The District of Columbia Board of Elections convened a Special Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 11:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
KAREN F. BROOKS, Registrar of Voters
RENEE CHRISTENSEN
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
LINDA JOHNSON, Assistant to the Executive Director
WILLIAM SANFORD, General Counsel, Office of Campaign Finance
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CHAIRMAN BENNETT: Let me call the meeting to order. This a Special Meeting of the D.C. Board of Elections. Actually we had intended just to deal with one matter. That's the hearing regarding the Jack Evans recall that was filed by Mr. Eidinger. But we actually have one other item we need to deal with before that, and that's to approve as final the regulations for the Fair Elections Program.

And so what I'm going to do first, other than call the meeting to order and go through the agenda, I want to introduce who's here.

To the far right, Ms. Cecily Montgomery.

MS. MONTGOMERY: Good morning.

CHAIRMAN BENNETT: Director of the Office of Campaign Finance.

To my right is Mr. Ken McGhie. Your last name's not Montgomery. Ken McGhie, the
general counsel to the Board of Elections.

To my left is Board Member Dionna

Lewis.

MEMBER LEWIS: Good morning.

CHAIRMAN BENNETT: And to her left is

Executive Director of the Board of Elections, Ms.

Alice Miller.

We're waiting on another Board Member, Mr. Michael Gill. We will -- we don't need him
to get through the final rulemaking for the Fair
Elections Program, so we're going to go ahead and
do that. And then when he gets here, we'll start
the hearing regarding the recall of Jack Evans
filed by Mr. Eidinger.

So, anyway, first thing I'd like to do
is open the meeting up and get adoption of the
agenda.

Ms. Lewis.

MEMBER LEWIS: So moved.

CHAIRMAN BENNETT: It's properly been
moved, and I second. And it is unanimously
approved with the two of us here as a quorum.
The next thing I want to do is to open up and address the matter around final rulemaking for the regulations for the Fair Elections Program.

I want to just explain very quickly that we are going to adopt as final rules the regulations that were issued in March for public review in the D.C. Register and that came back -- got through the 30-day period in April. We will do additional modifications to those regulations based on legislation, emergency legislation that the Council passed but the Mayor has not signed as of yet, that should be signed prior to May 29th.

We will modify the final regulations that we approve today on May 29th at our regular board meeting based on that emergency legislation. We're not able to address that today because those legislative changes to the Fair Elections Program have not been finally approved yet.

So what I'd like to do is to turn it
over to Mr. McGhie, and we'll start the process
of Final Rulemaking.

MR. McGHIE: Okay. The first thing on
the agenda is Final Rulemaking to Title 3, DCMR.
It's Chapter 3, Advisory Opinions of the Board;
Chapter 37, Investigations and Hearings; Chapter
42, The Fair Elections Program; and Chapter 43,
The Verification Process.

These are all Office of Campaign
Finance Regulations, so I will defer to the
general counsel for the Office of Campaign
Finance to explain what these regulations entail.

MR. SANFORD: Good morning, Mr.
Chairman and distinguished Board Member Lewis.
My name is William Sanford, general counsel for
the Office of Campaign Finance. As the general
counsel for the Board of Elections indicated, we
are requesting final approval of the final
rulemaking of Chapters 30, Chapter 34, Chapter
37, and Chapter 99.

Chapter 30 includes the organizational
requirements for the Fair Election Program.
Chapter 34 implements an audit and bookkeeping and record keeping requirement for the Fair Election Program.

Chapter 37 includes the investigative and hearings and penalties provisions that affect the Fair Elections Program.

And Chapter 99 includes the definitions which will be expanded under the Fair Elections Program.

As the Chairman of the Board has indicated, these regulations were published in the D.C. Register in April, and they were finalized after 30 days. And so on today's date, we'd ask the Board to approve final rulemaking.

MR. McGHIE: Okay. At this point I would ask the Board to entertain a motion to approve the -- as final rulemaking the regulations of as outlined by the -- Mr. Sanford.

MEMBER LEWIS: So moved.

CHAIRMAN BENNETT: It's been properly moved, and I second that.

MS. BRIZILL: Mr. Chairman, can
someone from the public make a comment about what
Mr. -- the legal counsel for the Office of
Campaign Finance has just said? Because this is
not in the agenda.

CHAIRMAN BENNETT: It is on the agenda
today, Ms. --

MS. BRIZILL: This is not on the
printed agenda that the citizens were given when
they came in. It says Rulemaking regarding
Chapter 37, 42, and 43. And the general counsel
for the Office of Campaign Finance indicated that
it's Rulemaking for Sections 30, 34, 37, and 99.
That is not what is on the public notice.

CHAIRMAN BENNETT: Mr. Sanford?

MR. SANFORD: The Chairman indicated
-- I mean initially the Chapters that are noted
on the agenda were supposed to be part of this
hearing. But as the Chairman indicated, that has
not been signed by the -- that legislation has
not been signed by the Mayor so that has not been
offered today for final rulemaking for approval.

So we are requesting approval of the
chapters that have been published in the D.C. Register for the notice and comment period that was -- that expired in April of this year.

CHAIRMAN BENNETT: Ms. Brizill, would you properly identify yourself for the record.

MS. BRIZILL: My name is Dorothy Brizill. I'm Executive Director of D.C. Watch; our address is 1327 Girard Street, Northwest.

Mr. Chairman, let me put on the record a concern I have. Number one, the five items you have on today's agenda are not the items that are on the website for the Board of Elections hearing today.

But, in addition, when we arrived at this meeting today, the printed agendas were on the table. And item 2 on that agenda says Final Rulemaking, Title 3, D.C. Municipal Regulations, Chapter 3, Chapter 37, 42, and 43.

What we've just heard is you want to adopt Final Rulemaking for Chapter 30, 34, 37 and 99. So I'm voicing a concern regarding the fact that if you're going to add four additional items
to the agenda for today other than the recall,
they were not posted on the D.C. -- on the Board
of Elections website in a timely matter.

Moreover, you're changing the agenda
as we sit here versus the agenda that we were
given when we came into the room. This is --
this is not the way this is supposed to go. This
is not acceptable, and I don't think this is
legal.

CHAIRMAN BENNETT: It is legal. Thank
you for your comment, Ms. Brizill.

MS. BRIZILL: Why do you think it's
legal? Why do you think it's legal?

CHAIRMAN BENNETT: Because we have the
authority to do so.

Do you have any other comments, Ms.
Brizill?

MS. BRIZILL: Why do you have the
authority? The open governments law requires you
to give the public notice. You give the public
notice by publishing on your website and by
putting the agenda here. None of those documents
coincide with what you're about to do. So why is it legal?

CHAIRMAN BENNETT: Ms. Brizill, I don't intend to have a --

MS. BRIZILL: I just would like a civil explanation, not just for a ruling from the Chair saying that it's legal.

CHAIRMAN BENNETT: The agenda can be amended at any time, Ms. Brizill.

Is there something else that you want to -- that you want to tell us? If you'd like to come and address those issues with the other changes we're going to make to the regs on the 29th, we would love to see you.

MS. BRIZILL: No. Mr. Chairman, you know repeatedly for the past several months I have been raising concerns about what's not on your website, and you have dismissed it.

Now it's not only not on your website -- if you look at the homepage of your website it says special meeting, it doesn't say all these other -- and if it's going to be regular board
meeting.

CHAIRMAN BENNETT: This is not a regular board meeting. It is a special meeting.

MS. BRIZILL: Why do you think this is legal given D.C. law on the subject matter in terms of you have to publish --

CHAIRMAN BENNETT: The agenda can be changed at any time, Ms. Brizill.

MS. BRIZILL: Can I have a ruling from the legal counsel? Where does it say the agenda can be changed --

CHAIRMAN BENNETT: Ms. Brizill, you're not going to hijack this meeting.

MS. BRIZILL: I'm not hijacking. I'm asking a simple question. I would like an answer to it.

CHAIRMAN BENNETT: Ms. Brizill, do you have any other comments?

MS. BRIZILL: Why did you decide to change the agenda from a special board meeting to a regular board meeting -- putting five things on the agenda?
CHAIRMAN BENNETT: Ms. Brizill, you are not going to hijack this meeting. I explained what we were doing in the beginning. I'm sorry that is not something that meets your requirements. That's what we're going to do. We're going to proceed.

MS. BRIZILL: It's not meeting my requirements, not making the legal requirements. It's not meeting the legal requirements.

CHAIRMAN BENNETT: Ms. Brizill, we're done. Do you have anything else to say?

MS. BRIZILL: I would like a ruling from the --

CHAIRMAN BENNETT: You're not going to get a ruling.

MS. BRIZILL: I don't want a ruling. I want his comment because his office is responsible in a large part for putting up the agenda. How are citizens supposed to know --

CHAIRMAN BENNETT: Ms. Brizill, you have got to stop doing this. He can -- I'm happy to allow him to respond to you --
MS. BRIZILL: Cite me a section of the code --

CHAIRMAN BENNETT: I am happy to allow you --

MS. BRIZILL: -- on the regulations governing the Board of Elections that say that you can willy-nilly change your agenda. Cite me a section.

MEMBER LEWIS: Ms. Brizill, we do appreciate your concern and your activism, but we have to have and maintain a decorum in our meetings. And so if you wouldn't mind letting the Chairman speak, and then he'd let you speak, it would be a better and more efficient dialogue if we could have just that decorum and the respect present here today for the meeting.

MS. BRIZILL: I appreciate your comment, Ms. Lewis. But I also want respect and decorum. Okay. You have a room full of people who came down here not knowing half of these items were on the agenda. You have people who come to the meetings, who don't come to the
meetings, who try to follow what the Board of Elections is doing, to be checking the Board website on a regular basis as regards to the agenda for the meetings, and then to find out that you have changed it this morning, but then you change it again in the course of the meeting.

CHAIRMAN BENNETT: Ms. Brizill, what we'll do is we'll table the matter just to check the citations that you indicate that were not proper, and we'll bring it up right after the hearing again.

So thank you for your -- thank you for pointing that out.

