GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

MAY 29, 2019

The District of Columbia Board of Elections convened a Regular Board Meeting in Room 750, 1015 Half Street, SE, Washington, DC 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
CECILY COLLIER MONTGOMERY, Off. of Campaign Finance Director

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
SYLVIA GOLDSBERRY-ADAMS, Operations Manager
MYISHA THOMPSON, Registrar of Voters
LINDA JOHNSON, Assistant to the Executive Director
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(10:43 a.m.)

MR. BENNETT: What I'd like to do to
start out with is just to introduce the folks
that are here, and want to thank everybody for
participating. This is actually our June meeting
we decided to have on May 29th, close to June.

We had a number of scheduling
challenges in the first part of June. So we
decided to move the meeting up a little bit.
Particularly since we had May, well actually four
weeks ago. The meeting that we had last week was
actually a Special meeting to address the Jack
Evans recall matter that was filed by Mr.
Eidinger.

So this is our regular monthly meeting
and we've got a couple of significant matters
today. We do have a quorum in that we have --
I'm here, Michael Bennett. And we have Michael
Gill, excuse me, Board Member visiting digitally.
And we also have Ms. Dionna Lewis, Board Member
participating digitally, who is on her way in.
So we're going to start with the adoption of the agenda. Can I get a motion, Mr. Gill to adopt the agenda?

MR. GILL: I move to adopt the agenda.

MR. BENNETT: I second it, and Ms. Lewis, do you vote for the agenda today?

MS. LEWIS: Yes.

MR. BENNETT: So it's unanimous. The agenda is adopted unanimously.

The minutes from the Wednesday, the May meeting which was Wednesday, May 1st. I need a motion, Mr. Gill to adopt the minutes from that meeting.

MR. GILL: I move to adopt the minutes of the meeting of Wednesday, May 1st.

MR. BENNETT: It is seconded. And Ms. Lewis were you able to connect with the minutes and do you also vote for the minutes being received?

MS. LEWIS: Yes.

MR. BENNETT: Okay, so that's unanimous. All right, so the minutes from May
1st have been properly moved, seconded, and
adopted.

So Board Matters, I don't have any
matters for this meeting. Mr. Gill do you have
any matters?

MR. GILL: No, our third meeting in
May, so I'm up to date on my matters.

MR. BENNETT: You're up to date, okay,
great.

MR. BENNETT: Ms. Lewis.

MS. LEWIS: Likewise, no Board matters.

MR. BENNETT: Okay, great. First
thing is that we'll have, next thing we'll have
the report from the Office of Campaign Finance,
Ms. Cecily Montgomery, you're up here.

MS. MONTGOMERY: Yes, good morning.

MR. BENNETT: Good morning.

MS. MONTGOMERY: The first thing I
would like to report is with respect to our Fair
Elections Program division. And during the month
of May in the Fair Elections Program division, a
second candidate registered to participate in the
Fair Elections Program on May the 16th, 2019.
And that was Jordan Grossman for Ward 2, Ward 2 City council.

The FEP program conducted training for its new staff on May the 7th, 2019. On May 10th, 2019 we conferred a 30-second PSA on the program to WTOP-FM Radio for dissemination for six months to the public.

And forwarded the Agency's FEP brochures to DCTV. And those will run for Monday through Friday from 11:00 a.m. to, from 10:00 a.m. to 11:00 a.m. And on Sunday 9:00 a.m. to 11 o'clock a.m. through the remainder of the 2020 election cycle.

On May the 20th, 2019 the Board adopted Chapters 3, 37, 42, and 43 of the DCMR as final. And of course those regulations were revised to include the, Fair Elections Program. Chapters 42 and 43 of the regulations have since been revised to capture the amendments which were enacted by D.C. Act 23-50, the Fair Elections Emergency Amendment Act of 2019, effective May
the 22nd, 2019. And those rules will be submitted to the Board for adoption today.

With respect to the ANC Outreach Project, the Fair Elections Program staff visited the following ANCs during the month of May. On May 1st ANC 8C, on May the 2nd ANC 7B, on May the 9th ANC 7C, and on May 23rd ANC 8D. And basically what happened was the FEP staff presented during the meetings of the ANC, to provide information on the new Fair Election Program.

On May the 13th, 2019, candidates were selected. On the FEP staff were two auditor positions, one CS-11 and one CS-09. The proposed entry dates for both in positions is June the 9th, 2019.

We also had a meeting with the OCF vendor on May 7th, May 15th, and May 20th through conference calls to view our interim FEP filing system. And we are still on schedule for the system to be available for the electronic filing of reports by the public on July 31st, 2019.
In our Public Information and Records Management Division, there were no filing dates during the month of May for Principal Campaign Committees, Political Committees, Political Action Committees and Independent Expenditure Committees, or our Constituent Service and Statehood Fund Programs.

Also during May, 2019 in the Public Information and Records Management Division, we did have new candidates and committees who registered with the office. First, Recall Jack Evans Now, was at the Recall Committee, registered on May the 8th, 2019.


In our Reports Analysis and Audit Division during the month of May, the Audit
Branch conducted desk reviews of ten reports which were vital to the office.

Also we have five ongoing Full Field Audits in the division. The first is Sheika Reid for Ward 1, which was initiated August the 29th, 2018. And that is of a Principal Campaign Committee. DC Proud 2019 Inaugural Committee was initiated on April the 22nd, 2019. And that is an Inaugural Committee.

Frazier O'Leary for Ward 4 was initiated on March the 4th, 2019. That is a field audit of a newly elected official for the school board as a result of the 2018 election.

Committee to Elect Zachary Parker 2018 was initiated on March the 5th, 2019. Again that is a full field audit of a newly elected official, school board 2018 election. And Emily for Education, which was initiated March the 4th, 2019. And again that is a newly elected official, school board 2018 election.

We have one periodic random audit which is ongoing, and that is of the Ward 4
Constituent Service Fund. The periodic audit was initiated April the 1st, and it is of the April the 1st, 2019 filing.

We issued two audits during the month of May. The first was, Do Something Constituent Service Fund, Ward 8. We issued that on May the 15th, 2019. The Ward Seven Constituent Service Fund was issued May the 15th, 2019. And both of the audits are available at our website for review by members of the public.

I would ask, Mr. Sanford to come forward and to provide the report of the Office of the General Counsel for the Office of Campaign Finance.

MR. SANFORD: Good morning, Mr. Chairman and distinguished Board Members. My name is William Sanford, General Counsel for the Office Campaign Finance. During the month of May, 2019 to date, the Office of General Counsel received two referrals from the Reports Analysis and Audit Division.
conducted one informal hearing, and issued five orders, which included the following. Three orders for failure to timely file ANC Summary Financial statements in which no fines were imposed or issued.

One order for failure to timely file regarding a Principal Campaign Committee in which no fine was imposed or issued. And one order for failure to timely file a report regarding a Political Action Committee in which a fine $1,500 was imposed or issued during the month of May, 2019 to date.

During the month of May, 2019 to date, the Office of the General Counsel imposed a total of $1500 in fines. And the fine was imposed against the SEIU, Political Action Committee.

During the month of May, 2019 to date the Office of General Counsel collected $1,500 in fines. And that was part of an installment payment plan that was agreed upon between the Office of Campaign Finance and Jeffrey Thompson.

During the month of May, 2019 to date,
the Office of the General Counsel transmitted 20 petitions for enforcement to the Office of the General Counsel for the Board of Elections. And during the month of May, 2019 to date, there were no open investigations underway in the Office of the General Counsel. There were no requests for interpretative opinions, and no show cause proceedings were conducted. And that should conclude my report.

MR. BENNETT: Thank you, Mr. Sanford.

MS. MONTGOMERY: And that concludes the report for the Office of Campaign Finance.

(Off the record comments.)

MR. BENNETT: All right, are there any questions from Ms. Lewis on the report, or a scheduling matter?

MS. LEWIS: No questions.

MR. BENNETT: Okay, Mr. Gill what do I, I know you got cut off, but you're back now. Do you, whatever portion you heard, do you --

(Simultaneous speaking.)

MR. GILL: This it's different, but I
got cut off just at the end of Bill's, okay --

MR. BENNETT: Okay.

MR. GILL: Topic.

MR. BENNETT: All right, great. Okay, Ms. Miller, Executive Director of the Board of Elections, can you provide your report? And also we'll move, and you'll provide the General Counsel's Report as well.

MR. BENNETT: Yes, thank you. Good morning. The first thing I want to report on is the status of the implementation of our new VRS system. As you know the contract was awarded to implement the Board's new voter registration system in late February or late March.

The vendor has been working with BOE staff to reach full compliance of the contract and new upgrades to our VR system, which is a modernization of the VR system. The implementation hosts a full range of newly developed processes from data conversion of the current 25 plus year-old system, to the new database running under what is called, VR Focus.
The old system it's, Integrity.

The timeline for implementation is currently on track. Our data has been forwarded to the new VR system and has been, succeeded with a first pass. We'll have at least three to four more passes, more testing to make sure that the data is transitioning to the new system as it should.

In essence, currently the new voter registration database, Voter Focus is operating with DCBOE data and continues to undergo developmental testing. The hardware and software to host the new data, VR Database is now being configured on site with necessary applications. Overall the project is progressing and is currently 30 percent complete.

We continue to have long Board conference calls and schedule meetings with the vendor on a biweekly or as needed basis to discuss the activities and milestones of the implementation.

We've completed a gap analysis which
is the collection of information that will be
used throughout the VR system software
development cycle to provide traceability to the
new software being designed to meet BOE's
contract requirements.

Target completion date for the entire
conversion, implementation, production, and
reduction of the new system is set for late
October. And at this point, although it is still
early in the process, we believe that the system
should be up and running as is scheduled.

So that's just a general high overview
of where we are with the implementation of the
new VR system. Any questions on that?

MR. BENNETT: No, any questions from
the Board Members? Michael, okay?

MR. GILL: No questions.

MR. BENNETT: Dionna?

MS. MILLER: D–I just got cut off.

MR. BENNETT: Okay.

MS. MILLER: Okay, with our canvas
report, we began our canvas in January. As of
May 22nd, we received a response from 16 percent of the voters who were canvassed as a result of electing not to vote in the 2018 general election. Essentially there were 218,000 voters that were canvassed.

The current status and response from those voters is that we have 35,952 that we have received responses from. It's low, but it's not unusual. It's quite typical.

We will move to a second mailer. We will be sending an affordable card to approximately 17,618 registered voters. Those voters were voters that were identified as undeliverable in the first mailing.

The others, excuse me, will remain on the voter roll at the addresses from first record at least through two federal elections. That's what the law provides. That's approximately 182,000 voters. We did not receive a response card from them. There is no action required by the law on part of the agency, so they will remain on the roll and have, unless we have a
reason to update or change anything related to
their voter registration information.

Fortunately, we're able to see voter
registration information via ERIC, which is the
Electronic Registration Information Center, which
we're a member of along with 26 other
jurisdictions. STEVE, State Territorial Exchange
of Vital Events process, which we also receive
information through Social Security, and the
National Change of Address Program.

And finally I want to talk a little
bit about, we have started Pollworker training,
the initial stages of it. And refresher course
training with our Captains and our Special Ballet
Clerks which we believe are the two most
important positions in the precinct for Election
Day.

We began this May 22nd, and we've
couched it as continuing Pollworker training to
focus on things that we think they need to have,
pay attention to, and spruce up on before the
Election Day. This will go through the end of
June for these two positions. We'll pick back up in September for a second round of training with the same positions.

As I said the focus of the training is to delve into the weeds of the polling place operation and to provide a comfort level for the Captains and Special Ballot Clerks with the details of the Election Day operation that they are responsible for fulfilling.

This is the first time we've done something like this in an off-election year. I think it's going to be well received. I think it will be helpful as we move forward next year, especially with the presidential election year coming, it will be with us in 2020.

What made us want to do this is we noticed some discrepancies in the operation of the polling site in the 2018 election site. Well, I thought it would be beneficial to begin earlier than usual to have training to address some of the common place challenges that go with the space.
And then finally with respect to the Executive Director's Report, I find myself doing this more often than we need to. We've had again someone who we recently, the family recently buried. And I will say our election family, work family, Travonda Raye (phonetic), who was a coworker for us for a number of years. She recently assisted with training in our last election cycle, recently passed.

Her funeral was on May 20th. She suffered from breast cancer, which no one would have known. She was in the final, stage four of breast cancer last year where she continued to come in regularly, if not daily, to work with us and assist us with training and other needs for our polling place operation.

So we did have an acknowledgment that we presented at the funeral. And I just want to put that on record, because she was one of our dedicated and long time workers. And at the age of 61 passed from breast cancer. And she will be missed by this agency, especially as we're moving
to next year's election.

MR. BENNETT: And we certainly, on behalf of the Board and the City for that matter, we certainly want to express condolences and thank her for all the services she provided for all her years. And we certainly will be having our thoughts with the family during this difficult time. So, thank you for bringing that up.

MS. MILLER: Yes, and just one other loss. I mentioned at the last Board meeting that the staff had also lost another member of its election family. And I just wanted to say that we also did an acknowledgment for her. I just want to read the thank you card that the family sent.

And it's, "Dear Members of the DC Board of Elections, thank you so much for the love and care shown to mom during her employment and especially during illness. You are definitely a core part of our family.

We are very grateful for your kindness
and generosity at her passing. Your gift to Antioch Baptist Church and proclamation at her services are truly appreciated by our entire family."

And it's signed by the family. And I just want to put this on record. We did do a small collection and the family had requested that the money be sent either to the church or to the Cancer Society. She had ovarian cancer. And the collection amounted to a $1000, which was presented to the church on behalf of the Board. So their appreciation and our thanks told through her. I wholly support that.

MR. BENNETT: Thank you.

MS. MILLER: That concludes my report.

Any questions?

MR. BENNETT: I don't have any questions. Any questions from, digitally, Ms. Lewis, Mr. Gill?

(Simultaneous speaking.)

MS. LEWIS: No questions.

MR. GILL: No questions from me thank
you. Thank you.

MR. BENNETT: Great, thank you. If you could provide the General Counsel's Report today?

MS. MILLER: Sure. The first matter on the agenda for the General Counsel's Report is litigation status. There are three cases. I'll go through them each briefly.

