

MEMBER GILL: No.

CHAIR BENNETT: Any questions, Ms. Lewis?

MEMBER LEWIS: No questions.

CHAIR BENNETT: Okay. Can I get a motion?

MEMBER GILL: Motion to approve the executive director's proposal.

CHAIR BENNETT: Can I get a second?

MEMBER LEWIS: Second.

CHAIR BENNETT: Okay. It is approved and certified unanimously. Thank you, Ms. Miller. Next item.

MS. MILLER: Yes, so -- well, just a little correction.

CHAIR BENNETT: Okay.

MS. MILLER: It will be on the June 19 ballot, that is the primary election ballot, but all registered voters will be qualified to vote on
the initiative measure. We will provide proper notification to all registered voters. I'll note that it will be a separate ballot for registered voters who are not affiliated with a party and we will conduct coworker training that also focuses on the fact that registered voters will be allowed to vote on the initiative petition even though they may not be affiliated with one of the major parties.

CHAIR BENNETT: Let me reemphasize that we will do everything we can, for the record, to give general population notice that this is an item that all persons, and all citizens, and all voters in the District are able to vote on, regardless of party affiliation. Okay. Next item.

MS. MILLER: Just that the nominating process continues. The petitions became available on June 26th. Those individuals who have picked up, that list is available on our Board's Web site, and it's updated daily. Deadline for filing the nominating petitions is actually coming up. It's March 21st.
And on that date, we need to have all the nominating petitions, declaration of candidacies, or any other affidavits, forms, or declarations required for a particular office spot.

CHAIR BENNETT: That's March?

MS. MILLER: March 21st.

CHAIR BENNETT: 21st. Okay.

MS. MILLER: After that, petitions will be posted three days later for a ten-day challenge period, which will allow anyone who wants to challenge any of the nominating petitions to come forward and do that over the next ten days.

CHAIR BENNETT: All right.

MS. MILLER: And just a little bit on list maintenance, and that is that we have posted on our -- or published on our voter roll, a list of 22,557 inactive voter records. Those records were listed on February 28th. They contain the name, board number, zip code, and registration year of the last ballot cast of these voter states that were made inactive.
These are voters who have not voted in a primary, special, or general election since 2010, have not responded to notices mailed after the November 2000 election, they have not submitted a voter registration update notification to the Board, or any District voter registration agency since November 2010 general election, and have had notices to their address of residence returned by the U.S. Postal Service.

Those individuals' names will be removed from our voter registry by Tuesday, March 20th. We are asking individuals who see their names on there, and if they believe they shouldn't be on there, to notify us and to update their information so that they will not be removed.

CHAIR BENNETT: Thank you.

MS. MILLER: And then after that date, if they are removed and they want to register, they'll have to re-register to vote.

And then just shortly, briefly, we also are in the process of updating information that we receive from the Electronic Registration
Information System, ERIC. We've mailed 3732 notices to individuals whose names appear on the voter registry, but based on information received from our other ERIC states, no longer reside in the District of Columbia, and we have sent 4137 notices to in-state registrants, again, whose information we've gotten from ERIC data that indicates that the information on our voter registry needs to be updated, and we've asked them to update their information as well.

CHAIR BENNETT: Okay.

MS. MILLER: And one more thing. And that is that we will begin notifying our eligible, but not registered voters, by way of a postcard to let them know that they are eligible to vote, that they have not registered to vote, and we will be requesting them to do so before, I think the date is, May 29th, I believe.

And I just want to say that we get this information and data so that it's compared from information that's in the DMV records and ERIC records. Some of the information that would go to
the eligible, but not registered voter may be
information of voters who are still carrying an
1800 birth date.

And those individuals may get a
postcard because the birth date will be accurate
with the Department of Motor Vehicles, or other
ERIC data, or they have not updated with us. So
I just want to put that on the record in the event
that individuals receive registration notice -- a
notice to register to vote if they're already
registered, but they have an old birth date or other
information that's not a complete match.