All right. Thank you, Mr. SanFord. Let's check the citations, and we'll table it and bring it up for a vote after the hearing.

Has Mr. Gill gotten here yet?

We're going to -- if the representative for Mr. Evans and the representative for Mr. Eidinger, who's here, if you guys could get set up. We're going to
adjourn the meeting for a few minutes until Board
member Michael Gill can find his way upstairs and
get into the room. Okay?

We'll reconvene in about five or ten
minutes. Thank you.

(Whereupon, the above-entitled matter
went off the record at 12:00 p.m. and resumed at
12:07 p.m.)

CHAIRMAN BENNETT: We are back, and we
are officially reconvened. I want to introduce
to the right of Mr. McGhie is Mr. Michael Gill,
Board Member.

Prior to moving to the hearing we will
conclude the issue around for the rulemaking. To
your credit, Ms. Brizill, we were actually wrong
in terms of the citations. Thank you for
pointing that out. There were two public filings
with regard to rulemaking. So we will address
that after we have a hearing with regards to
that. Okay?

Mr. McGhie.

MR. McGHIE: Okay. The next matter on
the agenda is a challenge to the eligibility of
Adam Eidinger who filed as proposer of a recall
measure of Jack Evans of Ward 2.

Before I outline the procedures, can
I have the parties identify themselves beginning
with Mr. Eidinger?

MR. EIDINGER: Hi. Adam Eidinger,
2448 Massachusetts Avenue NW, Washington, D.C.,
20008. I am the proposer.

MR. McGHIE: And is that counsel next
to you?

MR. EIDINGER: No.

MR. NORMAN: I'm just here to consult.

MR. McGHIE: So could you please state
your name and address?

MR. NORMAN: Tony Norman, 533 Gresham
Place.

MR. McGHIE: Is that Northeast,
Northwest --

MR. NORMAN: Northwest.

MR. McGHIE: Okay. Great. Thank you.

And are you an attorney or just --
MR. NORMAN: I'm an attorney, but I'm not representing Mr. Eidinger here today.

MR. EIDINGER: He is consulting me on process and procedure but not speaking on my behalf. I'm speaking on my own behalf.

MR. McGHIE: Okay. Great. Mr. Dinan?

MR. DINAN: Donald Dinan, and I represent the respondent, Councilmember Jack Evans.

MR. McGHIE: Okay. So procedurally, this is how we're going to do it.

Mr. Evans, this is a challenge by Mr. Evans to your qualifications, so they will have the burden of proof. So they will have, what I call, two bites of the apple.

MEMBER GILL: It's a challenge to Eidinger's --

MR. McGHIE: Eidinger's qualifications. So they'll have two bites of the apple. So what we'll do is first the challenger will have 15 minutes to present their case in chief, followed by you having 15 minutes to
present your case, and then they will have 5
minutes in rebuttal.

What we will do additionally, though,
is that we will open it up for any public
comments that want to be heard. Anybody that
wants to be heard, either for or against the
measure, will be given time to present any
comments.

And then we'll end it with closing
arguments. Each party will be given two minutes
for closing arguments.

CHAIRMAN BENNETT: Can we see how many
people we have that would like to speak either on
behalf of the proponent or the opponent? Would
you raise your hand so I can get a count?

One, two, okay. Three. Four. Okay.
When we open it up to additional comments, we
will limit that to two minutes, okay. So please
gather your thoughts and be succinct.

MR. McGHIE: Okay. So Ms. Christensen
is behind me, and she will be holding up your
time. So she'll let you know when there's ten
minutes left, five minutes left, and one minute
left. We're going to try to strictly follow the
time limits.

So does anybody have any questions?

No? You have no questions.

MR. DINAN: No questions.

MR. McGHIE: Mr. Dinan, you may

proceed.

CHAIRMAN BENNETT: What we'll do --

I'm sorry. Just from a procedural standpoint.

Once we finish, the Board will convene

and try to make a determination today prior to

your leaving. And if we're not able to do that,

then we'll let you know when we will have a
decision. But we'll certainly try to do that
today. Okay?

MR. DINAN: Thank you very much, Mr.

Chairman, Members of the Board. My name is

Donald Dinan, and I represent Councilmember Jack

Evans in this matter.

First, and I will not use my time to

reiterate the procedural history of this case,
which the Board well knows, which has been set forth, but we would take this opportunity to, as we did in our brief, incorporate by reference the transcripts of the April 3rd hearing, previous petition, both those of Mr. Eidinger and myself.

As Mr. McGhie has just pointed out, the legal standard that's in front of us, as set forth in D.C. Code Section 1.1001.17, is that a request for petitions must be filed by a Ward 2 elector, that is a Ward 2 registered voter.

At the pretrial -- not pretrial, pre-hearing conference held within this case on May 3rd, Mr. Eidinger produced for the first time a driver's license where he was registered at 2448 Massachusetts Avenue. From the face of this driver's license, he obtained it after the April 3rd hearing, but before he refilled his petition on April 12th.

Therefore, he got his driver's license after the first rejection but soon thereafter he did change it and then almost immediately filed this recall.
At the pre-hearing conference we were informed by the Board of Elections that the obtaining of this driver's license lifted the, in quotes, flag on his voter registration that we had pointed out previously, that in order for the registration to become final he had to show a proof of address.

It is submitted that having a D.C. driver's license does not prove, per se, that one is a bona fide resident. As the ground rules of this hearing have set, it may create a prima facie case rebuttable presumption, thus shifting the burden of proof to the opposer.

But that it does not, in and of itself, it's not an irrebuttable presumption. And, in fact, particularly in the light of facts and history of this case in determining whether Mr. Eidinger is a bona fide resident of Ward 2, a real resident, that all the facts and documents in this case have to be taken in their totality. No one piece of evidence proves anything. It must be -- weight must be given to the totality
of the facts.

And in the totality of the facts, you know, I'm going to come back to vehicle registration, Mr. Eidinger's two vehicles are registered at Mintwood Place. I'll return to that soon.

His mobile phone numbers are registered to the Mintwood Place. He has filed no forwarding address with the United States Postal Service of moving his address to 2448 Massachusetts Avenue. We reference our opposition at 4.

According to the IRS records, his address, his tax address, residency is still at Mintwood Place. And on August 15th of this year, Mr. Eidinger was under the requirement to make an IRS filing, which -- presumed he did. So in other words, he told the IRS on April 15th, three days after he filed the renewed request for petitions under oath that he lives on Mintwood Place.

And then there's the issue of him
filing with OCF that his address, when he made
the donation to Elissa Silverman, that he lived
at Mintwood Place. That also -- this is for the
past election. That also is in our opposition at
4.

Now returning to the issue of the
driver's -- of the vehicle registration, Mr.
Eidinger today has produced a registration for
one of his vehicles, Chevrolet, for 2448
Massachusetts Avenue. That was on May 5th.
Excuse me, May 11th that he got that. That was
after it was pointed out on May 3rd at the pre-
hearing conference that his vehicles were still
registered at Mintwood Place.

What this evidence is showing is that
in -- taken in its totality, Mr. Eidinger has
used a friend's address where he is allegedly
illegally operating a business. That's because
he has employees and clients come there, and this
is the reason he had utility bills at that
address.

It appears that Mr. Eidinger used a
completely coincidental fact, coincidentally that
he operated a business in Ward 2 in a friend's
house, and he is using that to now claim that on
-- that he lives there, and he's doing that for
the sole purpose of trying to recall Jack Evans.

While at the same time, and this was
published by the Baltimore Sun on April 10th, he
has announced his intention to move, not only
move out of Ward 2, but to move out of the
District of Columbia, back to the State of
Maryland where he can continue his battles
against Congressman Andy Harris.

One looks, and today Mr. Eidinger
produced some new documents, but in the utility
bills that he produced at the last hearing on
April 3rd, this is Exhibit 1 in our supplement,
on the face of them, the utility bills and the
license bills predate any time that he claims he
lived at Massachusetts Avenue. The WASA bill
dates back to at least March 2018, and the
business tax, DCRA records show that that was
issued in April 2016.
Today Mr. Eidinger produces some new documents, including one, two PEPCO bills, one from March and April. And this is not surprising because he's been conducting a business there since at least April 2016.

Again, the coincidence, the address of convenience for the sole purpose of claiming to have a residence there to get the recall petitions and then leave town. Well, the -- and that addresses those new documents.

As we -- there is a pattern of conduct here, Mr. Eidinger and his addresses of convenience, all of which are on the record. You have Salisbury, Maryland so he can fight Andy Harris; Massachusetts Avenue so he can recall Jack Evans; Mintwood Place, which he has owned and lived in since 1999.

The purpose of the recall statute, the purpose of the law, if one does a close reading; two -- Title 1 Section 1001.17. That the purpose cannot be that one can move into Ward 2, use an address of convenience that is enabled only by
blind coincidence; two, go get a driver's license, which he could, because even under the new DHS regulations, we have to show enhanced documentation. He had the utility bills because he had them for the business. And then less than one week later, four, request petitions to recall.

And while he's doing all this, announced to the press, as published in the Baltimore Sun, republished in the Washington Post, he's leaving town as soon as this is done.

And as we have cited, statutes -- agencies in the District of Columbia have an inherent right of discretion. We cite People's Counsel v. The Public Service Commission 474 A.2d 1274, D.C. 1984. Where at page 1279 the Court of Appeals says it is -- which it inherently does, this is agencies, referring to agencies' discretion, when statute entrusts a decision at agency discretion.

In quotes, it implicitly withholds some measure of the reviewing court's authority.
to set aside that agency decision.

   Put it another way, to the extent that
the decision is committed to an agency's
discretion, the reviewing court cannot replace
the agency's judgment with its own. And
supported by the 4th Circuit case, Laytel v.

   So we have this fact pattern. The
Board has discretion, and in the interests of
time, is that we provided a time line of the
possibilities of the inherent chaos that this
could create, this being granting Mr. Eidinger's
petition, and we did set forth that the Board in
the exercise of its discretion has to look at the
maximum times. They can't look that he's going
to get the petitions in 30 days or 60 days,
whatever.