The first one is William V. Hunt v. DC Board of Elections. This is a matter that was filed in U.S. District Court for D.C. on October 18th. Complaint regarding the counting of write-in votes cast in the November 18th general election.

Mr. Hunt who was a write-in candidate for Mayor filed the complaint prior to the general election to request the Board count the write-in votes cast in the mayoral contest because the number of write-in votes cast in the mayoral contest was not sufficient to elect a write-in candidate.

The Board was not required to tabulate
the write-in votes cast in the contest. Rather the Board reported the number of write-in votes cast in the aggregate and provided the number, and provided that number as certified election results which are posted on the Board's website.

The complaint was filed on October 18th, the Board was not made aware of the complaint until April 25th due to filing and service errors on the Plaintiff's part. And was not formally served, the Board was not formally served until April 26th, 2019.

We filed a motion to dismiss on Wednesday, April 24th and are awaiting the Court's decision in that matter.

Butler v. D.C. Board of Elections.

This is a matter that Mr. Butler filed in D.C. Superior Court April 15th. It's an action for a Writ of Mandamus to compel the Board to accept D.C. Term Limits Campaign Initiative as a proper subject. The scheduling conference for this matter is set for July 19th, 2019.

And then finally with litigation
statuses, the last one is Graham v. DC Board of  
Elections. This matter involves the Board's  
appeal of a permanent injunction in our D.C.  
Superior Court on December the 12th, which  
prohibits the Board from taking any action on the  
Referendum 008 matter. That was the referendum  
that sought to -- it's what the, Tipped Wage  
Workers Fairness Amendment Act sought to repeal  
that initiative, Initiative 77, the Minimum Wage  
Amendment Act of 2018.

A permanent injunction was entered on  
the basis that the Board had failed to provide  
adequate public notice of the meeting. At which  
the Board formulated the referendum, the short  
title and summary statement.

The proposal of the referendum is also  
appealing the preliminary injunction. And that  
appeal is consolidated. The Board's appeal to  
the Court of Appeals has issued a scheduling  
order. And our brief is due on that on June  
26th.

MR. BENNETT: Okay.
MS. MILLER: Okay. We have final rulemaking that I will also ask the Board to consider. To amend 3 DCMR, Chapter 5, Voter Registration, regulations in support of the Address Confidentiality Act of 2018.

The purpose of those amendments to Chapter 5 is to provide a means for voters who are victims of covered offenses, or covered employees as defined by, in the Address Confidentiality Act of 2018. That law became effective on July 3rd, 2018 to make their voter registration records confidential.

Notice of 2nd Emergency and Proposed Rulemaking with respect to these amendments was published in the DC Register on April 12th, 2019. No written comments on the proposed rules were received during the public comment period. And no substantive changes have been made to the regulations. So at this time I would ask that the Board entertain a motion to adopt this rulemaking to Chapter 5 as final rulemaking.

MR. BENNETT: Can I get a motion, Mr.
Gill, I think your connection is a little better.
Can I get a motion from you, Mr. Gill to the
adoption of those final rules that were just
noted by Ms. Miller?

MR. GILL: Motion to adopt the rule.

MR. BENNETT: Let's second it. Ms.
Lewis, are you still on the line?

MS. LEWIS: Yes.

MR. BENNETT: Okay, can I get a second
for that motion?

MS. LEWIS: Second.

MR. BENNETT: Okay, so it's properly
moved and seconded. And I have a yes, so it's
unanimous. Those rules are then final, okay.

MS. MILLER: The second final
rulemaking is to amend 3 DCMR Chapter 5, Voter
Registration, the regulations listing the
District's National Voter Registration Agencies.
And just briefly, the purpose of this is to
enumerate the agencies as service or registration
agencies in the District of Columbia. This is
pursuant to federal law, and to local law.
Under the law, any agency in the District of Columbia government that provides public assistance, or that operates or funds programs primarily engaged in providing services to persons with disabilities shall serve as a voter registration agency. Additionally, the Mayor or the Council of the District of Columbia may designate additional agencies as voter registration agencies.

However, such designations are optional. The Notice of Proposed rulemaking with respect to these amendments was published in the Register on April 12th. No written comments on the proposed rules were received during the public comment period. And no substantive changes have been made to the regulations as proposed. So again, at this time I'd ask the Board to entertain a motion to adopt these rules as final rulemaking.

MR. BENNETT: Okay. Can I get a motion, Mr. Gill, regarding the regulation as listing the District's National Voter
Registration Agencies in this Title 3, DCMR, Chapter 5? Can I get a motion, Mr. Gill?

MR. GILL: A motion to proceed.

MR. BENNETT: Okay. Ms. Lewis, are you there?

MS. LEWIS: Yes.

MR. BENNETT: Can I get a second?

MS. LEWIS: Second.

MR. BENNETT: All right, so it's been properly moved and seconded. And I vote, yes. So it's, those are now final. Ms. Miller.

MS. MILLER: Thank you. And then finally we have some rules with the Office of Campaign Finance. Final rulemaking to amend 3 DCMR, Chapter 30, Campaign Finance Operations, Committees, Candidates, Constituent Service Programs, Statehood Funds; Chapter 34, Campaign Finance Recordkeeping and Audits; Chapter 37, Investigations and Hearings; and Chapter 99, Regulations.

Mr. Sanford has positioned himself at the table, and I'll have him explain those
regulations.

MR. BENNETT: Thank you, Mr. Sanford.

MR. SANFORD: And again, Mr. Chairman, and distinguished Board Members this is William Sanford again. The proposed, the final rulemaking that we are requesting that the Board consider would be to amend those Chapters in the regulations to make clear provisions of the Fair Elections Program.

Chapter 30 as indicated has to do with the operations. Chapter 34 includes audit and recordkeeping. Chapter 37 is investigations, as well as the fines schedule. And Chapter 99 deals with definitions.

Just a brief comment on Chapter 99, it would include new definitions that only apply to the Fair Elections Program, such as, base amount, certification, small qualifying donation, and the fair election, the definition of the Fair Elections Committees, and Fair Elections Programs among other definitions as a part of that program, the basic one.
The information we have provided and the publication of these regs in the DC Register on the 19th of April. And the expiration date of the 20th of May, 2019. We would ask the Board to kindly approve the final rulemaking.

MR. BENNETT: Okay. And these are the -- this is, I found this for the explanation of the Board. This is final rulemaking for -- not emergency rulemaking associated with the emergency legislation. But this is the final rulemaking associated with those regulations that were issued for --

(Simultaneous speaking.)

MR. SANFORD: They were published on the 19th of April.

MR. BENNETT: Yes, okay. And we will, we have another matter on the emergency legislation. I'm giving that information to the other Board Members.

MR. SANFORD: Yes.

MR. BENNETT: Okay. So if I can get a motion from Mr. Gill to approve the Campaign
Finance and reporting, all these Chapters that Mr. Sanford noted. Can I get a motion to approve those as final? Mr. Gill.

MR. GILL: A motion to approve. Yes, a motion to approve the chapters that Mr. Sanford referenced as final.

MR. SANFORD: Yes.

MR. BENNETT: Okay. Can I get a second, Ms. Lewis? She's here?

MS. LEWIS: Second.

MR. BENNETT: Okay, so it's been properly moved and seconded. And those rules are now final. I also vote, yes.

MR. SANFORD: Thank you.

MS. MILLER: Okay. And there is one other rulemaking proposal, for Emergency and Proposal making for the Office of Campaign Finance. Those are Emergency and Proposal rulemaking to Amend Title 3 DCMR Chapter 42, the Fair Elections Program, and Chapter 43, the Verification Process. These regulations are in support also of the Fair Elections Program the
Emergency Amendment to the Act of 2019. Mr. Sanford.

MR. SANFORD: Thank you. These regulations would be consistent with emergency legislation that was passed by the Council, and signed by the Mayor on the 22nd of May, 2019. It was enacted as D.C. Act 23-50. I would ask the Board to approve the emergency rulemaking, Chapters 42 and 43.

Most of the legislative changes regarding the Fair Election Program that were enacted in the legislation were a result of recommendations that were made by the Board. And so we ask the Board to approve this emergency legislation, emergency rulemaking.

MR. BENNETT: I agree, this is just for further explanation to the other Board Members. I think we're all aware of the fact that we asked the Council to make some changes for operational purposes to the Fair Elections Act. And they did that on an emergency basis. And now it's time for us to make sure that regs
match the legislation. And so that's what this emergency rulemaking is, what it's about.

So can I get a motion, Mr. Gill?

MR. GILL: A motion to approve the emergency rulemaking.

MR. BENNETT: Okay. Is, do we have, okay do we have Ms. Lewis anymore do we?

MS. MILLER: Yes, she's still here. She's about to pull up now.

MR. BENNETT: Okay. Okay can I get a second, Ms. Lewis?

MS. MILLER: Are you still there?

MS. LEWIS: Second.

MR. BENNETT: Okay. So it's been properly moved and seconded. Thank you. And I vote, yes as well. So, those --

MR. GILL: And kudos to you Mr. Chairman for working that out. That's a huge accomplishment to get those changes so quickly.

MR. BENNETT: Thank you. It was certainly a team effort, so. But thank you, I appreciate that. I receive it.
So, that's it. In terms of someone to work with, thank you, Mr. Sanford. So those were approved by unanimous vote by the Board.

Now what we'd like to do is to move into the review, the petition -- I'm sorry, Ms. --

MS. MILLER: Yes.

MR. BENNETT: Go ahead.

MS. MILLER: Okay.

MR. BENNETT: So your next is --

MS. MILLER: Okay, we have the next matter is the adoption of the petition. An issuance of the petition to Kerry Kemp for the proposed recall of Jack Evans, Ward 2 Member of the Council of the District of Columbia. Is the proposer here?

MS. KEMP: Yes.

MS. MILLER: Please come forward. And is there any opposition to this? Anyone that's against it?

MR. DIAMOND: Yes.

MS. MILLER: Okay, would you come forward?
MR. BENNETT: What we'd like to do is we want to conclude this matter relatively quickly. But we need to hear from all parties, we will hear from the proponent. And then we'll hear from the opposition. And anybody else who would like to speak we'll give a couple of minutes to do that as well.

We will, I will probably not issue an order from the table right away, because I want to make sure that the other Board Members have an opportunity to the advice I have -- but we'll try and do that as soon after this meeting as possible. Okay? And we'll kind of go forward. Ms. Miller, you want to --

MS. MILLER: Right. So since we have Mr. Diamond here as opposing the petition. We can give you ten minutes each as we normally do to, you will start first Mr. Diamond. You want to make an opposition to the issues of the petition?

MR. DIAMOND: All right, yes. And that schedule is okay with us.
MS. MILLER: Okay, and then you, Ms. Kemp you'll have ten minutes to respond as well. And then we will still have five minutes apiece for any rebuttal. Okay, Mr. Chairman?

MR. BENNETT: Yes, that's fine.

MS. MILLER: We'll start your ten minutes. You can see from this clock here and your time is running now. You can go, Mr. Diamond. State your name and address for the record, please.

MR. DIAMOND: My name is --

MR. BENNETT: Would you pull the mic over to you, Mr. Diamond?

MR. DIAMOND: Oh, yes.

MR. BENNETT: Thank you.

MR. DIAMOND: My name is Donald Diamond. My address is 221 9th Street SE, Washington, DC 20003. I'm here today on behalf of Council Member Jack Evans.

Mr. Chairman, Members of the Board, our comments in opposition will be brief. As of course the Board is aware, it's already issued
petitions for recall of Mr. Evans. And as such we would say, while the statute and the regulations are solid on the issue, that issuing this recall, these recall petitions, would be redundant. Could create great confusion in among the electorate.

And even though the statute is silent we would submit that to use a reductio ad absurdum, does the statute mean that 100 people could file a 100 separate recalls? A 1000 people and 1000 recalls going out at the same time?

I don't believe that's a sensible interpretation of the statute. Of course going the other way, it doesn't mean that you can't have two. But we would say that in opposition, that this request is redundant.

Secondly, we would point out for the record two items in the proponents proposed language for the petitions. And this may be a matter for the legislatures somewhere down the road, but there are a number of statements that are just false, contrary to fact. And indeed in
many countries, it would be the New York Times reporter, on libelous.

Second, a concern that we continue to have, and that the Board has had is that there's an accusation in his staff, you know, seeking corruption, which is unfair and unjust to accuse people who aren't respondents. Who aren't here. Who have no ability to defend themselves. And we would urge the Board, if it were in its discretion to issue these petitions, to take such efforts that that be removed.

MR. BENNETT: Okay.

MR. DIAMOND: That concludes our remarks.

MR. BENNETT: Thank you, Ms. Kemp.

MS. KEMP: Yes, thanks. My name is Kerry Kemp, and my address is 1725 17th Street, NW, Apartment 314, Washington, DC 20009.

Use this? Can't hear me?

Can you hear me?

MR. BENNETT: Yes, we can now.

MS. KEMP: Oh yes, now you can.
Should I repeat it?

MR. BENNETT: Did you get it, Ms. Miller, did you get the address okay?

MS. MILLER: Okay.

MR. BENNETT: She did, thank you.

MS. KEMP: I filed this petition, this effort to file a petition because I was concerned that the other petition was being challenged, and by Jack Evans, and might not get through. And I wanted, and I feel strongly that --

MR. BENNETT: Tell us what's up.

MS. KEMP: Okay, fine. Jack Evans needs to be held to account by the Ward 2 voters. And even though another petition has been approved, I would like to keep this one in -- we will not be collecting signatures with this petition, we would just be holding it in --

MR. BENNETT: Hold on one second so we can figure something out.

MS. KEMP: Something's with the -- yes.

MR. BENNETT: Sorry. I'm sorry,
please go ahead, Ms. Kemp.

    MS. KEMP: We just want to have it as a backup should something happen to the other petition. So one of my questions is how long, what is there a particular date at which the appeals or the challenges of the first petition, they are over? Because, yes is there a date where we can rest assured that that petition will --

    MR. BENNETT: No.

    MS. KEMP: -- go forward?

    MR. BENNETT: We have --

    MS. KEMP: I mean it's been approved, but are there other challenges?

    MR. BENNETT: No, there are not any challenges that we would hear other than the petition itself. So they've got 180 days to get their -- and Alice please correct me.

    MS. MILLER: Okay.

