



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

2 4:16 p.m.

3 CHAIRPERSON ANDERSON: All right, our  
4 next case is Case Number 22-251-00006, Martha's  
5 Market, License Number 116862, this is a Summary  
6 Suspension Hearing. Ms. Fashbaugh, can you  
7 please elevate the rights of the parties in this  
8 case?

9 MS. FASHBAUGH: Please stand by.

10 Richard Bianco, your rights have been  
11 elevated, Walter Adams, your rights have been  
12 elevated, Chris Southcott, your rights have been  
13 elevated, Mark Ruiz, your rights have been  
14 elevated, Sergeant Greg Morrison, your rights  
15 have been elevated, Officer Timothy Bland, your  
16 rights have been elevated. That is all, Mr.  
17 Chair.

18 CHAIRPERSON ANDERSON: Thank you. All  
19 right, good afternoon, everyone. This is a  
20 Summary Suspension Hearing, so let me have the  
21 parties introduce themselves for the record,  
22 let's start with the government.

23 MR. ADAMS: Good afternoon, Mr.  
24 Chairman, I'm Walter Adams -- I'm sorry, good  
25 afternoon, Mr. Chairman and members of the Board,

1 I'm Walter Adams and I represent the District of  
2 Columbia.

3 CHAIRPERSON ANDERSON: All right, good  
4 afternoon, Mr. Adams. Now, if this case goes to  
5 a -- I'm sorry, if this goes to a hearing, do you  
6 have any witnesses that you plan to present  
7 today, if you do, who are those witnesses? Call  
8 their name and then I would like the witness to  
9 just identify themselves by a spelling of their  
10 name, please.

11 MR. ADAMS: Yes, Mr. Chairman, the  
12 anticipated witnesses for this case are Sergeant  
13 Greg Morrison, Officer Timothy Bland, and ABRA  
14 Investigator Mark Ruiz.

15 CHAIRPERSON ANDERSON: All right, so  
16 is Sergeant Morrison, can you spell and state his  
17 name for the record, please?

18 MR. ADAMS: And I think he's there.

19 CHAIRPERSON ANDERSON: I see him on my  
20 screen, well let's, what about Officer Bland, can  
21 you please spell and state your name for the  
22 record, please?

23 SGT. MORRISON: Sorry, I was on mute,  
24 Greg, G-R-E-G, Morrison, M-O-R-R-I-S-O-N.

25 CHAIRPERSON ANDERSON: All right,

1 thank you. Officer Bland?

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: I'm sorry,  
4 Officer Bland. Lieutenant Morrison, can you  
5 please put yourself back on mute, please?

6 Please mute yourself, sir. Thank you.  
7 Go ahead --

8 OFFICER BLAND: Officer Timothy Bland,  
9 T-I-M-O-T-H-Y, last name, B-L-A-N-D.

10 CHAIRPERSON ANDERSON: Mr. Ruiz?

11 MR. RUIZ: Yes, Mark, M-A-R-K, Ruiz,  
12 R-U-I-Z.

13 CHAIRPERSON ANDERSON: Thank you. Mr.  
14 Bianco, can you please spell and state your name  
15 for the record, your relationship, and who do you  
16 have with you today, sir?

17 MR. BIANCO: Absolutely. Good  
18 afternoon, Mr. Chair, members of the Board, my  
19 name is Richard Bianco, my last name is spelled  
20 B-I-A-N-C-O, and I am counsel for the Respondent  
21 in this case.

22 With me I have the owner of the  
23 establishment, his name is Anteneh Fantaye, and  
24 I'm going to have him introduce himself and spell  
25 his name for the record.

1 MR. FANTAYE: My name is Anteneh and  
2 the last name is Fantaye.

3 CHAIRPERSON ANDERSON: Can you spell  
4 your first and last name, please, sir?

5 MR. FANTAYE: Sure. First name is A-  
6 N-T-E-N-E-H, and the last name is Fantaye, F-A-N-  
7 T-A-Y-E.

8 CHAIRPERSON ANDERSON: Good afternoon,  
9 sir.

10 Is that the extent of your witnesses,  
11 Mr. Bianco, if we go to a hearing today?

12 MR. BIANCO: That's correct.

13 CHAIRPERSON ANDERSON: All right.

14 This is a Summary Suspension Hearing --

15 (Simultaneous speaking.)

16 MR. ADAMS: I apologize, Mr. Chairman,  
17 just one matter. I'm not sure if we introduced  
18 our co-counsel -- the District has co-counsel in  
19 this case -- and that's Christopher Southcott. I  
20 just wanted to make sure that he's able to  
21 introduce himself for the record.

22 CHAIRPERSON ANDERSON: That is up to  
23 you, Mr. Adams. You did not do that so, remember  
24 I asked you, start with you and let me know who  
25 is with you. So go ahead, Mr. Southcott, this is

1 not me, this is Mr. Adams --

2 MR. SOUTHCOTT: Good morning,  
3 Chairman, and, or, not morning, afternoon,  
4 Chairman and fellow members of the Board. I am  
5 Chris Southcott, also from the OAG's office.

6 CHAIRPERSON ANDERSON: Can you please  
7 spell and state your name, please?

8 MR. SOUTHCOTT: My first name, C-H-R-  
9 I-S, last name, S-O-U-T-H-C-O-T-T.

10 CHAIRPERSON ANDERSON: Thank you. All  
11 right, so this is a Summary Suspension Hearing  
12 and we are having, we're supposed to have a  
13 hearing today. Are there any preliminary matters  
14 in this case?

15 MR. ADAMS: Yes, Mr. Chairman, there  
16 is a preliminary matter in the case, probably is  
17 not what you want in terms of OIC.

18 About an hour ago, around 3:00  
19 o'clock, Mr. Bianco filed with the Board a list  
20 of proposed Stipulations of Fact that were  
21 presented, and I'll allow my colleague, Mr.  
22 Southcott, to have any further discussion on the  
23 Stipulations of Fact.

24 CHAIRPERSON ANDERSON: I don't have a  
25 copy, at least I -- well, you know, let me not --

1 I apologize, let me not say that.

2 I think I was told that it was  
3 uploaded, so I need to see -- all right, hold on  
4 a minute. All right. Go ahead, sir.

5 MR. SOUTHCOTT: Thank you, Chairman.  
6 Would you like me to read these proposed  
7 stipulations of fact into the record?

8 CHAIRPERSON ANDERSON: Yes, please  
9 read them for the record, please, yes.

10 MR. SOUTHCOTT: Okay. One, Tsion  
11 Market, LLC, t/a Martha's Market, the Licensee --

12 CHAIRPERSON ANDERSON: Let me -- hold  
13 on a minute, please. Do we need to have the  
14 witnesses testify or are we going to -- do we  
15 need to have Lieutenant Morrison and -- I'm  
16 sorry. Lieutenant Morrison and Officer Bland,  
17 are we going to need them to testify, and also do  
18 we need to have the Investigator testify today?

19 MR. ADAMS: Yes, Mr. Chairman, we  
20 believe that there are additional facts outside  
21 of the stipulations that should be in the record.

22 CHAIRPERSON ANDERSON: All right. Go  
23 ahead, Mr. Southcott, okay.

24 MR. SOUTHCOTT: Okay. So, one, Tsion  
25 Market, LLC, t/a Martha's Market, Licensee, has a

1 Class B Retail grocery license to sell alcoholic  
2 beverages, issued by the District of Columbia  
3 Alcohol Beverage Control Board, the Board.

4 Two, the Licensee's registered  
5 business address is 2400 Minnesota Ave Southeast,  
6 Washington D.C., 20020.

7 Three, the Licensee operates a small  
8 market with a sealed off booth area and several  
9 aisles.

10 Four, the Licensee's establishment  
11 sells merchandise, including loose rolling  
12 papers, single plastic sandwich bags, and digital  
13 pocket weight scales.

14 Five, the Licensee's establishment  
15 also sells individual loose cigarettes from an  
16 open pack of cigarettes.

17 Six, on March 4, 2022, at  
18 approximately 6:11 p.m. an adult male, the  
19 victim, was shot in the leg during an attempted  
20 armed robbery in the Licensee's establishment.

21 Seven, the robbery occurred during the  
22 Licensee's hours of operation.

23 Eight, the owner was not present  
24 during the robbery.

25 Nine, the only employee present during



1 the robbery was a clerk inside the booth.

2 Ten, the clerk is not an ABC Manager  
3 licensed by the Board.

4 Eleven, during the attempted robbery,  
5 the clerk reached into a cubby hole, took out a  
6 black, plastic bag with a pistol and held it.

7 Twelve, after the shooting the  
8 assailants fled the establishment and the clerk  
9 opened the booth door and handed the pistol to  
10 the victim.

11 Thirteen, the victim left the  
12 establishment with the pistol he received from  
13 the clerk to pursue the assailants, and then  
14 returned to the establishment with the pistol.

15 Fourteen, after the victim returned to  
16 the establishment the clerk helped the victim  
17 into the store's booth area.

18 Fifteen, the victim placed a wad of  
19 cash on a counter inside the booth that was later  
20 found by the Metropolitan Police Department, MPD.

21 Sixteen, the pistol was found in a box  
22 inside the booth.

23 Seventeen, before the robbery the  
24 victim had a digital scale, cash, an open  
25 container of plastic bags, and a plastic bag

1 containing a green, leafy substance.

2 Eighteen, the victim entered the booth  
3 twice and conversed with the clerk before the  
4 robbery.

5 Nineteen, at one point the victim  
6 placed his items on the counter.

7 Twenty, before the attempted robbery  
8 the victim entered the booth and stashed a black  
9 plastic bag with a semi-automatic pistol in a  
10 cubby hole inside the booth.

11 Twenty-one, the pistol remained in the  
12 same location until the clerk retrieved the  
13 pistol during the attempted robbery.

14 Twenty-two, beginning at approximately  
15 6:07 p.m. the victim engaged in at least three  
16 hand-to-hand transactions with individuals in the  
17 establishment.

18 Twenty-three, during the transactions,  
19 the victim weighed materials on a digital pocket  
20 scale, placed them in a plastic sandwich bag, and  
21 exchanged the items for cash.

22 Twenty-four, on prior dates the owner  
23 was not present at the establishment.

24 Twenty-five, MPD officers arrived at  
25 the scene shortly after the attempted robbery.

1                   Twenty-six, MPD officers reviewed  
2 security footage of the attempted robbery and  
3 searched the establishment.

4                   Twenty-seven, in the search MPD  
5 officers found the pistol the clerk passed to the  
6 victim hidden in a cardboard box inside the  
7 booth.

8                   Twenty-eight, in the search MPD  
9 officers found narcotics containing seven, 247,  
10 and 925 opiate blue-stamped 30-M pills of the  
11 prescription drug oxycodone hydrochloride, five  
12 items of a rock-like white substance, two bottles  
13 of the prescription drug promethazine, a common  
14 ingredient in the drug known as lean, and a clear  
15 plastic bag containing a green leafy substance  
16 similar in appearance to marijuana.

17                   Twenty-nine, the establishment has no  
18 license to sell or distribute the items found by  
19 MPD.

20                   Thirty, on March 13, 2022, at  
21 approximately 8:10 p.m., ABRA Investigator Mark  
22 Ruiz inspected the establishment and spoke with  
23 the owner.

24                   Thirty-one, the owner admitted to  
25 leaving the establishment on March 4, 2022, at

1 approximately 2:30 p.m., so the store clerk was  
2 the only employee.

3 Thirty-three -- or, excuse me, thirty-  
4 two, the owner admitted knowing the clerk had no  
5 ABC Manager's License.

6 Thirty-three, the owner admitted  
7 knowing it was illegal to sell individual  
8 cigarettes and said, he only did so in the  
9 evenings.

10 Thirty-four, when asked about selling  
11 individual rolling papers, open plastic bags, and  
12 the digital pocket weight scales, the owner  
13 admitted that he sells what the community buys.

14 Thirty-five, the Licensee's store  
15 clerk produced a pistol from a concealed location  
16 in a secured booth of the establishment, and  
17 handed the pistol to a shooting victim in the  
18 establishment.

19 Thirty-six, the Licensee failed to  
20 have an ABC Manager or owner present during  
21 licensed hours of sale.

22 Those are the stipulated facts.

23 CHAIRPERSON ANDERSON: All right,  
24 thank you. And so, Mr. Bianco, are those, those  
25 are the stipulated facts that both parties are in

1 agreement with?

2 MR. BIANCO: Yes, sir, they are. And  
3 we actually signed the submitted stipulation  
4 indicating our agreement, my only ask at this  
5 point is, I realize some testimony's going to go  
6 forward, is that hopefully it won't repetitive of  
7 what we've stipulated to.

8 CHAIRPERSON ANDERSON: Well I, maybe  
9 the government can let us know where we are, I  
10 mean, why we're here today, and what is it that  
11 the Board is asked, been asked to do.

12 It's my understanding, because the  
13 Summary Suspension -- this is a Summary  
14 Suspension Hearing so at least as far as I know  
15 that an incident occurred, the chief of police --  
16 I'm sorry, not the chief of police, I believe  
17 that the Board issued a Summary Suspension  
18 Hearing on this establishment -- I'm sorry, the  
19 Board closed this establishment.

20 And this establishment has been closed  
21 based on, I think, a case report that was  
22 provided to the Board. And so, where are we now,  
23 what's the purpose of this hearing today and  
24 where are we going, so maybe the government can  
25 just bring us, just let us know where we are and

1 what the Board should expect to occur today?

2 MR. ADAMS: Sure. Thank you very  
3 much, Mr. Chairman. This hearing is based upon  
4 the Board's suspension of the license to sell  
5 alcoholic beverages to this market and the reason  
6 that we're here today is, essentially with the  
7 Board's finding is that, the establishment  
8 presents -- and really from quite shocking facts  
9 as was read in the stipulations -- presents an  
10 imminent danger to safety and health of the  
11 District.

12 And quite frankly the facts that are  
13 present in this case are unique, we're not just  
14 talking about a single violent incident which is  
15 here but we're also, are talking about a method  
16 of conduct by agents of the establishment to  
17 distribute and essentially use the establishment  
18 to distribute illegal narcotics to people within  
19 the community. And quite frankly, as a result,  
20 create a potential danger or an almost  
21 foreseeable danger to those who are there.

22 So the reason we're here is that, well  
23 clearly after we, the District and the Board  
24 issued the notice, the Respondent asked for a  
25 hearing and that they're entitled to a hearing.

1 And the Respondent waived the normal three, or --  
2 sorry, I apologize, I believe the two business  
3 day requirement that is in place.

4 But the reason that we're not in a  
5 posture to merely allow or to propose that the  
6 license be provided back to the establishment is  
7 essentially, is that our District's position is  
8 that there's no way that there can be an  
9 assurance that this Licensee can operate in a  
10 safe manner, based upon the information that, and  
11 findings, that were made at the time.

12 So as a result, in the end what we'll  
13 be asking for is that the Board will keep this  
14 license in indefinite suspension until the Board  
15 takes further actions through the Show Cause  
16 proceedings.

17 CHAIRPERSON ANDERSON: So is there a  
18 Show Cause scheduled on this case?

19 MR. ADAMS: No, nothing has been  
20 referred at this point. I assume that's because  
21 that this license has remained in a suspended  
22 status, so nothing has been referred to the  
23 Office of the Attorney General.

24 So the District will be asking for  
25 such a referral to be made at the end of today's

1 hearing.

2 CHAIRPERSON ANDERSON: And I'm not  
3 sure about this, Mr. Adams, but I'm not sure if  
4 the Board legally, if we can indefinitely suspend  
5 a Licensee. I'm not sure, I believe that, and I  
6 could be incorrect, that the Board would have to  
7 make a definitive position.

8 I'm not sure if the Board can say,  
9 we're going to indefinitely suspend an  
10 establishment. I don't know that, but I'm just  
11 going to say that, but if that's so, the Board  
12 will consider it. But I'm not sure if the Board  
13 has any legal authority to keep an establishment  
14 in indefinite suspension. There has to be some  
15 conditions, but I don't know --

16 MR. ADAMS: And for, Mr. Chairman, for  
17 the Board members, we've been through this  
18 before. This may be one of the more serious  
19 incidents in a while but we've, in the case of  
20 Levelle INC, and other cases that have gone  
21 before the Board, the Board has issued indefinite  
22 suspensions until there has been a Show Cause  
23 proceeding in which the Board determines an  
24 ultimate punishment.