   And this chaos, and it's really
regardless of the actual times, is we're going to
have in Ward 2 three elections within about a
dfive to six-month period. Maybe even shorter.
And, indeed, the specter that the recall election
will be just before the primary election. The primary election, currently scheduled for June 16th, whoever wins that is going to be the overwhelming presumptive winner in the general election. The Democratic candidate can't really lose.

If the Board discresses to follow the request of Petitioner, three elections in a four or five-month period, the voters are going to be completely confused. They could be voting after they voted in the primary for the person they want. And let's, for the sake of argument say it is Jack Evans, and then they're going to be asked afterwards to vote in a special election to fill a vacancy.

And, of course, if it's not Jack Evans on June 16th then the matter's over. Whoever wins that election will become the Ward 2 candidate. And all of this is going to be at the cost of hundreds of thousands of dollars to the taxpayers in the District of Columbia.

We would submit that under this fact
pattern, the totality of the evidence Eidinger is not a bona fide resident, and the Board should use its inherent discretion and the interpretation of the statute and not costing the taxpayers hundreds of thousands -- I believe it's a little over $200,000 election for a Ward, create chaos as to what they're voting on, but rather exercise its discretion, have the primary on June 16th, and let the voters speak.

Thank you very much.

MR. McGHIE: Okay. Do any of the board members have any questions for Mr. Dinan?

CHAIRMAN BENNETT: I don't.

Ms. Lewis, do you have any questions?

MEMBER LEWIS: Possibly. Give me one second.

CHAIRMAN BENNETT: Okay. Mr. Gill, do you have anything right now?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Excuse me just one second.

MR. McGHIE: Well, let me ask you some
questions in this time. Just to make sure we have all the documents that you referenced in your presentation just now. We have his driver's license.

Now I know you mentioned he had another vehicle, another vehicle that's registered?

MR. DINAN: Yes, in our opposition supported by cite to DMV records, both his vehicles were registered at Mintwood Place, which was the status of things up to May 3rd.

Today Mr. Eidinger has produced a statement with some exhibits, I presume, either they're in the record or he's going to put them in, but in that he shows that after the hearing on May 3rd, where -- the pre-hearing conference, where it was pointed out his cars were still all registered at Mintwood Place, he runs down to DMV, and he changes the address. And he did that apparently on May 11th.

And this falls into our argument of the address of convenience. Every time it's
pointed out that he hasn't done something, he
runs down and does it.

MR. McGHIE: Okay. I just want to
make sure I have track on everything that you
just mentioned. So we've got the two vehicles,
we have the cell phone bill that says Mintwood,
the tax address, tax information that he's using,
you know, he filed on April 15th. That's
Mintwood also?

MR. DINAN: Yes.

MR. McGHIE: Yes. And the OCF
donation to -- I forgot which Councilmember he
donated to.

MR. DINAN: Ms. Silverman.

MR. McGHIE: Elissa Silverman, that
also indicates a Mintwood address.

MR. DINAN: Yes. And that's in the
record.

MR. McGHIE: There's a PEPCO bills you
say. That has Massachusetts Avenue.

MR. DINAN: That has Massachusetts
address, but they predate any time -- those
accounts predate any time that he's ever claimed he lived there.

MR. McGHIE: Okay.

MR. DINAN: And he has admitted he's run the business there, and we concede to that.

MR. McGHIE: All right. Do we have anything else, Ms. Lewis?

MEMBER LEWIS: Yes. Mr. Dinan, when you were -- Mr. Dinan, when you're referencing the renewal, are you referring to this exhibit? This is Eidinger's packet, the registration for residential parking renewal notice? What are you referring to?

MR. DINAN: Yes, I'm -- he just produced this today.

MEMBER LEWIS: Oh, I see.

MR. DINAN: Yeah.

MEMBER LEWIS: Okay. All right. Is it --

MR. DINAN: And that's what I'm referencing.

MEMBER LEWIS: Is it that you're
saying he went down there on May 11th and did
renewal?

    MR. DINAN:  Well, that's what it says.

    MEMBER LEWIS:  I think it says it expires on May 11th.

    MR. DINAN:  But there -- well, it does say that, but it's the time that he would have
            had to renew it.

    MEMBER LEWIS:  Okay.

    MR. DINAN:  And because of the time that -- in reading this, he either got a one year
            or a two year registration, which means he either got on May 11, 2017 or May 11th, 2018.  Okay.
            Both those times predate the time that -- any time he claims he lives on Massachusetts Avenue.

            It appears from this document that one of the vehicles it was going to run out on May 11th, 2019, so -- but this is after it was pointed out that that vehicle was still registered at Mintwood Place on May 3rd, 2019.

            MEMBER LEWIS:  In which document?  Are you still referencing the same renewal document
when you're saying that, or are you now referencing one of the Allstate or insurance --

MR. DINAN: No, this is the same registration and RPP.

MEMBER LEWIS: Okay. And where are you seeing that something was running out? I just want to make sure I'm following you.

MR. DINAN: Well, it says it's going to expire on May 11th, 2019.

MEMBER LEWIS: Okay.

MR. DINAN: So what I'm saying is after the pre-hearing conference on May 3rd, where it's pointed out both vehicles are still at Mintwood Place, again another coincidence, one of them is going to expire, well he runs down after the hearing and he has to renew his registration, well he renews it at Massachusetts Avenue.

MEMBER LEWIS: Do you have some documentation supporting that? I'm just trying to make sure I'm following --

MR. DINAN: What he did --

MEMBER GILL: We don't seem to have
anything that shows that he had vehicles
registered at Mintwood. You're saying he did.
I think that's what Dionna is getting at is just
where does it show they were registered at
Mintwood?

This to me just looks like he pulled
a renewal notice that was coming and it shows
Massachusetts. So he obviously had a car
registered at some point in the last year
Massachusetts. But you're saying Mintwood. So
I just -- I think that's what Dionna is saying is
that you have some evidence that there was a car
registered at Mintwood.

MR. DINAN: That evidence came from an
online search of DMV records.

MEMBER LEWIS: Do you have copies of
those online searches?

MR. DINAN: We do have the
investigator's printouts.

MEMBER LEWIS: Can we see those?

MR. DINAN: I -- I don't believe -- we
did not put them in the record. I don't believe
we have them here today. I mean we could
supplement the record if you want. But I would
again emphasize the date that he had to have
gotten this registration is before any date that
he claims he lived there.

MEMBER LEWIS: And then I guess
another question I have, could you just explain
the relevance in your perspective of the time
line that you offered in the appendix?

MR. DINAN: It was just to show my
example of what maybe could be called the worst
case scenario, but to show by example that no
matter how soon they realistically get the
petitions in, that it's going to cause this Board
to potentially have three elections in a very --

(Simultaneous speaking.)

MEMBER LEWIS: So you're just making
a projection?

MR. DINAN: Which in the brief I said
in the most optimistic in a five to six-month
period.

MEMBER LEWIS: I see. Okay. I see.
You're just making a projection. This isn't necessarily a --

MR. DINAN: No. On the one side we sort of gave what it's probably going to be; then we showed a worst case scenario.

MEMBER LEWIS: I don't think I have any further questions.

CHAIRMAN BENNETT: Mr. Gill.

MEMBER GILL: No, I just -- just so your point is that regardless -- I get you on two separate points here. You're trying to make the one point that he had cars registered at Mintwood Place, but the only thing in the record just shows that he has a renewal for Massachusetts Avenue.

Your point is he didn't previously claim to live at Massachusetts Avenue when he had his car registered there. And so we're just trying to get --

MR. DINAN: Okay. Yes --

MEMBER GILL: I think I got it.

MR. DINAN: Okay. It's a subpoint to
the fact that he keeps changing the documents as this case has gone on. But we have -- our main point is, is that just having the driver's license and I would even say moving the registration ex post facto, you still have to take the totality of all the documents in evidence, which are the documents that Mr. McGhie summed up to be that we've stated, the IRS, the mobile phones, the other car's still registered there, and the like.

And that's our argument, when you take together the totality of the evidence and how it keeps changing, you know, renewing things, that he's not a bona fide resident. I think it's clear by overwhelming preponderance of the evidence is that --

CHAIRMAN BENNETT: Mr. Dinan, I'm going to stop you. You're kind of getting into rebuttal.

You have another question?

MEMBER LEWIS: Yeah, I do. I'm sorry. You mentioned this friend. How or who's the
friend and how do you identify the friend that
lives at this other alternative address? And do
you have any documentation supporting that?

   MR. DINAN: Well, on the -- again, in
public records it shows who lives there. And I
believe Mr. Eidinger's going to address this, but
it's one of his business associates who we
believe is a Mr. Nikolas Schiller.

   MEMBER LEWIS: Can you spell that name
for us?

   MR. DINAN: Nikolas is spelled with a
R.

   But the presumption, that's who we
believe it is. Mr. Eidinger may say no, it's
somebody else. But he was running the business
out of that address. He wasn't living there, all
that's undisputed, before November of 2018.
Somebody else was, and that somebody else is his
business associate, so it's to be presumed he was
a friend or a friendly associate.

   We think that person is Nikolas
Schiller; it could be somebody else. But he did
have the coincidence he's running a business out
of somebody else's apartment. And this was all -- predates any time that he makes any claim of
moving, which I believe was November of 2018.

CHAIRMAN BENNETT: Any other
questions, Ms. Lewis?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: Nope.

CHAIRMAN BENNETT: Okay. Let's
proceed.

MR. McGHIE: Thank you. So, Mr.
Eidinger.

MR. EIDINGER: Yes. Eidinger.

MR. McGHIE: Okay. You have 15
minutes.

MR. EIDINGER: Okay. Does that
include time for witnesses because we had
prescheduled witnesses?

(Simultaneous speaking.)

MR. McGHIE: No, that will be more
time.

In his case in chief if he has any witnesses, they should be included.

MR. EIDINGER: All right. Well first I'd like to say the packet of evidence is my rebuttal information here I present today I'd like to be entered into the record. This packet here, you should all have a copy.

CHAIRMAN BENNETT: Yes, sir.