    MR. BENNETT: They have 180 days from the time that the petition is issued to provide ten percent of the signatures, valid signatures.
Now once those are provided, it is possible that they may not meet the, you know, threshold for the ten percent. But that will be determined then once we receive the petitions and go through the process of validating the signatures.

I can't, I'm trying to think of any other, there's no --

MS. KEMP: No external challenge?

MR. BENNETT: Not during this 180 day period. Now they could not make the deadline. They could, you know like it was said, they could provide the petition but not have sufficient signatures. And there could be a number of ways in which the petition could fail. But those are things that we would have to deal with after --

Thank you.

MS. MILLER: Welcome.

MR. BENNETT: But those are things we'd have to deal with after the petition was actually submitted.

MS. KEMP: So if they were to get those --
MR. BENNETT: I'm sorry.

MS. MILLER: The appeal process for the order. They could appeal the order.

MR. BENNETT: I'm sorry, they --

MS. MILLER: The proponent, the --

MR. BENNETT: Would you visit us?

MS. MILLER: Just one other thing obviously, Mr. Evans could appeal the Board's order once that issues.

MS. KEMP: That's what I'm concerned about.

MS. MILLER: Yes, there's the point of appeals.

MS. KEMP: He could appeal the Board's order. So that's why I sort of, I want to keep this as a backup.

MR. BENNETT: Yes.

MS. KEMP: For any of those contingencies. But we will not be collecting signatures unless that becomes necessary.

MR. BENNETT: Well, now let me clear though. If you submit it. We have to treat it
on its face.

MS. KEMP: Yes.

MR. BENNETT: That this is not a backup. That this will go forward accordingly.

MS. KEMP: Okay.

MR. BENNETT: So however you decide to deal with it, manage it yourself is fine. But we don't have the --

MS. KEMP: You can't deal with it as a backup?

MR. BENNETT: No we can't deal with it as a backup. It stands on its own face just as the petition that was, that we issued that we allowed to go forward last week.

MS. KEMP: And what are the criteria that you use in determining whether it gets issued to go forward? I mean is that just, yes is there --

MR. BENNETT: Well don't you got the requirements of the law in terms of filing and the petition itself, so --

MS. KEMP: Okay, I think so.
MR. BENNETT: -- the submission. So the only thing that I would share with you, while that was not the basis, but he did change it, that was not the basis of issuing the other petition for Mr. Eidinger.

MS. KEMP: The staff thing?

MR. BENNETT: I'm looking, yes.

That's the language --

MS. KEMP: I'm willing to change that language.

MR. BENNETT: -- that we're looking at. That's really your call whether you decide to change --

MS. KEMP: I'm happy to change that.

MR. BENNETT: That --

MS. KEMP: To make it whatever you would --

MR. BENNETT: I'm not demanding that you do that.

MS. KEMP: No, no, no.

MR. BENNETT: I'm just saying that's what the Board --
MS. KEMP: It's not essential.

MR. BENNETT: So if you decide to change that, that's certainly fine. But if you want to go forward then we would deal with it as a standalone item.

MS. KEMP: I would like to go forward.

MR. BENNETT: And move forward accordingly, so --

MS. KEMP: And if you give me language that you think would be acceptable, I think there was something done in Mr. Eidinger's petition?

MR. BENNETT: Yes, what was taken out, I'm trying to find your petition now.

MS. KEMP: Yes.

(Off the microphone comments.)

MS. MILLER: It's right there.

MR. BENNETT: Okay.

MS. KEMP: Whatever was done in that.

MR. BENNETT: The language that was taken out was in the, it says, in your --

MS. KEMP: Using his office and staff.

MR. BENNETT: It would be the third
paragraph and it says, he has created the appearance of corruption by using his office and his staff to --

MS. KEMP: Take out again his staff if fine.

MR. BENNETT: -- solicit work. That was what the other two Board Members had issue with.

MS. KEMP: That's fine.

MR. BENNETT: Let me be real clear though, and I appreciate your --

MS. KEMP: Your eagerness to comply.

MR. BENNETT: Your compliance, however you're not getting from us that that's a requirement to take it out.

MS. KEMP: Got you, okay.

MR. BENNETT: Okay. That's the only point. They, the other two Board Members wanted to point out that that was an issue. That they had some concern.

MS. KEMP: I think that's a valid issue.
MR. BENNETT: So it's your call to
turn --

(Simultaneous speaking.)

MS. KEMP: Because it's not essential
to the larger purpose of the --

MR. BENNETT: It's completely up to
you, Mr. Kemp.

MS. KEMP: Can I say yes to that?

MR. BENNETT: You can.

MS. KEMP: Now?

MR. BENNETT: If you'd like to --

MS. KEMP: I don't feel I'm under any
duress or anything from the --

MR. BENNETT: If you'd like to change
it, you're more than welcome to.

MS. KEMP: Okay.

MR. BENNETT: Okay.

MS. MILLER: If that's the case, we
will have to redo the petition.

MS. KEMP: Okay.

MS. MILLER: And we can take off to do
that. When they've prepared the petition and you
submit it.

MS. KEMP: Again.

MS. MILLER: The notice that was stamped to that petition was the one that was going to be issued. So this will require some occupational --

MS. KEMP: Okay.

MS. MILLER: To do that.

MS. LEWIS: Yes, I just want to say I fully appreciate, you know, you doing that, agreeing to do that. I imagine in Board the review would have very similar sentiments as expressed the first time around. So we certainly appreciate that.

MR. BENNETT: I think we can get you up here on the phone, would you like to --

MR. GILL: No, I agree. I appreciate that. I appreciate that. If we're going to have comments, at the end of the -- comments in general, but I'll wait until you're wrapping up, Mike.

MR. BENNETT: Okay, all right. You
have any questions, Ms. Lewis?

MS. LEWIS: No thank you. I could point out what, well just other matter. You're concerned about what the status of the appeal will be. But we don't know that, but you could certainly, just procedurally not -- withdraw this filing and file if the appeal goes forward. As long as it's done so before the last day of the recall process. That's up to you.

MS. KEMP: The only thing is I'd have to go through all of this again.

MR. BENNETT: Yes.

MS. KEMP: So I'd rather just have it --

MS. MILLER: Just up, off the mat.

MS. KEMP: Yes, yes.

MS. MILLER: Proceed, just proceeding as an option.

MS. KEMP: Yes.

MR. BENNETT: So.

MS. KEMP: Do we have --

(Simultaneous speaking.)
MR. BENNETT: I think this thing is typical.

MS. MILLER: Just a few more minutes.

MR. BENNETT: Unless you, what you've done so well so far.

MS. MILLER: No we're good. It's rebuttal. If you have any final concerns.

MR. DIAMOND: No we'll, our time's up.

MR. BENNETT: Okay. Do you have anything you want to close with Kemp?

MS. KEMP: No thank you.

MR. BENNETT: Okay, do we have anybody that would like to speak on behalf of the proponent or -- yes, sir. You'd like to speak on behalf of --

MR. HANRAHAN: Yes. It's just a, really a matter of inquiry again to clarify --

MS. MILLER: Can you state your name and address for the record, please?

MR. HANRAHAN: Oh, I'm sorry. Yes, John Hanrahan.

MR. BENNETT: And you've already, and
we'll update the six second test.

MR. HANRAHAN: Second test -- it's going to be hit and run.

MR. BENNETT: Well that's okay. We've had it. We want you to be comfortable while you're in the running.

MR. HANRAHAN: John Hanrahan, 1505 Q Street, NW. It's just a question about clarification on the discrepancy Council had objection to Adam Eidinger's address. Whether he was a resident of that. And I was wondering on that issue, does he have a certain amount of time if he wanted to appeal that to the Court. Saying that the Board here in --

MS. MILLER: Right, that's the appeal where we'd be brought into that. Order has not issued yet, so once that order issues, then the timing will run for him to file the appeal on that.

MR. HANRAHAN: And how much time?

MS. MILLER: Thirty days.

MR. HANRAHAN: Thirty days, yes that's
what I was questioning. Thank you very much.

MS. MILLER: That's it?

MS. HANRAHAN: And a follow-up on that?

MR. BENNETT: Sure.

MS. MILLER: Could you say your name, and address for the record, please?

MS. HANRAHAN: Oh, Debby Hanrahan, 1505 Q Street, NW. Once he has 30 days. In your experience, how long does it take for the Court to move on that? You know, in that predicament? Could it be a month, two months, three months?

MS. MILLER: It could be a year.

MS. HANRAHAN: It could be a year, so that's when the backup initiative becomes, a recall becomes a --

MS. MILLER: Comes into play.

MS. HANRAHAN: Comes into play. And protects our effort to go forward with the recall one way or another. And I'm also wondering can Mr. Evans's lawyer in his behalf, raise other issues with the Court? Only this one?
MS. MILLER: Yes.

MS. HANRAHAN: That's all?

MS. MILLER: It's just whatever is in the order on appeal.

MS. HANRAHAN: I see, okay. So that we only have to look out for one.

MS. MILLER: That's good to hear.

MS. HANRAHAN: May I ask another question?

MS. MILLER: Certainly.

MS. HANRAHAN: We're confused about the committees. We have a committee. We have a bank account. We have a little bit of money in our bank account to show how we're spending our funds in behalf of this recall. Does Mr. Evans have to have a committee, and a treasurer, and bank account to show how he is defending himself in this recall?

MS. MILLER: I'll ask Ms. Montgomery to address that.

MS. MONTGOMERY: Fine. What would happen is in the event that the subject of the
recall petition collect contributions to oppose the recall, or makes expenditures to oppose the recall, he would be required at that point to register with our office.

MS. HANRAHAN: As an organization, or just the expend -- would that be a separate organization or just the expenditures?

MS. MONTGOMERY: It would be -- what he would be required to register with our office, would be a committee --

MS. HANRAHAN: A committee, so it would be a committee?

MS. MONTGOMERY: -- to oppose to recall effort.

MS. HANRAHAN: Okay. Okay, thank you, okay.

MR. BENNETT: All right, thank you. Thank you, both.

MS. MILLER: Ms. Kemp could you stay there, please?

MS. KEMP: Yes.

MS. MILLER: We don't have much time
now.

MR. BENNETT: Huh.

MR. SINDRAM: Mr. Chair.

MR. BENNETT: Yes, sir.

MR. SINDRAM: I'd like to weigh in.

MR. BENNETT: Okay, Mr. -- I'm sorry, hold on a second, Mr. Sindram. You wanted what, now?

(Off the microphone comments.)

MR. BENNETT: I'm sorry Mr. Sindram, you're more than welcome to make a comment now.

MR. SINDRAM: Thank you. Hello, I'm Michael Sindram, disabled veteran who served our country more than most. I recall Mr. Chair, an impassioned plea you made from the dais regarding democracy. How democracy should work and a cornerstone, a keystone is vote, vote, vote, vote.

You realized Hitler got into power, into power by the vote of one. The point is this. We the people had voted on term limits back in 1992. And the Board, the powers if they
honored that, we wouldn't have this discussion now. Jack Evans would not have the 21 years plus because he would be ineligible due to term limit.

Fast forwarding, he has since been removed from the Washington Metropolitan Area Transit Authority chairmanship of the Board. That should have been done long ago and far away. This Councilman from Ward 2 is corrupt. And he has an ongoing pattern of corruption. I'm taken aback that the Board, Mr. Chair with all due respect, and your colleagues, are needling this recall.

Yet, you are permitting the opponent who doesn't reside in Ward 2, as I recall he gave an address over in SE, what gets with that? All's fair in love and war.

You required the items to be on the ballot to be initiated from Ward 2 folks. Then in kind, any opposition should be as well. But it appears to me that Mr. Evans is receiving preferential treatment throughout this. And he's still there. Nothing has basically changed.
He's got a little slap on the wrist
with his buddy Philip Heath Mendelson. Don't do
it again, Jack. Don't do it again. With, what
was it DC Sports or whatever, taken on this
committee. But he's still there. Still there,
sad but true.

Once again, you Mr. Chair, hold the
vote near and dear to your heart. But why should
I bother voting, why should anybody bother voting
if the vote doesn't matter when we say, term
limit. If we say Initiative 77 should go
through. And the motley crew to approve are now
limited to Evans, says no. We know better.
Well, if you know better, why even bother having
a Board? Why bother voting? Let the Council,
you know let's have, the closest thing to a
communist entity, which is the Council to
overturn the will of the sovereign body, we the
people.

This is something you, Mr. Chair, and
the Board need to look at very closely. And
again with this recall to throw hyper-
technicalities at the, like this recall
initiative. It's not good. This is defeating
the purpose of democracy.

Again, Mr. Chair, it came from your
heart and I feel your passion, vote. But why
should I bother voting? If you're going to
neutralize what our vote stands for or what our
vote accomplishes, why bother voting at all?

And that's the mindset of a good
number of folk. My vote doesn't matter. My vote
doesn't count, but it does. Once you get Hitler
gutted, the power by the vote of one.

MR. BENNETT: Thank you, Mr. Sindram.

But, but --

(Simultaneous speaking.)

MR. SINDRAM: -- blood was shed --

MR. BENNETT: Mr. Sindram.

MR. SINDRAM: -- as I'm sure you know.

MR. BENNETT: Mr. --

MR. SINDRAM: -- for the precious
right to vote. I as a disabled veteran who
served our country more than most, has finally
found a line for due process and well as interference, as have fellow soldiers.

(Simultaneous speaking.)

MR. BENNETT: Mr. Sindram, Mr. Sindram, my apologies for interrupting but you've gone past your, the time we've allotted. Just for the record though the representative for Mr. Evans is his Counsel. And Counsel is not required to live in Ward 2.

But we will review that for other public matters at a later point. So thank you for your comments, Mr. Sindram.

MR. BENNETT: Anything else Ms. Miller?

MS. MILLER: At this point is there anything else from either of the -- at this point, so we would ask the Registrar or the voters come forward. Did she leave out too?

(Off the microphone comments.)

MS. MILLER: I think she went to fix the petition, so do you want to move to the next matter?
MR. BENNETT: Yes, let's move to the next matter.

MS. MILLER: Or take a break?

MR. BENNETT: No, let's move to the next matter, then we'll come back to it.

MS. KEMP: Should we stay here or leave?

MR. BENNETT: Yes.

MS. MILLER: Yes stay here.

MR. BENNETT: Yes, yes please stay.

Okay.