25 So that, in the cases where we've had,



1 where license revocations have occurred from,  
2 after a summary suspension, those license remain  
3 suspended until the Board issued their final  
4 decision.

5 CHAIRPERSON ANDERSON: All right.  
6 Thank you, Mr. Adams for that.

7 MR. ADAMS: No problem.

8 CHAIRPERSON ANDERSON: As I said  
9 before, as stated, I don't know but I just put it  
10 out there. Okay, Mr. Bianco?

11 MR. BIANCO: Yes, sir. I'd be glad to  
12 quickly lay out our case before moving forward.

13 Mr. Adams is correct, we're here based  
14 on our request for a Summary Suspension Hearing  
15 and I think it's important to note right up  
16 front, the legal standard is not about a sanction  
17 today and I think the Board understands that very  
18 well, it's about whether or not this  
19 establishment can re-open or should stay closed  
20 because it is a, quote, imminent danger to health  
21 and safety of the public.

22 We're not hiding from the  
23 circumstances here, they are bad, we don't  
24 dispute that at all. We're not going to quarrel  
25 with the specific facts, there is a comprehensive

1 Stipulation of Facts here because we know what  
2 happened, we've seen the videos, we've shared the  
3 videos with MPD. The actions of this particular  
4 clerk were inexcusable and dangerous, and we're  
5 not going to try to deny that.

6 So our case is really this, the owner  
7 wasn't aware of what this particular employee was  
8 doing or how he was complicit with apparent  
9 criminals. My client, the owner of the  
10 establishment, wasn't part of what was going on  
11 between this clerk and the victim in this case,  
12 he certainly didn't condone it, definitely did  
13 not profit from it.

14 When he found out about it he took  
15 appropriate action and we think what needs to be  
16 the focus here, or at least what the focus of our  
17 case is going to be is that, with remedial  
18 actions, specific remedial actions that we're  
19 proposing, we think the store can safely re-open.  
20 Specifically, our case comes down to seven  
21 remedial actions that we think should allow this  
22 store to re-open safely.

23 Number one, background checks before  
24 hiring. This is something that my client has put  
25 into place since this incident, he has learned

1 his lesson to not hire siblings or friends of  
2 friends, to just believe people that you may  
3 trust does not necessarily mean that their  
4 siblings are trustworthy as well.

5 Number two, written rules and  
6 regulations specifically geared toward safety.

7 And then Number three, training  
8 protocols, or training on those rules,  
9 regulations, and security protocols.

10 Number four -- and we think this is a  
11 critical one, and where the owner really went  
12 wrong here -- is frequent checks of the video  
13 feeds inside the store at regular intervals. I  
14 think what the evidence will show today from my  
15 client is that he sort of sporadically, or  
16 infrequently checked his security feed of what  
17 was going on at the store during the hours that  
18 he was not personally present. And I think it's  
19 important to understand that he was not  
20 personally present during any of these alleged  
21 instances of conduct.

22 Number five is something that they  
23 have already done which is, adding two additional  
24 cameras to the store, and I think the important  
25 thing -- there's two important things about these

1 new cameras that were added. One, they have  
2 audible alarm in case something is happening that  
3 folks around the store need to be alerted to.

4 And Number two, the landlord, or owner  
5 of the property, has access to the video feeds in  
6 these two new cameras, and that will serve as an  
7 additional pair of eyes about what is going on in  
8 and around the store.

9 The sixth thing is a new measure that  
10 has already been taken, which is additional no  
11 loitering or no standing signs outside of the  
12 store. That has been something that has been  
13 problematic historically at this location, which  
14 I believe has been a liquor store for more than  
15 20 years.

16 And then finally, open communications  
17 with MPD and the ANC, as well as the Office of  
18 the Attorney General who is extremely concerned  
19 in this case about what happened here, and I can  
20 tell the Board that I've personally been in touch  
21 with them trying to work on measures that would  
22 give everybody a level of comfort with this store  
23 re-opening.

24 My client in this case is not a  
25 frequent flier, this isn't one of the problem

1 establishments that has been before you week  
2 after week after week, this is an establishment  
3 that has a clean operating history. Their  
4 investigative history consists of one warning and  
5 that's it, from 2021.

6 So what our ask at the end of the day  
7 is going to be that you not judge them by this  
8 incident but by their clean conduct over the past  
9 four years that Mr. Fantaye has been operating  
10 this establishment. Thank you.

11 CHAIRPERSON ANDERSON: And Mr. Bianco,  
12 I just want to clarify for the record, the ABC  
13 Board only has authority over the sale of  
14 alcoholic beverages, so our Summary Suspension  
15 Hearing -- I'm sorry, our Summary Suspension, the  
16 only thing it did was that it prevented the  
17 establishment from selling alcohol. We have no  
18 authority over the establishment operations, so  
19 therefore they can operate and sell any other  
20 product, they just cannot sell alcoholic  
21 beverage. Are we on the same page?

22 MR. BIANCO: Absolutely, sir. Yes.

23 CHAIRPERSON ANDERSON: All right, now  
24 because you had said, to allow them to open, and  
25 I know that they should be open because all our

1 authority extend to the -- I would love if we had  
2 the authority just to shut you down but we don't  
3 have that authority.

4 All we can do is to prevent you from  
5 selling alcohol, that's the extent of our  
6 authority. All right.

7 MR. BIANCO: Understood, and I am not  
8 seeking a judicial extension of the Board's  
9 authority, but thank you for clarifying.

10 CHAIRPERSON ANDERSON: All right.  
11 Thank you. So we have had the Stipulation of  
12 Facts, so what is it, what additional facts -- so  
13 I guess I'm just trying to find out what  
14 additional facts, or what is it that the  
15 government has presented, what is it that  
16 government is now presenting to the Board?

17 MR. ADAMS: Yes, Mr. --  
18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: -- so just a  
20 proffer and then we'll let the government present  
21 its case.

22 MR. ADAMS: Yes, Mr. Chairman, I think  
23 what, in terms of a proffer that we're making  
24 here, in terms of testimony, in terms of the MPD,  
25 I want to provide a little bit of circumstances

1 of, on our one time prior to the actual shooting  
2 in terms of knowledge of how things were  
3 operating with the establishment prior to March  
4 4.

5 As well as to provide additional  
6 context in terms of, not so much what was  
7 violated, which is already known, but locations  
8 and the context for why MPD looked, and how they  
9 classified this establishment based upon what  
10 they found.

11 And also providing the context of  
12 conversations with the owner at the time of,  
13 immediately after the incident, and also we  
14 proffer having at least an ABRA witness to  
15 provide to the Board, well introduce the report  
16 that was prepared by the Investigator.

17 And again, also to discuss any forms  
18 of conversations or any context about the  
19 investigation and how it's interpreted, and  
20 context regarding items sold at the  
21 establishment, as well as, to the extent that the  
22 Board would permit or prefer, at least put on the  
23 record some of the video evidence that we believe  
24 is material on this matter.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you, Mr. -- yeah. Thank you, Mr. Adams.  
2 As you said, we, the Board is the one who imposed  
3 the Summary Suspension. You're asking the Board  
4 to continue this indefinite suspension and I  
5 think Mr. Bianco is basically saying that there  
6 is really no need, with the imposition of the  
7 terms and conditions that he proposing, that the  
8 Board should lift the indefinite suspension,  
9 allow them to operate immediately.

10 So it's now clear to the Board what it  
11 is that you're doing, so. All right, fine. Call  
12 your first witness, then, sir.

13 MR. ADAMS: Thank you very much, Mr.  
14 Chairman, the District would like to call  
15 Sergeant Greg Morrison as its first witness.

16 CHAIRPERSON ANDERSON: Sergeant  
17 Morrison, can you raise your right hand, please?  
18 Do you swear or affirm to tell the truth and  
19 nothing but the truth?

20 SGT. MORRISON: I do.

21 CHAIRPERSON ANDERSON: Thank you.  
22 Your witness.

23 MR. ADAMS: Thank you very much, Mr.  
24 Chairman. Sergeant Morrison, can you please  
25 state and spell your name for the record?



1                   SGT. MORRISON:  Sergeant Greg  
2 Morrison, G-R-E-G, M-O-R-R-I-S-O-N.

3                   MR. ADAMS:  And you are employed by  
4 the Metropolitan -- by, sorry, first of all  
5 you're employed by the District of Columbia  
6 government?

7                   SGT. MORRISON:  Yes.

8                   MR. ADAMS:  And you're with the  
9 Metropolitan Police Department?

10                  SGT. MORRISON:  Yep.

11                  MR. ADAMS:  And your current rank is  
12 Sergeant within the Department, correct?

13                  SGT. MORRISON:  Yes.

14                  MR. ADAMS:  And, Sergeant Morrison,  
15 how long have you been employed with MPD?

16                  SGT. MORRISON:  It'll be about eight  
17 years now.

18                  MR. ADAMS:  Okay.  And where are you  
19 currently assigned?

20                  SGT. MORRISON:  The Sixth District out  
21 of the Substation.

22                  MR. ADAMS:  And where's the Substation  
23 located?

24                  SGT. MORRISON:  It's 2701 Pennsylvania  
25 Avenue, Southeast.

1 MR. ADAMS: And, working at the  
2 Substation do you cover any particular patrol  
3 service areas?

4 SGT. MORRISON: Yeah, so we cover 605-  
5 6-and-7. I'm particularly assigned to PSA 607.

6 MR. ADAMS: And your assignment with  
7 PSA 607, I assume that, as being Sergeant, that  
8 you supervise other police officers and their  
9 assignments, correct?

10 SGT. MORRISON: I do, yeah.

11 MR. ADAMS: And as part of your -- and  
12 can you briefly describe your current position?

13 SGT. MORRISON: So, yeah, I'm an  
14 evening sergeant in Sector 2, generally  
15 supervising from eight to 20 officers per shift.  
16 Today we have, I think, 20, and we are  
17 responsible for patrolling and enforcing laws in  
18 DC and in particular in PSA 607.

19 MR. ADAMS: And today we're talking --  
20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Hold on -- Mr.  
22 Adams, hold on. I'm sorry. Is it possible for  
23 you to mute your radio because we have a court  
24 reporter --

25 SGT. MORRISON: Yes, it's I'm the only

1 official today down here, so I'll try to do my  
2 best to turn it down. Yes, sorry.

3 CHAIRPERSON ANDERSON: Yes, because we  
4 have a court reporter and such who will try to  
5 pick up everything that's being said today.

6 And, I --

7 SGT. MORRISON: Okay.

8 CHAIRPERSON ANDERSON: --  
9 interference, okay. Thank you.

10 MR. ADAMS: Thank you very much,  
11 Sergeant.

12 Today we're talking about the  
13 establishment, or a place called Martha's Market.

14 Are you familiar with that place?

15 SGT. MORRISON: Yes, yes, I am.

16 MR. ADAMS: And, is that within PSA  
17 607?

18 SGT. MORRISON: It is.

19 MR. ADAMS: And, before we get to  
20 Martha's Market, as part of your role, have you  
21 investigated shootings in the past?

22 SGT. MORRISON: Yes.

23 MR. ADAMS: And, have you been trained  
24 in how to investigate shootings?

25 SGT. MORRISON: Yes, I have.

1                   MR. ADAMS: And, you've been trained in  
2                   how to, or have you been trained, or have you  
3                   conducted investigations to search for narcotics,  
4                   and other similar materials?

5                   SGT. MORRISON: Yes.

6                   MR. ADAMS: Is that part of your  
7                   training as well?

8                   SGT. MORRISON: It is part of our  
9                   training.

10                  MR. ADAMS: So, I'm going to turn your  
11                  attention to Martha's Market.

12                  You are aware that there was a  
13                  shooting at, on March 4 at about 6:00 p.m. at  
14                  Martha's Market, is that correct?

15                  SGT. MORRISON: Yes, that's correct.

16                  MR. ADAMS: Now prior to that incident,  
17                  have you, or any of the officers for 6th  
18                  District, had any experiences with Martha's  
19                  Market?

20                  SGT. MORRISON: Yes, we've been in the  
21                  market numerous times in the past. Not for  
22                  particular calls, but per se, but for just doing  
23                  what we would call a business check.

24                  MR. ADAMS: And, what, and can you  
25                  describe what's happened during these business

1 checks?

2 SGT. MORRISON: We went in for a  
3 business check. We were met with several  
4 individuals inside who were very uncomfortable  
5 with our presence. Which is unusual.

6 When we go into a business, normally  
7 we will greet the clerks and customers. And,  
8 we're generally not skulking around, we're just  
9 there to hang out. It gives a lot of residents a  
10 safe piece of mind when there's police there.

11 We were asked by a clerk what were we  
12 doing there. I advised we were doing a business  
13 check. He stated to me that we were loitering,  
14 and he wanted us out of his business. To which I  
15 said, we're not going to leave right now.

16 And, we had officers continue to do  
17 business checks there for several weeks after  
18 that. And, were met with the same kind of  
19 resistance to us just being present in the store.

20 MR. ADAMS: Were your officers given  
21 any reason for the resistance you described?

22 SGT. MORRISON: No, it just was very  
23 apparent that we were not wanted in the store.

24 MR. ADAMS: And, prior to the shooting,  
25 had you made any calls for any instance at the,

1 at the, at Martha's Market?

2 SGT. MORRISON: On the midnight tour,  
3 which is not the shift I work, there was some  
4 officers that had pulled up to Martha's Market.

5 And, there were two gentlemen they  
6 described as running into the store. But when  
7 they saw the officers, they turned, ran into a  
8 car and fled.

9 When the officers went in, they met  
10 with one of other clerks, who said that some  
11 people had come in in an attempt to rob him.  
12 And, he believed they were returning to complete  
13 the robbery.

14 There wasn't a call made to the  
15 police. The officers just happened to pull up at  
16 the time that this car was there.

17 MR. ADAMS: And, at some point, you did  
18 have a conversation with the establishment, the  
19 store's owner, Mr. Fantaye, is that correct?

20 SGT. MORRISON: On March 4 I did, yes.

21 MR. ADAMS: And, prior to your  
22 conversation on March 4, had you ever met the  
23 owner of the establishment?

24 SGT. MORRISON: No, I never met the  
25 owner.

1 MR. ADAMS: Now I'm going to turn to  
2 March 4. Now as I stated, we know that there was  
3 a shooting that occurred at the store.

4 Did you respond to the establishment  
5 on March 4?

6 SGT. MORRISON: Yes.

7 MR. ADAMS: And, I guess I'll do this  
8 and I don't want to keep you for very long, but  
9 can you first describe what was your, your role  
10 and responsibility in responding to the  
11 establishment that day?

12 SGT. MORRISON: So, I was the first  
13 official on the scene. So, our first thing is to  
14 make sure any victims that are shot are, receive  
15 proper aid.

16 I think when I got there, he was  
17 already being seen to by the fire department.  
18 And, then making the crime scene safe.

19 The crime scene was interior to the  
20 store, so we just shield that off. I was met  
21 with Officer Bland, who advised that he had a Mr.  
22 Threatt, Steffone Threatt, who worked in the  
23 store.

24 At the time, we were under the  
25 impression that he was a witness. And, he was

1 kept in the store to the back corner, and just  
2 told to remain there.

3 We were going to have detectives come  
4 and he would be interviewed. And, then we were  
5 attempting to get a hold of the owner, to have  
6 him respond so we can access the camera footage.

7 MR. ADAMS: And, when you said that, a  
8 couple questions from what you stated, but you  
9 mentioned the name, a Mr. Threatt.

10 And, you stated that he was an  
11 employee, or a clerk, for the store, correct?

12 SGT. MORRISON: Yes.

13 MR. ADAMS: And, when you state that he  
14 was moved to the back of the store, is, can you  
15 describe that for the Board?

16 Is that moving away from the booth?

17 SGT. MORRISON: Yes, so when you enter  
18 the front door, to the right you go straight to  
19 the right corner. That's where the booth's  
20 located.

