

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF: :
 :
TMI International Inc. :
t/a Sip (1812 Lounge) :
1812 Hamlin Street, NE : Protest Hearing
Retailer CT - ANC 5C :
License No. 95164 :
Case # 19-PRO-00148 :
 :
(Application to Renew :
License) :

Thursday
January 14, 2021

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
AARON EASTLACK, Protestant
TEMI IJITI, Applicant
JOVAN MILLER, DC ABRA Investigator
JEREMIAH MONTAGUE, JR., ANC 5C
FRED MOOSALLY, DC ABRA Director

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 19-PRO-00148, Sip,
5 formerly 1812 Lounge, License No. 95164. Ms.
6 Andrews, can you please elevate the rights of Mr.
7 Ijiti, the owner, the protestant, and the
8 protestant, Commissioner Jeremiah Montague, Jr.,
9 please.

10 MS. ANDREWS: Sure. Stand by.

11 CHAIRPERSON ANDERSON: Thank you.

12 MS. ANDREWS: Mr. Ijiti, your rights
13 have been elevated. Mr. Montague, your rights
14 have been elevated.

15 CHAIRPERSON ANDERSON: Good afternoon.

16 MS. ANDREWS: Mr. Eastlack, your
17 rights have been elevated. And Mr. Miller, your
18 rights have been elevated. That's all, Mr.
19 Chair.

20 CHAIRPERSON ANDERSON: All right.
21 Could I have everyone turn their camera on,
22 please, if they have that ability? Let's start
23 with -- let me have the parties identify
24 themselves. Let me start -- please identify
25 yourself and spell your name, and let's start

1 with the licensee.

2 MR. IJITI: Temitope Ijiti, T-E-M-I-T-
3 O-P-E I-J-I-T-I.

4 CHAIRPERSON ANDERSON: And what's your
5 relationship to the establishment, Mr. Ijiti?

6 MR. IJITI: Owner.

7 CHAIRPERSON ANDERSON: Mr. Montague?

8 MR. MONTAGUE: Can you hear me?

9 CHAIRPERSON ANDERSON: Yes, sir.

10 MR. MONTAGUE: Jeremiah Montague, Jr.,
11 J-E-R-E-M-I-A-H, Montague, M-O-N-T-A-G-U-E, Jr.,
12 Advisory Neighborhood Commissioner, ANC 5C.

13 CHAIRPERSON ANDERSON: And I see
14 there's a Mr. Eastlack. Can you introduce
15 yourself for the record and spell your name and
16 identify yourself, please?

17 MR. EASTLACK: My name is Aaron
18 Eastlack, A-A-R-O-N E-A-S-T-L-A-C-K, resident.

19 CHAIRPERSON ANDERSON: And that's you,
20 Mr. Miller, on the line. Can you please identify
21 yourself, please?

22 MR. MILLER: How are you doing, Board?
23 Investigator -- ABRA Investigatory Jovan Miller.
24 That's J-O-V-A-N M-I-L-L-E-R.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you. All right. This matter comes before
2 the Board as a protest on the application to
3 renew TMI International, trade name Sip, 1812
4 Lounge, Retailer Class Tavern, License No.
5 095164, located at 1812 Hamlin Street, Northeast.

6 By way of background, the Board's
7 record reflects the following: the renewal
8 application was placarded on April 5th, 2019.
9 ANC 5C represented by Commissioner Jeremiah
10 Montague, Jr. filed a protest. ANC 5C was
11 granted standing at the roll call hearing held on
12 December 19th, 2019.

13 A status hearing was held on November
14 5th, 2020. The protest hearing was originally
15 scheduled for August 8th, 2020 but was canceled
16 due to the public health emergency and the COVID-
17 19 pandemic. The Board began resuming its
18 hearing in October 2020, and here we are today
19 for the protest hearing.

20 Let us now turn to the attention to
21 those preliminary matters that need to be
22 addressed by the Board to determine whether we
23 will proceed with this hearing. Last night, our
24 legal division received a motion to continue this
25 hearing filed by the applicant, Mr. Ijiti. This

1 morning, we received an opposition to motion to
2 continue filed by the ANC.