MS. MILLER: Okay, the next matter is an appeal from the Advisory Neighborhood Commission 7B Resolution. Appeal by Phillip Hammond for Resolution issued by Advisory Neighborhood Commission 7B regarding Nicole Smith-McDermott. Are the parties here?

MR. HAMMOND: Yes, I'm one.

MS. MILLER: Ms. Kerry could you step back and have the seat back in the --

MR. HAMMOND: Step back?

MS. MILLER: -- galley? Not you, Ms.
Kerry.

MS. KEMP: Oh, me?

MS. MILLER: Yes.

MS. KEMP: Okay, I thought you said --

MS. MILLER: I want you to stay here,
but just to seat yourself --

(Simultaneous speaking.)

MS. KEMP: Oh, I see what you said,
okay that's -- what I was asking, Okay, sorry.

MS. MILLER: We're going to call Ms. McDermott. I understand she is unable to be
here, but can appear by phone.

(Off the record comments.)

MS. MILLER: This matter has to do
with an appeal from a Resolution that was issued
by the ANC 7B04 regarding a vacancy being
declared in that ANC. This matter came before
the Board, I believe it was March. And the Board
directed the parties to go to the ANC.

Mr. McGann, do you want to do a
synopsis of where we are with respect to this?

That would be great.
MR. MCGANN: Good morning, Rudolph McGann, Secretary of the Board of Elections. At this point in time, the Complainant is appealing the Resolution from the ANC 7B. Currently there was no vacancy in the Single-Member District of 7B04 with respect to Ms. Nicole Smith-McDermott's residency.

MS. MILLER: So from this point, we would I guess hear from the parties regarding what your issue is in terms of opposing the Resolution and Ms. McDermott who has submitted some evidence supporting her residency as well. We'll start with Ms. McDerm -- with the challenger.

Could you state your name and address for the record for us, please?

MS. MILLER: You have addressed it?

MR. HAMMOND: Yes, yes.

MS. MILLER: No, not you, Ms. McDermott -- go ahead.

(Simultaneous speaking.)

MR. HAMMOND: Yes, sir. Will you give
me a chance to review this, please?

MR. BENNETT: Yes, sir. Hold on Ms. McDermott, we're going to hear the opposition first and then, I mean from the --

MS. MILLER: Challenger.

MR. BENNETT: -- challenger first.

And then we'll hear from you. Is that okay? Can you hear me okay?

MS. MCDERMOTT: Yes, that's fine.

MR. BENNETT: Okay, thank you.

MS. MILLER: He's reviewing documents, Ms. McDermott so sit tight for a minute.

MR. HAMMOND: Okay, good morning.

MS. MILLER: Let me just tell you Mr. Hammond, once you get started we're going to give you ten minutes to present.

MR. HAMMOND: Ten minutes.

MS. MILLER: Would you like to, if you could look right here to see the time. Can you see that?

MR. BENNETT: Can you see it over here? Can you see that time?
MR. HAMMOND: Actually I can't see that. Can I look in this spot here?

MS. MILLER: That spot here, well this actually counts down the ten minutes.

MR. HAMMOND: I see. Okay, good morning Chairman Bennett and committee members.

MR. BENNETT: Good morning.

MR. HAMMOND: This is my appeal of the ANC 7B's Resolution. I am Phillip Hammond, former ANC Commissioner of ANC 7B04. On March the 6th, 2019 I addressed the Committee and the Board regarding my challenge of residency of Nicole Smith-McDermott's residency at 35 --

MR. BENNETT: Can you pull the mic away from your mouth a little bit? I think that may help in terms of --

MR. HAMMOND: Back a little bit?

MR. BENNETT: Yes, sir.

MR. HAMMOND: Okay.

MR. BENNETT: Let's see if that helps?

MR. HAMMOND: Better?

MR. BENNETT: Yes, sir. I think so.
MR. HAMMOND: Okay, I addressed the committee and the Board regarding my challenge of the residency of Nicole Smith-McDermott's residency at 3525 Highwood Drive, SE, Single-Member District 7B04. Today I'm here to appeal the Resolution of ANC 7B to allow Ms. McDermott to continue to serve as the ANC Commissioner of 7B04.

To support my appeal I will submit documents to the committee for your consideration and ask the committee to require Ms. McDermott to provide her documents as well. The documents supporting my challenge are, the first one is a statement, my statement for the ANC 7B minutes which occurred on April the 4th, 2019.

Number 2, the 21 year voting history for Lester Cameron, which was from 1988 to 2019, when he lived at 3525 Highwood Drive, SE. The third I have some photographs of Mr. Cameron moving from 3525 Highwood Drive, SE on March the 30th, 2019.

The fourth is letters from the
residents and the Penn Branch Civic Association.
And Number 5, Ms. McDermott's Office of Tax and
Revenue homestead exemption at 4011 Clay Place,
NE. And the last is Adele E. Smith's Office of
Tax Revenue, the homestead exemption at 3525
Highwood Drive, SE.

These documents I'll provide you with
and I'm looking at the documents that I just
received from Mr. McGann from Ms. McDermott. So
it's unfortunate that she's not here. She is on
the conference call, but unfortunate that she's
not here. So, but I will provide you with these
documents. And I'll go forward.

Now I do have the Vice President of
the Association to Penn Branch, who has submitted
a letter. And this we have, as well as she's
present. So she may want to make a statement as
well. But, I'll present you with these.

Now, do you need to keep these
documents, or can I get the documents back from
you. You can make copies?

MR. BENNETT: Yes, sir.
MR. HAMMOND: So those are my documents and I, should I ask the Vice President to the Association to come forward to give a statement?

MR. BENNETT: Sure.

MR. HAMMOND: Ms. Cannon, would you come forward please?

MS. MILLER: Ms. Cannon, could you state your name and address for the record please?

MS. CANNON: Yes. My name is Jacqueline Cannon. I reside at 3610 Highwood Drive SE. I am, in addition to being a 21-year resident of the Penn Branch neighborhood, I'm also the vice president of the association.

And I provided a letter to Mr. McGann personally on this matter. And today I'm here to read our letter from the Penn Branch Citizens Civic Association.

This was submitted to Mr. McGann.

Dear Mr. McGann, the Penn Branch Citizens Civic Association is writing to express concerns about the residency and subsequent election of ANC 7B04
Commissioner Nicole Smith-McDermott on November 6th of 2018.

Several residents, including those living next door, across the street, and in the immediate vicinity attest that Nicole Smith-McDermott did not reside at the 3525 Highwood Drive SE address during the required 60-days prior to the election in accordance with the DC Board of Elections law or code.

Ms. Smith-McDermott did not live in the property until around April 2019, months after the election. The Penn Branch Citizens Civic Association is represented by two Advisory Neighborhood Commissions, ANC 7B07 and 7B04.

We raised the concerns because 7B04, which includes Penn Branch Shopping Center, is within the boundary certified Penn Branch Citizens Civic Association.

We pride ourselves in civic action, responsibility, and fostering a strong community with strong ethics and values. However, the election of Ms. Smith-McDermott raises serious
ethical issues that are a major concern to many
of our residents.

We also raise the following. Prior to
the election, two PBCCA Board members visited the
neighbor next door to 3525 Highwood Drive SE.

(Telephonic interference.)

MR. BENNETT: Ms. McDermott, if you
can put yourself on mute.

MS. CANNON: And the board members
were told that the home was owned by Ms. Smith-
McDermott's mother. But neither she nor her
mother lived at that property.

The neighbor also encouraged the two
board members to knock on the door to speak with
Mr. Cameron who lived at 3525 Highwood Drive SE
property for more than 20 years.

The two PBCCA officers knocked on the
door at 3525 Highwood Drive SE and were told by
the former resident, Mr. Cameron, that Ms. Smith-
McDermott did not live at the property but had
asked the tenant to place her campaign sign in
the front of his residence at 3525 Highwood
Drive, the home that he had rented for almost 20 years.

The PBCCA has reviewed its records and has no indication of Ms. Smith McDermott residing in the community or being included in any records of block captains for the 3500 block of Highwood Drive. Several neighbors have gone on record that Ms. Smith-McDermott never lived at the property.

And I’ve provided Mr. McGann with letters. One is a notarized letter from a neighbor that’s four houses down the street. And I provided him with a letter from another neighbor that’s directly across the street. And that individual just happens to be the block captain for the block.

According to several neighbors, the property at 3525 Highwood Drive had been rented to a Mr. Lesten Cameron, Lester, excuse me, Cameron, for over 20 years. In March of 2019, Mr. Cameron, a 70-year-old senior citizen, was given a few weeks to vacate the property. He
moved out around March 30th of 2019 and ---

MS. MILLER: Excuse me, Ms. Cannon,
you've got two minutes.

MS. CANNON: Okay. I'm wrapping up here. And Ms. Smith-McDermott then moved into the property around April of 2019.

The PBCCA believes that, given the neighbors and PBCCA accounts, Ms. Smith-McDermott did not comply with the residency requirement of the DC State Board of Election code.

The PBCCA asks that the Board carefully review the statements and concerns of our neighbors, and the Penn Branch Citizens Civic Association. We are asking the Board to disqualify the election. Sincerely, Penn Branch Executive Board members.

MR. BENNETT: Thank you. Any other comments?

MR. HAMMOND: Yes, I do have a question in regards to the information in the letters that are being presented to the Board, to the Committee. How much weight do they carry?
And in regards to our testimony, and our submittal of documents to you, just how much weight do these letters carry?

MR. BENNETT: We'll consider them along with all the evidential documentation that we have. It just depends. I'm not trying to be evasive, but it just depends.

MR. HAMMOND: Depends on what?

MR. BENNETT: It depends on the weight of all evidence that we receive.

MR. HAMMOND: Now, I have looked at the documents that Ms. McDermott had provided to Mr. McGann. Initially, she provided three documents verifying her residency. These are new documents, and so I don't --- certainly I don't believe they're credible.

But certainly she's on the phone, she can say what she has to say. But personally I am rejecting these documents as being part of the record. Because these things should have been submitted, actually, January the 10th when Karen Brooks asked her for documents to verify her
residency. It should not take --

(Telephonic interference.)

MR. HAMMOND: -- all that time. It should not take this long for her to come up with additional documents showing that she lived there.

MR. BENNETT: Thank you. Any questions before we --- any questions, Mr. Gill, do you have for the challenger?

MR. GILL: No, I do not have any questions.

MR. BENNETT: Ms. Lewis, do you have any questions?

MS. LEWIS: Maybe.

MR. BENNETT: Okay, one second. Ms. McDermott, are you still on the line? We have to ask you to make a comment, make a decision.

(No audible response.)

MR. BENNETT: Okay, no questions for --

MS. MILLER: Ms. McDermott, are you on the line? Ms. McDermott?
MR. BENNETT: Ms. McDermott?

(Off the record comments.)

MR. BENNETT: The way this will work, we'll let Ms. McDermott make her statements and position. And then we'll ask if there's anybody else, if she has anybody to testify on her behalf. That'll be a part of her ten minutes.

(Simultaneous speaking.)

MR. HAMMOND: Should I stay here?

MR. BENNETT: You can either stay there or perhaps sit with them, if that is your preference.

MS. MILLER: Is she on?

MR. BENNETT: She is.

MS. MILLER: Okay, Ms. McDermott, you'll have ten minutes to present your testimony. It's now 11:53 according to the clock that we have in here. We're going to put a ten-minute timer on. And I'll ask you to start by stating your name and address for the record, please.

MR. BENNETT: Ms. McDermott, did you
1 hear?

(No audible response.)

MR. BENNETT: Ms. McDermott?

MS. MCDERMOTT: Yes, I am here. It's a little ---

(Simultaneous speaking.)

MS. MCDERMOTT: I actually didn't hear --- I believe Mr. Hammond spoke first. I heard him running off numbers. That was pretty much all I heard. And I believe there was a woman, Jacqueline, I think I heard her name was, that spoke shortly after him. I heard nothing of what she said. So it sounds like, I mean, everything, it sounds a little far away. So it's not too clear.

(Off the record comments.)

MS. MILLER: Okay. So we're going to try this again. There was evidence presented. It's a letter, actually, that was read into the record. And we can provide you a copy of that letter.

MS. MCDERMOTT: There was a letter for
the record.

MS. MILLER: There was a letter that was read into the record by Ms. Jaqueline --

MS. CANNON: Cannon.

MS. MILLER: -- Ms. Jaqueline Cannon.

We can provide you with a copy of the letter.

It's from the Penn Branch Citizens Civic Association basically just expressing concerns that you were not a resident of the ANC 7B04.

MS. MCDERMOTT: Is there someone there from ANC 7B04?

MS. MILLER: Ms. McDermott, I believe it's here.

MS. MCDERMOTT: It's not.

MS. MILLER: Are you --

MS. MCDERMOTT: Okay, no that's fine.

MS. CANNON: Excuse me?

MS. MILLER: She's asking if you are a resident of 7B04.

MS. CANNON: I live right down the street. I'm technically 7B07, I believe it is.

But I'm also the vice president of the Penn Branch
Citizens Civic Association. And Highwood Drive is part of the Penn Branch Citizens Civic Association. And Highwood Drive is part of the Penn Branch Citizens Civic Association boundaries.

As I mentioned in my letter, Penn Branch Citizens Civic Association is covered by two ANCs, 7B04 and 7B07.

MS. MILLER: All right. Ms. McDermott, we're going to give you ten minutes to present your testimony. And I'll say again, this clock that we're looking at is saying 11:58. So we're going to start right now. And you can go forward with whatever you'd like to say to respond to the challenge.

MS. MCDERMOTT: I'm not sure what I'm actually really responding to. I'm responding to hearsay. And so I'm not --- there's nothing for me to necessarily respond to. It's hearsay, generally.

Unfortunately, I could not be here today. I heard something mentioned about me not
being there. But I do have sick son which takes
precedence over this smear campaign that is
happening here.

So I don't really, I mean, I presented
factual evidence. I presented the paperwork, I
presented the necessary documentation. So I
don't know ---

MS. MILLER: Do you want to tell us
what you ---

MS. MCDERMOTT: -- what other
documents ---

MS. MILLER: Do you want to tell us
what you presented, for the record, please?

MS. MCDERMOTT: Oh, yeah. Sure. So
do you want me to go ahead and ---

MS. MILLER: Yes.

MS. MCDERMOTT: -- present it?

MS. MILLER: Uh-huh.