21 Mr. Threatt was, when you open the  
22 door, he was all the way in the back. If you  
23 think of the front door as a front, he was in the  
24 back left corner of the store. Just sort of  
25 there.



1 I told Officer Bland, and there was a  
2 few more officers there, Valentino previous,  
3 just, just keep an eye on him but understand we  
4 have a lot going on.

5 We have to like look for evidence, and  
6 make sure the crime scene's safe. But someone  
7 try and keep an eye on him as best they could,  
8 which I understood would not be 100 percent.

9 At the time, we didn't have the  
10 manpower to manage everything at the time. We  
11 had officers coming in to the scene as it was  
12 ongoing.

13 MR. ADAMS: And, other thing I guess  
14 I'll ask you this question. What in general, did  
15 you observe when you, when you arrived?

16 SGT. MORRISON: So we came in  
17 immediately to the, I mean Mr. Threatt was in the  
18 back. He was clearly agitated, which I  
19 attributed to adrenaline from being present to a  
20 shooting.

21 To the right where the booth is, there  
22 was blood on the floor outside the booth, and  
23 then blood inside the booth.

24 There was one shell casing that we  
25 located and recovered, outside the booth.

1                   And, then in the back on the wall by  
2 the booth, there's refrigerators where they have  
3 cold beverages.

4                   The glass had been shot and shattered.  
5 And, then some of the bottles behind that had  
6 been struck by a bullet.

7                   MR. ADAMS: And, once you had seen  
8 where the shell casing was and the damage, did  
9 you conduct a search of the store?

10                  SGT. MORRISON: Yes, so we continued to  
11 search for more shell casings. When we got  
12 access to the booth, by the time Mr. Anteneh was  
13 present and was showing us the video of what  
14 happened, that's when we started to search the  
15 actual booth itself.

16                  Prior to seeing the video, we were  
17 unaware of what that booth might have contained.  
18 But looking at the video, it showed Mr. Threatt  
19 retrieving the pistol. And, that's when we began  
20 to search the booth.

21                  The first thing I found was a black  
22 plastic bag which had a series of narcotics in  
23 it, to include the blue pills that you mentioned.

24                  There was, and two bottles of  
25 promethazine inside. There was a large amount of

1 cash.

2 The booth is completely sealed off by  
3 Perspex. And, to pass items and money between  
4 customers and the clerk, there's a, like a  
5 rotunda thing.

6 So, right on the other side of that,  
7 on the inside of the booth, there was a large  
8 amount of cash which Officer Bland counted to the  
9 amount of \$1,610.00.

10 MR. ADAMS: And, in terms of, now in  
11 terms of the pills, and as we stipulated that  
12 that is, it was oxycodone, hydro --

13 (Simultaneous speaking.)

14 SGT. MORRISON: Chloride.

15 MR. ADAMS: -- chloride, I apologize.  
16 And, you identified those?

17 SGT. MORRISON: Yes, we identified them  
18 off of drugs.com, I have their site up here.  
19 It's drugs.com, and then there's a tab for pill  
20 identifier.

21 When you go on there, you just type in  
22 so each pill has a marking on it. In this case  
23 it had M, which looks like the Metro Transit M,  
24 with a border around it, and the other side had  
25 the number 30.

1                   So, it asks you what identifiers are  
2 on it, then it asks you the color, and then the  
3 shape of the pill. And based on that, it gives  
4 you an identifier to the drug, which came back as  
5 oxycodone hydrochloride, 30 mg. strength pills.

6                   MR. ADAMS: And --

7                   (Simultaneous speaking.)

8                   SGT. MORRISON: That site -- sorry, go  
9 ahead.

10                  MR. ADAMS: No, go ahead, sorry.

11                  And --

12                  (Simultaneous speaking.)

13                  SGT. MORRISON: Well, that site is how  
14 we commonly how we identify pills that are  
15 recovered.

16                  MR. ADAMS: If you know, to your  
17 knowledge, is hydrocodone, or oxycodone, hydro, I  
18 apologize for messing up the name, but oxycodone,  
19 is that known to be an opiate, opioid?

20                  SGT. MORRISON: It is. It's a Schedule  
21 II controlled substance.

22                  MR. ADAMS: And, you state, and how was  
23 it packaged?

24                  SGT. MORRISON: It was packaged inside.  
25 So in the black plastic bag, it was bundled in a

1 white, clear baggie tied off at the end.

2 After searching the booth, we  
3 conducted a search of the remainder of the store,  
4 which I started immediately where Mr. Threatt had  
5 been sequestered, for a better word.

6 And, I found an additional bag, clear  
7 plastic bag, with the same pills in it, in the  
8 corner.

9 They had stacked up pallets of sodas,  
10 I think sodas or Gatorade. And, the top pallet  
11 was open with some of the bottles missing.

12 I looked in that pallet and there was  
13 an additional bag of the oxycodone pills there.

14 MR. ADAMS: And, you're saying that Mr.  
15 Threatt was in the vicinity of that?

16 SGT. MORRISON: He was.

17 MR. ADAMS: All right, just moving  
18 things along a bit.

19 Were there other materials that you  
20 found within the business?

21 SGT. MORRISON: There was. There was,  
22 a pistol was located. So, inside the booth,  
23 there was a large open-topped cardboard box that  
24 had items for sale, like potato chips and such.

25 The pistol was found in the bottom of

1 that box, pointing upwards. The barrel pointing  
2 up.

3 And, that was recovered and it turned  
4 out to be a Glock 48.

5 MR. ADAMS: And, getting back to the  
6 plastic bag, you mentioned that there was the  
7 pills, there's promethazine.

8 Was there anything else found within  
9 that box, that bag?

10 SGT. MORRISON: So, there was, and that  
11 was based off of the video. Because when I  
12 looked in the bag, looking at the video, the  
13 subject that was shot, Mr. Barbett, was pulled  
14 into the booth by Mr. Threatt.

15 At some point during them being in the  
16 booth, it appears that Mr. Threatt is attempting  
17 to call someone on FaceTime. I don't know who  
18 that was.

19 Mr. Barbett leans forward into the bag  
20 and retrieves a, another clear bag with a white  
21 substance in it.

22 He's transported to the hospital. The  
23 officers at the hospital called me to say that he  
24 keeps, he's very adamant that he gets his socks.

25 The nurse retrieved his socks and

1 found a white bag with white rock-like substance  
2 consistent with crack cocaine.

3 MR. ADAMS: And, was there a baby  
4 bottle or anything found in the?

5 SGT. MORRISON: I'm sorry, there was.

6 So, in addition to the promethazine  
7 bottle, there was a baby bottle.

8 So, the type of bottle you would feed  
9 milk to a baby, which is a typical way of serving  
10 promethazine to customers.

11 MR. ADAMS: So, I want to ask you about  
12 one substance, and I'm almost done.

13 During the search, did MPD find any,  
14 any I guess non-prescription marijuana within the  
15 establishment?

16 SGT. MORRISON: Yes, there was  
17 marijuana found on the outside of the booth,  
18 along with a scale.

19 MR. ADAMS: And, when you say a scale,  
20 are you saying like a digital scale?

21 SGT. MORRISON: Yes, a small digital  
22 black scale, yes.

23 MR. ADAMS: And, first of all, how do  
24 you know that it was marijuana? Or let me back  
25 up.

1                   Have you, in the past, have you  
2 identified marijuana as an MPD officer?

3                   SGT. MORRISON: It tested to be  
4 marijuana.

5                   MR. ADAMS: Okay, sir, well there you  
6 go.

7                   So, after you conduct the search, and  
8 I believe that you said that you, at some point,  
9 you said that Mr. Anteneh was at the  
10 establishment, correct?

11                   SGT. MORRISON: Yes, he came to the  
12 establishment. Someone called him. I'm not  
13 sure, but he did come to the establishment.

14                   And, he helped with pulling up the  
15 video system, which was in a locked room within  
16 the booth that only he had access to.

17                   MR. ADAMS: And, how long did I take  
18 for him to arrive? To your recollection?

19                   SGT. MORRISON: It took some time. It  
20 might have taken, I mean I wouldn't want to  
21 guess.

22                   It took more than half an hour it  
23 felt, to get there, which I mean would make sense  
24 if he's at home, you know, to be called and come  
25 into work.



1 MR. ADAMS: And, so did you have any  
2 conversations with Mr. Anteneh while you were  
3 there?

4 SGT. MORRISON: I did. So, we started  
5 to talk. My lieutenant asked me to speak with  
6 him to try and get some of his assistance, with  
7 dealing with what we perceived as the drug  
8 activity going on in the store.

9 During our conversation he noted to  
10 me, he was of the opinion that Mr. Threatt wasn't  
11 necessarily involved, but maybe just helping a  
12 friend, or was intimidated.

13 And, he advised me that he had  
14 observed in the past, watching the counter  
15 footage, someone pass a gun to Mr. Threatt. This  
16 is months prior to March 4.

17 And, he said that he addressed it with  
18 him and said, do not do that again. I do not  
19 want to see you holding a gun for one of your  
20 friends, or one of these guys in the  
21 neighborhood.

22 MR. ADAMS: And, is it your  
23 understanding that indeed, that Mr. Threatt  
24 actually did have a gun in the booth prior to  
25 March 4, correct?

1 SGT. MORRISON: Yes.

2 MR. ADAMS: Oh, one other question.  
3 Did the owner assist, was he able or sorry, was  
4 he knowledgeable of his security camera system?

5 SGT. MORRISON: He was very  
6 knowledgeable of the security camera system. He  
7 was very helpful.

8 MR. ADAMS: And, do you know whether or  
9 not he had remote access to the system?

10 SGT. MORRISON: I, that I don't know.

11 MR. ADAMS: And, in terms of  
12 resolution, is it, is the resolution clear, or is  
13 it cloudy for his security system?

14 SGT. MORRISON: Are you saying is it  
15 clear as in how to use it?

16 MR. ADAMS: Or not so much how to use  
17 it in terms of actual display, are you able to  
18 make out details?

19 SGT. MORRISON: It's probably one of  
20 the best camera systems I've seen to include  
21 going into like other convenience stores, grocery  
22 stores, gas stations, apartment buildings.

23 It's probably better than the camera  
24 system in this police station.

25 MR. ADAMS: Okay, interesting.

1                   And, one last question. In terms of  
2 your experience with other establishments, had  
3 you, based upon what you've found on March 4, had  
4 you had, is that similar to any findings that  
5 you've had in other similar convenience stores --

6                   (Simultaneous speaking.)

7                   SGT. MORRISON: No.

8                   MR. ADAMS: -- in the 6th District?

9                   Okay.

10                  SGT. MORRISON: No.

11                  MR. ADAMS: All right, I have no  
12 further questions for Sergeant Morrison.

13                  CHAIRPERSON ANDERSON: Mr. Bianco?

14                  MR. BIANCO: Yes, Sergeant Morrison,  
15 I'm going to have a few questions for you.

16                  I want to go back to when you were  
17 testifying about the business check, or business  
18 checks.

19                  When were those done?

20                  SGT. MORRISON: They started probably  
21 February or January. An officer had said to me  
22 they were concerned about some of the people that  
23 were in front of the store, and they thought it  
24 might be beneficial to conduct business checks.

25                  MR. BIANCO: Okay, and when these

1 business checks, how many were there? If you  
2 remember.

3 SGT. MORRISON: Oh, I've got no clue  
4 how many there were.

5 MR. BIANCO: Okay, and did you do these  
6 business checks personally, or were they done  
7 with, by officers within your employ?

8 SGT. MORRISON: I did a couple either  
9 alone or with other officers, and I directed  
10 officers throughout their shift to stop in at  
11 Martha's Market just to check in with staff.

12 Go in, just be present, and then move  
13 on. Which they do throughout the PSA.

14 MR. BIANCO: Okay. And, so I want to  
15 focus on the couple that, that you did  
16 personally.

17 SGT. MORRISON: Uh huh.

18 MR. BIANCO: Rather than what was  
19 reported to you.

20 So, the ones that you did, when were  
21 those two or three conducted?

22 SGT. MORRISON: I would hazard a guess  
23 sometime in February, maybe in January.

24 MR. BIANCO: Okay. And, you described  
25 that the clerk who was present, as uncomfortable

1 with you being there, right?

2 SGT. MORRISON: Yes.

3 MR. BIANCO: And, do you know who that  
4 clerk was that you describe in that manner?

5 SGT. MORRISON: At one point, I believe  
6 Mr. Threatt was working, but on other occasions  
7 there's been a couple other people. Sometimes  
8 from within the booth, sometimes outside of the  
9 booth.

10 And, to be honest, some of the people  
11 that were uncomfortable with us, may not even  
12 have worked there.

13 But there was a hanging out going on  
14 in the store, that it sometimes was hard to  
15 differentiate between an employee and a customer,  
16 or a person just hanging out.

17 MR. BIANCO: Well, finding that type of  
18 scene when you walk into a liquor store, is that  
19 something that's common in your experience?

20 SGT. MORRISON: The resistance to us  
21 being there, or just people hanging out?

22 MR. BIANCO: People hanging out.

23 SGT. MORRISON: No, you'll often go  
24 into liquor stores, and there are people just  
25 hanging out.

1 MR. BIANCO: Okay. And, I believe that  
2 you testified that prior to March 4, you had  
3 never met Mr. Fantaye, is that correct?

4 SGT. MORRISON: No, I had not.

5 MR. BIANCO: So, it's fair to say that  
6 he wasn't among the uncomfortable individuals  
7 present in the store when the checks were done?

8 SGT. MORRISON: No, not at all.

9 MR. BIANCO: Okay. And, I think you  
10 may have mentioned this at the tail-end of your  
11 testimony, but I just want to make sure I had it  
12 correct.

13 That it was your testimony that the  
14 owner was fully cooperative, and provided you all  
15 of the information you requested?

16 SGT. MORRISON: Yes, he was, he was  
17 very cooperative. He was very helpful.

18 MR. BIANCO: Okay. I want to drill  
19 down for just a second, or a couple of questions  
20 on the, the issue of the discovery of marijuana.

21 I don't know if this was your  
22 testimony, or if this is how Mr. Adams phrased  
23 it, but it, the sentiment was that whether you  
24 found non-prescription marijuana.

25 Is there a way that you would be able

1 to determine if marijuana found is prescription,  
2 or not?

3 SGT. MORRISON: I didn't add the  
4 prescription/non-prescription portion. I would,  
5 I've never seen a marijuana prescription, but I  
6 would presume I, someone would have to produce a  
7 prescription.

8 But the actual substance doesn't look  
9 any different, as to whether it's prescribed or  
10 non-prescribed.

11 MR. BIANCO: Okay, thank you.

12 And, then I want to talk about this  
13 notion of Mr. Threatt having someone passed him a  
14 gun previously.

15 So, I want to talk about that aspect  
16 of your testimony for just a second.

17 Your knowledge of prior instances came  
18 from my client?

19 SGT. MORRISON: Yes, he's the one that  
20 told me.

21 MR. BIANCO: Okay, and did he  
22 specifically say when it was that that happened?

23 SGT. MORRISON: He didn't give a date.  
24 I believe he said it was several months prior to  
25 the day of the shooting.

1 MR. BIANCO: Okay. Do you happen to  
2 know how many months Mr. Threatt had been  
3 employed at the establishment?

4 SGT. MORRISON: No clue.

5 MR. BIANCO: Okay, and did he  
6 specifically mention Mr. Threatt by name, as the  
7 employee having received the gun?

8 SGT. MORRISON: He mentioned, well he,  
9 I don't believe he used his name, but he was  
10 referencing the person that was working the day  
11 of the shooting.

12 MR. BIANCO: Okay, how was he  
13 referencing him? In that manner?

14 SGT. MORRISON: He was saying like, he.  
15 He had, Mr. Fantaye was saying he'd observed him  
16 having a gun passed to him.

17 Mr. Fantaye advised me that he  
18 believed that Mr. Threatt was doing it out of  
19 fear, or out of just being coerced into accepting  
20 this gun.