MR. EIDINGER: Have you read -- have you read this?

CHAIRMAN BENNETT: Yes.

MR. EIDINGER: I won't necessarily read this verbatim. I'll just highlight some points before I call my witnesses.

The new evidence that is being, you know, brought forward here is it only further confirms where my residence is. The fact is I had vehicles that were registered at a prior residence that are now coming for re-registration, and they're being re-registered at the correct location.
I own the other apartment in question here, but I've not lived there for many years. I've only recently made word to my super, you know, residence where I am, everything matches up because I did that back in the fall of last year. So I have been a Ward 2 voter since the fall of last year. There should be no issue here.

All these other bills and things that are going to another address, I own that property, and I wouldn't change an address on a property I own. Okay. So when he says why didn't you go to the post office and change your address? And I said well, because I'm still receiving important mail there and I still can receive mail there if I want to.

You know, people own properties in multiple states, they rent properties in multiple states and multiple places in one city. That's the confusion here. And he's trying to conflate that with, you know, that I'm somehow trying to pull one over on the Board.

When I bring up my witnesses you'll
see that -- okay. Thank you. You'll see that
there is actually plenty of evidence that I live
there.

So since you've read all this, I'm not
going to repeat it all, but I do want to go to
the conclusion here because I think it's kind of
important.

You know, Councilmember Jack Evans is
arguing some incorrect facts when it comes to the
possible time line and the burden on D.C.

If you look on the document that was
provided by his attorney, it shows the election
happening in -- the first one happening in
November of 2020. What I'm trying to do is have
the election in November or December of 2019 if
we succeed in collecting the petitions.

I am kind of complimented by you all
and the Councilmember assuming that we'll collect
the signatures to put this on the ballot. We
have a tremendous burden of 10 percent of
registered voters in Ward 2 to put this on the
ballot. And I think that should instruct whether
or not it's a good use of taxpayers' funds to pay
for a recall vote.

There's no other way to look at it.
I don't think this Board should decide whether
it's okay to do a recall. I don't think the
Councilmember should decide if it's okay. It's
up to the 10 percent who sign that petition. And
we -- you have to let us get at least a shot at
doing that before you decide this is a waste of
money. Because you don't know what the intensity
is for this recall.

Plus, of course, the statute makes
clear that you can only do recalls in the third
year of a term. This is actually going into his,
I think, 28th year in office. So for someone to
be in office for so long to finally have a recall
is actually kind of reasonable. And we're only
doing it in the third year. So we're not having
-- it's not right after an election and it's not
right before election, an election as has been
stated here today.

So, yes, please don't prejudge voter
intent by denying us the right to collect
signatures for the recall. It's important to
note that this is only once every four years.

At this time I'd like to call Nikolas
Schiller. I guess have a seat here.

MR. DINAN: Mr. Chairman, if we could
ask for instruction from the bench, are we going
to have the right -- the opposing have a right to
cross-examination of these witnesses?

MR. McGHIE: Yes, you have the right
to cross-examine them. And when you're cross-
examining the witness, his time will stop. So
cross-examination is not going to take up his
time.

MR. DINAN: In that case, we would
respectfully request the Board invoke the rule on
witnesses, that the other witnesses has to leave
the room while each is testifying and that they
be instructed not to talk to each other while the
case in chief is being put on.

MEMBER LEWIS: I'm fine with that.

CHAIRMAN BENNETT: Okay. You good
with that, Mr. Gill? Mr. Gill?

MEMBER GILL: I'm fine.

MR. McGHIE: Do you have any other additional witnesses that you --

MR. EIDINGER: I object. This isn't a court of law. This is a public hearing.

MEMBER GILL: Yeah. I want to -- I want more discussion on this before we just say yes.

This whole idea of being cross-examined when you take time out and come to a public hearing. We're trusting people are coming here with the truth. If you've got documentary evidence to question that -- but if we're going to turn this into every time we do one of these, cross-examination of witnesses, I wouldn't show up to be put to that.

I mean there's only so many facts at issue here, right? I think we, as a Board, can ask the questions of witnesses. We're not -- no one's under oath, for goodness sakes, as it is.

So I don't know what --
MR. McGHIE: I will put him under oath.

MR. EIDINGER: Either way this is evidence I'm presenting --

CHAIRMAN BENNETT: Your time is not running.

MR. EIDINGER: -- and he can talk about it on rebuttal.

CHAIRMAN BENNETT: Ms. Lewis.

MEMBER GILL: I'm just -- I'm sorry. I'll shut up.

CHAIRMAN BENNETT: No, you're fine. I just want to make sure we hear everybody.

MEMBER LEWIS: I think that's valid.

CHAIRMAN BENNETT: What?

MEMBER LEWIS: -- court of law. I mean it's obviously up to our discretion. They will be under oath so the protection -- is already there.

CHAIRMAN BENNETT: Okay. Anything else?

MEMBER GILL: No.
CHAIRMAN BENNET: What we'll do is we will allow witnesses to stay. We will allow you to, Mr. Dinan, to ask additional questions. I hate to even call it cross-examination. We'll allow you to ask additional questions. We'll limit those questions still and not allow you to kind of go on and on. I won't put a time limit on it, but we'll limit those questions to the specific things they're testifying to.

We're not looking for additional evidence that you may draw out of a witness that Mr. Eidinger did not put on. But we're not going to ask them to leave the room, and we will stop the time for Mr. Eidinger.

And, Mr. Eidinger, you'll have the same opportunity.

But we'll stop the time for Mr. Eidinger in terms of his 15 minutes while you ask those questions. I caution you, those questions should be pretty short and succinct and not try to draw out additional evidence in that regard. Just to address the issues that are there.
I'd like to move forward.

MR. DINAN: Okay. We understand the Board's direction.

CHAIRMAN BENNETT: Thank you.

Okay. Mr. Eidinger, sorry for the interruption. Please go ahead.

MR. McGHIE: Okay, sir. Can you raise your right hand?

Do you swear or affirm that the testimony that you give will be the truth?

Please say I do.

MR. SCHILLER: I do.

MR. EIDINGER: Okay. Can you state your name for the record?


CHAIRMAN BENNETT: Can we do this -- just to move the other microphone so you don't have to go back and forth like that, if you don't mind. Thank you.

MR. SCHILLER: I'm a resident of Ward
Last Friday was my 15-year anniversary of living at that address.

So the idea that I am a friend of Adam's that is somehow living at 2448 Massachusetts Avenue is wholly incorrect and almost makes me a little bit annoyed to think that I have to defend my own address when Mr. Eidinger has lived at 2448 Massachusetts Avenue for no less than, I believe, four years over -- through different iterations.

I am his employee at his small business, Mintwood Strategies, which operates out of the basement floor of 2448 Massachusetts Avenue. Adam's bedroom, where he lives and resides, is on the third floor of that residence.

Therefore, I think it's very spurious to even question that Adam even doesn't live at this house, that he has proven that with a driver's license that he lives there, registered to vote, and the current regulations don't provide -- require any other burden of proof
than he has already offered.

Councilmember Jack Evans's counsel, which I question who's being paid for, if he's even created an office of campaign finance committee to fight this, and if you're doing your time on pro bono or not, it's very questionable how that is even operated and I can --

CHAIRMAN BENNETT: If you would direct --

(Simultaneous speaking.)

CHAIRMAN BENNETT: -- your comments to the -- to the Board as well, please.

MR. EIDINGER: How long have you known me?

MR. SCHILLER: I've worked with Mr. Eidinger for no less than 15 years. When he ran for U.S. Shadow Representative in 2004, I built his campaign website.

MR. EIDINGER: Okay. Do I sleep anywhere else in town?

MR. SCHILLER: No, he does not. He sleeps --
MR. EIDINGER: Where can you find me on the weekends?

MR. SCHILLER: Either at your house or you have another land that you own also in Virginia that you sometimes --

MR. EIDINGER: But how often do I go there?

MR. SCHILLER: Very rarely.

MR. EIDINGER: Yes. So as far as you know, I'm sleeping at 2448 Massachusetts Avenue on a nightly basis?

MR. SCHILLER: On a nightly basis.

MR. EIDINGER: And does my daughter live there with me?

MR. SCHILLER: Yes, your daughter lives there on week nights.

MR. EIDINGER: All right. Thanks for your time. I need to get the next witness up.

MR. SCHILLER: All right. Thank you very much for your time.

MR. McGHIE: Thank you.

MR. EIDINGER: Thanks, Nick. Oh, we
were going to do cross examination. Why don't we
do that during the rebuttal? I don't -- how much
time is he going to get --

(Simultaneous speaking.)

CHAIRMAN BENNETT: Your time stops.

Your time stops.

MR. EIDINGER: But how much time does
he get? Because I think he should have a
specified amount of time on the rebuttal. It's
not fair that he can just ask endless questions
at the end.

CHAIRMAN BENNETT: No, he's not going
to be asking endless questions, sir.

MR. EIDINGER: All right.

CHAIRMAN BENNETT: I want him to ask
questions that are specific to what your witness
tested to.

MR. EIDINGER: Sorry. Tried to get
you out of the hot seat.

MR. SCHILLER: Any questions, I
welcome them.

MR. DINAN: Mr. Schiller, I just have,
oh, a couple questions. Does anyone else live at 
the 2448 Massachusetts Avenue?

MR. SCHILLER: Throughout the time 
period that Adam has lived at 2448 Massachusetts 
Avenue, he has actually rented out a guest 
bedroom in the house to actually help, I think, 
offset some of the rent that he has to pay. At 
this time there are other people that currently 
live at the house as well. I do not and have 
never lived at that house.

CHAIRMAN BENNETT: I'm going to ask, 
just for brevity, if you could ask the questions 
succinctly and then, please, give just a succinct 
answer, sir.

MR. DINAN: We have no other 
questions.

CHAIRMAN BENNETT: Okay. Thank you. 
Thank you so much.

Mr. Eidinger, your next witness, sir.

MR. EIDINGER: Caitlin Miller, please.

MR. McGHIE: Ms. Miller, could you 
raise your right hand?
MS. MILLER: Yes.