MS. MCDERMOTT: Okay. So for the
record, what was just presented was -- it was for
the paperwork that stated my ID, my W-4 tax
document. I think also, for the record, because
I heard something come up about tax and revenue.
I'm not sure what exactly that was that came up,
because I didn't hear what that was.

So the assumption is probably the Clay Place address. There was an oversight from Office of Tax and Revenue regarding the tax payment on that property that has been rectified.

And I have it resolved on Page -- over $2,000, correcting errors on the Office of Tax and Revenue, from the Office of Tax and Revenue. I can provide that information. I didn't provide that information, because I didn't realize it was necessary to provide.

And also, for the record, I provided my ID, this statement, tax paperwork, fees, SF-50 and paystubs. I also presented documentation that dates back to July.

MR. BENNETT: Ms. McDermott, is everything okay?

MS. MILLER: Ms. McDermott, can you hear us?

MS. MCDERMOTT: Yes.
MR. BENNETT: And this is Michael Bennett, the Chair of the Board of Elections. Can you hear me okay?

MS. MCDERMOTT: This is who?

MS. MILLER: The chairman of the Board.

MS. MCDERMOTT: Oh yes, uh-huh.

MR. BENNETT: Hi, is this better?

MS. MCDERMOTT: Yes.

MR. BENNETT: Okay. Boy this is really challenging. I wanted to ask you, part of the challenge here is that the challenger claims that you -- challenges the timeframe in which you moved into the address that is in this particular ANC ward. Can you state for the record what date you became a resident of the address?

MS. MCDERMOTT: (Telephonic interference) since 1987.

MR. BENNETT: So you moved into that property --

(Simultaneous speaking.)

MR. BENNETT: -- in 1987?
MS. MCDERMOTT: Yes, that's been my primary residence since 1987. I have the papers on that, so forth and so on. And that's been my primary residence since 1987.

MR. BENNETT: And can you state for the record ---

MS. MCDERMOTT: Well, it's '87 or '89. And that was the time it was purchased by my father who is now deceased.

MR. BENNETT: And can you state for the record the address of that property please, Ms. McDermott?

MS. MCDERMOTT: 3525 Highland Drive SE, Washington, D.C.

MR. BENNETT: And so you've been a resident of that address continuously since --- and the property was purchased by your father in 1989 or thereabouts, anyway?

MS. MCDERMOTT: I haven't maintained my residency at that property since then. I did go away for college from that period of time. Huh?
MR. BENNETT: I'm not trying to guess your age, but what period of time where you away for college or were not a resident there, I'm sorry.

MS. MCDERMOTT: From 2003 through 2008. In 2008, I worked in northeast Washington, D.C. And we came back and re-claimed the property as my primary residence, which even (telephonic interference). That was not my primary residence. I still maintain my primary residence at 3525 Highwood Drive SE.

MR. BENNETT: Okay. All right. Do you have any questions, Ms. Lewis?

MS. LEWIS: I have a few, actually.

MR. BENNETT: Ms. Lewis has a couple of questions for you now as a Board member.

MS. MCDERMOTT: Who has questions?

MR. BENNETT: Ms. Dionna Lewis, another Board member. If you can just hold on one second?

MS. MCDERMOTT: Okay, sure.

MR. BENNETT: Give her a chance to ask
the questions.

(Off the record comments.)

MS. LEWIS: Hi, good afternoon, Ms. McDermott. How are you?

MS. MCDERMOTT: Hello. I'm okay, this is an ongoing process. But, you know, I'm trying to work with everyone here in this to resolve what is happening. But other than that, I'm doing really great, thank you.

MS. LEWIS: You're welcome. When you say your primary residence, can you explain what you mean by that?

MS. MCDERMOTT: I can give the actual, you know, definition ---

MS. LEWIS: No, I don't want a Webster's ---

(Simultaneous speaking.)

MS. LEWIS: Yeah, I don't want a Webster's definition. I would like to know, when you say primary residence, what do you mean by that? Does that mean that you send mail there, does it mean that you sleep there and lay your
head there at night? Does it mean that your family resides there on a continuous basis. Does it mean that you live there, you know, half the time out of the week and the other half somewhere else? Does it mean that it's a vacation home? What do you mean when you say primary residence?

MS. MCDERMOTT: Primary residence meaning the majority of the time out of the 12-month period. At least every month you stay at that location. And I do receive mail here.

MS. LEWIS: Okay. And when you ---

MS. MCDERMOTT: I mean my family that lives there.

MS. LEWIS: Okay. And when you --- okay, and when you say at least the majority of the time, is there some other location that you are residing at?

MS. MCDERMOTT: Yes.

MS. LEWIS: Okay, where is that?

MS. MCDERMOTT: But not currently, no.

MS. LEWIS: Okay.

MS. MCDERMOTT: Currently, no.
MS. LEWIS: Okay. And what timeframe are we talking about when you say previously?

MS. MCDERMOTT: Previously ever since two years ago.

MS. LEWIS: Okay. And where was that?

MS. MCDERMOTT: In Northeast, Hawthorne Court NE.

MS. LEWIS: Okay. And when you say you were there, so were you sharing an address in Hawthorne Court as well as the address in question at Highwood Drive?

MS. MCDERMOTT: Was I sharing it?

MS. LEWIS: Right. Were you officially co-residing at 3525 Highwood Drive as well as in Northeast DC on Hawthorne?

MS. MCDERMOTT: Yes.

MS. LEWIS: Okay. How much time were you spending at one location versus the other?

MS. MCDERMOTT: At Hawthorne Court, less than 50 percent of the time. And again, the majority of the time is at 3525 Highwood Drive.

MS. LEWIS: Okay. So you said 50
percent of the time. So was it a 50-50 split?

MS. MCDERMOTT: No, I didn't, less
than 50 percent of the time. It wasn't a 50-50
split.

MS. LEWIS: Less than?

MS. MCDERMOTT: So it was more for the
purposes. The last time, you know, I'm going to
answer the question that you're asking me, of
course, but I feel like we're getting into a lot
of personal information.

You know, I do want to also say for
the record that my child's father is a homicide
detective. So I bring that for several reasons.
He is very honorable for we need to operate it
for safety purposes. But again, at 59 Hawthorne
Court is was less than 50 percent of the time.

And it's more so for transit purposes
to be closer to my child's school who will
transport at upper Northwest. And so from that
location he can get to that other school rather
than over at Highwood Drive, yes, over at
Highwood Drive which is not an issue there,
because he ---

(Simultaneous speaking.)

MS. LEWIS: When did you transition
the shared residency from Hawthorne Court? Do
you have an approximate date?

MS. MCDERMOTT: No, I don't have an
approximate date. During the school year though,
again, it's during the school year, on and off
during the school year, so from a period of
September through November, all school days, or
whenever school was in session, or school was not
in session, that's something different.

So, I mean, I can give you a calendar,
a school calendar that ---

MS. LEWIS: No, I don't need a
calendar. I just need your testimony. What I
want to hear from you is approximately what year
it was, if you know the year, that you no longer
co-resided at 59 Hawthorne as you have indicated.


MS. LEWIS: Okay, do you know who
Lester --
PARTICIPANT: Lester Cameron.

MS. LEWIS: -- Lester Cameron is?

MS. MCDERMOTT: Yes, I'm a family friend. He's my mom's friend, actually.

MS. LEWIS: Okay, was he residing on Highwood Drive at the property?

MS. MCDERMOTT: Yes, he was also residing there with us.

MS. LEWIS: How long had he been residing there?

MS. MCDERMOTT: He was still residing there with us for maybe ten years or so.

MS. LEWIS: And when you say us, who is us?

MS. MCDERMOTT: Myself, my mother, my brother.

MS. LEWIS: Okay. So your mother and brother still live on Highwood Drive as well?

MS. MCDERMOTT: My mother does, my brother does not.

MS. LEWIS: In 2018 when you left 59 Hawthorne, who resided in the Highwood Drive
location?

MS. MCDERMOTT: What does that have to do with anything? The reason I know, for privacy reasons, I don't want to disclose who stayed at 59 -- that's where I used to stay. It's confidential.

MS. LEWIS: I'm not, just to be clear --

(Simultaneous speaking.)

MS. LEWIS: Ms. McDermott ---

MS. MCDERMOTT: I don't know if this property is disclosed in somebody else's name. That's not a part of the case.

MS. LEWIS: I didn't, Ms. McDermott --

(Simultaneous speaking.)

MS. LEWIS: Ms. McDermott, I'm a Board member. And we are the ones making a determination on your residency status. And so I think it will be helpful if you did answer the questions that are asked. I did not ask you for names. I wanted to know who, considering you
just said your brother and mother.

So my subsequent question to that was

when you transitioned, as you already stated,

from 59 Hawthorne, who, and I didn't ask you for

names or specific identities, who was residing on

the Highwood Drive location?

I mean, you already said your mother

and brother so, I mean, was it your mother and

brother? Was it another family? Was it somebody

else? Was it Mr. Lester?

MS. MCDERMOTT: No, it was somebody

else.

MS. LEWIS: Okay.

MS. MCDERMOTT: It was somebody else.

And Lester does not reside on 59 Hawthorne Court.

He had had to move for family reasons. He had a

sick mother. So he had tried to move and handle

his own personal business.

MS. LEWIS: My question was who was --

- so I don't believe I indicated that.

MS. MCDERMOTT: Oh, it was somebody

else. It wasn't my mother. My mother was
(telephonic interference).

MS. LEWIS: So when you transitioned back to Highwood Drive in 2018, you're saying Mr. Cameron was not living there at the time?

MS. MCDERMOTT: No. He was still there. He was still there. He transitioned out of Highwood Drive February or March.

MS. LEWIS: Of 2018?


MS. LEWIS: Okay. Did you say of 2019?

MS. MCDERMOTT: Yes. So he just recently left to go help his mom.

MS. LEWIS: Okay. And when you transitioned back in 2000 --


MS. LEWIS: And you were residing with Mr. Cameron at the same --

MS. MCDERMOTT: That's correct.

MS. LEWIS: Okay, I have no further questions.
MR. BENNETT: Okay, Mr. Gill, do you have any questions for Ms. McDermott?

MR. GILL: I don't have any questions, thank you.

MR. BENNETT: Okay, great. Thank you, Ms. McDermott. I just have one other --- I have a question for the challenger. And in essence, what I hear is that you're challenging the time period that Ms. McDermott lived there. The emphasis of your challenge is that she didn't live there 60 days prior to the election. Is that correct?

MR. HAMMOND: Yes.

MR. BENNETT: Prior to the time to file?

MR. HAMMOND: That's my challenge. And I challenged further that she wasn't living there in the times that she stated. Because the only person who lived there was Mr. Cameron.

MR. BENNETT: But now you did indicate that you believe that she did live there at some point in that 60 days, at least that's what I
1 heard.

MR. HAMMOND: No, I didn't.

MR. BENNETT: You didn't?

MR. HAMMOND: I think Ms. Cannon said she moved back around April, April of 2019,

lately she moved back in April.

MR. BENNETT: You said April of 2019.


MR. BENNETT: Okay. So you're claiming that she didn't live --- that she just most recently moved there.

MR. HAMMOND: Correct.

MR. BENNETT: Okay. And Ms. McDermott, as I heard your testimony, your testimony is basically you lived there continuously, really, since 2008.

PARTICIPANT: '18.

MR. BENNETT: 2018, right?

MS. MCDERMOTT: Continuously, yes.

MR. BENNETT: Okay. And what month did you --

MS. MCDERMOTT: But not collectively.
MR. BENNETT: And what month in 2018?

MS. MCDERMOTT: January.


MS. CANNON: Mr. Bennett, excuse me.

We've got signed affidavits from one of the neighbors and a statement from another neighbor directly across the street who attests to the fact that they have never seen her in the neighborhood.

(Simultaneous speaking.)

MR. BENNETT: Yeah, Ms., I'm sorry ---

MS. CANNON: Cannon, Jacqueline Cannon.

MR. BENNETT: Ms. Cannon was just speaking and says she just has ---

MS. MCDERMOTT: Ms. who?

MR. BENNETT: Ms. Cannon says she has affidavits ---

MS. MCDERMOTT: Is that somebody from the Board?

MR. BENNETT: No, I've asked Ms. Cannon a question. She indicated she had ---
MS. CANNON: I'm speaking on behalf of myself and a neighbor in the neighborhood.

MR. BENNETT: She indicated she had affidavits from neighbors as to your residency. And we're going to take those --

MS. MCDERMOTT: Oh, okay, hearsay.

MR. BENNETT: -- into evidence.

MS. MCDERMOTT: Okay, that's fine.

MS. CANNON: Excuse me, that's not hearsay. That's someone who ---

MR. BENNETT: We'll take the affidavit --

MS. CANNON: -- we have signed affidavit.

(Simultaneous speaking.)

MR. BENNETT: We've can argue that point, but we'll take the affidavit, Ms. Cannon, and take a look at those. Okay.

MS. MCDERMOTT: Okay.

MR. HAMMOND: I was just going to ask you how long will this matter take to be resolved? Apparently, it won't be resolved
today.

MR. BENNETT: Well, it might. We're going to need to talk about it after in the executive session. So all the items that you have for us, Ms. McDermott has provided, we've received testimony today, I'm going to ask in a second if there's anybody else that would like to give a two-minute comment relative to the matter.

But I think that we've properly heard from you. And we certainly appreciate that. We've had testimony. Ms. McDermott has provided testimony and also answered questions from the Board.

And now, I think we have one person who would like to speak on behalf of, I'm not sure who, but you're going to have a seat and tell us who you are and tell us who you're speaking on behalf of. And actually, I'll repeat, Ms. McDermott, so that you have that information.

MS. MARLIN: Hi, good morning. My name is Robin Marlin. I'm a former ANC
commissioner, former chair in 7B. And I wanted
to ---

MR. BENNETT: Can you give us your
address, please, ma'am?

MS. MARLIN: Yes. I'm at 3350 Erie
Street SE, Washington, D.C., in the Hillcrest
community.

MR. BENNETT: And you're speaking on
behalf of?

MS. MARLIN: I'll be speaking, really,
on behalf of the community but on behalf of Mr.
Hammond.

MR. BENNETT: The challenger. So you
have ---

MS. MARLIN: The challenger.

MR. BENNETT: Can you repeat your name
again for me? I'm sorry.

MS. MARLIN: Robin Marlin, M-A-R-L-I-
N.