21 And, Mr. Fantaye said he addressed it,  
22 and said you need to not have a gun in my  
23 establishment again.

24 And, I believe he was of the  
25 impression that that was the, the end of it.



1 MR. BIANCO: Great. Thank you very  
2 much, Sergeant. I appreciate your testimony.

3 SGT. MORRISON: Yes, sir.

4 CHAIRPERSON ANDERSON: I just have one  
5 question I want to ask you, Sergeant.

6 Have you had any conversations, I know  
7 that you stated that the first time you met the  
8 owner was I think, on the 4th.

9 Did any of your officers ever mention  
10 to you that they had had contact with the owner,  
11 and he was resistant to the presence of the  
12 police in the establishment?

13 SGT. MORRISON: No. In fact, most of  
14 my, the officers I work with, none of us had met  
15 Mr. Fantaye prior to March 4.

16 MR. BIANCO: Thank you.

17 All right, any questions by any of the  
18 Board members?

19 MEMBER SHORT: Yes, I just had a  
20 question.

21 CHAIRPERSON ANDERSON: Go ahead, sir,  
22 go ahead.

23 MEMBER SHORT: Thank you.

24 First of all, thank you for your  
25 service, Lieutenant Morrison, I mean Sergeant

1 Morrison.

2 SGT. MORRISON: Thanks for the on-field  
3 promotion.

4 MEMBER SHORT: Okay.

5 In that general vicinity of this  
6 store, 2400 Minnesota Avenue, on a scale of 1 to  
7 5, with 5 being the highest, what, or how would  
8 you as a professional trained sergeant with the  
9 MPD, grade it as far as drug infestation, or drug  
10 addicts in the area, from 1 to 5?

11 SGT. MORRISON: 5.

12 MEMBER SHORT: Thank you, that's all I  
13 have, Mr. Chair.

14 SGT. MORRISON: Yes, sir.

15 MEMBER SHORT: Thank you very much for  
16 your service, Sergeant.

17 CHAIRPERSON ANDERSON: All right, any  
18 other questions from any of the Board members?

19 MEMBER GRANDIS: Mr. Chairman?

20 CHAIRPERSON ANDERSON: Go ahead, Mr.  
21 Grandis.

22 MEMBER GRANDIS: Mr. Adams?

23 CHAIRPERSON ANDERSON: Mr. Grandis, you  
24 need to ask the questions of Lieutenant Morrison.

25 MEMBER GRANDIS: I think it's Sergeant.

1 CHAIRPERSON ANDERSON: I'm sorry. I do  
2 apologize.

3 SGT. MORRISON: Thank you though.

4 CHAIRPERSON ANDERSON: Mr. Short  
5 promoted, you and I demoted you. I do apologize.

6 SGT. MORRISON: You're fine. That's  
7 okay.

8 CHAIRPERSON ANDERSON: All right, Mr.  
9 Grandis, you're supposed to ask questions of  
10 Sergeant Morrison.

11 MEMBER GRANDIS: Did the information  
12 and testimony you have provided the record today,  
13 did that come off a written report that was  
14 generated about the March 4 incident?

15 SGT. MORRISON: A lot of it did. As  
16 far as the actual particulars you're talking  
17 about, I mentioned the gun make and model.  
18 That's in the report.

19 The quantities of narcotics is in the  
20 report. The dollar amount is in the report.

21 MEMBER GRANDIS: Do you have a copy of  
22 that report?

23 SGT. MORRISON: Yes. I can send a PDF  
24 copy to you.

25 MEMBER GRANDIS: Well, not to me.

1 SGT. MORRISON: Okay.

2 MEMBER GRANDIS: Perhaps you can give  
3 it to the government, and the government if the  
4 Chairman says --

5 (Simultaneous speaking.)

6 SGT. MORRISON: The government, I  
7 provided a copy to the government.

8 MEMBER GRANDIS: You have?

9 SGT. MORRISON: Yes, sir.

10 MEMBER GRANDIS: Well, then Mr.  
11 Chairman I request that that report be made part  
12 of this record.

13 CHAIRPERSON ANDERSON: That's not, I  
14 don't know, I don't know if it's already in the.

15 MEMBER GRANDIS: I didn't see it.

16 CHAIRPERSON ANDERSON: As one of the  
17 documents disclosed. But I can --

18 (Simultaneous speaking.)

19 MEMBER GRANDIS: His testimony came off  
20 of this report, sir.

21 CHAIRPERSON ANDERSON: I'm sorry, what,  
22 Mr. Adams?

23 MR. ADAMS: Quick question, if you  
24 don't mind the interjection to the members'  
25 questions.

1                   Sergeant Morrison, and say your report  
2 was an instant report. Is that a public report,  
3 or was that a non-public report? I just want to  
4 make sure.

5                   SGT. MORRISON: I believe portions of  
6 it are internal, but the majority of it is public  
7 record. Anyone can walk into any police station  
8 and ask for a printout of this report.

9                   MR. ADAMS: Okay. I mean if it's okay,  
10 I mean we do, I do have a report from Mister,  
11 from Sergeant Morrison.

12                   And, if Mr. Bianco doesn't object, I'm  
13 more than happy to add it to the record.

14                   MR. BIANCO: Are we talking about the  
15 report that is marked Exhibit 3, to the  
16 investigative report? If that's the case, I have  
17 no objection.

18                   MEMBER GRANDIS: No, sir.

19                   I think Exhibit 3, isn't that an  
20 investigator's report?

21                   MR. BIANCO: No, Exhibit --  
22 (Simultaneous speaking.)

23                   CHAIRPERSON ANDERSON: No, he said that  
24 what are. All right, what report are you asking  
25 for, Mr. Grandis?

1                   MEMBER GRANDIS: The information, the  
2 testimony that Sergeant Morrison provided the  
3 record today, came from a report that he also had  
4 written based on this, I guess it's March 4  
5 incident.

6                   And, I just want as we get our  
7 investigator's report as part of the record, I  
8 just would like to see the report that has the  
9 information that he has testified to, be made  
10 part of this.

11                   CHAIRPERSON ANDERSON: All right, let  
12 me --

13                   (Simultaneous speaking.)

14                   MEMBER CROCKETT: It's Exhibit 2 of --

15                   CHAIRPERSON ANDERSON: All right, I was  
16 about to look at --

17                   (Simultaneous speaking.)

18                   MEMBER CROCKETT: -- of the police  
19 report.

20                   MR. ADAMS: Just to let you know that  
21 it's not. This is actually it's not part of, of  
22 the investigator report that was produced.

23                   MEMBER GRANDIS: Yes, I didn't see it.

24                   MR. ADAMS: This is on a completely  
25 different report, and it might need to have some

1 redactions.

2 But what I can do if the Board will  
3 permit, is I can forward it to the, an  
4 investigator and, or we can find it, a process by  
5 which we can.

6 CHAIRPERSON ANDERSON: All right, hold  
7 on.

8 All right, before we're going to allow  
9 any other documents in the record, first and  
10 forward, the first, Mr. Adams would have to  
11 provide that to Mr. Bianco.

12 MEMBER GRANDIS: Yes, okay.

13 CHAIRPERSON ANDERSON: And, Mr. Bianco  
14 would, and then if Mr. Bianco objects to it  
15 because although there were documents the witness  
16 has disclosed for this hearing, and I know that  
17 when we have summary suspension hearings and  
18 there, I'm not quite sure if there's a specific  
19 time when documents have to be disclosed.

20 So, I'm not quite, I don't know right  
21 now if I can demand that any specific document be  
22 made a part of this record because they, Mr.  
23 Bianco has a right to object.

24 Mr. Bianco can say I'm going to object  
25 to the introduction of this record, or whatever

1 record for whatever reason.

2 And, so I cannot make, I cannot ask  
3 that the document be made part of the record,  
4 because I don't know what the document is.

5 And, I'm not sure if neither Mr.  
6 Bianco, I'm not sure if Mr. Bianco is even aware  
7 of the document that's been, that we're  
8 discussing right now. Because I'm not sure if he  
9 has seen it.

10 So, let's just put a pause on that  
11 document at this juncture. And, if at some point  
12 during the hearing, if this document's available  
13 and it can be shared with Mr. Bianco for him to,  
14 for him to review it, and then we can, someone  
15 can make a formal motion to make this a part of  
16 the record, okay?

17 MEMBER GRANDIS: And, I support the  
18 Attorney Bianco getting a copy of this, before it  
19 is submitted. I agree with that.

20 I just thought I was testimony that  
21 had been written in this report as a  
22 recollection.

23 And, I just thought that like our  
24 investigators' reports, are generally made part  
25 of these records, I would like to see MPD in the,



1 in this particular situation, at least be  
2 presented to all sides. And, if agreed, be made  
3 part of the record.

4 Moving forward, Sergeant, may I ask  
5 you a question? Are you on the phone, you're  
6 busy?

7 SGT. MORRISON: I'm sorry, I'm  
8 listening to the radio. I'm available for a  
9 question.

10 MEMBER GRANDIS: You are? Thank you.

11 You said that you had made some stops  
12 at this particular market before the incident.  
13 Did I understand that correctly?

14 SGT. MORRISON: Yes.

15 MEMBER GRANDIS: And, how many, I think  
16 you did say a number of times. Roughly how many  
17 times had you viewed it before this incident?  
18 Going inside.

19 SGT. MORRISON: Going inside  
20 personally?

21 MEMBER GRANDIS: Just roughly.

22 SGT. MORRISON: About two, three, maybe  
23 three times.

24 MEMBER GRANDIS: And, roughly what time  
25 range would that have been?

1                   SGT. MORRISON: It's all going to be in  
2 the evening, so anywhere between 5:00 p.m. to  
3 9:00 p.m., 8:00 p.m. Somewhere in the evening.

4                   MEMBER GRANDIS: And, what time was the  
5 shooting?

6                   SGT. MORRISON: The shooting, looking  
7 at the report, it was somewhere around 6:00 p.m.-  
8 ish.

9                   MEMBER GRANDIS: Okay. So, in these  
10 few situations where you did a, you know, a  
11 business call, did you see customers in the  
12 market? Were people buying products other than  
13 the drugs?

14                   SGT. MORRISON: There were often people  
15 outside sort of hanging out, and maybe one or two  
16 people inside.

17                   I didn't see anyone actually buying  
18 drugs in my presence.

19                   MEMBER GRANDIS: No, I'm just joking  
20 about that, but I mean did you see this market  
21 actually having people come in to really buy the  
22 products that are on display?

23                   SGT. MORRISON: It didn't look like it  
24 to me. I'm not to say that people aren't going  
25 in there and buying the products. But.

1                   MEMBER GRANDIS: Okay, unfortunately  
2 I'm not very familiar with this area, so I  
3 apologize. But I'm assuming you are?

4                   SGT. MORRISON: Yes.

5                   MEMBER GRANDIS: How close would a  
6 similar market, not the drug part of it, the  
7 legal side, how close would another market like  
8 this be to that establishment?

9                   SGT. MORRISON: The next closest one  
10 is, that's in the 2400 block of Minnesota Avenue,  
11 and there's one in the 2200 block of Minnesota  
12 Avenue.

13                   So, you can see the next closest one  
14 from --

15                   (Simultaneous speaking.)

16                   MEMBER GRANDIS: Did you ever go in,  
17 did you ever during your shift, did you ever go  
18 into that one as a business contact?

19                   SGT. MORRISON: Yes, yes.

20                   MEMBER GRANDIS: And, did you see the  
21 same kind of activity at that one --

22                   (Simultaneous speaking.)

23                   SGT. MORRISON: Yes.

24                   MEMBER GRANDIS: -- two blocks away?

25                   SGT. MORRISON: Yes, very similar

1 activity.

2 MEMBER GRANDIS: So, okay. And, have  
3 there been any incidents like this one, at that  
4 particular market as well?

5 SGT. MORRISON: There have. There have  
6 been two or three homicides.

7 MEMBER GRANDIS: Okay, well, thank you.

8 SGT. MORRISON: Yes, sir.

9 MEMBER GRANDIS: Mr. Chairman, that's  
10 all, Mr. Chairman.

11 CHAIRPERSON ANDERSON: Thank you, Mr.  
12 Grandis.

13 Any other questions by any Board  
14 members?

15 Mr. Bianco, any redirect, based on the  
16 questions that were asked by the Board?

17 MR. BIANCO: No, sir.

18 CHAIRPERSON ANDERSON: Mr. Adams, any  
19 redirect, sir? Any redirect?

20 MR. ADAMS: Yes, Mr. Chairman, very  
21 briefly.

22 During cross-examination you were  
23 asked about how you would distinguish  
24 prescription marijuana from non-prescription  
25 marijuana, Sergeant Morrison.

1                   To your recollection, how was the --  
2                   what was tested and found to be marijuana, how  
3                   was it packaged?

4                   SGT. MORRISON: It was in a plastic  
5                   bag.

6                   MR. ADAMS: And --  
7                   (Simultaneous speaking.)

8                   SGT. MORRISON: So, it was loose and  
9                   packaged to be, it was set up to be distributed.  
10                  It was just, it was in like a plastic bag.

11                  MR. ADAMS: Okay, and you said it was  
12                  a clear plastic bag?

13                  SGT. MORRISON: There was no -- clear  
14                  plastic bag. No markings to suggest what I would  
15                  assume prescription marijuana would have. But  
16                  I've never seen prescription marijuana.

17                  MR. ADAMS: And, you were asked about,  
18                  and just to make sure, that you were asked about  
19                  another establishment and what, and similar  
20                  activity.

21                  I just want to make sure based upon  
22                  what you saw at March 4, is the other place, did  
23                  the activity occur inside the establishment, or  
24                  outside?

25                  SGT. MORRISON: Outside.

1 MR. ADAMS: Okay, thank you.

2 No further questions.

3 CHAIRPERSON ANDERSON: Sergeant, thank  
4 you very much for your testimony today. You are  
5 free to go to take care of the business of the  
6 residents of the District of Columbia, sir.

7 Have a great day.

8 SGT. MORRISON: Thank you. Thanks,  
9 thank you very much.

10 MR. ADAMS: And, Mister --

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Mr. Adams, do  
13 you have another witness?

14 MR. ADAMS: We do. Just a bit of  
15 administrative business. We also had called  
16 Officer Bland. I know we've been trying to  
17 communicate with him.

18 I think based upon our prior  
19 stipulations and the, and the information that  
20 was provided by Sergeant Morrison, I don't  
21 believe that we're going to need Officer Bland's  
22 testimony.

23 But I just want to thank him for his  
24 time and patience, and we will process any  
25 paperwork that we need for him.

1                   CHAIRPERSON ANDERSON: Officer Bland,  
2 you have been such an excellent witness that they  
3 are afraid to even have you testify today.

4                   Just your presence was enough that the  
5 folks decided that they don't want touch you.  
6 But thank you very much sir, for your service to  
7 the residents of the District of Columbia.

8                   And, thank you for being here today.  
9 You are free to go.

10                  OFFICER BLAND: No problem. You guys  
11 have a good one.

12                  MR. ADAMS: And I'll turn this over to  
13 Mr. Southcott.

14                  CHAIRPERSON ANDERSON: Mr. Southcott,  
15 do you have another witness you wish to call,  
16 sir?

17                  MR. SOUTHCOTT: Yes. At this point,  
18 the government would like to call ABRA  
19 Investigator Mark Ruiz.

20                  CHAIRPERSON ANDERSON: All right, hold  
21 on before we call Mr. Ruiz. I just want to  
22 remind everyone, I need everyone's phone on mute  
23 with the exception of Mr. Southcott's and Mr.  
24 Ruiz.

25                  All right, so Mr. Ruiz, can you raise

1 your right hand, please?

2 Do you swear or affirm to tell the  
3 truth and nothing but the truth?

4 MR. RUIZ: I do.

5 CHAIRPERSON ANDERSON: Thank you. Your  
6 witness, sir.

7 MR. SOUTHCOTT: Thank you, Chairman.

8 Good afternoon, Mr. Ruiz.

9 MR. RUIZ: Good afternoon.

10 MR. SOUTHCOTT: Could you please state  
11 your name, and spell your name for the record?

12 MR. RUIZ: Yes, my first name is Mark,  
13 M-A-R-K, last name is Ruiz, R-U-I-Z.

14 MR. SOUTHCOTT: And, Mr. Ruiz, you are  
15 an ABRA investigator, is that correct?

16 MR. RUIZ: That is correct.

17 MR. SOUTHCOTT: And, how long have you  
18 worked in that position?

19 MR. RUIZ: Just reached three years.

20 MR. SOUTHCOTT: What are your duties in  
21 that position?

22 MR. RUIZ: To investigate and inspect  
23 licensed ABRA establishments, located within the  
24 District of Columbia.

25 MR. SOUTHCOTT: And, as part of your



1 duties, you conduct investigations, is that  
2 correct?