3 Because these filings were made in the
4 11th hour and because the Board has not had an
5 opportunity to fully consider the motion and
6 opposition, I am asking the parties to argue
7 their pleadings. Please tell me why the motion
8 should be granted or not granted.

9 So Mr. Ijiti, as I've stated before,
10 you have been aware that this case has been
11 scheduled for a significant period of time. And
12 now last night at the last moment, you filed a
13 motion to continue. So can you, again, for the
14 record, tell us why is it that you file this
15 motion to continue and why should the Board grant
16 your motion, sir?

17 MR. IJITI: Okay. Actually, I was out
18 of the country and I didn't get the emails until
19 I got back. So when I got back, I was trying to
20 get in touch with my attorney. I couldn't get in
21 touch with him until the last minute. And he
22 said it wasn't a good time because he has no --
23 he doesn't have the full case on it at hand.

24 CHAIRPERSON ANDERSON: So I don't --
25 so I'm sorry, Mr. -- so when were you aware that

1 this hearing was scheduled for today?

2 MR. IJITI: When I got back on the 9th
3 -- on the 8th, 9th of January.

4 CHAIRPERSON ANDERSON: So you got back
5 on January -- today is -- I'm sorry. So I know
6 that we had -- I know we had the protest status
7 hearing. And yes, I know that I did not issue a
8 date for the hearing at the protest status
9 hearing that I recall because we were not giving
10 dates out.

11 So you're saying that you came back on
12 January 8th, 9th, and that's when you were told.
13 But why did you not -- that was just a couple of
14 days ago. So why did you not inform us prior to
15 6:00 o'clock last night?

16 MR. IJITI: Because I was trying to
17 get in touch with my attorney. And I believe he
18 was on vacation too. So when I finally got in
19 touch with him, yesterday was kind of too late
20 for him to represent me.

21 CHAIRPERSON ANDERSON: But you were
22 also aware that during the protest status
23 hearing, I did inform both parties that if you're
24 going to -- whatever documents or witnesses that
25 you're going to rely on that that was supposed to

1 have submitted to the agency seven -- at least
2 seven days prior to the hearing. So I'm just
3 curious. And the notice was sent to all the
4 parties on -- we sent the notice to inform you of
5 the hearing on December 28th.

6 So I understand that you're saying
7 that you did not -- you tried to call your
8 attorney. But you -- based on the instructions
9 that were provided, I told each party that seven
10 days prior to the hearing you were supposed to
11 disclose your documents and witnesses. So even
12 if your attorney had told you that he could
13 represent you, you still never complied with --
14 you should have let us know at least from last
15 week that you were having these problems. I
16 don't understand why you waited until 6:00
17 o'clock last night to inform the Board that I
18 need to hire an attorney and so therefore I'm
19 asking for a continuance.

20 MR. IJITI: Basically because of a
21 family emergency, that's why I was not able to
22 inform the Board on time.

23 CHAIRPERSON ANDERSON: I'm not going
24 to -- anyway, Mr. Montague, what is it that
25 you're requesting that the Board should do?

1 MR. MONTAGUE: I'm asking for the
2 Board to continue given the discussion and the
3 presentation that you just made with ample time.
4 And we complied with the requirement to do our
5 filings. And we only became aware of this
6 continuance request after 6:00 o'clock last
7 night.

8 So we did what we were supposed to do.
9 I don't understand why the licensee should be
10 afforded an opportunity to continue. This matter
11 has been well known for quite a while. So it
12 seems unfair to the ANC and to the community that
13 we're going to drag this on longer.

14 CHAIRPERSON ANDERSON: Do you have
15 anything that you want to say, Mr. Montague? Or
16 is that the extent of your comments?

17 MR. MONTAGUE: That's the extent of my
18 comments.

19 CHAIRPERSON ANDERSON: Mr. Ijiti, any
20 other comments that you wish to make?

21 MR. IJITI: Like I said, I was in
22 Nigeria. I didn't get the emails because due to
23 the internet, the points and their connection
24 over there. I didn't get the email until I got
25 back. And I don't -- as far as with the exhibit,

1 it was too late because according to the email, I
2 was supposed to turn them in before the 7th. So
3 at least I did seek an attorney's advice to see
4 what to do moving forward.