CHAIR BENNETT: Okay.

MS. MILLER: And that's it.

CHAIR BENNETT: Any questions, Ms.

Lewis? You may be on mute.

MEMBER LEWIS: No questions.

CHAIR BENNETT: Say again?

MEMBER LEWIS: No questions.

CHAIR BENNETT: All right. Mr. Gill?

MEMBER GILL: No questions.

CHAIR BENNETT: All right. Thank you.
I have none. Ms. Montgomery, Office of Campaign Finance.

MS. COLLIER-MONTGOMERY: Yes. Good afternoon. The first thing that I would want to put on the record is that the Office of Campaign Finance is tentatively scheduled to move from our present location at 2000 14th Street, NW, to this location, 2015 -- I'm sorry, 1015 Half Street, SE, on or about May the 5th, 2018.

And as that date becomes more firm, I will publish notice at our Web site, and I also will confirm that move at the Board's April 2018 meeting.

CHAIR BENNETT: Great.

MS. COLLIER-MONTGOMERY: There were no reporting dates during the month of February, however, I do have the results of the filing of the January 31st report of receipts and expenditures by active principle campaign committees, political action committees, as well as our continuing committees.

There were 129 required filers and that
breaks down to 71 principle campaign committees and
58 political action committees. We had 109 timely
filers and all of those filers also electronically
filed their reports. We had one request for an
extension, which was granted.

There were 20 failures to file and I
actually have to correct our stats on this because
the stats reflect 23, but there were actually 20
failures to file, 17 principle campaign committees
and 3 political action committees, and those
committees were referred to the Office of the
General Counsel for the initiation of the
enforcement process.

The principle campaign committees were
Dustin "DC" Canter for D.C. Mayor, Dustin Canter,
Treasurer, Toliver for Ward 4, Emily Gumpert,
Treasurer, Committee to Elect Natalie Williams,
Natalie Williams, Treasurer, Committee to Elect
Khalid Pitts 2014, Khalid Pitts, Candidate, MMC
Foundation, Richard Kassner, Treasurer, Patterson
for Ward 8, Jacque Patterson, Treasurer, Carter
At-Large 2014, Christian Carter, Treasurer, Carter
for D.C., Darlene Gymph, Treasurer, Bonita Goode
2016, Ward 8, Bonita Goode, Treasurer, Sheila Bunn
for Ward 8, Rachel Richards, Treasurer, Committee
to Elect Sekou Biddle At-Large, Bandele McQueen,
Treasurer, Biddle 2012, William Brown, Treasurer,
Justin Greene At-Large, Justin Greene, Treasurer,
Lannette Woodruff for School Board, Lamont
Harrell, Treasurer, Committee to Elect Jacque
Patterson 2016, Lamont Harrell, Treasurer, Trayon
White for Ward 8 2016, Nicole Spriggs, Treasurer,
Gretta for Ward 8, LaShonda Cotton-Ogbebor,
Treasurer.

The political action committees which
were referred were The Gertrude Stein Democratic
Club Political Account, Jessica Pierce, Treasurer,
D.C. Recovery Act for Living Descendants of
African-American slaves, John Cheeks, Treasurer,
Legalization of Retail Cannabis in D.C. 2018,
Margaret Smith, Treasurer.

There were 76 new candidates and
committees who registered during the month of
February 2018. I will not read them all into the
record, but I just would like to also indicate that
the number also reflects several slates of
candidates who registered as well.

These stats will be published at our Web
site so that the public can know exactly who
registered during the month of February.

We also conducted entrance
conferences. The first was conducted on January
31, 2018. The participants were Michael Christian
Woods, Candidate, MC4DC Mayor, Macqueline Woods,
Treasurer, MC4DC Mayor, Lakew Alemu, Treasurer,
Committee to Elect Ernest Johnson for Mayor.