3 MR. RUIZ: That's correct.

4 MR. SOUTHCOTT: Are you familiar with  
5 the establishment known as Martha's Market?

6 MR. RUIZ: I am.

7 MR. SOUTHCOTT: How did you become, how  
8 are you familiar with Martha's Market?

9 MR. RUIZ: I was assigned investigation  
10 after, for a fact finding request from MPD.

11 MR. SOUTHCOTT: And, in the course of  
12 your investigation, that centered around the  
13 March 4 incident, correct?

14 MR. RUIZ: That's correct.

15 MR. SOUTHCOTT: In the course of your  
16 investigation, what materials did you review?

17 MR. RUIZ: I reviewed the fact finding  
18 letter, two CCN-MPD reports of the incident.  
19 And, surveillance video from the establishment.

20 MR. SOUTHCOTT: Based on the materials  
21 that you reviewed, you completed a report,  
22 correct?

23 MR. RUIZ: That's correct.

24 MR. SOUTHCOTT: And, that report is the  
25 report that has been entered in, into the record

1 as the case report, correct?

2 MR. RUIZ: That's correct.

3 MR. SOUTHCOTT: Okay.

4 Also as part of your investigation,  
5 you conducted an inspection at the establishment,  
6 correct?

7 MR. RUIZ: I did.

8 MR. SOUTHCOTT: Could you, without  
9 going into exhaustive detail because a lot of  
10 facts are stipulated on the record, could you  
11 describe how that invest, that inspection went  
12 down when you conducted it on March 13, I  
13 believe?

14 MR. RUIZ: Correct, yes.

15 So, on March 13 I visited the  
16 establishment. Through the course of my  
17 investigation, went to conduct a regulatory  
18 inspection, and to meet with the owner, and  
19 review surveillance video.

20 During of which time conducted the RI.  
21 No violations from the particular regulatory  
22 inspection was noted.

23 During the course of my visit, things  
24 were observed.

25 MR. SOUTHCOTT: Could you describe some

1 of the things that you observed --

2 (Simultaneous speaking.)

3 MR. RUIZ: So, during the inspection of  
4 the facility, one, upon my arrival to the  
5 establishment there were individual that exited  
6 the establishment, and conducted a hand-to-hand  
7 transaction in front of me before I got out my  
8 vehicle.

9 After they cleared, I then entered the  
10 establishment, I asked the owner after I  
11 identified myself who I was, what that individual  
12 was here because of a little suspicious activity  
13 with, outside his establishment.

14 Later learned that he was purchasing  
15 a single-sell cigarette from the establishment.  
16 At that time, I alerted the owner to notify him  
17 that, you know, selling single-sale cigarettes  
18 within the District of Columbia, was illegal  
19 activity. Illegal business practice for him.

20 He noted it, and only referred to as  
21 conduct that's done in the evenings. And, due to  
22 the community, the customers that purchase from  
23 him, it makes it more affordable for them.

24 Continuing on --

25 (Simultaneous speaking.)

1 MR. SOUTHCOTT: If I can just interject  
2 for just a second. A lot of these, this  
3 description is in your investigative report, is  
4 it not?

5 MR. RUIZ: It is.

6 MR. SOUTHCOTT: Okay. At this time,  
7 I'd like to just ensure that we're getting that  
8 in.

9 So I'd like to introduce that  
10 investigative report, and make sure it gets  
11 entered in to evidence.

12 MR. BIANCO: No objection.

13 CHAIRPERSON ANDERSON: By operation of  
14 law, it is a matter of our court record. So, the  
15 Board's records are automatically a part of the  
16 record.

17 But thank you.

18 MR. SOUTHCOTT: Thank you.

19 Did you, I would like to refer to a  
20 exhibit contained within the investigative  
21 report, if I may.

22 And, to do so, I'd like to be able to  
23 share my screen.

24 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
25 can you give Mr. Southcott the ability to share

1 his screen, please?

2 MR. SOUTHCOTT: Thank you.

3 Is there a way to just share a  
4 specific window?

5 CHAIRPERSON ANDERSON: That, I don't  
6 know, sir.

7 MR. RUIZ: I believe it should be  
8 whatever you have up on the screen.

9 MR. SOUTHCOTT: Okay. Well, I can,  
10 yes, I will, I can close some other documents and  
11 share this screen.

12 MR. ADAMS: Mr. Southcott, I think  
13 there is a way to share individual window, but I  
14 don't know where it is. But I think it's a drop  
15 down. But if you can't, then.

16 CHAIRPERSON ANDERSON: Is it easier for  
17 Mr. Ruiz, Mr. Ruiz do you have your case report,  
18 sir?

19 MR. RUIZ: I have the case report, yes.

20 CHAIRPERSON ANDERSON: All right, so  
21 Ms. Fashbaugh, can you give Mr. Ruiz the ability  
22 to share his screen, and could you ask Mr. Ruiz  
23 then, Mr. Southcott, to bring the document?

24 So I'll ask him to put the case report  
25 up, and then you can direct him to the document

1 you want to.

2 I am, sometimes I'm afraid when people  
3 sharing their screen, what information is going  
4 to pop up in a public record.

5 And, so because we are on, I'm not  
6 sure if you're aware, we are on YouTube. So,  
7 whatever occurs here today will be in the public  
8 record forever.

9 So, it may be --

10 (Simultaneous speaking.)

11 MR. SOUTHCOTT: I understand that,  
12 Chairman.

13 CHAIRPERSON ANDERSON: All right, so  
14 Ms. Fashbaugh, could you give Mr. Ruiz the  
15 ability to share his screen?

16 He'll bring up his case report and  
17 then you can direct him, sir, where in the case  
18 report you want him to be.

19 MR. SOUTHCOTT: Okay.

20 CHAIRPERSON ANDERSON: But where in the  
21 case report you want him to go, sir?

22 MR. SOUTHCOTT: I am looking at page  
23 11, which has been marked as Exhibit 6.

24 CHAIRPERSON ANDERSON: Are you able to  
25 share your screen, Mr. Ruiz?

1 MR. RUIZ: Yes, I'm doing that now.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. SOUTHCOTT: And, Mr. Ruiz, it would  
4 be helpful if you could rotate the screen because  
5 I think the way it showed up on the report  
6 itself, it looks a little, it can be a little  
7 hard to understand what's going on.

8 MR. RUIZ: Okay.

9 CHAIRPERSON ANDERSON: Is this the  
10 document, Mr. Southcott?

11 MR. SOUTHCOTT: This is not the case  
12 report, I don't think.

13 CHAIRPERSON ANDERSON: So, what  
14 exhibit?

15 MR. RUIZ: What exhibit number what is  
16 it?

17 MR. SOUTHCOTT: Exhibit number 6, it's  
18 on page 11 of the case report.

19 CHAIRPERSON ANDERSON: All right.

20 MR. RUIZ: Okay.

21 All right, so the copy of the report  
22 I have doesn't have exhibits attached. I was  
23 trying to open up the exhibits from my file, but  
24 it's not allowing me to open it.

25 MR. ADAMS: If it may help, I can, Mr.

1 Chairman and Mr. Southcott, I can --

2 (Simultaneous speaking.)

3 MR. RUIZ: I apologize for that.

4 CHAIRPERSON ANDERSON: All right, so  
5 Ms. Fashbaugh, please give Mr. Adams the ability  
6 to share his screen.

7 I'm trying to make this thing a little  
8 bit easier, but it appears that it's more  
9 difficult.

10 So, do you have the case report Mr.  
11 Adams, is that correct?

12 MR. ADAMS: I do have the case report,  
13 Mr. Chairman.

14 CHAIRPERSON ANDERSON: All right, so if  
15 you can please share your screen, Exhibit 6,  
16 please.

17 MR. ADAMS: All right, I believe, are  
18 you sharing?

19 MR. SOUTHCOTT: It's page 11, we can  
20 see you.

21 CHAIRPERSON ANDERSON: Yes, we can.  
22 I'm seeing your screen, so go to Exhibit 6,  
23 please.

24 MR. SOUTHCOTT: If you could rotate  
25 that 90 degrees to the right?



1 MR. ADAMS: Yes, Mr. Southcott.

2 MR. SOUTHCOTT: Thank you kindly.

3 MR. RUIZ: There we go.

4 CHAIRPERSON ANDERSON: All right, here  
5 we are. Okay.

6 MR. SOUTHCOTT: Investigator Ruiz, do  
7 you recognize this picture?

8 MR. RUIZ: I do.

9 MR. SOUTHCOTT: Did you take this  
10 picture?

11 MR. RUIZ: I took this photo, yes.

12 MR. SOUTHCOTT: You took this photo  
13 during your regulatory inspection, correct?

14 MR. RUIZ: Correct.

15 MR. SOUTHCOTT: Why did you take this  
16 picture?

17 MR. RUIZ: I was noting some of the  
18 merchandise that was being sold from inside the  
19 booth, particularly with items being open as  
20 well.

21 MR. SOUTHCOTT: So, this is items that  
22 are inside of the booth area, so not accessible  
23 to the general public?

24 MR. RUIZ: Correct.

25 MR. SOUTHCOTT: And, what items in

1 particular did you find noteworthy, that you  
2 wanted to document photographically?

3 MR. RUIZ: The digital scales located  
4 at the bottom right, just above the disposable  
5 face mask box. It's a red box and a blue box,  
6 two different models.

7 MR. SOUTHCOTT: Approximately how many  
8 of those digital scales are for sale?

9 MR. RUIZ: I'd say approximately 10.  
10 I didn't count them.

11 MR. SOUTHCOTT: And, these are digital  
12 pocket weight scales, that have a maximum weight  
13 of about 600, or 650 grams, correct?

14 MR. RUIZ: Correct.

15 MR. SOUTHCOTT: What is on top of those  
16 scales?

17 MR. RUIZ: A box of sandwich bags.  
18 Open box of sandwich bags.

19 MR. SOUTHCOTT: And, what is next to  
20 those scales?

21 MR. RUIZ: To the left of that is a  
22 open box of Glad sandwich bags.

23 MR. SOUTHCOTT: And, further to the  
24 left of that?

25 MR. RUIZ: On the other side of the cup

1 is a pack of rolling papers.

2 MR. SOUTHCOTT: In your experience,  
3 what do these items collectively signify?

4 MR. BIANCO: I'm going to object. This  
5 is speculation.

6 CHAIRPERSON ANDERSON: Mr. Southcott?

7 MR. SOUTHCOTT: I believe that the  
8 investigator is capable of using his expertise,  
9 in terms of evaluating the products that are for  
10 sale in operations that he conducts inspections  
11 in, to determine what the purpose of selling  
12 those particular goods is.

13 MR. BIANCO: Mr. Chairman, the  
14 investigator who is testifying is an alcoholic  
15 beverage investigator, who is experienced in  
16 enforcing the alcoholic beverage laws. Not laws  
17 about the sale of sandwich bags.

18 This isn't a police officer. This  
19 isn't a drug investigation, and I don't think the  
20 testimony is appropriate.

21 CHAIRPERSON ANDERSON: I'm going to  
22 sustain the objection. Let's move on.

23 MR. SOUTHCOTT: Investigator Ruiz, in  
24 your investigative report, you mention there  
25 being drug paraphernalia in the establishment.

1                   Why did you say that there is drug  
2 paraphernalia in the establishment?

3                   MR. RUIZ: Through our work experience,  
4 the general knowledge of these items being used  
5 during drug activity.

6                   MR. SOUTHCOTT: Which item,  
7 specifically?

8                   MR. RUIZ: Rolling papers, baggies.

9                   MR. BIANCO: Same objection.

10                  MR. RUIZ: The scales.

11                  CHAIRPERSON ANDERSON: What's the  
12 basis, Mr. Southcott?

13                  MR. SOUTHCOTT: I have no further  
14 questions on this topic.

15                  CHAIRPERSON ANDERSON: Okay.

16                  MR. SOUTHCOTT: Investigator Ruiz, you  
17 reviewed security footage during your  
18 investigation of the, of Martha's Market,  
19 correct?

20                  MR. RUIZ: I did.

21                  MR. SOUTHCOTT: And, how long is the  
22 video footage stored?

23                  MR. RUIZ: I believe one system had  
24 five days, and then another system had the 13  
25 days.

1 MR. SOUTHCOTT: And, was the owner  
2 familiar with how to operate the video system?

3 MR. RUIZ: He was.

4 MR. SOUTHCOTT: At this time, I would  
5 like to share my screen hopefully more  
6 successfully, to demonstrate some, and walk  
7 through some security footage that Investigator  
8 Ruiz took from his regulatory inspection.

9 CHAIRPERSON ANDERSON: You still have  
10 that ability, sir. I'm not sure if it was taken  
11 --

12 (Simultaneous speaking.)

13 MR. SOUTHCOTT: I think I do now.

14 CHAIRPERSON ANDERSON: -- from you.

15 Okay, go ahead, sir.

16 What exhibit is this, sir?

17 MR. SOUTHCOTT: This has been marked in  
18 the investigative report, or in the case report,  
19 as Exhibit No. 4.

20 CHAIRPERSON ANDERSON: Go ahead, sir.

21 MR. SOUTHCOTT: Can everyone see my  
22 screen?

23 CHAIRPERSON ANDERSON: No.

24 MR. SOUTHCOTT: Oh, sorry, I think I  
25 need to actually hit the share button.

1 CHAIRPERSON ANDERSON: Now we can.

2 MR. SOUTHCOTT: Okay.

3 Investigator Ruiz, what is this  
4 footage of?

5 MR. RUIZ: This is the footage of  
6 inside the Martha's Market, particularly of the  
7 entryway and the booth, cashier booth.

8 MR. SOUTHCOTT: What is the date of  
9 this footage?

10 MR. RUIZ: March 4, 2022.

11 MR. SOUTHCOTT: And, what do you see on  
12 the counter area in front of the booth?

13 MR. RUIZ: I see the victim that was  
14 shot, standing at the booth.

15 MR. SOUTHCOTT: And, do you see any  
16 items on the counter?

17 MR. RUIZ: In front of him is a green  
18 notebook, a digital scale, and sandwich, a box of  
19 sandwich baggies.

20 MR. SOUTHCOTT: Okay. I am now going  
21 to play some, some of this footage for you. And,  
22 I will try to do my best to make sure that I'm  
23 reporting timestamps as I am going.

24 But in the event that I forget for any  
25 particular instance, either you or the Board,

1 please remind me to make sure that I'm noting  
2 correctly in the record, what time these events  
3 are occurring.

4                   Oops, sorry.

5                   I'm going to pause here. Was that  
6 audio audible for other individuals?

7                   MEMBER GRANDIS: No.

8                   MR. RUIZ: No.

9                   MR. SOUTHCOTT: Okay, I would just like  
10 to make a clarification.

11                   There is audio that is present in  
12 this, and some of it may be overlapping because  
13 while this footage was being taken, Investigator  
14 Ruiz was speaking with the owner.

15                   So, we are now at 28 seconds into this  
16 6 minute and 41 second video.

17                   Investigator Ruiz, could you describe  
18 what has occurred in these 28 seconds?

19                   MR. RUIZ: The victim appearing to be  
20 weighing a item, and then bagging it.

21                   Can you enlarge your screen a little  
22 more?

23                   MR. SOUTHCOTT: Yes, is that more  
24 visible?

25                   MR. RUIZ: No.

1                   CHAIRPERSON ANDERSON: There was no  
2 enlarging occurred.

3                   MR. SOUTHCOTT: Oh, interesting.

4                   CHAIRPERSON ANDERSON: Well, it has  
5 been enlarged since the first time, but.

6                   MR. RUIZ: Yes, this is not maximized.

7                   CHAIRPERSON ANDERSON: Okay.

8                   MR. SOUTHCOTT: So, I'm going to  
9 continue playing this. Did you see what occurred  
10 during this time period? I'm now at 47 seconds  
11 into the video.