5 CHAIRPERSON ANDERSON: My concern, Mr.
6 Ijiti, is that you were given notice on the 28th
7 of December. And I know that we are connected.
8 So I'm just not convinced what you're saying that
9 you did not get an email because you were in -- I
10 mean, no matter -- one of the things that I know
11 is that wherever you are in the world, the
12 internet works. One can get email.

13 You run a business, sir. And I just
14 don't understand how is it that you don't check
15 email to find out if you're missing something
16 where you can say I don't have connection with
17 you. So therefore, I didn't get the email until
18 I came back to this country. That's just --

19 MR. IJITI: Your Honor, it's very
20 possible. It is possible, especially when you're
21 in a rural area with the family, with
22 grandparents. It's possible.

23 CHAIRPERSON ANDERSON: All right.
24 Thank you, Mr. Montague. Thank you, Mr. Ijiti,
25 for your comments. Mr. Ijiti, I am going to

1 reluctantly going to ask the Board to grant the
2 motion to continue the hearing. While we do not
3 appreciate the late filing, given that this
4 hearing was originally scheduled for April of
5 2020, and because the applicant knew in November
6 of the status hearing that this matter was going
7 forward, the applicant is entitled to obtain
8 counsel.

9 So with that, I'm going to ask the
10 Board to schedule this matter for -- so
11 therefore, I'm going to make a motion that we
12 grant the hearing. However, I -- that we grant
13 the continuance. This matter therefore will be
14 scheduled for February 10th at 1:30 p.m.
15 February 10th at 1:30 p.m. February 10th at 1:30
16 p.m. February 10th at 1:30 p.m.

17 MR. IJITI: Okay.

18 CHAIRPERSON ANDERSON: All parties are
19 required to submit their disclosure notice, their
20 PIF seven days before the hearing.

21 MR. IJITI: Okay.

22 CHAIRPERSON ANDERSON: This Board will
23 grant no further continuances. The only way I'll
24 grant the continuance is if both parties come to
25 us and say that we're asking for a continuance.

1 But we're not going to grant you another
2 continuance because this has to end. So I then
3 will make a motion that the Board grant the
4 continuance of this hearing through -- that we
5 will convene this hearing on February 10th at
6 1:30 p.m. Is there a second?

7 MEMBER CATO: I will.

8 CHAIRPERSON ANDERSON: Mr. Cato will
9 second the motion. I will now have a roll call
10 vote on a motion that has been properly second by
11 Mr. Cato. Mr. Short?

12 MEMBER SHORT: Mr. Short, I disagree.

13 CHAIRPERSON ANDERSON: Mr. Cato?

14 MEMBER CATO: Bobby Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Hansen?

16 MEMBER HANSEN: Jeni Hansen, I agree.

17 CHAIRPERSON ANDERSON: Mr. Grandis?

18 MEMBER GRANDIS: Ed Grandis, I agree.

19 CHAIRPERSON ANDERSON: And Mr.

20 Anderson, I agree. So the matter passes 4 to 1
21 with Mr. Short in opposition. When and if you
22 hire your attorney, sir, please have your
23 attorney provide a notice of representation to
24 the agency as soon as possible.

25 MR. IJITI: Okay.

1 CHAIRPERSON ANDERSON: But this matter
2 will be scheduled for a hearing on February 10th
3 at 1:30. And unless there is an act of God, we
4 will not be granting any further continuances.
5 Okay?

6 MR. IJITI: Okay.

7 CHAIRPERSON ANDERSON: And I empathize
8 and sympathize with you, Mr. Montague. I know
9 that you were prepared to move forward today.
10 However, because of the representation by Mr.
11 Ijiti that he's trying to find an attorney and I
12 can't afford for us to -- for this matter to go
13 to court where we are -- the Board had been told
14 that a continuance was requested in order for the
15 licensee to obtain the services of an attorney.

16 And that is -- that can be considered
17 good cause by the court in the sense that the
18 court requires that you have adequate
19 representation. And so that is the only reason
20 why the Board has granted this request today
21 because of the fact he states that he's seeking
22 an attorney and he needs an attorney to
23 adequately represent him. So I'm making that
24 statement, sir, to say that it's not that I don't
25 believe that your position is genuine.