MR. BENNETT: Ms. Robin Marlin is
here, Ms. McDermott. And she's speaking on
behalf of the challenger. So we're going to hear
her now, and she's got two minutes.

MS. MARLIN: Okay. So I wanted to be
clear about the residency of Mr. Cameron. I
personally spoke to Mr. Cameron when he was
packing his belongings out at that residence.
Because me and Mr. Boyd asked him if he needed
assistance.

He told us at that time that he was
being forced to move out of the house. He was
given a week's notice to find another location.
He relocated to Cheverly, Maryland. And I have
contact with him if I have to be. He did not
state anything about a sick mother.

And the reference to Ms. McDermott
mentioning her son being sick, and I understand
that she's not here, but that same young man,
during the special meeting that we had April 4th,
yelled out during that meeting and told her we do
not live on Highwood Drive, Mother.

And everyone in the audience heard him
say that, a seven, eight year-old child said that
to his mother. And she's up there and gave
fabricated information.

    I get emotional, because I'm very
upset. I'm upset with this process, I'm upset
that she would, for five months, drag this out
knowing that she did not reside there.

    Now, I saw him move out. I have
photographs of him moving out. He told me why he
moved out, because it was a political matter.
And the mother and that daughter, Ms. McDermott
and mother, Ms. Adele Smith, literally attacked
me January 4th at an ANC Board meeting, because I
went there humbly to ask them to step down with
the information that Mr. Hammond had, information
I have from Mr. Johnson.

    And she told me very smugly, I have
several residences. Which one would you like for
me to discuss? So she is not presenting the
truth here. And it is upsetting that we have to
go through this and hear the lies that she's
shared here. It's disgusting. It's just truly
disgusting. If you have any questions for me,
I'll be more than happy to answer them.
MR. BENNETT: I don't have any questions. Ms. Lewis, do you have any questions?

MS. LEWIS: When was that meeting?

MS. MARLIN: Which meeting? I'm sorry.

MS. LEWIS: The meeting where you indicated the seven or eight year old was with that property?

MS. MARLIN: That was the special meeting. He was sitting on the front row with his grandmother, Ms. Adele Smith. And he yelled out, we don't live at that address. Not only did I hear it, Ms. May Ross (phonetic) heard it, several people heard that.

MS. LEWIS: When was the meeting?

MS. MARLIN: Oh, April 4th.

MS. LEWIS: April 4th of ---

MS. MARLIN: This year. Oh, I'm sorry. I'm sorry, 2019. I'll improve in a second. But it just --- I actually talked to the gentleman. I talked to him while he tried to load his belongings in his little red car. And I
I have the tag number.

The woman from across the street came over and expressed her sadness that he was leaving. She has a handicapped child, and he used to help her with the child.

MR. BENNETT: My apologies --

MS. MARLIN: I mean, it's just --

MR. BENNETT: -- for cutting you off.

But I understand. But you answered Ms. Lewis' question. Do you have any other questions, Ms. Lewis?

MS. LEWIS: Nothing here, thank you.

MR. BENNETT: Mr. Gill, do you have any questions?

MR. GILL: I do not, thank you.

MR. BENNETT: Okay, great. Thank you.

MS. MARLIN: Thank you.

MR. BENNETT: Is there anybody else who would like to speak on behalf of the challenger or Ms. McDermott? Yes, ma'am?

(Off the record comments.)

MS. MILLER: Would you state your name
and address for the record, please.

    MS. DIENER:  Hello.

    MR. BENNETT:  Hello.

    MS. DIENER:  My name is Robin Diener.

    MR. BENNETT:  I think there's a little button in the middle that --

    MS. DIENER:  Sorry.

    MR. BENNETT:  Okay.

    MS. DIENER:  Robin Diener.  I live in Dupont Circle at 1612 Corcoran Street.

    MR. BENNETT:  Ms. McDermott, a Robin Diener is speaking --


    MR. BENNETT:  -- in support of the challenger.

    MS. DIENER:  Yes, I am.  And I did not come here knowing this would even come up.  I'm totally unfamiliar with this case.  But I am the past president of the Dupont Circle Citizens Association.  And I know the people who have spoken to this matter, except for Ms. McDermott.  I've not met her.
But I just have to say that I have worked with Robin Marlin and Phil Hammond for many years, going on probably 15 years, across the city on numerous issues. And they are hugely respected, incredibly hard working people.

And I'm very sorry to see this back and forth where, you know, potentially the things they are saying are not being accepted as true. I'm not saying that they haven't been, but potentially they have.

And I just want to stand up for them as incredibly hard working, sincere, honest, great community people. And I would believe every word they say. So that's my testimony. I'm sorry, like I said, I didn't know this was on the agenda. Thank you for hearing me.

MR. BENNETT: Yes, thank you. Anybody else have any comments for the challenger or for Ms. McDermott?

(No audible response.)

MR. BENNETT: Seeing none, I think we want to conclude this. And we will meet on this
matter at the close of this meeting and issue an
order accordingly, okay.

Ms. McDermott, unless you had ---
we're going to let you go now, and we'll be back
in touch as soon as we are able to meet on this
matter and make our determination.

MS. MCDERMOTT: Okay, sounds good.

Thank you.

MR. BENNETT: Thank you.

MS. MILLER: Okay, before we go on to
the other ANC matters, I'm going to ask Ms. Kerry
and the Registrar to come forward.

MR. BENNETT: We have quite a full
agenda today.

MS. MILLER: I'm sorry, Ms. -- yeah,
I'm sorry.

(Off the record comments.)

MS. MILLER: No, I'm sorry.

PARTICIPANT: No problem.

MS. MILLER: Okay. So we're going to
proceed with the recall matter and move forward
with determining whether or not the Board is
going to issue the petition.

MR. BENNETT: Can you move the mic over?

MS. MILLER: I'm going to ask Myisha Thompson who's here representing the Office of the Registrar to give a history with respect to the notice of intent to recall, including the discussion as to whether or not the notice was properly filed. Would you state your name for the record please?

MS. THOMPSON: Myisha Thompson.

MR. BENNETT: Is your mic on, Ms. Thompson?

MS. THOMPSON: Yes, it's on.

MR. BENNETT: Okay, great.

MS. THOMPSON: Good afternoon. I'll be reading the notice of intention to recall Jack Evans, Ward 2 member of the Council. A notice of intention to recall Jack Evans, Ward 2 member of the Council of the District of Columbia, was filed by Kerry Kemp, a registered voter in the District of Columbia who resides in the same ward
as the subject of the recall, on Wednesday, May 8th, 2019.

Council member Jack Evans filed with the Board a response to Ms. Kemp's statement of reason to recall on Thursday, May 16th, 2019.

Pursuant to DC Official Code, Section 1-1001.17G, the proposer of the recall shall have 180 days to collect signatures beginning on the date when the party of the recall formally adopts the original petition form as his or her own form.

Accordingly, the deadline for Ms. Kemp to file her petition in support of the recall is 5:00 o'clock p.m. on Monday, November 25th, 2019.

Pursuant to DC Official Code, Section 1-1001.17H1, the Petition Committee in support of the recall of Council member Evans must obtain the signatures of ten percent of the registered qualified electors in Ward 2.

Pursuant to DC Official Code, Section 1-204.112, the signature requirement must be computed, from the total number of registered
voters of the Electoral Board for which he or she is elected, according to the latest official count of registered voters, as determined by the Board, 30 days prior to the submission of the signatures for the recall petition.

While the signature requirement cannot yet be determined, if the most recent registration figures published by the Board were used, the petition filed in support of the notice of intent to recall Council member Evans would be required to include the signatures of 5,195 duly registered voters in Ward 2.

Both the proposer of the recall measure and the elected official who is the subject of the recall are advised to check with the Board's Voter Services Office on a monthly basis as new statistical reports are published.

MS. MILLER: Thank you.

MS. MILLER: Okay. Did you have any questions?

MS. KEMP: No.
MS. MILLER: Okay. We've provided all the copies of the petition?

MS. THOMPSON: Yes.

MS. MILLER: Would you like to take a look at this petition which is under the ---

MS. KEMP: Indicator, okay.

MS. MILLER: Yeah. And make sure that that is the statement that you wish to appear on the petition. I believe they have modified it as you had requested.

MS. KEMP: Thank you.

MS. MILLER: So we will reference to the staff of Jack Evans for corruption or anything else --

MS. KEMP: It looks fine.

MS. MILLER: Do you accept that?

MS. KEMP: Yes, I do.

MS. MILLER: You accept it as your --

MS. KEMP: I accept it.

MS. MILLER: I will note also that the filing of the statement of organization with the Office of Campaign Finance was made on the
eighth, so the proponent is in compliance with 
the appropriate filing for the Office of Campaign 
Finance.

So at this point, I would ask the 
Board to make a motion to approve the petition 
form adopted by the proponent.

MR. BENNETT: Can I get a motion from 
--- Mr. Gill, are you still on the line?

MR. GILL: I'm still here.

MR. BENNETT: Can I get a motion to 
approve the petition for the recall?

MR. GILL: Motion to approve.

MR. BENNETT: Can I get a second?

MS. LEWIS: Second.

MR. BENNETT: But prior to final 
approval from me, I want to be real clear. We 
have to deal with this as an independent matter 
regardless of the other. It does cost the 
citizens of the District of Columbia to move 
forward with any petition.

I request that, as you work through 
this, if this is simply a, quote, backup
petition, that you consider the potential cost to the District in this matter.

    We will deal with it independent, we will not deal with it as a backup. And as such, we have to manage it separately. But you kind of made the comment about it being a backup so often, I just want to make sure that you're real clear that, as we move forward, that we'll treat it just like the other. And we will spend the money required to follow the law accordingly.

    So with that, I will give a third vote, yes. And your petition is approved to go forward. We'll issue a written order in a few days, accordingly.

    MS. MILLER: Thank you very much.

    MR. GILL: Mr. Chairman?

    MR. BENNETT: Yes, sir?

    MR. GILL: Can I make a few observations on this also?

    MR. BENNETT: Sure, please. This is Michael Gill speaking.

    MR. GILL: Yes. So earlier there's
the question of, you know, how many recall
positions can you have with the same candidate.
And obviously, 100 would be annoying under
excessive publicity.

   At the same time, conceivably you
could have recall positions with different
language seeking a recall for different reasons.
And those petition getters would have to all be
in competition with each other to see who could
get the most.

   So we don't have that problem today.
And by that, I do think that the way the
regulations are written, it doesn't prohibit
numerous recall positions for the same candidate.
So I still don't have a problem with this.

   But my concern here is, as you
expressed, Mike, this isn't backed up as the
proponent said.

   But as things get busy, one, I would
be concerned about is that if the backup was
gathering petition signatures the same time that
the starting signature position was gathering
signatures, and then they found out they had
duplicates, or they found out that they wanted to
somehow combine those, because they fell short, I
think, and I think I know the answer to this from
just what I observed, we could not accept the
combining signatures even though the language is
the same on three petitions. Is that correct?

MS. MILLER: That is correct. They
are two separate petitions, two separate recall
measures, and they will follow a separate track.
We will review the signatures on a separate
contract process. We would not ever combine or
accept them as combined signatures.

MR. GILL: Okay. I just want to make
sure all parties were aware. That sounds like
the parties are coordinating, but I wouldn't want
the Board to be put in a position of suddenly
having to, you know, put duct tape on a process
that had gone haywire. That's not our
responsibility.

MS. MILLER: No, I don't --- yeah,
we're not running into that.
MR. BENNETT: And he asked them some questions about the rules. We are not in a position to provide you with legal advice. But, if you have some questions about the rules or some concerns about having your proceeding, please, please, please call us so that we're not at the last minute trying to deal with those things.

And we trust that you have, you know, read the regulations, and know the rules, and follow those. But if you have any questions, we are here to answer those questions.

MS. MILLER: I appreciate that. Thank you.

MR. GILL: Okay, thank you so much.

MS. MILLER: And before you leave, let me just say, as I told Mr. Ivener (phonetic) as he was leaving, when the petition is promised as filed, it needs to come to the Board's office ready to be filed.

MS. KEMP: Right.

MS. MILLER: So we do not have any
place for the filers of the petitions or the
circulators to conjugate, and coordinate, and
organize, and number, or count, or whatever.

Five o'clock on the 25th of November
is the deadline to file it. If you are filing it
on that deadline date, or whatever point in time
you're filing it, the minimum number of
signatures must be ready to come into the
registrar's office accepted as a petition filed,
ready to be received at that time.

    MS. KEMP: I understand.

    MS. MILLER: Okay.

    MS. KEMP: Thank you.

    MS. MILLER: Okay, I think Mr. Bennett
needs to take a five minute break, and we'll come
right back. Oh, so we keep going, okay. Sorry
about that. Okay, so we'll move forward with the
matter of Robin Marlin.

    Excuse me, could you all please,

excuse me. We'll move forward with the matter of
the appeal by Robin Marlin for the resolution
issued by Advisory Neighborhood Commission 7B05
regarding Villareal Johnson, Advisory Neighborhood Commissioner and single member of 7B05. Could the parties please come forward, please?

We'll go off the record to allow Ms. Marlin to --

(whereupon, the above-entitled matter went off the record at 12:33 p.m. and resumed at 12:35 p.m.)

MS. MILLER: Okay, we're going to proceed with this matter. Where did Mr. McGann go?

MR. BENNETT: Where is Mr. McGann? He is still ---

(Off the record comments.)

MS. MILLER: Okay. Again, this is back on the record -- the appeal of Robin Marlin from the resolution issued by Advisory Neighborhood Commission 7B regarding Villareal Johnson, Advisory Neighborhood Commissioner and single member of 7B05.

Just as the previous matter, this
matter came before the Board, I think, back in March again. And the parties were directed to proceed back to the ANC to obtain a resolution regarding the certification of a vacancy in the ANC.

Mr. McGann, if you could bring the Board up to date on where we are, and how we got here, and what we need to do at this point.

MR. MCGANN: Yes, Rudolph McGann, Chapter Secretary of the Board of Elections.

This matter has a similar posture to the matter of concern and the feel of the resolution sent by ANC 7D that stated that there needs to be no declaration of a vacancy, because of Mr. Johnson's residency. And at this point in time, Ms. Marlin is appealing that determination by the ANC.

MS. MILLER: Okay. Ms. Marlin, could you again state your name and address for the record for this matter?