12                   MR. RUIZ: The victim was handing --  
13 putting a substance in that customer's hand, with  
14 the blue scarf on her head.

15                   MR. SOUTHCOTT: Has that transaction  
16 concluded? We're not at a minute, two seconds  
17 in.

18                   MR. RUIZ: Yes.

19                   MR. SOUTHCOTT: I'm now a minute, and  
20 40 seconds in, can you describe what has occurred  
21 in the past 30 seconds, or so?

22                   MR. RUIZ: It appeared the victim  
23 conducted another transaction with the male  
24 subject.

25                   MR. SOUTHCOTT: What does the victim



1 appear -- does the victim appear to have anything  
2 in his left hand?

3 MR. RUIZ: Appears to have a large  
4 plastic bag with substance inside of it.

5 MR. SOUTHCOTT: That is at one minute  
6 59 into the video. I am now, for the sake of  
7 time, going to skip forward about a minute. So,  
8 I'm now at approximately two minutes, and 50  
9 seconds into the video. Can you describe what  
10 has occurred at this two minute, and 50 second  
11 mark?

12 MR. RUIZ: Two individuals identified  
13 as suspects in the shooting walk in.

14 MR. SOUTHCOTT: Can you describe what  
15 has occurred now, at three minutes, and six  
16 seconds into the video?

17 MR. RUIZ: The subjects pull out  
18 handguns pointing at the subject as the subject  
19 backs into the corner.

20 MR. SOUTHCOTT: Can you describe what  
21 has happened now in the past 30 seconds? We are  
22 now at about three minutes, and 40 seconds into  
23 the video.

24 MR. RUIZ: During the struggle back,  
25 and forth, the one suspect fires shots at the

1 victim.

2 MR. SOUTHCOTT: I am now three  
3 minutes, and 45 seconds into the video, can you  
4 describe what is occurring at this mark in the  
5 video?

6 MR. RUIZ: This is the store clerk emerging  
7 from the cashier booth with a handgun in his  
8 right hand, and hands it to the victim.

9 MR. SOUTHCOTT: That is at 3 47?

10 MR. RUIZ: Handing it to the victim as  
11 he runs out of the establishment, and then almost  
12 immediately returning back into the store.

13 MR. SOUTHCOTT: Can you see what has  
14 happened here at four minutes, and two seconds  
15 into the video?

16 MR. RUIZ: Yes, the clerk holds the  
17 door, allowing the victim to come inside the  
18 booth.

19 MR. SOUTHCOTT: Okay, I will skip  
20 ahead slightly. I am now at the four minute, and  
21 57 second mark. Can you describe what has  
22 occurred at this four minute, and 57 mark?

23 MR. RUIZ: I zoom my camera into the  
24 video to try to see what was on the floor, that  
25 plastic bag.

1                   MR. SOUTHCOTT: And why did you zoom  
2 your camera in?

3                   MR. RUIZ: To try to see what that  
4 object was on the floor, what that was.

5                   MR. SOUTHCOTT: Do you recognize that  
6 object?

7                   MR. RUIZ: It appears to be the  
8 plastic bag with substance that the victim was  
9 holding.

10                  MR. SOUTHCOTT: Okay. I have a couple  
11 more videos that I would like to walk through  
12 with you in similar fashion that can hopefully be  
13 done relatively quickly. I am now moving on from  
14 this video to this video, which in the  
15 investigative report had been marked as Exhibit  
16 No. 5. Mr. Ruiz, do you recognize this image?

17                  MR. RUIZ: Yes, this is a camera angle  
18 from inside the cashier booth.

19                  MR. SOUTHCOTT: And this is from the  
20 same day as the robbery?

21                  MR. RUIZ: Correct.

22                  MR. SOUTHCOTT: And this is at around  
23 the same time that the previous video was?

24                  MR. RUIZ: Yes.

25                  MR. SOUTHCOTT: Can you see the area

1 directly above the monitor that appears to have  
2 cameras on it? Can you see that area?

3 MR. RUIZ: Yes.

4 MR. SOUTHCOTT: What is happening  
5 outside of that area? Sort of through the glass.

6 MR. RUIZ: That's where the victim is  
7 standing, conducting transactions.

8 MR. SOUTHCOTT: And so that is visible  
9 from the booth?

10 MR. RUIZ: Yes.

11 MR. SOUTHCOTT: Okay. I am going to  
12 play this video now. In that corner there, do  
13 you see anything?

14 MR. RUIZ: I'm sorry, what corner?

15 MR. SOUTHCOTT: The area that I was  
16 previously describing, can you see anything  
17 happening through it? Would it be helpful if I  
18 replayed?

19 MR. RUIZ: Yes, please. I can see the  
20 victim on the other side with the plastic bag  
21 that he was holding.

22 MR. SOUTHCOTT: Great. Can you  
23 describe what has occurred in the past 20  
24 seconds?

25 MR. RUIZ: So, outside of the booth

1 during this time, the attempted robbery, or  
2 robbery is occurring to subjects outside. And  
3 the clerk, observing what's happening, picks up  
4 this black bag.

5 MR. SOUTHCOTT: I am 24 seconds into  
6 the video for the record. I'm now at 27 seconds  
7 in, can you describe what has occurred?

8 MR. RUIZ: He removes a handgun from  
9 the bag.

10 MR. SOUTHCOTT: I am now 50 seconds  
11 into the video, can you describe what is  
12 occurring?

13 MR. RUIZ: The clerk, after the  
14 suspects leave, opens the door to the booth.

15 MR. SOUTHCOTT: Now at 52 seconds in,  
16 what has occurred?

17 MR. RUIZ: He shuts the door at this  
18 time, that's him handing the gun off to the  
19 victim.

20 MR. SOUTHCOTT: Okay, I am now going  
21 to move forward. I'll back up a little. I am now  
22 one minute, 54 seconds into the video. Can you  
23 describe what has occurred at this point in time?

24 MR. RUIZ: The victim comes into the  
25 booth.

1                   MR. SOUTHCOTT: And the clerk is also  
2 in the booth?

3                   MR. RUIZ: Correct.

4                   MR. SOUTHCOTT: I am now two minutes,  
5 and 20 seconds into the video. Do you see  
6 anything directly above the victim's right arm?

7                   MR. RUIZ: That would have been the  
8 cash that he threw up on the counter.

9                   MR. SOUTHCOTT: Okay. At this point  
10 in time, I would like to briefly review one more  
11 piece of video surveillance. For the board, if  
12 this was not included as part of the  
13 investigative report, but I believe that I can  
14 lay sufficient foundation to establish that it is  
15 relevant. Mr. Ruiz, do you recognize this  
16 footage?

17                   A           This is another camera angle from  
18 inside the cashier booth.

19                   MR. SOUTHCOTT: And how do you  
20 recognize this footage?

21                   MR. RUIZ: I've observed this angle on  
22 security cameras during my visit.

23                   MR. SOUTHCOTT: So, you've reviewed  
24 this footage prior to these proceedings?

25                   MR. RUIZ: Yes.

1 MR. SOUTHCOTT: And this footage is  
2 from the same day as the shooting?

3 MR. RUIZ: Correct.

4 MR. SOUTHCOTT: Okay, I am going to --  
5 this video is 33 minutes long, I am not going to  
6 be playing anywhere near all of that. But I will  
7 be starting at approximately the seven minute,  
8 and 20 second mark. I am now seven minutes, and  
9 27 seconds into this video. Can you please  
10 describe what has occurred?

11 MR. RUIZ: The victim has entered the  
12 booth.

13 MR. SOUTHCOTT: I am now seven  
14 minutes, and 48 seconds into the video. Can you  
15 describe what has now occurred?

16 MR. RUIZ: The victim placed the scale  
17 onto the counter.

18 MR. SOUTHCOTT: And where is that  
19 scale in relation to the clerk?

20 MR. RUIZ: In front of him.

21 MR. SOUTHCOTT: I am now seven  
22 minutes, and 50 seconds into the video. What is  
23 the victim holding? I can back it up.

24 MR. RUIZ: That black bag.

25 MR. SOUTHCOTT: I am now eight

1 minutes, and two seconds into the video, can you  
2 describe what has occurred in the past 12  
3 seconds, or so?

4 MR. RUIZ: He removed what appears to  
5 be a green notebook, and a box of sandwich bags  
6 from the black bag.

7 MR. SOUTHCOTT: Did you see anything  
8 else taken out of the black bag?

9 MR. RUIZ: What appears to be a clear  
10 bag with some kind of white substance in it.

11 MR. SOUTHCOTT: I am now eight  
12 minutes, and 52 seconds into this video. Can you  
13 describe what has occurred in the past,  
14 approximately minute?

15 MR. RUIZ: The victim removed his  
16 items that he placed down on the counter,  
17 appeared to have a conversation with the clerk,  
18 and then made his way towards the door.

19 MR. SOUTHCOTT: I'm now at 8 54, is  
20 the victim inside the booth area at this point?

21 MR. RUIZ: I don't believe so.

22 MR. SOUTHCOTT: Okay. I'm going to  
23 skip ahead slightly. I am now at nine minutes,  
24 and 42 seconds into this video. Can you describe  
25 what has occurred? I am now at nine minutes, 46



1 seconds.

2 MR. RUIZ: It appears the victim  
3 returned back into the booth.

4 MR. SOUTHCOTT: I would like you to  
5 first focus on the victim, and then I will come  
6 back, and have you focus on the clerk. I am now  
7 at nine minutes, and 50 seconds into the video.  
8 Can you see what the victim has done?

9 MR. RUIZ: Appears he placed the  
10 plastic black bag into a cubby area, and then  
11 conceals the area with the box. And then walks  
12 towards the booth door.

13 MR. SOUTHCOTT: That is at ten minutes  
14 into the video. While this has been going on,  
15 could you describe what the clerk has been doing?  
16 I can back up, and replay it if you would like.

17 MR. RUIZ: He appeared to remove a box  
18 of Newport cigarettes that was open, removed the  
19 cigarette, and appears to be conducting a  
20 transaction.

21 MR. SOUTHCOTT: Now ten minutes, and  
22 14 seconds into the video, and has the clerk now  
23 completed that transaction?

24 MR. RUIZ: Yes.

25 MR. SOUTHCOTT: Okay. I am going to

1 skip forward a good chunk. So, this is  
2 approximately nine minutes later, starting at 19  
3 minutes, and three seconds into the surveillance  
4 video. I am now at 19 minutes, and 33 seconds  
5 into this video. Could you describe what has  
6 occurred at this point?

7 MR. RUIZ: The clerk jumping up,  
8 running to the door, during which time this is  
9 the robbery occurring.

10 MR. SOUTHCOTT: I am now 19 minutes,  
11 and 36 seconds into the video, what has occurred  
12 now?

13 MR. RUIZ: The clerk retrieving the  
14 black bag where the victim placed it.

15 MR. SOUTHCOTT: I am now 19 minutes,  
16 and 39 seconds into the video, what has occurred  
17 at this point?

18 MR. RUIZ: The clerk removing the  
19 handgun from the black bag.

20 MR. SOUTHCOTT: Okay. I am going to,  
21 I believe other -- actually no, we'll continue  
22 for a bit. I am now 20 minutes, and two seconds  
23 into the video, what is occurring at this point  
24 in time?

25 MR. RUIZ: The cashier making his way

1 over to the booth door with the handgun.

2 MR. SOUTHCOTT: I am now 20 minutes,  
3 and eight seconds in, does the clerk have the gun  
4 at this point?

5 MR. RUIZ: No.

6 MR. SOUTHCOTT: Okay, I am going to  
7 skip ahead slightly. I am now 21 minutes, and  
8 ten seconds into the video, what has occurred  
9 now?

10 MR. RUIZ: The victim enters the  
11 booth, throws a stack of money onto the counter.

12 MR. SOUTHCOTT: And where is that  
13 money in relation to the clerk?

14 MR. RUIZ: Right in front of him.

15 MR. SOUTHCOTT: I am now at 21  
16 minutes, and 44 seconds into the video. Can you  
17 describe what is occurring here?

18 MR. RUIZ: It appears the victim  
19 removed something from his pocket, and passed it  
20 to the clerk.

21 MR. SOUTHCOTT: Okay. At this point  
22 in time, I can stop sharing my screen, and I  
23 would move to have this piece of footage entered  
24 into evidence.

25 MR. BIANCO: No objection.

1                   CHAIRPERSON ANDERSON: So, this is  
2 exhibit what?

3                   MR. SOUTHCOTT: This would be then the  
4 investigative report is one through nine, this  
5 would be Exhibit No. 10.

6                   CHAIRPERSON ANDERSON: So moved.

7                   (Whereupon, the above-referred to  
8 document was marked, and received into evidence  
9 as Exhibit No. 10.)

10                  MR. SOUTHCOTT: So, now how do I go  
11 about stopping to share?

12                  CHAIRPERSON ANDERSON: You just close  
13 your screen sir.

14                  MR. SOUTHCOTT: Thank you, there we  
15 are, all right.

16                  MR. SOUTHCOTT: Investigator Ruiz, on  
17 the day that you conducted the regulatory  
18 inspection, did you view footage from days other  
19 than March 4th?

20                  MR. RUIZ: I did.

21                  MR. SOUTHCOTT: What other days did  
22 you view footage for?

23                  MR. RUIZ: I reviewed footage of the  
24 first, the second, and the third that was  
25 available.

1 MR. SOUTHCOTT: Why did you review  
2 footage on those days?

3 MR. RUIZ: I wanted to see if this  
4 individual was frequenting this store.

5 MR. SOUTHCOTT: And in your reviewing  
6 of that footage, what did you find?

7 MR. RUIZ: On the first, and the  
8 third, I did find the individual inside the  
9 store.

10 MR. SOUTHCOTT: Which individual?

11 MR. RUIZ: The victim, and the clerk.

12 MR. SOUTHCOTT: And how were they  
13 behaving?

14 MR. RUIZ: Similar to the fourth.

15 MR. SOUTHCOTT: I have no further  
16 questions for this witness.

17 CHAIRPERSON ANDERSON: Mr. Bianco?

18 MR. BIANCO: Yes, Investigator Ruiz,  
19 good afternoon.

20 MR. RUIZ: Good afternoon sir.

21 MR. BIANCO: I will keep it as brief  
22 as possible. The last piece of your testimony,  
23 where you talked about viewing footage from other  
24 days, specifically the first, and the third,  
25 please correct me if I'm wrong, but I understand

1 that your testimony is that the victim, and the  
2 same clerk, Mr. Threatt, were inside of the store  
3 at that time, is that correct?

4 MR. RUIZ: Correct.

5 MR. BIANCO: And my client, Mr.  
6 Fantaye was not in the store during those times,  
7 correct?

8 MR. RUIZ: Correct.

9 MR. BIANCO: And then I want to go  
10 back all the way to the beginning of your  
11 testimony to get some clarification on something  
12 that you said, and I'm not sure I quite  
13 understood. So, when you first pulled up to the  
14 establishment on March the 13th, you said that  
15 you saw a hand to hand transaction as you were  
16 sitting in your car, correct?

17 MR. RUIZ: Correct.

18 MR. BIANCO: And then after that, and  
19 here's what I want the clarification on, you were  
20 able to determine that the hand to hand  
21 transaction was for a loose cigarette, is that  
22 correct?

23 MR. RUIZ: No, I didn't determine what  
24 exactly it was, I determined why the individual  
25 was in the store, what he was doing prior to

1 exiting.

2 MR. BIANCO: Okay, buying a loose  
3 cigarette. And to be clear, you don't know what  
4 was passed hand to hand in front of you as you  
5 were sitting in your car?

6 MR. RUIZ: Correct.

7 MR. BIANCO: Okay, that's all I have  
8 for you sir, thank you very much.

9 CHAIRPERSON ANDERSON: Any questions  
10 for our board members? Go ahead Mr. Short.

11 MEMBER SHORT: Thank you Investigator  
12 Ruiz, what an excellent report, very thorough,  
13 and you did a great job, I thank you as a board  
14 member.