1 But unfortunately, because he's asking
2 for an attorney and I do not want to deny the
3 request based on that reason alone. Okay? All
4 right. All right. So February 10th at 1:30 we
5 will have this hearing, with -- or with an
6 attorney, Mr. Ijiti. All right.

7 MR. IJITI: Yes, sir.

8 CHAIRPERSON ANDERSON: Have a good
9 day. Thank you, Mr. Montague, Mr. Ijiti, and Mr.
10 Miller, and Mr. Eastlack. Thank you very much.

11 MR. MONTAGUE: Thank you.

12 (Whereupon, the above-entitled matter
13 went off the record at 1:54 p.m.)

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A

A-A-R-O-N 3:18
Aaron 1:21 3:17
ability 2:22
able 7:21
above-entitled 13:12
ABRA 1:21,22,23 3:23
act 12:3
addressed 4:22
adequate 12:18
adequately 12:23
advice 9:3
Advisory 3:12
afford 12:12
afforded 8:10
afternoon 2:15
agency 7:1 11:24
ago 6:14
agree 11:14,16,18,20
Alcoholic 1:2,13
ample 8:3
ANC 1:7,23 3:12 4:9,10
 5:2 8:12
Anderson 1:14,17 2:3
 2:11,15,20 3:4,7,9,13
 3:19,25 5:24 6:4,21
 7:23 8:14,19 9:5,23
 10:18,22 11:8,13,15
 11:17,19,20 12:1,7
 13:8
Andrews 1:21 2:6,10,12
 2:16
anyway 7:24
applicant 1:22 4:25
 10:5,7
application 1:9 4:2,8
appreciate 10:3
April 4:8 10:4
area 9:21
argue 5:6
asking 5:6 7:19 8:1
 10:25 13:1
attention 4:20
attorney 5:20 6:17 7:8
 7:12,18 11:22,23
 12:11,15,22,22 13:2,6
attorney's 9:3
August 4:15
aware 5:10,25 6:22 8:5

B

back 5:19,19 6:2,4,11
 8:25 9:18
background 4:6
based 7:8 13:3
Basically 7:20
began 4:17
believe 6:17 12:25

Beverage 1:2,13
Board 1:2,13 3:22 4:2
 4:17,22 5:4,15 7:17
 7:22,25 8:2 10:1,10
 10:22 11:3 12:13,20
Board's 4:6
Bobby 1:17 11:14
business 9:13

C

calendar 2:4
call 4:11 7:7 11:9
camera 2:21
canceled 4:15
case 1:8 2:3,4 5:10,23
Cato 1:17 11:7,8,11,13
 11:14,14
cause 12:17
Chair 2:19
Chairperson 1:14,17
 2:3,11,15,20 3:4,7,9
 3:13,19,25 5:24 6:4
 6:21 7:23 8:14,19 9:5
 9:23 10:18,22 11:8,13
 11:15,17,19 12:1,7
 13:8
check 9:14
Class 4:4
COLUMBIA 1:1
come 10:24
comes 4:1
comments 8:16,18,20
 9:25
Commissioner 2:8 3:12
 4:9
community 8:12
complied 7:13 8:4
concern 9:5
connected 9:7
connection 8:23 9:16
consider 5:5
considered 12:16
continuance 7:19 8:6
 10:13,24,25 11:2,4
 12:14
continuances 10:23
 12:4
continue 4:24 5:2,13,15
 8:2,10 10:2
Control 1:2,13
convene 11:5
convinced 9:8
counsel 10:8
country 5:18 9:18
couple 6:13
court 12:13,17,18
COVID- 4:16
CT 1:7

curious 7:3

D

date 6:8
dates 6:10
day 13:9
days 6:14 7:2,10 10:20
DC 1:21,22,23
December 4:12 7:5 9:7
deny 13:2
determine 4:22
Director 1:23
disagree 11:12
disclosure 7:11
disclosure 10:19
discussion 8:2
DISTRICT 1:1
division 4:24
documents 6:24 7:11
doing 3:22
Donovan 1:14,17
drag 8:13
due 4:16 8:22