MR. McGHIE: Do you swear or affirm that the testimony that you give will be the truth? Please say I do.

MS. MILLER: I do.

MR. EIDINGER: All right, Caitlin. I'm going to ask you a question here.

You are my girlfriend, right?

MS. MILLER: Yes.

MR. EIDINGER: Your residence is in Virginia?

MS. MILLER: Yeah. My permanent residence is in Virginia.

MR. EIDINGER: How often do you come to 2448 Massachusetts Avenue?

MS. MILLER: Most nights in the week.

MR. EIDINGER: So you basically are living at the house most nights of the week, but you still have a permanent residence in Virginia?

MS. MILLER: Correct.

MR. EIDINGER: Is that because we're dating?
MS. MILLER: Yes.

MR. EIDINGER: Have you ever been to another house in D.C. where I've slept?

MS. MILLER: No.

MR. EIDINGER: Have you ever heard me say I'm going to go sleep at another house in D.C.?

MS. MILLER: Never.

MR. EIDINGER: Okay. No further questions.

CHAIRMAN BENNETT: Thank you. Do you have any questions, Mr. Dinan?

MR. DINAN: We have no questions.

CHAIRMAN BENNETT: Thank you. Thank you.

MR. EIDINGER: I'd like to call Debby Hanrahan.

Thank you for coming, Debby.

MR. McGHIE: Okay. Ms. Hanrahan, would you raise your right hand?

Do you swear or affirm that the testimony that you give will be the truth?
Please say I do.

MS. HANRAHAN: I do.

MR. EIDINGER: I just -- are you a Ward 2 resident?

MS. HANRAHAN: Yes, I am.

MR. EIDINGER: Can you state your address for the record?

MS. HANRAHAN: 1505 Q Street NW, D.C., 20009.

MR. EIDINGER: So I just wanted to ask you if you recently attended a meeting at my home?

MS. HANRAHAN: Yes, I have.

MR. EIDINGER: And was that 2448 Massachusetts Avenue?

MS. HANRAHAN: Yes, sir. Yes, it was.

MR. EIDINGER: Was it in early April?

MS. HANRAHAN: Yes.

MR. EIDINGER: Before the -- this current filing?

MS. HANRAHAN: Yes.

MR. EIDINGER: Okay. No further
questions.

CHAIRMAN BENNETT: Thank you. Do you have any questions, Mr. Dinan?

MR. DINAN: No, we do not.

CHAIRMAN BENNETT: Thank you.

MR. EIDINGER: I'm not going to call any more witnesses.

CHAIRMAN BENNETT: Okay.

MR. EIDINGER: So I think I have like a few minutes left, maybe?

MR. McGHIE: How much time does he have left?

MS. CHRISTENSEN: Seven minutes.

MR. EIDINGER: Seven minutes. Wow.

(Simultaneous speaking.)

CHAIRMAN BENNETT: Don't feel compelled to use them all.

MR. EIDINGER: Do you have some questions? Do you want to start with the questions for me?

CHAIRMAN BENNETT: I have a couple questions for you.
MR. EIDINGER: Okay.

CHAIRMAN BENNETT: But I'll ask my colleagues if they have any.

Mr. Gill, do you have any questions?

MEMBER GILL: No. I mean -- my question is where do you lay your bed -- your head at night, and you've answered that with witnesses.

The only other observation I would make is that there other Ward 2 residents that -- I mean, we are now having to do this the second time. There was a large discussion about this. The Ward 2 residents that are here, why do you got to do this?

MR. EIDINGER: Wait a second. I am a Ward 2 resident, first of all. And this was me initially doing it, my treasurer did not file the proper campaign finance report. The issue of residency wasn't brought up as a reason why it was denied.

On the second round, this is an allegation from the target of the recall and
we're responding overwhelmingly saying look, no,
I really live in Ward 2 and this is kind of
ridiculous of having to prove this, but here we
are proving it.

I've been consistent the entire time
that I've registered to vote there. I've been
registered there since December. I explained in
the previous hearing why I didn't change my voter
registration in D.C. in the first place and it's
irrelevant to this. It just doesn't matter.

Secondly, my treasurer and a new
treasurer, who is here today, and all of our
campaign finance paperwork is on file, is also
from Ward 2. And there are numerous Ward 2
residents here today. I've got about 40
volunteers signed up ready to go. We're waiting
on this petition.

You know, and I do appreciate you
doing your due diligence here and when
allegations like this are brought up, but these
are really, you know, dramatic allegations that
you better have the proof. And I just don't
think there's -- this comes even close to presenting enough proof.

And in the totality of it all, you know, he's asking to prejudge the voters. You don't know what the voter intent is yet. The voters might really want this recall. So if they don't, it will go away.

And as was noted by Nikolas Schiller, I'm concerned that a private investigator was hired to do this work, that it's not just pro bono work, perhaps friend of the Councilmember. I think at this point the Councilmember should have filed a rebuttal or a no recall campaign committee by D.C. law.

Yes, he's entitled to representation, but I think it's gone beyond that. I think there has been -- I don't have -- unfortunately I don't have a receipt for a payment to a private investigator, but it does seem like that that's what's going on in this case.

And there is a second recall -- I'm sorry, a third recall committee that's been
formed you may have heard about. Some of those people are here in the room right now. They have told me they're going to drop that recall position as soon as my petition is issued. But that's just so to hold this Board accountable that someone is going to get this recall started.

And, you know, it really shouldn't be denied to me at this point. It is correct, I've lived at the house, I've slept at the house for four years. It took a while for me to move my residency because I own the other place. And I have a right to have all four residencies. I'm blessed by this city and I've been really fortunate in my career in being able to support multiple residencies at the same time.

But, you know, my girlfriend was here, my friend was here, my activist colleague is here, they've all been to my house. It's a home and I welcome -- I would invite any of you into my home today to come see it if that's what it took to convince you.

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

MEMBER LEWIS: No, I don't.

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

MR. DINAN: No questions. I got the answer.

MR. EIDINGER: You got the answer that you want.

CHAIRMAN BENNETT: Ms. Lewis.

MEMBER LEWIS: Yes. Mr. Eidinger, is it true that you will be moving back to Maryland to fight Congressman Andy Harris in the next election?

MR. EIDINGER: Not the next election actually. The comment was taken out of context. I am interested in seeing what happens in that district in 2022 after Congressional redistricting. It has -- I'm being perfectly honest. It has occurred to me as a political animal that I might move to another state in the future.

But I'm here now and I'm here for the
rest of this election cycle through 2020. I'm
going to be voting in D.C. in 2020. And, you
know, 2022, if we get a good redistricting, I
might even move to Maryland and run for that
office. It's my right, you know. And I've done
a lot of activism in Salisbury and I'm proud of
it. And it was on behalf of the District of
Columbia and our lack of voting rights in
Congress. That's why I was there.

You know, I wasn't -- and I'm not
trying to throw away my life here. I love my
life in D.C. And the fact that the media,
Washington Post, Baltimore Sun, AP, they all want
to write about this, this is good for D.C. It
shows that people are standing up for D.C.

So, yeah, you know, I think this is,
you know, desperation by the Jack Evans camp here
to raise this issue.

MEMBER LEWIS: Thank you.

CHAIRMAN BENNETT: I have no
additional questions.

Were we going to do rebuttal now or --
MR. DINAN: Yes, if --

MS. CHRISTENSEN: Five minutes.

MR. McGHIE: You have five minutes left. If you want to relinquish your time, Mr. Eidinger, then we'll just begin with the rebuttal of Mr. Dinan.

MR. EIDINGER: I mean, you've all affirmed that you've read my statement here so I'm not going to read it all.

I just also included, you know, excessive proof. There's a statement here from my Temple, Temple Micah, which is just up the road. You know, it's very close. Jewish people like live close to where they pray. Okay. So this is, you know, it doesn't say in the statute I have to prove with a PEPCO bill, but I figured this Temple bill is a little more relevant.

And it's true, I did have a PEPCO bill sent out when I first rented the property as a home office. So, yes, the PEPCO bill's been there for a long time.

And then lastly, the registration
residential parking renewal, doesn't that show
that in renewing it at an address? So whatever
allegation they're making about me having the
cars registered at the old address is old
information.

And then there's a renters and a
policy bill here. It doesn't have any business
name on it, it just has my name, Adam Eidinger.
Because this is a home renter's policy. Which I
just used at this home when the house caught on
fire two years ago. And that's also in the
newspaper if you want to pull out public record.
I've had it there for a long time.

Many people move to Washington, D.C.
for -- and they don't register to vote here right
away. That's your right, you know, and many
people keep registration if they have multiple
properties at a desired location. And then they
move it when it's convenient for them.

And so, you know, I didn't even know
I was going to be doing this recall in December
when I registered to vote there. I had no
intention of doing this. It was only after
reading in the Washington Post about the
corruption for these FOIAs that -- and then the
lack of holding them accountable that I decided
I had to do this.

And I have said to Jack Evans' counsel
here I will withdraw the petition for recall if
he simply agrees not to run for office again.
That would save the taxpayers the cost of a
recall as well. So why don't you just not run
for office? And he's not taken me up on that
offer.

CHAIRMAN BENNETT: Thank you.

MR. McGHIE: Okay. Mr. Dinan, you
have another five minutes for rebuttal.

MR. DINAN: Okay.

CHAIRMAN BENNETT: And please pull the
mic over to you, sir.

MR. DINAN: I will limit our rebuttal
to matters that came up on the petition's case.

First of all, the -- again, we
reiterate the address of convenience argument and
the coincidence that he had this business at 
Massachusetts Avenue which gave him the utility 
bills, which gave him the right, the ability to 
transfer the driver's license, even under the 
DHS, the new regulations. Which is really the 
crutch pin.

We did say that we believe Mr. 
Schiller lived there. He says he doesn't. He 
just works there. We would accept that. We 
think that that distinction's immaterial. Other 
people that we have living there is Sean Robinson 
and Keith Carr again when I snooped around.