15 MR. RUIZ: Thank you Mr. Short.

16 MEMBER SHORT: I would just simply say  
17 on the first, and third of March of the same  
18 year, and location as we've been watching, was  
19 the activity similar to what we saw the day of  
20 the shooting, on the fourth?

21 MR. RUIZ: Observing the victim  
22 entered the facility, and entered the booth with  
23 a black bag, and then standing by the front of  
24 the booth area.

25 MEMBER SHORT: In any of the videos

1 that you saw, the first, third, or fourth, were  
2 there any alcohol sales ever, or anything else  
3 sold out of the store, other than the person who  
4 was shot was peddling? Did you observe anything  
5 else sold?

6 MR. RUIZ: I observed loose  
7 cigarettes, I didn't observe anything else.

8 MEMBER SHORT: And that would have  
9 been the first, the third, and the fourth?

10 MR. RUIZ: Well, on the fourth was the  
11 cigarettes. The first, and the third I didn't  
12 observe anything sold.

13 MEMBER SHORT: Okay. From the videos  
14 also, the store looks to be also kind of well  
15 kept, tidy, clean. As the sergeant said to us,  
16 the video quality was better than a lot that  
17 we've seen since I've been here on the board.  
18 So, that video camera system was pretty unique  
19 for a market that size. I'm just surmising.  
20 What is your opinion of the video, and the video  
21 quality?

22 And also the shots that were taken  
23 covered pretty much anybody doing any  
24 transactions inside, or outside of the booth.  
25 But was there any video of the exterior, or any



1 other part of the store?

2 MR. RUIZ: Well, the quality of the  
3 video was very good compared to most  
4 establishments. And from what I reviewed,  
5 everything was visible outside, side of the  
6 building, sidewalk areas, and the inside.

7 MEMBER SHORT: So the camera -- how  
8 many cameras did you view from the store, or the  
9 establishment? Can you give us the approximate  
10 number of cameras there?

11 MR. RUIZ: Specifically I looked at  
12 approximately four, or five. But I did take note  
13 of the other views that were on the system.

14 MEMBER SHORT: Again, the sergeant  
15 from MPD who testified, Sergeant Morrison, stated  
16 that there seems to be a lot of people that stand  
17 in front of the store. So, the cameras would  
18 have picked up any activities of the people  
19 standing close to the door of the store, is that  
20 correct?

21 MR. RUIZ: Correct.

22 MEMBER SHORT: So, if I'm the person  
23 who looks at the camera, or looks at the footage  
24 from time to time, I would have observed that  
25 those kinds of activities are normal for my

1 business, or my establishment? Could someone  
2 possibly derive that opinion? I mean from the  
3 loitering that takes place in front of the  
4 building.

5 MR. RUIZ: I'm not sure I can answer.

6 MEMBER SHORT: Okay, I'll just simply  
7 say this. Again, thank you very much for your  
8 testimony, thank you very much for the excellent  
9 report, and that's all I have Mr. Chair, thank  
10 you Investigator Ruiz.

11 MR. RUIZ: Thank you Mr. Short.

12 CHAIRPERSON ANDERSON: Thank you, any  
13 other questions by the other board members? Mr.  
14 Bianco, any recross based on the questions that  
15 were asked by the board?

16 MR. BIANCO: Yes. Investigator Ruiz,  
17 Mr. Short was asking you about the footage you  
18 reviewed from the first of March, and the third  
19 of March, do you remember that?

20 MR. RUIZ: Yes.

21 MR. BIANCO: Okay, is there a reason  
22 why that footage was not included in your report,  
23 but the footage from the fourth was?

24 MR. RUIZ: When I overlooked from  
25 recording it, I was just making a quick

1 observation, just to see if the individual was in  
2 the store on those days.

3 MR. BIANCO: Okay. And fair to say  
4 that at all points in your investigation, my  
5 client was cooperative with providing video  
6 footage?

7 MR. RUIZ: Very cooperative, very  
8 candid during her interview.

9 MR. BIANCO: Great, thank you very  
10 much.

11 MR. RUIZ: You're welcome.

12 CHAIRPERSON ANDERSON: Mr. Southcott,  
13 any redirect?

14 MR. SOUTHCOTT: I have no redirect at  
15 this time.

16 CHAIRPERSON ANDERSON: Mr. Ruiz, thank  
17 you for your testimony, you are excused.

18 MR. RUIZ: Thank you.

19 CHAIRPERSON ANDERSON: Does the  
20 government have another witness?

21 MR. SOUTHCOTT: We do not at this  
22 point Chairman.

23 CHAIRPERSON ANDERSON: Does the  
24 government rest?

25 MR. SOUTHCOTT: Yes.

1 MR. ADAMS: One thing actually.

2 CHAIRPERSON ANDERSON: I'm sorry, go  
3 ahead Mr. Adams.

4 MR. ADAMS: I apologize Mr. Southcott.  
5 I believe earlier there was a discussion by  
6 Sergeant Morrison regarding a document, and  
7 Member Grandis asked a question about a document.  
8 I did email that to Mr. Bianco, I'm not sure if  
9 he had a chance to look at that document.

10 MR. BIANCO: I did receive an email,  
11 and I opened it, and it was a 24 page, densely  
12 written document. I'm not going to pretend I  
13 read it, or know what's in it. So, I would have  
14 to limit my objection to this point to I don't  
15 know what's in it, I've never seen it before, it  
16 hasn't been turned over. Although the portions  
17 of the report that are attached to the  
18 investigator's report were turned over.

19 And I feel that those aspects of the  
20 police report are appropriate as evidence, but  
21 not the longer 24 page document that was kept by  
22 the government until the testimony about it was  
23 put on.

24 MR. ADAMS: All right. So, just to be  
25 specific, is there particular pages that you said

1 is admissible, that you don't object to?

2 MR. BIANCO: What I don't object to is  
3 what is attached to the investigator's report as  
4 Exhibit Nos. 2, and 3, which look to be either  
5 excerpts from, or summaries of the police report.  
6 So, I don't object to those, but I do object to  
7 the 24 page document that was just provided.

8 MR. ADAMS: Okay. And Mr. Chair, I  
9 can share the screen if you'd like, or if the  
10 board will allow me to.

11 CHAIRPERSON ANDERSON: So, for you to  
12 go through all 24 pages?

13 MR. ADAMS: Well, just to show the  
14 board the document that's being discussed. And  
15 Mr. Chairman, just to let you know, the document  
16 being discussed is what again, Sergeant Morrison  
17 referenced, and then again was discussed was an  
18 arrest report that was not included by Mr. Ruiz  
19 that again, speaks to the arrest, and speaks to  
20 the findings at the licensed establishment on  
21 March 4th.

22 We were not made aware of it until,  
23 quite bluntly, yesterday. But since it was  
24 mentioned, the board might have interest in it,  
25 we would move for it to be entered into evidence

1 as being an official record of the district  
2 government, and we're happy to forward the  
3 document to the board for its records.

4 MR. BIANCO: Our objection remains.  
5 It hasn't been turned over, although it was in  
6 the custody of the government. At this point in  
7 the hearing, there's not even a witness to  
8 authenticate it, or to move it in. I assume,  
9 given its length, that it's rife with hearsay. I  
10 can't cross examine on the document.

11 And based on the timing that it was  
12 turned over, although it's dated March the 4th, I  
13 think it's inappropriate for the board to  
14 consider in light of those substantive, and  
15 procedural defects.

16 CHAIRPERSON ANDERSON: All right, Mr.  
17 Bianco, this is a summary suspension hearing, and  
18 I am not aware of any specific time line of  
19 documents to be included in the record. Now, if  
20 this was a regular show cause hearing, the rule  
21 specifically states that seven days before the  
22 hearing, documents, and witnesses need to be  
23 disclosed. I am not aware of this provision  
24 being within the schedule for summary suspension  
25 hearings.

1           Because as you're aware, a summary  
2 suspension hearing, the licensee I believe has  
3 two days to request -- 48 hours to request a  
4 hearing, and then the board has to grant this  
5 hearing within I believe 72 hours of the request.  
6 I know that in this particular case the licensee  
7 did waive the time line, but I'm still not aware  
8 of a specific time line to disclose documents,  
9 and witnesses.

10           So, with that, I'm going to allow the  
11 document in, and as I said before, my only reason  
12 for allowing it in, it's because there is -- in  
13 the statute that this type of hearing is  
14 scheduled under, there is no specific time line  
15 when documents, or witnesses should be disclosed.  
16 And you have confirmed that the document was  
17 shared with you by the government, although it's  
18 during direct, but I'm going to allow it in.

19           MR. BIANCO: Thank you Mr. Anderson,  
20 as long as our objection is noted, we can move  
21 forward.

22           CHAIRPERSON ANDERSON: I note it for  
23 the record sir.

24           MR. ADAMS: Thank you. What I can do  
25 Mr. Chairman, we can have this forwarded to Ms.

1 Jenkins. We may, by tomorrow just want to have a  
2 redacted copy before anything else is made  
3 public. But we can forward that to Ms. Jenkins.

4 CHAIRPERSON ANDERSON: So, can you  
5 ensure that -- you're saying that this document  
6 provided, Mr. Bianco has this document, but the  
7 document that you're asking to be included in the  
8 record will be a redacted copy of this document?

9 MR. ADAMS: That's correct.

10 CHAIRPERSON ANDERSON: And so you will  
11 share the redacted document when it's shared with  
12 legal, Mr. Bianco at the same time will be  
13 similarly provided a copy of the same document?

14 MR. ADAMS: Correct Mr. Chairman.

15 CHAIRPERSON ANDERSON: Okay. All  
16 right, does the government rest?

17 MR. ADAMS: The government, and I  
18 apologize to Mr. Southcott, the government does  
19 rest at this time.

20 CHAIRPERSON ANDERSON: I know that  
21 this is a summary suspension hearing for things -  
22 - it somewhat takes the form of a show cause  
23 hearing, but some of the rules, and procedures  
24 that we utilize for the show cause hearing are  
25 not necessarily applicable in these type of



1 proceedings because of the time lines that are  
2 established for these hearings to occur.

3 And I stated before, although the  
4 licensee did waive the time lines, but  
5 unfortunately there's still no -- I'm not aware  
6 of any policies, and procedures of when documents  
7 have to be disclosed. All right. Do you all  
8 have a witness you wish to call Mr. Bianco?

9 MR. BIANCO: I do Mr. Anderson, could  
10 I trouble you, and the board for a five minute  
11 break?

12 CHAIRPERSON ANDERSON: Yes, I  
13 apologize. All right, it's 6:25, we'll take a  
14 ten minute break. So, we'll come back on the  
15 record at 6:35. So, please just turn your camera  
16 off, and mute your microphone, so we'll be back  
17 on the record at 6:35.

18 (Whereupon, the above-entitled matter  
19 went off the record at 6:26 p.m. and resumed at  
20 6:36 p.m.)

21 CHAIRPERSON ANDERSON: All right,  
22 we're back on the record. Do you have a witness  
23 you want to call Mr. Bianco?

24 MR. BIANCO: Yes, we're going to call  
25 one witness, the owner of the establishment,

1 Anteneh Fantaye.

2 CHAIRPERSON ANDERSON: Mr. Fantaye?

3 MR. FANTAYE: Fantaye.

4 MR. BIANCO: Fantaye.

5 CHAIRPERSON ANDERSON: can you please  
6 raise your right hand please? Do you swear, or  
7 affirm to tell the truth, and nothing but the  
8 truth?

9 MR. FANTAYE: Yes.

10 WHEREUPON,

11 ANTENEH FANTAYE

12 was called for examination by Counsel for the  
13 respondent, having been first duly sworn, assumed  
14 the witness stand, was examined and testified as  
15 follows:

16 CHAIRPERSON ANDERSON: Your witness  
17 sir.

18 MR. BIANCO: Okay, Mr. Fantaye, what  
19 is your relationship to Martha's Market?

20 MR. FANTAYE: I'm the owner of the  
21 market.

22 MR. BIANCO: And how long have you  
23 owned it?

24 MR. FANTAYE: About two, and a half  
25 years.

1                   MR. BIANCO: Two, and a half years,  
2 okay, and do you ever work there?

3                   MR. FANTAYE: Yes.

4                   MR. BIANCO: Okay, how often?

5                   MR. FANTAYE: Probably a half day for  
6 five days.

7                   MR. BIANCO: Okay, and do you have any  
8 employees that work for you at the establishment?

9                   MR. FANTAYE: Yes.

10                  MR. BIANCO: Okay, how many do you  
11 typically have on staff at any given time?

12                  MR. FANTAYE: You mean like a day, how  
13 many people?

14                  MR. BIANCO: How many total employees  
15 work for you?

16                  MR. FANTAYE: Since I got the store?

17                  MR. BIANCO: Yes.

18                  MR. FANTAYE: Plenty, I can say  
19 probably five.

20                  MR. BIANCO: Okay, since you started  
21 two years ago, there's been five employees?

22                  MR. FANTAYE: Yes.

23                  MR. BIANCO: Okay, and at any given  
24 time, how many people are working with you? Do  
25 you have five people at all times?

1 MR. FANTAYE: No, two people.

2 MR. BIANCO: Okay, so I want to talk  
3 specifically about one employee who has been the  
4 subject of discussion today. His name is  
5 Steffone Threatt, do you know him?

6 MR. FANTAYE: Yeah, I know him when he  
7 worked for me.

8 MR. BIANCO: Okay, and when did he  
9 work for you?

10 MR. FANTAYE: He started working about  
11 three months ago.

12 MR. BIANCO: Three months ago?

13 MR. FANTAYE: Yeah, three months ago.

14 CHAIRPERSON ANDERSON: Mr. Bianco, can  
15 you ask your client to speak up? I can hear your  
16 voice clearly, but he's somewhat faint, please.

17 MR. BIANCO: Okay. So, when did Mr.  
18 Threatt start working for you?

19 MR. FANTAYE: About three, or four  
20 months ago.

21 MR. BIANCO: Okay. And how did you  
22 know Mr. Threatt?

23 MR. FANTAYE: Through a friend.

24 MR. BIANCO: Okay, so who was this  
25 friend of yours?

1 MR. FANTAYE: His name?

2 MR. BIANCO: Yes.

3 MR. FANTAYE: His name was Row.

4 MR. BIANCO: Row?

5 MR. FANTAYE: Yes.

6 MR. BIANCO: Okay, and that's his last  
7 name?

8 MR. FANTAYE: I don't know his last  
9 name.

10 MR. BIANCO: Okay. And he recommended  
11 Mr. Threatt to you?

12 MR. FANTAYE: Yes, he did.

13 MR. BIANCO: Did you do any background  
14 investigation on Mr. Threatt before you hired  
15 him?

16 MR. FANTAYE: No, I did not.

17 MR. BIANCO: Okay, you just took your  
18 friend's word for it?

19 MR. FANTAYE: Correct.

20 MR. BIANCO: Okay. How did you learn  
21 about what happened on March the 4th of 2022?

22 MR. FANTAYE: When we were watching  
23 the camera, and someone called me from the  
24 neighbors, and had to run to there.

25 MR. BIANCO: Okay, so someone from the

1 neighborhood called you?

2 MR. FANTAYE: Yeah, some random  
3 numbers called, got a call, and they told me  
4 something has happened to the store, and then I  
5 went to the video camera, and I see it, and I saw  
6 a whole lot of police around the store. And then  
7 I just went -- I was in the house in bed, and I  
8 just run.

9 MR. BIANCO: Okay, how far do you live  
10 from the store?

11 MR. FANTAYE: Probably 45 minutes, I  
12 live at Silver Spring. So, from Silver Spring to  
13 Southeast.

14 MR. BIANCO: How long did it take you  
15 to get there?

16 MR. FANTAYE: Probably 35 minutes,  
17 about 40 minutes, because it was in rush hour,  
18 6:00 o'clock.

19 MR. BIANCO: And what was going on  
20 when you got there?

21 MR. FANTAYE: There was tape all over  
22 to through the store, and there was a whole lot  
23 of police standing outside.