E

E-A-S-T-L-A-C-K 3:18
Eastlack 1:21 2:16 3:14
 3:17,18 13:10
Ed 11:18
EDWARD 1:18
elevate 2:6
elevated 2:13,14,17,18
email 8:24 9:1,9,12,15
 9:17
emails 5:18 8:22
emergency 4:16 7:21
empathize 12:7
entitled 10:7
especially 9:20
establishment 3:5
exhibit 8:25
extent 8:16,17

F

fact 12:21
family 7:21 9:21
far 8:25
February 10:14,15,15
 10:16 11:5 12:2 13:4
file 5:14
filed 4:10,25 5:2,12
filing 10:3
filings 5:3 8:5
finally 6:18
find 9:15 12:11
following 4:7
formerly 2:5
forward 9:4 10:7 12:9

FRED 1:23
full 5:23
fully 5:5
further 10:23 12:4

G

genuine 12:25
given 8:2 9:6 10:3
giving 6:9
God 12:3
Grandis 1:18 11:17,18
 11:18
grandparents 9:22
grant 5:15 10:1,12,12
 10:23,24 11:1,3
granted 4:11 5:8,8
 12:20
granting 12:4

H

Hamlin 1:7 4:5
hand 5:23
Hansen 1:18 11:15,16
 11:16
health 4:16
hear 3:8
hearing 1:7 4:11,13,14
 4:18,19,23,25 6:1,7,8
 6:9,23 7:2,5,10 10:2,4
 10:6,12,20 11:4,5
 12:2 13:5
held 4:11,13
hire 7:18 11:22
Honor 9:19
hour 5:4

I

I-J-I-T-I 3:3
identify 2:23,24 3:16,20
Ijiti 1:22 2:7,12 3:2,2,5,6
 4:25 5:9,17 6:2,16
 7:20 8:19,21 9:6,19
 9:24,25 10:17,21
 11:25 12:6,11 13:6,7
 13:9
inform 6:14,23 7:4,17
 7:22
instructions 7:8
International 1:6 4:3
internet 8:23 9:12
introduce 3:14
Investigator 1:22 3:23
Investigatory 3:23
issue 6:7

J

J-E-R-E-M-I-A-H 3:11
J-O-V-A-N 3:24

JAMES 1:19
January 1:12 6:3,5,12
Jeni 1:18 11:16
Jeremiah 1:23 2:8 3:10
 4:9
Jovan 1:22 3:23
Jr 1:17,19,23 2:8 3:10
 3:11 4:10

K

knew 10:5
known 8:11

L

late 6:19 9:1 10:3
legal 4:24
let's 2:22,25
License 1:8,10 2:5 4:4
licensee 3:1 8:9 12:15
line 3:20
located 4:5
longer 8:13
Lounge 1:6 2:5 4:4

M

M-I-L-L-E-R 3:24
M-O-N-T-A-G-U-E 3:11
making 12:23
matter 1:5 4:1 8:10 9:10
 10:6,10,13 11:20 12:1
 12:12 13:12
matters 4:21
mean 9:10
MEETING 1:3
Member 1:17,18,18,19
 11:7,12,14,16,18
met 1:14
Miller 1:22 2:17 3:20,22
 3:23 13:10
minute 5:21
missing 9:15
moment 5:12
Montague 1:23 2:8,13
 3:7,8,10,10,11 4:10
 7:24 8:1,15,17 9:24
 12:8 13:9,11
MOOSALLY 1:23
morning 5:1
motion 4:24 5:1,5,7,13
 5:15,16 10:2,11 11:3
 11:9,10
move 12:9
moving 9:4

N

name 2:25 3:15,17 4:3
NE 1:7
need 4:21 7:18

needs 12:22
Neighborhood 3:12
never 7:13
Nigeria 8:22
night 4:23 5:12 6:15
 7:17 8:7
Northeast 4:5
notice 7:3,4 9:6 10:19
 11:23
November 4:13 10:5

O

o'clock 6:15 7:17 8:6
O-P-E 3:3
obtain 10:7 12:15
October 4:18
opportunity 5:5 8:10
opposition 5:1,6 11:21
order 12:14
originally 4:14 10:4
owner 2:7 3:6