But as to the other witnesses, on the 
record, and it's Exhibit 2 to our opposition, 
there's an article in the Washington Post, and it 
was dated April 10th, 2018, and that's when Mr. 
Eidinger says that he's moving to Maryland.

The focus of the article had to do 
with DCPS. We're not going to go into that. 
April 10th it says he's moving to Maryland. And 
he gives as his address Mintwood Place. Totally 
contradicts the evidence with which we just
I heard.

Tell me time, please.

Mr. Eidinger in his previous testimony has stated that he moved to Mintwood Place in November of 2018. The evidence we just heard is totally contradicted by that.

And then we hear evidence, statement from Mr. Eidinger well, I really don't have a present intention of moving to Maryland. In fact, I'm thinking about 2022. Yet he goes and tells the newspaper, in particular the Baltimore Sun, this was a big issue in Maryland, on April 11th, published on April 11th, that he's moving back. And the Board can read this article. Plain -- and it's republished by the Post. No offer asking for retraction.

But if you read this article it can only be read in the present tense. It doesn't mean he's moving back this afternoon, but it doesn't mean he's moving back in 2022. There's no way that his statements given to the press can now be squared with the evidence that's just put
on.

As for the testimony of Ms. Hanrahan attending a meeting there, I had no doubt she attended a meeting there. She had a business there, a marijuana business.

So, we reiterate -- I'm running out of time -- address of convenience, the law cannot be read that you can just move into a place, use the coincidence, get a driver's license, get a recall petition and then leave.

This Board has discretion and it should use it to deny this petition in the sound use of discretion and the fact he is not a bona fide resident. And as to the evidence that was just put on, it is completely rebutted by his own words in other fora.

Thank you very much.


MEMBER LEWIS: Mr. Eidinger, just to make sure I'm clear. Did you testify that you changed your address in November of 2018?
MR. EIDINGER: In November of -- well, after the election I moved back from Maryland to D.C. And I believe I was on the voter rolls the first week of December in D.C. I re-registered here in D.C. I reported my prior address in Maryland and my former voting address and, you know, submitted the card and got the card in the mail at my residence at 2448 Massachusetts Avenue.

MEMBER LEWIS: Thank you.

CHAIRMAN BENNETT: Any others?

Mr. Gill.

MEMBER GILL: No questions.

CHAIRMAN BENNETT: All right. None from me. Can we get the public comments?

MR. McGHIE: So at this point is there anybody in the public that would like to be heard in support on the challenge?

In support of the challenge?

CHAIRMAN BENNETT: That would be in support of Mr. --

MR. McGHIE: Evans.
Seeing none, is there anybody that
would like to be heard in support or in
opposition to the challenge? Let me just count
first. One, two, three, four, five, six. Let's
go from -- this is left, my left to right.

CHAIRMAN BENNETT: How many people did
we have?

MR. McGHIE: Seven.

CHAIRMAN BENNETT: Seven. Okay.

Please limit to two minutes, please.

Can you time?

MS. ORY: Two minutes?

CHAIRMAN BENNETT: Yes.

MR. McGHIE: Just please state your
name and address for the record and then you have
two minutes.

MR. EDEN: My name is Art Solutionator
Eden. And I want to beseech this Board that it
comes a moment in history where you can stand for
something, not fall for anything.

And that the children of the city
deserve professionals who stand for the elements
that make this country a free country. So think of the children when you're going to vote.

Thank you.

CHAIRMAN BENNETT: Thank you, sir.

MS. ORY: My name is Eleanor Ory. I go by Echo for short and I am the Ward 2 Committee Woman for the Statehood Green Party. And I want to speak in favor of the recall.

D.C. is at a critical and sensitive point in time in the fight for statehood with historic endorsements for D.C. statehood passed in HR1 and record number of cosigners for HR51 and now listed as a top priority of the Senate Minority leadership.

The ongoing ethics investigation and the dangerous distraction that frames to paint D.C. as having a corrupt political culture and sent damaging swamp tropes which conceivably risk chilling and hampering D.C.'s effort of encouraging hesitant members of Congress to cosign.

The statehood movement has worked too
hard to separate the reputation of D.C. residents from the toxic environment of Congress to be ruined by one elected official's impropriety.

In a city that has taken the lead in prosecuting a high profile elected official's abuse of office on the national level, I believe elected officials should be held to the highest standards of ethics and integrity as we complete our final sprint for D.C. statehood.

Furthermore, as someone who lives in Ward 2, I've spoken to many residents who are not only concerned with the conduct of Evans, but with the stonewalling of this process. Recalls, like impeachment, are a critical democratic check on our elected officials.

If you choose to stop this petition for recall, you will only create more petitions. Already one person has already filed an additional recall and others that I have spoken to have considered and speculated considered by them. Worse, we will further erode the public trust in our system.
Already between Don't Mute DC, zero vision, and lack of congressional representation, there is damage to the public trust. I urge you to recognize Adam's residency and issue the petition as it will only delay what many in Ward 2 want.

CHAIRMAN BENNETT: Thank you.

MR. McGHIE: Next lady behind Ms. Miller.

MS. DIENER: Hello, Board Members. My name is Robin Diener. I live in Ward 2. I have for approximately ten years been the President of the Dupont Circle Citizens Association. And I would just like to say in answer to the question from the gentleman, second person in, these signs, by the way, terribly hard to read. You might want to get them rethought. It's usually nice to know who's speaking.

CHAIRMAN BENNETT: Thank you.

MS. DIENER: I don't think it is that unusual to not find easily as someone, you know, ongoing, a solid 25 year resident, let's say, of
a particular residence to do a recall. Because it is a negative thing. It comes after really quite terrible things have occurred.

    And for most of us, like myself, a little community leader who's working watering trees and taking care of gardens and seeing that rats are fought, and has been eradicated, I mean these are not big, big deals but they make up the daily life in any neighborhood.

    And in order to do that work, we work with our Councilmember and his representatives. The NCs the same thing as the citizens association. So that someone like an Adam Eidinger who has, frankly, political expertise and a willingness to take this on, is quite welcome by the residents who are doing the work on an everyday basis and who frankly rely on the support and open communication with the Councilmember that they have.

    So I present that to you for your consideration. Thank you.

    CHAIRMAN BENNETT: Thank you.
MR. McGHIE: Sir?

CHAIRMAN BENNETT: Could you just state your name and address for the record?

MR. HANRAHAN: Yes. My name is John Hanrahan, 1505 Q Street NW. Lived there for 46 years, I guess it is.

Just in response to a couple points that the -- that Mr. Evans' attorney made that I just was struck by.

The one thing, the cost of the election. This is a matter of public corruption. We should not be putting a price tag on what it might cost. We don't have these kind of elections very often. In fact, I think there have only been two or three that were for ANC and there's none for a Councilmember. This unprecedented, it doesn't happen every other year.

As I said, democracy does not come cheap especially when a matter of public corruption is involved. And also we're dealing with a structure that Mr. Dinan does a terrific
job, I must say.

What I do want to say though is this is again -- Mr. Evans is attempting to thwart the role of the people. He has done that in three different initiatives where he has overturned citizen initiatives. That's probably the least of the things that we're dealing with in this recall. But overturned Initiative 77 recently. Overturned term limits and he overturned campaign contribution limits some years ago. So I bring that only in the context of this, that I think this is another effort to sort of run out of the clock, thwart the procedure, et cetera.

There will be another petition, as you've heard. There's already been one been filed. You have it in front of you. I think they were supposed to respond to it by maybe today, another 10-day limit.

But, in any event, that's why we're very much in support of this. I've known Adam for years. I can't -- you know, I don't go to his house. I know where he lives, though.
Thanks very much.

CHAIRMAN BENNETT: Thank you, sir.

MR. McGHIE: Okay. Ma'am. Yes.

MS. HOBSON: Good afternoon.

CHAIRMAN BENNETT: Good afternoon.

MS. HOBSON: I'm Tina Hobson. I'm the wife of Julius Hobson who was on the first elected City Council Can D.C. I have lived at 1330 Massachusetts Avenue at Thomas Circle for seven years here.

And I want to tell you that the reason why I am speaking is because I don't believe that my husband, Julius, would have tolerated the councilman we're talking about for this long. And, therefore, because of his problems as we have read them and as I have lived them in my community, so I am asking for a chance for us to vote, to have a recall election.

So let the community that Evans lives in -- let us vote. And if we don't want him there and do not feel he now represents the best of the community, then let us have a chance to
say so. And I ask you that, and I thank you very much for considering it.

CHAIRMAN BENNETT: Thank you.

(Applause.)

MR. McGHIE: Okay. The gentleman sitting behind to Ms. Hanrahan.

MR. OTTEN: Good afternoon. My name is Chris Otten. I'm a 19-year resident in the District of Columbia. And I'm tired of the corruption.

CHAIRMAN BENNETT: Can you state your address, sir?

MR. OTTEN: My address is 1830 Belmont Road NW. Actually I have -- I'm a former elected ANC Commissioner and what we see from Jack Evans, I mean none of this would be happening right now if he didn't flip the term limits initiative back, what, 12 years ago?

And, I mean, Jack Evans represents corruption. And the flip side is somebody like Adam Eidinger who I've known since April of 2000. He's run as a candidate, he's supported
campaigns. He was a leader in the Statehood Green Party. He's now in the Democratic Party.

He's helped us get to initiatives and helped folks stay out of jail, like Issue 71.

And I think he's proved beyond a doubt that he's lived at his residence for some time.

I have watched Game of Thrones at his house regularly and I've even stayed there. His daughter lives there. I've known him, like I said, since 2000 so I've been to both locations.

Mintwood Place residence is a one bedroom. He had a daughter, you know, more than a decade ago, almost 13 years ago now and he needed more space and I remember, to raise his family. So that's part of why he has a big home now, bigger home.

And so I just suggest we get past this little obstacle and let's get on to the recall because we have the right people ready to go and we're going to get the signatures ASAP so we'll have the election this year.

Thank you.
Mr. McGhie: Yes. That will be the last one as Ms. Hanrahan.

Ms. Hanrahan: Debbie Hanrahan, 1505 Q Street NW, Washington, D.C., 20009. I've lived there more years than I want to admit. Probably 50. I don't know.