On February 14, 2018, the participants
at the entrance conference were Calvin Gurley,
Candidate, Friends of Calvin Gurley, Ed Lazere,
Candidate, Ed Lazere for D.C. Chair, Lloyd L.
David, II, Candidate, Davis for D.C. Mayor 2018,
Omekonga Dibinga, Candidate, Dibinga for D.C.,
Jason Andrean, Candidate, Jason Andrean for School
Board, Bradley A. Thomas, Candidate, Committee to
Elect Bradley A. Thomas, Kendrick Curry,
Treasurer, Ed Lazere for D.C. Chair, Daniel E.
Kirner, III, Treasurer, Petar Dimtchev for Ward 3, Terrence L. Jordan, Treasurer, James Butler for Mayor.

Also on February 28, 2018, the participants at the entrance conference were Elizabeth Mitchel, Candidate, Ward 3, Blue Wave Democrats, Shelley Tomkin, Candidate, Ward 3, Blue Wave Democrats, Hugh Allen, Candidate, Ward 3, Blue Wave Democrats, Mary Alice Levine, Treasurer, Ward 3, Blue Wave Democrats, and Dorian Blythers, Treasurer, Jason Andrean for School Board.

In our audit branch during the month of February, the audit branch conducted 111 desk reviews of the reports of receipts and expenditures of political action committees as well as principle campaign committees.

With respect to our ongoing audits, there are no full field audits which are ongoing, but we do have several periodic random audits which are ongoing.

Of the candidates in the 28 election, there are 5 which are currently under audit,
Brianne for D.C. 2018, and that was initiated on September the 27th, 2017, and that was of the July 31, 2017 filing, Re-elect Muriel Bowser Mayor, and the periodic random audit was of the January 31, 2018 filing, Karl Racine 2018, was of the January 31, 2018 filing, Kenyan McDuffie 2018, the audit was of the January 31, 2018 filing, Dionne for D.C., the audit is of the January 31, 2018 filing, and the audit notification letters for the audit which was initiated of the January 31, 2018 filing were issued on February the 16, 2018.

Of the periodic random audits for our political action committees, there are three. The first is the Greater Washington D.C. Insurance and Financial Advisors PAC. The audit is being conducted as of the January 31, 2018 filing, Verizon Communications, Inc., with Government Club Washington, D.C. The audit is of the January 31, 2018 filing.

Food Service PAC, the audit, again, is of the January 31, 2018 filing, and the audit notification letters were issued on February the
16, 2018 to political action committees.

We issued two audit reports during the month of February. The first was of the Metropolitan PAC and that audit was issued on February the 26th, 2018, and the Ward 4 Constituent Service Fund, the audit was issued on February the 26th, 2018.

And both of the audits appear at our Web site for public review, and again, I will also post our stats at our Web site for the review of the public. I would ask the General Counsel, William Sanford, for the Office of Campaign Finance, to give his report on the legal matters of the agency.

CHAIR BENNETT: Thank you.

MR. SANFORD: Good morning, again, Mr. Chairman and distinguished Board Members. My name is William Sanford, General Counsel for the Office of Campaign Finance. During the month of February 2018, the Office of the General Counsel received 20 referrals from Public Information and Records Management Division and one referral from the Reports Analysis and Audit Division.
The referral from the Reports Analysis and Audit Division was subsequently withdrawn. During the month of February 2018, no informal hearings were conducted and no orders were issued. No fines were imposed. However, the Office of the General Counsel collected fines totaling $6575.

The fines were paid by the following respondents; fine of $1500 was paid by Jeffrey Thompson as part of an installment plan on fines that had been imposed previously; a fine of $5000 was paid by Karl Racine for Attorney General Committee, Karl Racine for Attorney General 2014, and that was the total amount of that fine, and a fine of $75 was imposed and paid by Ricky Williams, an ANC candidate in the last election.