MS. MARLIN: Yes, thank you. Robin Marlin, 3350 Erie Street SE, Washington, D.C.
MS. MILLER: Okay, and Mr. Johnson, could you state your name and address for the record?

MR. JOHNSON: For the record, my name is Villareal Johnson, 2411 33rd Street.

MS. MILLER: Okay. We're going to do as we did before. Ms. Marlin, you'll have ten minutes, Mr. Johnson, ten minutes. And we'll proceed now.

MS. MARLIN: Good afternoon, Board members. I requested a hearing for the Board of Directors to be able to appeal the ANC resolution submitted to the general counsel's office in the matter of Villareal Johnson, single member, District 7B05 in Ward 7.

I received the resolution by the way of the general counsel's office. I did not receive it from the ANC. The basis of my appeal was solely on some of the comical proceedings that were conducted by the leadership of ANC 7B.

As the challenger, I presented all documented information. I've submitted it to the
Board of Elections, to Mr. Villareal Johnson as well, during the special meeting which was held April 4th of this year.

Yet at the special meeting --- can I sit back here, and can you hear me?

PARTICIPANT: Yeah.

MS. MARLIN: Okay. At the special meeting, Mr. Johnson publicly stated he had not even seen or received these documents from the Board of Elections. These documents came from the Registrar's office in good faith, I believe. One was dated January 9th, 2019, a second letter was February 2, 2019, and a third letter came from Mr. McGann dated January 11th, 2019.

Yet at the special meeting, Mr. Johnson didn't have copies of them. He also told me, as well as the audience and his fellow commissioners, he was not aware of why we were having a special meeting.

These three letters, which Mr. Villareal Johnson dismissed, or played down, ignored, made jokes about, requested him to
provide proof of his residency in 7B05 that would
resolve this challenge.

This is the same response to the
declaration, which I have here, and Mr. Villareal
Johnson signed, took an oath stating, I hereby
declare my candidacy for the office indicated
above, which is the office of 7B05 in Ward 7.

A document shows that he is stating
that he lived in the SMD from March 2015 through
May 2018. I just wanted to read this into the
record, if I will. This is an email I received
from Mr. McGann.

He says, while you, meaning Robin
Marlin, did not raise a discrepancy with respect
to Mr. Johnson signing a lease in June for a
residence he claimed he lived in since May, his
former residence was also located in the same
SMD, single member district.

Mr. Johnson did not respond to
comments by the Board regarding the discrepancy.
However, no evidence has been submitted by you to
address the timeframe of his formal residency.
So at the ANC special meeting, Johnson stated to me there's nothing for me to prove that hasn't been proven which, to this day, I still do not understand what he meant, given that the registrar's letters were clear that if he could not substantiate his residency for the 60 days, then he should submit his resignation.

So what I decided to do was really hire someone that's licensed as a private investigator, and also a process server, to find out where Mr. Johnson was between that timeframe. I'll just highlight some of the information.

There were 20 different addresses in that timeframe, only one address that the investigator could find that really tied Mr. Johnson to an address. That's 8102 Barrett Road, Fort Washington, Maryland. The other addresses were considered previous, non-verifiable. He has one driver's license, eleven voter registrations on record.

On August 11th, 2018, I filed a challenge to Mr. Villareal Johnson's petitions
because I got a phone call from a constituent who lived on Bangor and 32nd Street which is not far from where he said he's living, with concerns that he was pressuring this man, this person -- and I don't want to use anyone's name, but if I have to, he's given me permission to give his name --- was approaching Mr. Johnson with the nominating petitions asking him to sign. The resident said he asked Mr. Johnson, where do you live, I've never seen you? Mr. Johnson said that he was running for the ANC seat.

Since the gentleman would not sign the petition, Mr. Johnson apparently asked his daughter, who was picking up her children, if she would sign the petition. And she said that she didn't live there, so she couldn't sign it.

So Johnson is required 44 homeowners. You don't have live there to sign the petition. And of course, we know if you're going to be a voter in the District of Columbia, you have to sign the petition.

So there were six signatures on his
petition where people did not live in SMD 7B05, for example, those of 3F, 8A, and some various addresses in Maryland and other locations in the city. I just wanted to give you a feel for why I'm mentioning this.

So Ms. Rene Christian (phonetic) called me and asked me if I wanted to go forward with the challenge that was submitted by the registrar's office.

And I replied to her by saying I was not going to challenge the findings by this Ms. Brooks, because I know Ms. Brooks, I have respect for her, and I was not going to do that. We'd proceed with the election. So that's exactly what I did.

During the special meeting held by ANC 7B, the chairperson, Mr. Humphrey, asked Mr. Johnson to respond to my challenge. He replied, what challenge. I don't know what the challenge is, similar to Ms. McDermott.

The audience sighed in disbelief and disgust. The chairperson asked Mr. Johnson
again, you don't have any evidence? This hearing
is for you to present your evidence. He said do
you have a drivers license?

So Mr. Johnson says not on me. Then
he says, well, I can text you all a copy of it.
So I'm sitting there thinking how is he going to
accomplish that, text everybody in the audience,
text me, the challenger, a copy of his driver's
license. So that's what he did.

If you can imagine this, it was very
comical, it was like an advertisement. All the
Commissioners, he said check your cell phones.
So all the Commissioners picked up their cell
phones to look to see what he had texted.

Allegedly, I didn't see it, allegedly it was his
driver's license. And one Commissioner yelled
out here, I see it but it's expired.

The chairperson said I haven't
received it. Mr. Johnson said I'll text you
again. The chairperson looked on his cell phone,
I haven't received it.

So now I was wondering, when I was
here before, before you all, Mr. McGann, and I'm
not pointing fingers, it's within his right, he
had received, he said, evidence from Mr. Johnson
of a cancelled check. And Mr. Johnson was going
to share that cancelled check at the special
meeting. Or he called it a special check.

This special check never materialized.
The only thing he had was this text driver's
license that he sent only to the Commissioners,
allegedly. One of the Commissioners yelled out,
well, I see the driver's license, but it appears
to be expired.

The concern I have here and the reason
why I am appealing this is because of two really,
really core reasons. The first is ---

MS. MILLER: You have two minutes.

MS. MARLIN: I have how many?

MS. MILLER: Two minutes.

MS. MARLIN: I shouldn't have to prove
where he was. I proved where he wasn't in 60
days, which was by way of an affidavit from his
landlord, who is now deceased, unfortunately
since February 2019, and Mr. Johnson was not at
that residence in 60 days.

Mr. McGann told me I needed to go past
that, that wasn't sufficient, that I needed to
prove where he was in the last I guess year or
so.

So it's been five months and to my
knowledge Mr. Johnson has not provided any other
additional evidence or what have you. So I
thought about it, I said I can prove where I was
in the last two minutes, two days, two years,
what have you.

I have canceled checks, I have utility
bills, I have retail bills, I have mortgage
bills, I have everything from Comcast, Macy's,
even a subscription to House Beautiful that has
my addresses on it, and this ranges from 2015 to
2018.

I cannot understand how a person is
claiming residency for the period that he has,
has not been able to prove to this Board thereby
ignoring you all to come forth with his residency
information thereby showing just 60 days and I have shown you four years. Is my time up? Am I up?

MS. MILLER: You have 36 seconds.

MS. MARLIN: I have 36 seconds, okay.

So I am asking that you all thoroughly vet this and, you know, we all have been a part of some type of scam, I get that, you know.

I work every day with people trying to scam me, without even telling you where I work, and I have learned to detect fraudulent information, but just because you have been scammed doesn't mean then we have to defend ourselves because we've been scammed.

What we do is pick ourselves up and make the situation right. You know, he has been around our ward for years until the north side, he had to leave the north side, and now he's on the south side.

CHAIRMAN BENNETT: Thank you. Mr. Johnson?

MR. JOHNSON: Yes, sir.
MS. MILLER: Mr. Johnson, you have ten minutes.

MR. JOHNSON: I probably won't need the whole ten minutes.

CHAIRMAN BENNETT: Can you identify yourself and your address --

(Simultaneous speaking.)

MR. JOHNSON: Yes. My name is Villareal Johnson. I live at 2411 33rd Street, Washington D.C.

CHAIRMAN BENNETT: Thank you.

MR. JOHNSON: So my principle rebuttal to all of this is that despite the anecdotal point of view that the challenger had I have yet to see evidence that I did not reside at 2411 33rd Street 60 days prior to submitting my petition.

And I think if I am to prove where I am living I should be able to disprove the accusation, but I have yet to see where there is evidence provided that I have not lived in the single-member district 60 days prior to
submitting my petition as the Board regulation says. So if --

(Simultaneous speaking.)

CHAIRMAN BENNETT: -- hear a little bit better. Sorry.

MR. JOHNSON: If there is any evidence that I did not reside in 7B05 60 days prior to me submitting my petition on August 9, 2018, then I feel obligated to prove that I lived there, but I ran in 2016 against the challenger.

There was no challenge to my residency then. At that time I ran from 2814 Erie Street, which is around the corner. Actually, we shared the same street.

So if it's my obligation to prove where I lived when she, the challenger, had to disprove where I lived. I don't know, I'm a little confused.

So whatever we need to do to move this matter forward I would -- It has been six months. It is tiring, it is exhausting, and it's a waste of government resources, time, and money.
So what do you need from me to end this?

CHAIRMAN BENNETT: Do you have any questions? Are you -- You done?

MR. JOHNSON: I have nothing to add, right now.

CHAIRMAN BENNETT: Okay. Ms. Lewis, do you have any questions?

MEMBER LEWIS: I don't have any questions.

CHAIRMAN BENNETT: Mr. Gill, do you have any questions?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Okay. I just have one question.

MR. JOHNSON: Sure, sir.

CHAIRMAN BENNETT: You are claiming that -- Can you give me the address that you ran for Commissioner under again?

MR. JOHNSON: In 2016 I ran for 7B05 from 2814 Erie Street, which is also in the single-member district.
CHAIRMAN BENNETT: Okay.

MR. JOHNSON: In 2018 I ran from 2411 33rd Street, which is also in the single-member district, and the challenger has yet to show --

CHAIRMAN BENNETT: And you are saying -- I'm sorry. So you lived at 2411 33rd Street, SE, from May of 2018 to the present?

MR. JOHNSON: Yes, sir.

CHAIRMAN BENNETT: Okay. And that's your -- And so when did they, so when did they run for election?

MS. MILLER: He filed his petitions on August 9th, so it would have been 60 days before June, which would be June 9th.

CHAIRMAN BENNETT: Okay. So you had an obligation to live there. So you lived there prior to June 9, 2018?

MR. JOHNSON: Yes, sir.

CHAIRMAN BENNETT: Okay. Does your driver's license say that accordingly?

MR. JOHNSON: Yes, sir.

CHAIRMAN BENNETT: Okay. Do you have
a copy of that by chance?

MR. JOHNSON: I do.

CHAIRMAN BENNETT: Okay. Can we get a

copy of it and take look at it?

MR. JOHNSON: And, again, to my point,

I want the record to show that the challenger has
yet to prove that I did not live in the single
member district between August 9th and June 9th.

That is my primary claim. Why are we here if the challenger has yet to prove that I
did not live in the single member district
between August 9th and June 9th.

CHAIRMAN BENNETT: Yes, and with all
due respect, and so please don't take this as me
being cute, the only reason that you are here is
because the challenger appealed the decision by
the ANC and we have the obligation to hear to it,
so --

MR. JOHNSON: But just for the

record's sake --

CHAIRMAN BENNETT: Mm-hmm?

MR. JOHNSON: -- did the challenger
prove that I did not reside in 7B05 between August 9th and June 9th?

CHAIRMAN BENNETT: Apparently not to the ANC.

MR. JOHNSON: Okay. I just wanted for the record that it had not been proven.

CHAIRMAN BENNETT: Okay. Can I see a copy of your driver's license, sir?

MR. JOHNSON: Sure.

CHAIRMAN BENNETT: Do you have a copy of that, Mr. McGann?

MR. MCGANN: I do not.

CHAIRMAN BENNETT: Okay. Thank you. I need some glasses. My esteemed colleague here as said the issue date is 09/01/16 --

MR. JOHNSON: This will be extra.

Here you go. This will be extra.

CHAIRMAN BENNETT: What is that?

MR. JOHNSON: It shows possession of the house by Pepco.

CHAIRMAN BENNETT: Okay, all right.

And this has, for the record this shows the
driver's license was issued on -- Where is the issuance date?

Oh, so 09/01/2016. It expires 07/02/2024. The address on the license is 2411 33rd Street, SE, Washington D.C. 20020.

MS. MARLIN: Did you say 2411 33rd?

CHAIRMAN BENNETT: Say that again?

MS. MARLIN: I'm sorry. Could you --

CHAIRMAN BENNETT: 2411 33rd Street, SE, is the address that's on the driver's license.

MS. MARLIN: Okay.

MR. JOHNSON: I also think the DMV is the certifying agency for the District of Columbia that determines residency, correct?

CHAIRMAN BENNETT: Well certainly this is evidence that you lived there.

MR. JOHNSON: Okay, all right.

CHAIRMAN BENNETT: And I'm going to give that back to you. Can I give that back to you, sir?

MR. MCGANN: Yes.
CHAIRMAN BENNETT: And give it to --
Please make a copy of that, but make sure he gets
the driver's license back before he leaves.

MR. MCGANN: Okay.

CHAIRMAN BENNETT: And then also for
the record what was provided from Mr. Johnson is
a copy of his Pepco bill that is dated May 21,
2018, the date of the notice, and his address is
2411 33rd Street, SE, Washington D.C., and start
of service is May 21, 2018.

The account number -- I don't need to
give you his account number. And so this is
evidence that you are presenting, Mr. Johnson,
relative to your pleading to your, to start your
residency at that location on this date or at
least May 21st or before, but this says May 21st
is when the service starts.

MR. JOHNSON: Well that's just me
bringing extra to show, I think there was an
issue, maybe a discrepancy between the facts
maybe, I don't know.

But, again, just for the record, did
the challenger prove that I did not live in the
single-member district, 7B05, between August 9th
and June 9th?

CHAIRMAN BENNETT: Yes, my --

According to the ANC she did not.

MR. JOHNSON: And then challenged --

(Simultaneous speaking.)

CHAIRMAN BENNETT: And we are here to
hear that appeal, and so we have got the evidence
that she provided, we have the documents relative
to the DMV and Pepco.