We want to assert the importance of a level playing field when citizens come forward trying to exercise their rights.

When Mr. Evans can hire a very expensive lawyer, investigators and other people to use to fight our interests and our wanting to move forward, it's very difficult and it ceases to be a level playing field.

It is this Board's job to make sure that there is a correction that we are not overwhelmed by his money and the expertise of his experts that he's been able to hire and for us to use our -- I don't know -- basic approach to
democracy and fairness.

And so I was struck by the Chairman saying to Adam -- or somebody on our side -- oh, no, talking to Dorothy Brizill, you're not going to take over this process. Well, I would ask you to have the same concern about our effort to get a recall against Mr. Evans, that Mr. Evans does not take over this process. He's a very powerful figure. All of your political appointees.

This recall is not an unnoticed event by the power structure of this city and it is your moment for basically -- I forget the name of the book that Kennedy wrote, but this is your moment to stand up and be independent and show some courage. And let us go forward.

And, as we have mentioned, we have another group of people who are prepared to take Mr. Eidinger's place. And if you turn those people down because of this unfair system, we will have another group. Now, you don't want that. We don't want that. Nobody wants that.

So please do your job. Thank you.
(Applause.)

CHAIRMAN BENNETT: Any other?

MR. McGHIE: Okay. If there's no more
government comments, can I have the parties at the
table again for their closing argument?

CHAIRMAN BENNETT: Prior to you
starting, let me thank those persons who provided
statements relative to their views on recall.
This is a big deal, it's very important, and they
are very much appreciated, and you're serving the
District of Columbia citizens when you do come in
and make your perspective also. Thank you for
taking the time to come and speak with us.

MR. McGHIE: Okay, since, Mr. Dinan,
you're the challenger, you have the burden of
proof. You'll have the last say. So you have
two minutes for closing, Mr. Eidinger.

MR. EIDINGER: Well, I mean I don't
want to take any more -- much more time except to
say that I feel like I've proven beyond any doubt
that this is my residence today. And that, you
know, this should be a matter of just issuing the
recall today. And I want to encourage you to do it today.

Waiting -- I was told at the last meeting where I presented on the first effort that this could be done at the next meeting, which it didn't happen at the next meeting. We had this special meeting. I was anticipating that to happen in early May.

So there's already been a significant delay from my perspective in just getting to be heard. I understand, general counsel explained to me that this was a matter of scheduling with the Board members and I respect that.

But to have another delay, I think there's overwhelming evidence today right now that I am a registered voter in Ward 2 and that I've met all the qualifications to bring this recall.

And so I hope you'll do your job and approve it today and issue the petition today so we can really start collecting signatures tonight. Which is what our intention is.
So I just want to thank everybody on this Board. I know you are here to ensure the public trust and I thank you for your serious consideration today.

CHAIRMAN BENNETT: Thank you.

MR. DINAN: Mr. Chairman, members of the Board, we would just reiterate our arguments that driver's license is not a rebuttable presumption. That it is not, per se, evidence. That you have to look at the evidence in its totality that we went through, including all the items that he uses -- been for an address including current account items like your income tax, your cell phones, et cetera.

We again submit to use the huge coincidence that he had this place of business in Ward 2. Just today he admits well, he was moving in Maryland. And then when he moved back to the District he took up a Ward 2 address.

But he did, as the overwhelming evidence shows, for the sole purpose of using this business -- this coincidence address to
recall Jack Evans and then following it lists statements publically in the press that he's going to move back to Maryland.

As for the evidence the witnesses have put on, we believe is contradicted by Mr. Eidinger's own statements in the newspaper where in April of 2018 he told the newspaper he lived in Mintwood Place. Then he told them he moved in Maryland, that he was moving to Maryland, which he did.

And, therefore, looking at the totality of the evidence, this is an address of convenience. It's not a bona fide address. And that within that, this Board should use its inherent agency discretion as stated by the D.C. Court of Appeals and also in United States Court of Appeals for the 4th Circuit, which is in Richmond, and that discretion should --

CHAIRMAN BENNETT: It's time. Thank you.

MR. DINAN: And just to -- and thank you very much.
CHAIRMAN BENNETT: Thank you.

Mr. Gill, do you have any questions.

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Do you have any questions, Ms. Lewis, for the parties?

MEMBER LEWIS: I do. Mr. Eidinger, just one last question. Mr. Eidinger, just one last question that was raised, I believe it was at the last hearing that we had.

The proponent raises issue -- or the proponent raises issue about the Homestead waiver or withdrawal of the Homestead deduction. Would you mind just explaining that for us and what actually happened?

MR. EIDINGER: On the last page of the packet you'll see a corrected bill from D.C. Government. This is the bill without the Homestead deduction. So when we had our last hearing, I had not concluded my taxes. And this was something that at the beginning of 2018 the Homestead deduction was still on the books and it was a couple months later that I moved to
Maryland, in April of 2018, registered there, set up a residence there and then moved back to D.C. in November of 2018.

So, you know, this should have been done within 30 days of moving. Like when I moved to Maryland I should have changed the Homestead deduction from the old address. I did not. I hadn't even -- wasn't even thinking about the Homestead deduction. And I bought the house in 1999, the apartment on Mintwood Place, so this was me report -- self-reporting to D.C. Office of Tax and Revenue that, in fact, I should have notified them earlier that I had moved and then they sent me a corrected bill, which you can see -- well, it says paid for 15. But basically that's me paying the D.C. Government extra tax revenue because I'm not entitled to the Homestead deduction on that property.

And, you know, I'm an Eagle Scout, Boy Scouts of America, and I honestly like paying my taxes. It's a good feeling to be caught up on paying your taxes. I'm sure some of you
experience the same feeling.

So I actually thanked Jack Evans counsel here today because -- not today but in our prior meeting for bringing it to my attention because I -- this could have gone on for years and I would have had an even bigger tax bill and penalty. So he actually kind of saved me from having a bigger penalty. And thanks for getting me up to date on my taxes.

So does that answer your question?

MEMBER LEWIS: Yes. Thank you.

MR. EIDINGER: Thank you.

CHAIRMAN BENNETT: Any other questions?

Mr. McGhie, do you have anything else?

MR. McGHIE: No.

CHAIRMAN BENNETT: Okay. What we're going to do is, one, Mr. SanFord is going to get with Ms. Brizill and make sure that the -- because I'd like to do some final rulemaking when we get back. Can you get with Ms. Brizill and make sure that those chapters are clear, if you
don't mind?

We will take a 15-minute recess,
convene and we'll come back out and let you know
where we are. Okay.

All right. Thank you.

(Whereupon, the above-entitled matter
went off the record at 1:26 p.m. and resumed at
1:39 p.m.)

CHAIRMAN BENNETT: Okay. We'd like to
reconvene.

Procedurally what we're going to do is
we're going to give you a decision on the
challenge today and then we'll also walk through
some procedural matters.

Once that is concluded, we intend to
go back to the item that was tabled and hopefully
move through those regulations relatively
quickly.

So I'm going to ask that as we finish
up on the recall petition matter that if you
decide to leave, try to do so quietly. If you
stay, that will be great because we can kind of
get through that and I'd like not to have a lot
of disruption.

So, from that I would like -- just for
the record, we are reconvened the meeting.

Mr. McGhie, would you go through what
we need to do procedurally?

MR. McGHIE: Okay. At this point of
the proceeding the Board is prepared to give you
its oral order on this matter and a written order
will follow, which either party can appeal.

CHAIRMAN BENNETT: And the oral order
is -- is that Mr. Evans did not reach the
threshold necessary to prove that you are not a
resident of Ward 2. We concluded that the
evidence was simply not sufficient. Your recall
petition, since you have met all the filing
requirement, will go forward.

(Applause.)

CHAIRMAN BENNETT: And we will issue
-- this is Mr. Eidinger, we will issue that
petition now.

However, I have one more member, maybe
two, who'd like to make a comment as we go forward.

Mr. Gill? You want to go ahead with the --

MEMBER GILL: Yeah, with this --

CHAIRMAN BENNETT: And then we'll correct that.

Are there any questions?

MEMBER GILL: So far no.

CHAIRMAN BENNETT: Okay.

MR. McGHIE: Okay. The third matter on our agenda being concluded with respect to the challenge to Mr. Adam Eidinger, we move to the fourth matter on our agenda, which is issuance and formal adoption of a petition to Adam Eidinger for the proposed recall of Jack Evans, Ward 2 Member of the Council of the District of Columbia.

And I ask the Registrar of Voters --

(Off-mic comments.)

CHAIRMAN BENNETT: We have to have the Registrar of Voters have to make a certification.
She stepped out. She hasn't come back yet.

We'll hold on for a second.

Is there anything else we need to do before proceeding?

MR. McGHIE: No.

CHAIRMAN BENNETT: Okay.

MR. McGHIE: Unless you want to move to the regulations.

CHAIRMAN BENNETT: No, I'll wait for her. Thank you for your indulgence.

(Pause.)

MR. EIDINGER: I do have a question on the procedure. So either you're saying as the Chairman that this will go forward but there was no vote taken in public. Or is that necessary? I just wanted to know.

CHAIRMAN BENNETT: You received a majority vote to go forward.

MR. EIDINGER: Okay. But I didn't -- that vote was -- when did that vote take place?

CHAIRMAN BENNETT: It just took place. It just took place when we convened to discuss
the evidence that we --

MR. EIDINGER: Back behind closed doors?

CHAIRMAN BENNETT: Yes, sir.

MR. EIDINGER: Okay. I'm just curious why that isn't done in public so we know who voted how and what way?

CHAIRMAN BENNETT: Well, it was unanimous if you want to know, but --

MR. EIDINGER: All right. Well, that's good to know. I just -- just my question is -- we're both wondering and he's giving me advice too on procedure and thought that that was part of the procedure was to do it in public.

MEMBER GILL: So -- pardon me. It's not nefarious at all. But in the regular hearings that we have on matters we like to take in information and then talk amongst ourselves. If we were going to then wait to have a public vote, we would have to wait a month every time. So generally how these work is that we take in information. We don't sort of show our cards
here, talk amongst ourselves, vote and then issue
an order based on that vote.