During the month of February 2018, the Office of the General Counsel had no open investigations, however, during the month of February 2018, the Office of the General Counsel received one request for an interpretive opinion. The requester was Donald R. Dinan, Esq., that was submitted on the 22nd of February 2018.
The issue was contribution to slates and that matter is still pending before the Office of the General Counsel. And finally, during the month of February 2018, no show cause proceedings were conducted by the Office of the General Counsel, and that should conclude my report.

CHAIR BENNETT: Thank you, Mr. Sanford.

MR. SANFORD: Thank you.

CHAIR BENNETT: Ms. Montgomery?

MS. COLLIER-MONTGOMERY: That concludes the report from the Office of Campaign Finance.

CHAIR BENNETT: Great. Any questions, Ms. Lewis?

MEMBER LEWIS: No questions. Thank you.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: No questions.

CHAIR BENNETT: All right. None from me. Thank you, Ms. Montgomery. Next on the item are public matters. Are there any matters ready
for the Board?

MR. MCGHIE: Yes. We'll start with --

CHAIR BENNETT: Sure, please. Thanks for your patience through the process. Okay.

MR. CARLEY: Thank you, Chair Bennett.

CHAIR BENNETT: All right. Thank you. Would you --

MR. CARLEY: Members of the Board, esteemed Members of the Board. My name is Andre Carley. I am an ANC 4B01 Commissioner. I also am the Chair of ANC 4B. I'm here to ask you to initiate the rather unpleasant task of vacating ANC Commission SMD4B05 due to the fact that we -- that the present commissioner no longer resides in the area in a residence.

I do have a letter. I think I sent it off to you electronically a few days ago. If you haven't received it, I do have a copy. Can I read it into the record?

CHAIR BENNETT: Stop for a second and we ask your partner to identify herself.

MR. CARLEY: Oh, I forgot all about
her.

MS. TYSON: Yes, my name is Sheila Tyson. I'm actually filing a complaint because we do not have representation of an ANC in 4B05.

CHAIR BENNETT: Can you give us your address, please, ma'am, for the record?

MS. TYSON: Yes, 413 Marietta Place, NW, D.C. 20011.

CHAIR BENNETT: Okay.

MR. CARLEY: I suppose I should give you mine too.

CHAIR BENNETT: Yes.

MR. CARLEY: 7405 9th Street, NW, Washington, 20012. Like I said, I'm with 4B01.

CHAIR BENNETT: Okay. I'm sorry. And whoever would like to start.

MR. CARLEY: Well, you can go ahead. You speak better than me.

MS. TYSON: Well, I initiated the process. Ms. Hughes used to live next door to me at 415 Marietta Place, but she was, unfortunately, evicted from that house, and early on, I think last
year, there was a challenge to her residency, so we worked to -- actually, we wanted to keep her because she was a young lady, and we really did support her.

But she used an address on Nicholson Street, and I do have an affidavit from that homeowner, that she does not reside there. I also get the mail from 415, to my house, that house is under construction -- and it's been sold, and it's under construction.

She also, at one point, lived on Missouri Avenue. I also have mail stating that she no longer resides there. So all three addresses that she had currently used will get return mail and I have two affidavits stating that she does not live at those addresses.

And we want representation in our area because we have serious issues in Ward 4 and we need someone to represent us, so that's why I'm here.

MR. MCGHIE: Okay. Take this?

CHAIR BENNETT: Yes, please.

MR. MCGHIE: There's a process for
doing what you'd like to do and at the end of this hearing, if you want to, I can put you with one of my attorneys and they can explain the process, but basically, what happens is that, if somebody moves out of the area, so the ANC person doesn't live in the area anymore, and you have evidence of that, or information of that, what you have to do is, first, have a hearing, send them a notice to their address, or the address that they say they're residing in, and then they can come in and refute it, or not refute it.

If they don't come in, you know, and nothing happens, then you can find that they don't live there anymore, and then the ANC sends us a resolution. You send us a resolution saying that the person no longer resides at this address and we'd like you to declare the position vacant.

MR. CARLEY: The SMD is vacant.