P

P-R-O-C-E-E-D-I-N-G-S
 2:1
p.m 2:2 10:14,15,16,16
 11:6 13:13
pandemic 4:17
parties 2:23 5:6 6:23
 7:4 10:18,24
party 7:9
passes 11:20
period 5:11
PIF 10:20
placarded 4:8
pleadings 5:7
please 2:6,9,22,24 3:16
 3:20,21 5:7 11:22
points 8:23
position 12:25
possible 9:20,20,22
 11:24
preliminary 4:21
prepared 12:9
PRESENT 1:16,20
presentation 8:3
presiding 1:14
prior 6:14 7:2,10
problems 7:15
proceed 4:23
properly 11:10
protest 1:7 4:2,10,14,19
 6:6,8,22
protestant 1:21 2:7,8
provide 11:23
provided 7:9
public 4:16

Q

quite 8:11

R

reason 12:19 13:3
recall 6:9
received 4:24 5:1
record 3:15 4:7 5:14
 13:13
reflects 4:7
relationship 3:5
reluctantly 10:1
rely 6:25
renew 1:9 4:3
renewal 4:7
represent 6:20 7:13
 12:23
representation 11:23
 12:10,19
represented 4:9
request 8:6 12:20 13:3
requested 12:14
requesting 7:25
required 10:19
requirement 8:4
requires 12:18
resident 3:18
resuming 4:17
Retailer 1:7 4:4
rights 2:6,12,13,17,18
roll 4:11 11:9
run 9:13
rural 9:21

S

S 1:18
saying 6:11 7:6 9:8
schedule 10:10
scheduled 4:15 5:11
 6:1 10:4,14 12:2
second 11:6,9,10
seek 9:3
seeking 12:21
sense 12:17
sent 7:3,4
services 12:15
seven 7:1,2,9 10:20
Short 1:19 11:11,12,12
 11:21
significant 5:11
SIMONE 1:21
Sip 1:6 2:4 4:3
sir 3:9 5:16 9:13 11:22
 12:24 13:7
soon 11:24
sorry 5:25 6:5
spell 2:25 3:15
Staff 1:21

Stand 2:10
standing 4:11
start 2:22,24,25
stated 5:9
statement 12:24
states 12:21
status 4:13 6:6,8,22
 10:6
Street 1:7 4:5
submit 10:19
submitted 7:1
supposed 6:25 7:10 8:8
 9:2
sympathize 12:8

T

T-E-M-I-T 3:2
t/a 1:6
Tavern 4:4
tell 5:7,14
TEMI 1:22
Temitope 3:2
Thank 2:11 4:1 9:24,24
 13:9,10,11
things 9:10
Thursday 1:11
TMI 1:6 4:3
today 4:18 6:1,5 12:9
 12:20
told 6:12 7:9,12 12:13
touch 5:20,21 6:17,19
trade 4:3
tried 7:7
trying 5:19 6:16 12:11
turn 2:21 4:20 9:2

U

understand 7:6,16 8:9
 9:14
unfair 8:12
unfortunately 13:1

V

vacation 6:18
videoconference 1:14
vote 11:10

W

W 1:14,17
waited 7:16
wasn't 5:22
way 4:6 10:23
WebEx 1:14
week 7:15
went 13:13
wish 8:20
witnesses 6:24 7:11
works 9:12

world 9:11

X

Y

yesterday 6:19

Z

0

095164 4:5

1

1:30 10:14,15,15,16
11:6 12:3 13:4

1:38 2:2

1:54 13:13

10th 10:14,15,15,16
11:5 12:2 13:4

11th 5:4

14 1:12

1812 1:6,7 2:5 4:3,5

19 4:17

19-PRO-00148 1:8 2:4

19th 4:12

2

2019 4:8,12

2020 4:14,15,18 10:5

2021 1:12

28th 7:5 9:6

3

4

4 11:20

5

5C 1:7,23 3:12 4:9,10

5th 4:8,14

6

6:00 6:15 7:16 8:6

7

7th 9:2

8

8th 4:15 6:3,12

9

95164 1:8 2:5

9th 6:2,3,12

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This is to certify that the foregoing transcript

In the matter of: Sip

Before: ABRA

Date: 01-14-21

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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