Your statements relative to your
driver's license have been noted and will
certainly be a part of the record that we will
consider.

MR. JOHNSON: All right. Thank you.

CHAIRMAN BENNETT: Okay. Are there
any questions for Mr. Johnson before you leave
the podium, sir? Ms. Lewis, do you have any
questions?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. Gill, do you
have any questions? Is Mr. Gill still with us?

(No audible response.)

CHAIRMAN BENNETT: Okay. Anyway. I don't have any questions, Mr. Johnson.

MR. JOHNSON: Thank you.

CHAIRMAN BENNETT: Is there anyone that would like to speak -- and we're going to let you, let both of you wrap up. Is there anyone who would like to speak on behalf of the challenger or Mr. Johnson at this point that's here?

(Off the microphone comment.)

CHAIRMAN BENNETT: Yes, we need a copy of the Pepco bill as well. Mr. McGann, can we get you to make a copy of the Pepco bill as well.

Is there anyone here that would like to speak on behalf of the challenger or --

MR. JOHNSON: Can we redact that so my account number is not on there?

MS. MILLER: Yes. We can black that out.

MR. JOHNSON: She did speak about
fraudulent activities, so --

         (Simultaneous speaking.)

MR. JOHNSON: Yes, we'll make sure

that that is not a part of the record.

MR. JOHNSON: Okay.

CHAIRMAN BENNETT: If you could just

block that out, Mr. McGann.

MR. JOHNSON: I mean she has my

driver's license number now, too, so you didn't

redact that. I mean you're talking about

fraudulent activity, I don't know how personally

it works for me.

MS. MARLIN: Mr. Bennett, can we

answer the question on the driver's license or --

CHAIRMAN BENNETT: Not yet. We're

going to let you wrap up here in a second.

MS. MARLIN: Oh, okay.

CHAIRMAN BENNETT: So is there anyone

from the audience or up here who would like speak

on behalf of, for the third time, on behalf of

the challenger or on behalf of Mr. Johnson?

(No audible response.)
CHAIRMAN BENNETT: Seeing none what
we'll do is we'll let, Ms. Marlin, we'll give you
a couple minutes to wrap up and, Mr. Johnson,
we'll give you a couple minutes to wrap up as
well.

MS. MARLIN: Okay.

MR. JOHNSON: Thank you, sir.

CHAIRMAN BENNETT: Ms. Marlin.

MS. MARLIN: Okay. So I concur
actually with Mr. Johnson about fraudulent
activity.

Just quickly to share a scenario, Mr.
Johnson filed a police report against me saying
that he was afraid of me, that he feared for his
life and he claimed that I threatened him --

(Simultaneous speaking.)

MR. JOHNSON: This isn't even
relevant.

CHAIRMAN BENNETT: Mr. Johnson, hold
on a second.

(Simultaneous speaking.)

MS. MARLIN: He claimed that I
threatened him on April 6th this year, 2019, around noon. So I have documents that I can show that I was on the Auto Train on the way to Florida for vacation so there was no way that I had any contact with him.

So when we talk about filing fraudulent documents, I mean he's like the kingpin of that. So I just wanted to put that on record and I do want to question his driver's license.

It says here, I think you all documented it was issued 09/01/16, is that correct?

CHAIRMAN BENNETT: Yes.

MS. MARLIN: Okay. So he has the address 2411 33rd Street, SE, but according to his own testimony he didn't move into that residence until May of 2018.

So how can his driver's license have 2411 on it when he has testified and documented on his candidacy he didn't move there until May of 2018.
So I have never seen a driver's license --- license, if you would like to see mine, and I older than he is. I don't know where he got this.

So that's, you know, basically what I have to say to his evidence. I haven't received the Pepco bill, but he is a master of scam, a master.

As said, he was the Chairperson in 7A, and I can put this on record because it's factual --

(Simultaneous speaking.)

CHAIRMAN BENNETT: Wait a second --

MS. MARLIN: -- I attended a meeting.

CHAIRMAN BENNETT: Just one second.

Wait, wait, wait.

(Simultaneous speaking.)

MS. MILLER: She has 40 seconds.

MS. MARLIN: I attended a meeting where the residents came in to ask him to be recalled because he had misappropriated the ANC 7A's funds to pay his rent along with the
Treasurer.

Gottlieb Simon was present there and what happened in the long run ANC 7A became defunct and was renamed 7F because of the mismanagement of that Commission.

And as I said on the Northeast side of the ward they know him. He's on the southeast side of the ward now, people don't know him, but they are getting to know Mr. Johnson is a master of scam and I would question his driver's license and ask you all to take a really good careful look at because it does not make sense.

CHAIRMAN BENNETT: Thank you, Ms. Marlin. Thank you. Mr. Johnson.

MR. JOHNSON: I don't know if I should correct the accusations or not from --- I have always lived south of Massachusetts Avenue. I moved to Ward 7 in 2002 to 2934 Nelson Place. I inherited a piece of property from my family. I left the city and moved back to the city in 2015. I moved to 7B05 at 2814 Erie Street and then I moved to 2411 33rd Street.
To her first erroneous accusation, I have always lived south of Massachusetts Avenue, which is the south side of Ward 7. To the second erroneous accusation, while I was the Chair of ANC 7A the issues of misappropriated funds were not mine.

They were actually the previous leadership. Commissioners Charlene Exum, Kares Hills (phonetic), Sheila Carson Carr, which is on record at the Auditor’s Office. Unnecessary here, but it's on record and public file, Fredericka Shaw or Linda Hyem (phonetic) can provide that information if we just want to set the record straight.

But I think from what I have learned today about the challenger that this is just petty and it reeks of a sore loser and I just think it's unfair to District residents, taxpayers, and the government to waste all of our times here when, to my point, they have never proved that I did not reside in ANC 7B05 between August 9th and June 9th.
CHAIRMAN BENNETT: Okay. Thank you, Mr. Johnson. Any other further questions, Ms. Lewis?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: None from me.

CHAIRMAN BENNETT: Okay. Thank you. We will deliberate accordingly and issue an order accordingly when we get done with that, okay.

MR. JOHNSON: Thank you.

CHAIRMAN BENNETT: Thank you. Thank you, Mr. Johnson.

MS. MARLIN: Just one last question, is this supplied as a Pepco bill?

CHAIRMAN BENNETT: That's what he submitted.

MS. MARLIN: It's not a bill I guess that's what I am -- I thought maybe that a bill --- like I have a bill. It's not a bill. Okay.

CHAIRMAN BENNETT: Thank you. All right. All right, so we got one other item on the agenda I believe. Have you guys missed ---
I'm going to let you do general counsel report again --

(Simultaneous speaking.)

CHAIRMAN BENNETT: So do you have --

MS. MILLER: I'm good. Thank you.

That concludes the general counsel report, the ED's report.

CHAIRMAN BENNETT: All right. The last thing on the agenda are public matters. Do we have any matters from the public regarding --

MR. SINDRAM: Mr. Chair?

CHAIRMAN BENNETT: Yes, sir, Mr. Sindram?

MR. SINDRAM: Thank you, sir. It's been a long, lengthy interesting meeting. I do have a question for the Board, if you will, referring to the Jack Evans matter.

I understand there are two petitions filed and I think the term has been used backup petition. My question to you, sir, and the Commission, these two petitions are they worded exactly identical?
CHAIRMAN BENNETT: I believe they are now, yes.

MR. SINDRAM: They are now, okay.

Then --

CHAIRMAN BENNETT: If they are not exact they are pretty close. Honestly, I haven't done a word-for-word match, so my answer is I believe so.

MR. SINDRAM: Yes, pretty close to exact, because I think Commissioner McGill (phonetic), you know, has a valid point where if I as a qualified elector were to sign both and if they are both the same that may negate my signature.

But if in your words they are similar but not the same then that should not be an issue.

CHAIRMAN BENNETT: Well but they are the same but they are two separate petitions and so we are required to deal with each petition as a separate matter.

MR. SINDRAM: Oh, okay. Well I would
like to avail my signature as a qualified elector to sign them or -- delivered to the Board or as available. I would be so crazy ecstatic to decide --

CHAIRMAN BENNETT: I'm not sure if you are a resident of Ward 2. You have to be a resident of Ward 2, sir, to be a valid signature.

MR. SINDRAM: Okay, but keep in mind Jack Evans is Chair over the Finance Committee which oversees the District in its entirety.

CHAIRMAN BENNETT: Oh, I understand, but the rules are you have to be a resident of Ward 2.

MR. SINDRAM: All right. Well, again, the gentlemen who presented in opposition did not live in Ward 2. He gave an address of Southeast.

CHAIRMAN BENNETT: Yes, but he was the attorney for Mr. Evans, Jack Evans.

MR. SINDRAM: Mm-hmm, all right. You made mention, Mr. Chair, about the cost of a petition. It's costlier when the public trust is being irreparably harmed.
Again, you have made an impact on
democracy about voters. We have made it on term
limits, we went on Initiative 77 (telephonic
interference).

In a nutshell, Mr. Evans wanted and
willful rancorous malicious misconduct and a
total disregard of my, your, our constitutionally
protected rights and interests should mean he is
removed forthwith without further deliberation,
really taken aback, the meeting, the session past
where the young lady came up and indicated that
it appeared that Evans's attorney had a dilatory
track, you know, for this thing. That's a valid
point.

The time clock is ticking and
ultimately Mr. Evans will retire with pension not
only from the council from taxpayers but from his
law firm and whatever else he's got going on.

You know, that's sending a dangerous
message that when you do wrong in the District of
Columbia you are unjustly enriched at the cost of
we the people.
Mr. Chair, it falls on you to right a wrong here. I am tired of paying for his foolishness and Mr. Evans needs to go with a quickness.

Please, with undue delay have these re-qualifications put in place, let's take action, and remove Mr. Evans. There is sufficient evidence to show he has been immersed in wrongdoing, unjustly enriched continually, and no action taken.

Now it is time, Mr. Chair. The time is now and the place is here. And, again, it's a matter of public record where Evans as Chair of the Washington Metropolitan Area Transit Authority Board was removed.

It's a matter of public record where the council took action at its finance committee, so it's not just hollow allegations, there is substance to this and it's a form of trust, you know, and that's ad hoc the crucial, the heart of democracy, the heart of why we vote, the public trust, and our public trust has been continuously
violated.

It's going to send a chilling message to the community and say, well, we're going to stick our head in the sand like an ostrich, ignore this thing, you know, and just bury it.

Don't do that, Mr. Chair. Please do not do that. That would be an affront to me as a disabled veteran, to all of us that have put our life on the line for democracy.

And, again, for those of us that have -- not me, but there is a contingent that has a cynical side that why vote, or vote doesn't matter.

The point at issue, term limits '92 we went in and issued a --

(Simultaneous speaking.)

CHAIRMAN BENNETT: Mr. Sindram --

MR. SINDRAM: -- Mr. Chair.

CHAIRMAN BENNETT: Okay.

MR. SINDRAM: There was an announcement made on May 20th there was going to be a session regarding Mr. Evans and nobody
alerted me and Ms. --- ADA coordinator, Ms. Jennings, indicated she was not, you know, at work at that time.

Well be that as it may, just because Ms. Evans is not there doesn't mean somebody can't pick up the slack. You know, I have went in meetings, meeting in, meeting out.

I certainly on this issue have made, you know, comments and so on and I certainly want to be in the mix on the 20th, but that didn't happen.

So for the future, you know, you can - - even if Terrica Jennings is not there, and she does an excellent job, she deserves a raise, good help is hard to find, and that would be callous if you let her go.

If Ms. Jennings is not there then you or someone in the civics end should, you know, pick up the slack so I can intelligently respond and, in your words, participate, participatory democracy and that time will come.

I want to conclude in light of
Memorial Day, Monday past, it is a veteran. It is a veteran, not the preacher, who has given us freedom of religion.

It is the veteran, not the reporter, who has given us freedom of the press. It is the veteran, not the poet, who has given us freedom of speech.

It is the veteran, not the campus organizer, who gives us freedom to assemble. It is the veteran, not the lawyer, who has given us the right to a fair trial.

It is the veteran, not the politician, who has given us the right to vote, and the veteran who salutes the flag, who serves under the flag. God bless America and our troops.

I would be glad to field inquiries at this time, Mr. Chair.

CHAIRMAN BENNETT: Thank you, Mr. Sindram. First, we appreciate that --- at least I appreciated the last note. And, secondly, we apologize for not having made provisions for the May 20th meeting.
One of the things I think we want to do is to create a bridge for every meeting and then put that notice out so people have an opportunity to call in and we can also kind of hear from witnesses a little bit better than we have --

(Simultaneous speaking.)

MR. SINDRAM: Great --

(Simultaneous speaking.)

CHAIRMAN BENNETT: But my apologies.

MR. SINDRAM: I appreciate that, Mr. Chair. The Board has come eons, eons with regards to dialing in and accommodation by phone. Just a glitch though that was experienced previously when the contesting challenge going out of residency when it was, you know, a weekend, and then it was cut off, so if that could be remedied, you know, so that doesn't happen for the future.

CHAIRMAN BENNETT: Yes. My apologies for the technical difficulties today, but we got through them and I appreciate everybody's
patience.

With that, assuming you are done, Mr. Sindram, we are going to adjourn the meeting.

Thank you so much.

MR. SINDRAM: Very good.

CHAIRMAN BENNETT: Bye-bye.

MR. SINDRAM: Have a good, jolly day.

Thank you, Mr. Chair.

CHAIRMAN BENNETT: Mm-hmm.

MS. MILLER: Make a motion.

CHAIRMAN BENNETT: Thank you.

MS. MILLER: Motion.

(Off the microphone comment.)

MS. MILLER: Second?

(No audible response.)

CHAIRMAN BENNETT: Motion to adjourn is seconded and unanimous.

MR. SINDRAM: And I want to say, Mr. Chair, Ms. Lewis had some pointed questions, very pointed questions about one of those issues there.

MEMBER LEWIS: Thank you, Mr. Sindram.
I appreciate the compliment.

CHAIRMAN BENNETT: Okay. Meeting is adjourned.

MR. SINDRAM: Very good.

(Whereupon, the above-entitled matter went off the record at 1:11 p.m.)
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In the matter of: Board Meeting

Before: DC BOE

Date: 05-29-19

Place: Washington, DC

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Court Reporter