MR. MCGHIE: Yes. So like I said, I'll put you with one of my attorneys so that they can explain the process to you, give you a copy of the law and the regulations of what you have to do, but
I think the first thing you're going to have to do is, you're going to have to schedule a hearing and send it to this person so that they don't show up.

MR. CARLEY: We have had two special meetings. We had a special meeting on the 14th and a hearing, a regular meeting, on the 26th of February. At both meetings she was challenged as to her residency and she refused to answer where she lived.

And so this is why I'm here now, to --

CHAIR BENNETT: Is the hearing with us or --

MR. MCGHIE: No, it's with the ANC.

MR. CARLEY: So you're saying I have to have a special hearing just on this subject.

MR. MCGHIE: Just on that subject.

Yes.

CHAIR BENNETT: But it sounds like she showed up.

MR. MCGHIE: It sounds like she'll show up, yes, but she doesn't give a -- well, then, she'll have to present whatever evidence that she
has that she still lives there, and you can refute it with whatever evidence you have, and then it's the ANC that makes the decision on whether or not she lives there or not, and does a resolution.

Now, she can challenge the resolution, but then she would do that down here. So if you send us a resolution that says she doesn't live here, doesn't live there anymore, and she disagrees and she wants to challenge it, she can file an appeal to the Board here, and then we will have a hearing on whether or not she lives there.

MR. CARLEY: Until then, she's been voting -- she's voted on two meetings already. Does that cast a pall on the legitimacy of her vote? Can she still vote as an ANC?

MR. MCGHIE: Yes, until she's --

MR. CARLEY: Until she's vacated?

MR. MCGHIE: Until it's vacated. Yes.

MR. CARLEY: Okay. She can still vote then? Okay.

CHAIR BENNETT: Is that helpful?

MR. CARLEY: Not as helpful as I'd like
it to be.

MR. MCGHIE: So those are two of my attorneys --

CHAIR BENNETT: I'm not laughing at you, but I appreciate your citizen.

MR. MCGHIE: So Renee has volunteered to --

CHAIR BENNETT: But let me say this, though, in all seriousness, I mean I understand your concerns and it is very serious, and we do take it very seriously, so we want to try and help you follow the process consistent with your objective, and so we'll work with you to help make sure that you are clear on what the process is so that, you know --

MS. TYSON: There was a hearing already here at the Board of Elections where Ms. Hughes had to come and give evidence where she resides, but I have an affidavit stating she does not live there. So the address that she already gave you all is the one that I'm challenging.

CHAIR BENNETT: Right. Please work
with her and we -- I promise that we will do our
best to help make sure you have the information that
you need.

MS. TYSON:  Okay.

MR. CARLEY:  Okay.

CHAIR BENNETT:  Okay.

MS. TYSON:  Thank you.

CHAIR BENNETT:  All right.

MR. CARLEY:  Thank you very much.

CHAIR BENNETT:  Thank you for your
time.

MR. CARLEY:  So you don't need anything
from us, document-wise.

CHAIR BENNETT:  You can get with Renee, our attorney, then kind of go from there. All
right. Thanks so much.

MR. CARLEY:  Thank you, sir.

CHAIR BENNETT:  Thanks for your
patience.

MR. CARLEY:  Thank you, Board.

CHAIR BENNETT:  Are there any other
public matters before the Board? Seeing and
hearing none, any concerns, comments, Mr. Gill?
I'll give you, since we've had a nice long day,
anymore issues?

MEMBER GILL: No.

CHAIR BENNETT: Ms. Lewis?

MEMBER LEWIS: No. Thank you.

CHAIR BENNETT: I don't hear you -- the
baby, so I guess she's being very patient.

MEMBER LEWIS: She's being good.

CHAIR BENNETT: Anyway, good meeting,
all. Thank you so much for your time. The meeting
is now adjourned.

(Whereupon, the above-entitled matter
was concluded at 12:53 p.m.)