    It actually just speeds things up.

    MR. EIDINGER: Okay. I appreciate it's being issued today a lot.

    MEMBER LEWIS: And that talk amongst ourselves is actually called executive session.

    And so we go into executive session and then we discuss the evidence or the information that we received and then we take a vote at that point in time.

    CHAIRMAN BENNETT: Good question, but we're not trying to be clandestine.

    MR. EDEN: You said it was a unanimous vote?

    CHAIRMAN BENNETT: Yes, sir.

    PARTICIPANT: No, majority.

    MEMBER LEWIS: No, it was actually a unanimous vote.

    (Simultaneous speaking.)

    MEMBER LEWIS: He said it was majority, and I was just clarifying to say no, it
was actually unanimous.

MR. EDEN: For Adam?

MEMBER LEWIS: Yes.

MR. McGHIE: Okay. Ms. Brooks, you --

CHAIRMAN BENNETT: We need you today.

MR. McGHIE: Have you received a copy

of the petition with the parties?

MS. BROOKS: I think it was emailed on

Friday.

MR. EIDINGER: We got an email, yes.

MS. BROOKS: Did you have any changes

to it?

MR. EIDINGER: No changes.

MR. DINAN: No changes.

MR. McGHIE: Okay. So both parties

had the opportunity to look at the petition. Is

there any other parties that object to any of the

language that's in the petition?

CHAIRMAN BENNETT: Before you

continue, did you get the registrar's name for

the record?

MR. McGHIE: Yes. Brooks.

MR. McGHIE: No, you did. He said he did.

CHAIRMAN BENNETT: I'm sorry. I just wanted to make sure the record was clear.

MR. McGHIE: Okay.

CHAIRMAN BENNETT: Please continue.

MR. McGHIE: All right. So if neither party has any objections to the language in the petition, I ask that the Board entertain a motion to adopt the petition as presented by the Registrar of Voters.

CHAIRMAN BENNETT: Okay, I think I'd like to ask one of the Board Members to make a motion and then we'll have a point.

Can I get a motion from one of the Board members to adopt the petition?

MEMBER GILL: So a motion to adopt the petition as written.

MEMBER LEWIS: So moved and second.

CHAIRMAN BENNETT: Okay. Questions.

Points.
Mr. Gill?

MEMBER GILL: Yes. When this was first presented, I raised -- I felt that portions of the Eidinger -- the recall verbiage talked about staff. And I didn't think that was appropriate. And essentially because our newspaper has reported on some things, the staff's name is thrown in this petition. So I've gone round and round with the general counsel on the law as it's written and I think -- I think it's a really unfair language. But that's not important. It's -- at the end of the day the language is what people will read.

But what I've mentioned to our general counsel and I wanted to state for the record, I think the Board should be given more discretion on the language that's put forth. And that the way the law is written, we have to accept whatever the petitioner writes down.

And I think there's a certain stamp of approval that comes with a Board of Election petition and I'm still confused as to why bother
having a Board if there's no adult supervision
over what gets the Board of Election's approval.

So, if there is given discretion on
this, I would have requested and I would not have
voted for a petition that disparages staff who
have no -- have no way to defend themselves and
no way to be on the opposite side of this
petition. But I do not have that discretion and
so I, based on the law and based on, you know, as
I said the objective of the petition, the points
in the petition are immaterial to the Board. We
just make sure it follows within our statute.

But I do believe that one sentence
there, I would have requested to be changed or I
would not have voted for it had I had that power.
That's my point.

CHAIRMAN BENNETT: Before I ask you
further, Ms. Lewis, did you have a comment on the
record?

MEMBER LEWIS: Yes. I believe at the
last hearing I also echoed Councilmember Gill's
sentiments just concerning --
CHAIRMAN BENNETT:  Board Member.

MEMBER LEWIS:  Excuse me.

Councilmember.  I'm promoting you.  Board Member Gill's --

CHAIRMAN BENNETT:  I'm not sure on that.

(Laughter.)

MEMBER LEWIS:  Board Member Gill's sentiments concerning that language.  It just was also concerning to me as well.

And I do think and I understood your arguments, Mr. Eidinger, regarding kind of looking at the totality of the circumstances. You know that I, of course, humbly disagree with that similar to how Board Member Gill in that I would also requested that that language about the staff specifically be stricken. Particularly considering that the staff doesn't have the right to respond to that.

And, I guess, there is concern when the media publishes these articles and seems to implicate not only the candidate but also those
working for him. While there's an argument of
what was used or who was using the means to an
end there, I don't think that it is proper, per
se, to have the staff implicated in that
particular manner.

And so I also just wanted to echo for
the record what I presented at the very first
hearing regarding this matter just concerning the
concerns that I have with the language.

MR. EIDINGER: It's totally germane to
this, both your points. I took your comments to
heart and I resubmitted with new language I took
out the remaining reference to his staff. So if
you look at the draft, it just says Jack Evans'
office. Doesn't say staff. And, yeah, so I took
it to heart.

I actually thought it was a really
legitimate point and we talked about it
internally like it's not necessary for us to make
our point to disparage his staff. And, you're
right. They have no way of defending themselves
and they're not recallable. But I will note --
CHAIRMAN BENNETT: It's been properly moved and seconded. And we'll take a vote. And is it a unanimous vote to -- I assume -- for the petition to move forward?

(Chorus of aye.)

CHAIRMAN BENNETT: Okay. So you got a unanimous vote.

MR. EIDINGER: All right. Thank you.

CHAIRMAN BENNETT: It's properly issued. This is an oral order and you'll get a written order at some point in the coming days. And I think you'll be getting -- we'll actually issue the petition for you guys to get started.

MR. McGHIE: Ms. Brooks? Ms. Brooks, can you outline -- the process?

MS. BROOKS: A notice of potential recall --

CHAIRMAN BENNETT: Can you pull the mic close to you. Thank you.

MS. BROOKS: A notice of intention to recall Jack Evans, Ward 2 Member of the Council of the District of Columbia, was filed by Adam
Eidinger and a resident in District of Columbia who resides in the same ward as the subject of the recall on Friday, April 12th, 2019.

Councilmember Jack Evans filed with the Board a response to Mr. Eidinger's statement of recall, reason to recall on Monday, April 22nd, 2019. Pursuant to the D.C. Official Code 1, Section 1001.17(g) the proposer of the recall to have 180 days to collect signatures beginning on a date when the proponent of the recall formally adopts the original petition form as his or her own form.

Accordingly, the deadline for Mr. Eidinger to file his petition in support of the recall is 5:00 p.m. on Monday, November 18, 2019.

Pursuant to D.C. Official Code 1, Section 1001.17(h)(1), the petition submitted in support of the recall of Councilmember Evans must contain the signatures of 10 percent of the registered qualifying voters in Ward 2.

Pursuant to D.C. Official Code 1204.112, the signatures required must be
computed from the total number of registered
voters of the Election Board from which he or she
was elected according to the latest official
count of registered voters and 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 Councilman Evans will require to
include the signatures of 5,195 newly registered
voters in Ward 2. Both the proposer of the
recall 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 the reports are published.

Also as a reminder, when filing your
petition, make sure they are assembled in serial
number.

MR. EIDINGER: I'm sorry, and what?

MS. BROOKS: As a reminder, when you
file your petitions, make sure they are assembled in serial number.

MR. EIDINGER: Serial number.

MS. BROOKS: Serial number, yes.

MR. EIDINGER: Not organized in any other way? Like by addition or anything like that?

MS. BROOKS: Exactly. One through whatever.

MR. EIDINGER: And just to be clear, they don't have to be organized by petitioner, they have to be organized just to number?

MS. BROOKS: Yeah, one through however many pages you submit. And two we only -- you can file as many as you want, but we only going to count up to that amount of the signature requirement.

CHAIRMAN BENNETT: Okay. Anything, Mr. McGhie?

MR. McGHIE: Does anybody have any questions?

CHAIRMAN BENNETT: Okay. All right,
thank you, sir. We're going to go back to the
item that was tabled.

Mr. SanFord, would you please come
forward?

Mr. SanFord, can we move forward,
please, on that?

MR. SANFORD: Yes.

CHAIRMAN BENNETT: Thanks for waiting.

MR. SANFORD: Good afternoon, Mr.
Chairman, distinguished Board Members. William
SanFord, general counsel for the Office of
Campaign Finance. The first thing I need to do
is apologize to Ms. Brizill.

Earlier during these proceedings I
actually read the wrong Chapters into the record
and I think that's the reason for the mistaken
misunderstanding. So I have discussed that with
Ms. Brizill, and the agenda was not incorrect.
It was me; I was the person who was incorrect.
So it was my error, and I'd like to correct that
on the record.

The Final Rulemaking that will occur
today will be of Chapters 3, Chapter 37, Chapter 42 and Chapter 43 of the District of Columbia Municipal Regulations, and previously I had cited the wrong Chapters because we had two proposed rulemakings that went over the D.C. Register and they were published and the Chapters I cited are currently still running until close of business today. But the Chapters, the correct Chapters, as indicated by the agenda expired on the 22nd of April. And those are ready for Final Rulemaking.

CHAIRMAN BENNETT: Okay.

MR. McGHIE: So at this point can I ask that the Board entertain a motion to accept as Final Rulemaking the Chapters as indicated by Mr. SanFord?

MEMBER LEWIS: So moved.

MEMBER GILL: Second.

CHAIRMAN BENNETT: It has been properly moved and second. I don't have any additional questions. It's unanimous.

Rulemaking are final. We will, as I said earlier, address the legislative changes at
our May 29th meeting.

        And, for the record, thank you, Ms. Brizill.

        MR. SANFORD: Thank you again, Ms. Brizill, for pointing that out. Grateful.

        CHAIRMAN BENNETT: Okay, thanks. This meeting is adjourned.

        (Whereupon, the above-entitled matter went off the record at 1:56 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 05-20-19

Place: Washington, DC

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

[Signature]

Court Reporter