24 MR. BIANCO: And when you say tape,  
25 you're talking about the yellow, and black police

1 tape?

2 MR. FANTAYE: The yellow tape, yes.

3 MR. BIANCO: Yellow police tape, okay.

4 And did you speak to the police?

5 MR. FANTAYE: Yes, I did.

6 MR. BIANCO: Okay, did you answer all  
7 of their questions?

8 MR. FANTAYE: Yes.

9 MR. BIANCO: Did you show them the  
10 video?

11 MR. FANTAYE: Yeah, I did.

12 MR. BIANCO: Did you watch the video  
13 with them?

14 MR. FANTAYE: Yes, I did.

15 MR. BIANCO: Now, did you see what Mr.  
16 Threatt was doing in the video?

17 MR. FANTAYE: Yes.

18 MR. BIANCO: And did you see what the  
19 victim was doing in the video?

20 MR. FANTAYE: Yes.

21 MR. BIANCO: Okay, and does Mr. Threat  
22 still work for you?

23 MR. FANTAYE: I fire him, he's  
24 terminated.

25 MR. BIANCO: Did you fire him because

1 of this incident?

2 MR. FANTAYE: Yes.

3 MR. BIANCO: Now, before you saw the  
4 video on March the 4th, when you were there with  
5 the police, had you ever seen Mr. Threatt  
6 engaging in this type of activity with the  
7 victim?

8 MR. FANTAYE: No.

9 MR. BIANCO: Do you have the ability  
10 to check your security cameras remotely?

11 MR. FANTAYE: Yes, I do, I have it on  
12 my phone.

13 MR. BIANCO: Okay. And before March  
14 the 4th, how frequently would you check the video  
15 cameras about what was going on in the store?

16 MR. FANTAYE: Well, most of the time  
17 I am there, especially in the morning time. But  
18 I'm not really checking that frequently. But  
19 I'll check it when I need it. Let's say if I  
20 call them, to my employee, if they don't answer,  
21 I will just go check the camera, and see what  
22 he's doing, you know what I'm saying? When I  
23 need it, I was not really checking it.

24 MR. BIANCO: Okay, so I understand you  
25 would check if you called the store, and nobody



1 answered, and you want to see what's going on?

2 MR. FANTAYE: Yes.

3 MR. BIANCO: And the second thing was  
4 you said if I needed it. What does that mean,  
5 when are the other times you would check?

6 MR. FANTAYE: So, let's say to check  
7 them, to check how the business is going. Is it  
8 busy, or is it slow? You know what I'm saying,  
9 to check everything. But I'm not doing that a  
10 whole lot like that. When I'm free, I'll just go  
11 into my phone, and see what he's doing.

12 MR. BIANCO: How often would that be  
13 per day?

14 MR. FANTAYE: Probably -- I can say  
15 one time a day.

16 MR. BIANCO: One time a day, okay.  
17 And prior to March the 4th, and the times that  
18 you checked your cameras, did you see Mr. Threatt  
19 engaged in any of the type of activities that you  
20 saw going on on March the 4th?

21 MR. FANTAYE: No.

22 MR. BIANCO: Well, since March the  
23 4th, you have done some things at the  
24 establishment to improve security, is that  
25 correct?

1 MR. FANTAYE: Yes.

2 MR. ADAMS: Objection, relevance.

3 MR. BIANCO: The relevance Mr.

4 Anderson, is that the determination that's going  
5 to be made today is with respect to prospectively  
6 the public health, and safety. And we think  
7 subsequent remedial measures to protect the  
8 public health, and safety are not only relevant,  
9 but they're of paramount importance.

10 CHAIRPERSON ANDERSON: I will overrule  
11 the objection.

12 MR. BIANCO: Okay. So, you have done  
13 some things in the store to improve security.  
14 Can you tell me about what you did with the  
15 cameras since March the 4th?

16 MR. FANTAYE: Okay, so me, and the  
17 landlord, we put two brand new cameras, one on  
18 this side, on both sides to see the front. So,  
19 that camera has what do you call it? An alarm  
20 system. So, when some people are hanging out  
21 right there, that we can press the alarm, so we  
22 can make a noise, so we did that. And then the  
23 landlord has access for that camera.

24 So, even if I'm busy, and he sees any  
25 people hanging out right over there, he can play

1 with that kind of.

2 MR. BIANCO: Okay, so did you say it  
3 had an alarm on it that you can sound off if  
4 people are hanging out in front of the store?

5 MR. FANTAYE: Yes.

6 MR. BIANCO: Have you used that yet?

7 MR. FANTAYE: I did use it, I'm using  
8 it right now.

9 MR. BIANCO: Okay, so how does it  
10 work?

11 MR. FANTAYE: It works good, right  
12 now, 95 percent, nobody hanging out right there.  
13 People come in, buy stuff, and go.

14 MR. BIANCO: And who is the landlord?

15 MR. FANTAYE: His name is Tameru.

16 MR. BIANCO: Tameru?

17 MR. FANTAYE: Tameru, yes.

18 MR. BIANCO: Tameru Zemenfes?

19 MR. FANTAYE: Yes.

20 MR. BIANCO: Did he used to operate  
21 that store?

22 MR. FANTAYE: I think so, I'm not  
23 quite sure, but he was the first person to start  
24 doing a market in that place.

25 MR. BIANCO: Okay, so aside from

1 adding these additional cameras, have you done  
2 anything else to improve safety, and security?

3 MR. FANTAYE: Yeah, we put the signs,  
4 we actually had about four loitering, and no  
5 standing signs. But we add another three more  
6 all over the building. So, it's a big sign that  
7 we added right there, that clearly anybody can  
8 see it.

9 MR. BIANCO: Okay, so you added some  
10 no loitering signs?

11 MR. FANTAYE: Yeah.

12 MR. BIANCO: Okay. So, moving  
13 forward, what are you going to do about hiring  
14 new employees?

15 MR. FANTAYE: Well, as of now I will  
16 make sure that I run the background check before  
17 I hire.

18 MR. BIANCO: Okay, and you didn't do  
19 that before?

20 MR. FANTAYE: Yeah, I was not doing  
21 that before.

22 MR. BIANCO: Okay, and do you  
23 presently have written rules, and regulations for  
24 employees?

25 MR. FANTAYE: There's not, but I'm

1 going to do that now.

2 MR. BIANCO: You're going to, and how  
3 are you going to accomplish that?

4 MR. FANTAYE: Written rules, prepare  
5 that.

6 MR. BIANCO: You'll prepare that?

7 MR. FANTAYE: Yeah.

8 MR. BIANCO: With any help?

9 MR. FANTAYE: With you.

10 MR. BIANCO: With a lawyer.

11 MR. FANTAYE: With a lawyer, of  
12 course.

13 MR. BIANCO: Good. How about, have  
14 you ever done security training for your  
15 employees?

16 MR. FANTAYE: So, I was not doing  
17 that, but now that's what I'm going to do. So,  
18 if I hire somebody as of now, then I'm going to  
19 do all that. So, make sure that they know  
20 everything, they know all that.

21 MR. BIANCO: Okay, and since March the  
22 4th, I think you testified about how frequently  
23 you checked your video feeds prior to March the  
24 4th, but now let's talk about since March the  
25 4th, how often are you checking them now?

1           MR. FANTAYE: Now I'm checking like  
2 every hour. Sitting right here with you, I'm  
3 checking to see what's going on over there.  
4 Every hour at least.

5           MR. BIANCO: Okay, and there's an  
6 important discussion that I want to cover that  
7 Sergeant Morrison testified about. You were here  
8 for Sergeant Morrison's testimony, correct?

9           MR. FANTAYE: Correct.

10          MR. BIANCO: And Sergeant Morrison  
11 testified about a discussion he had with you  
12 about a previous incident involving a gun with  
13 Mr. Threatt, do you recall that discussion?

14          MR. FANTAYE: No. We talked about  
15 that, but it was not this specific person. It  
16 was a previous employee. One day, when I tried  
17 to check the camera, my employee making a pass  
18 again to the same person, the victim. So, and  
19 then I called them, and said listen, what are you  
20 doing? We can't do that, if I see you doing that  
21 again, you're not going to be able to work here  
22 anymore.

23                   And he said okay, sorry about that.  
24 And since then, I never see him doing that, but  
25 he was making another mistake, then he got fired

1 for that. But that was probably four, or five  
2 months ago with another person, it was not him.

3 MR. BIANCO: Okay, so was Mr. Threatt  
4 working for you at the time of this other  
5 incident?

6 MR. FANTAYE: No.

7 MR. BIANCO: And I believe there was  
8 also some testimony about the individual, the  
9 clerk who was working being coerced into taking  
10 the gun. What reason do you have to believe that  
11 the clerk was coerced into taking the gun?

12 MR. FANTAYE: Well, I have no clue,  
13 but I don't know what -- me, and the police  
14 officer was just seeing the video camera, and I  
15 was shocked when we saw that.

16 MR. BIANCO: Okay. I think that is  
17 all I have for you, thank you very much. Now,  
18 Mr. Adams is going to have some questions for  
19 you, and then probably the board, okay?

20 MR. FANTAYE: Okay.

21 CHAIRPERSON ANDERSON: Is this Mr.  
22 Adams, or Mr. Southcott?

23 MR. ADAMS: Adams.

24 CHAIRPERSON ANDERSON: Go ahead Mr.  
25 Adams.

1 MR. ADAMS: Good evening -- I  
2 apologize sir, sorry, I want to make sure I have  
3 your name pronounced right, how do you pronounce  
4 your name sir?

5 MR. FANTAYE: Fantaye.

6 Speaker 6: Fantaye. Mr. Fantaye, I  
7 just have a few questions about some of your  
8 testimony. Within your testimony, and of course  
9 my writing isn't very good, so now I can't read  
10 what I wrote. Also, first of all, you state that  
11 you hired Mr. Threatt, correct?

12 MR. FANTAYE: Correct.

13 MR. ADAMS: And that was based upon  
14 advice from a friend?

15 MR. FANTAYE: Yeah, it was a good  
16 friend of mine, and I was just asking him, I'm  
17 really having a problem to hire employees, is  
18 there anyone that you think that you know that  
19 can work for me? And he said okay, I got you,  
20 I'll let you know. Then after that he called me,  
21 and said hey, I have one person if you like you  
22 can hire him. And yeah, that's the way he got  
23 referred.

24 MR. ADAMS: Okay, so he didn't provide  
25 a written application, is that correct?



1 MR. FANTAYE: Say that again one more  
2 time, I'm sorry.

3 MR. ADAMS: Did he provide you a  
4 written application?

5 MR. FANTAYE: Yes.

6 MR. ADAMS: He did, okay. And you  
7 interviewed Mr. Threatt before you hired him?

8 MR. FANTAYE: Yes, I did, I talked to  
9 him.

10 MR. ADAMS: All right, so it was  
11 decided that he would work evenings at your  
12 establishment?

13 MR. FANTAYE: Yes.

14 MR. ADAMS: And that was for three  
15 months, then this happened in March, was that  
16 December?

17 MR. FANTAYE: Yeah, around there.

18 MR. ADAMS: So, he was hired in  
19 December, and I assume you paid him, correct?

20 MR. FANTAYE: What?

21 MR. ADAMS: I assume that you paid  
22 him, correct?

23 MR. FANTAYE: Of course.

24 MR. ADAMS: How much was he being paid  
25 per hour?

1 MR. FANTAYE: He was being paid about  
2 15 dollars.

3 MR. ADAMS: He was being paid about 15  
4 dollars per hour, and to your knowledge that's a  
5 standard wage for here in the district, correct?

6 MR. FANTAYE: Correct.

7 MR. ADAMS: Okay. So, you were asked  
8 a question about your access to the security  
9 system, right?

10 MR. FANTAYE: Yes.

11 MR. ADAMS: And you said, you  
12 throughout let's say at least four months, you've  
13 had remote access to the security system from  
14 your house, correct?

15 MR. FANTAYE: Through my phone, yes.

16 MR. ADAMS: From your phone?

17 MR. FANTAYE: Yes.

18 MR. ADAMS: So, you've had the ability  
19 to check the security footage at any time of the  
20 day, correct?

21 MR. FANTAYE: Yeah, at any time.

22 MR. ADAMS: And you stated -- there's  
23 a question that you were asked about activity --  
24 actually let me step back. Do you own the  
25 security system for the store?

1 MR. FANTAYE: Yes.

2 MR. ADAMS: And you bought it?

3 MR. FANTAYE: Yes.

4 MR. ADAMS: Now, you testified that  
5 since March 4th, you've added two cameras, right?

6 MR. FANTAYE: New cameras, after that  
7 happened. That's going to be the 18. So, I had  
8 16 cameras before this happened, there will be  
9 another two cameras, additional two cameras.

10 MR. ADAMS: And you also referenced  
11 that you did this along with the landlord,  
12 correct?

13 MR. FANTAYE: Correct.

14 MR. ADAMS: So, does the landlord have  
15 an ownership share in the camera system?

16 MR. FANTAYE: No, he just has the  
17 password, and username. He has access. Let's  
18 say if I'm busy, and I'm not able to see it, he  
19 can check it. And then if he sees people hanging  
20 out right there, that he can -- he has access to  
21 press on, and off the button for the alarm. So,  
22 when that alarm is on, people can run away from  
23 that area.

24 MR. ADAMS: Okay. So, now you said  
25 there's additional sets of eyes that can use the

1 security system now, correct?

2 MR. FANTAYE: Correct.

3 MR. ADAMS: And you didn't have that  
4 before?

5 MR. FANTAYE: I didn't have that  
6 before.

7 MR. ADAMS: Now, going back a little  
8 bit to Mr. Threatt, you stated that you've had  
9 four, or five employees that worked for you  
10 within two years, correct? You have to say yes,  
11 or no, I just want to make sure you said yes, or  
12 no.

13 MR. FANTAYE: Yes. My bad, sorry.

14 MR. ADAMS: And Mr. Threatt, and you  
15 know that for any employees to serve alcohol, or  
16 sell alcohol like wine, beer, anything like that,  
17 that it's either you, or an ABC licensed manager,  
18 correct?

19 MR. FANTAYE: Correct.

20 MR. ADAMS: And Mr. Threatt wasn't an  
21 ABC licensed manager?

22 MR. FANTAYE: Okay, so yeah, he was  
23 not having a license, but he was on a process.  
24 He took the school, he got the certificate for  
25 that. And then me, and him make an appointment to

1 get the police clearance. So, I think he went  
2 there one day, and then he missed some documents  
3 that he cannot be able to get the police  
4 clearance. So, he told me that they're asking  
5 for a birth certificate.

6 So, he came back without that, and  
7 then we did not do -- after that, we did not make  
8 another appointment to get the police clearance.  
9 So, that's happened in between.

10 MR. ADAMS: So, in a three month  
11 period you had hired Mr. Threatt, you start the  
12 process, but you still left him unsupervised in  
13 your store without having even police clearance,  
14 or I mean without completing the application,  
15 correct?

16 MR. FANTAYE: Correct. But I was  
17 there the whole time, especially in the morning  
18 all the way. Sometimes if I need to do  
19 something, I will just go quickly, and then come  
20 back, but I am around all the time.

21 MR. ADAMS: Okay. But now on March  
22 4th, in the evening, you were not there, correct?

23 MR. FANTAYE: Correct.

24 MR. ADAMS: And you also weren't there  
25 -- you're saying that you're there all the time,

1 right?

2 MR. FANTAYE: Yes.

3 MR. ADAMS: Except just for the  
4 occasions that I guess Mr. Ruiz saw the footage  
5 of the establishment, right?

6 MR. FANTAYE: Yes.

7 MR. ADAMS: So, in other words, in  
8 your testimony, you stated you work about a half  
9 day, correct?

10 MR. FANTAYE: Yeah, especially in the  
11 morning. I'm the one that brought the stuff for  
12 the store. So, I cover in the morning shift.  
13 And then I'll stay there until 2:30, 3:00  
14 o'clock, depending on how traffic is, how busy it  
15 is. And then, you know.

16 MR. ADAMS: So, after 3:30, you're not  
17 always there, right?

18 MR. FANTAYE: Yes.

19 MR. ADAMS: Okay. So, now in talking  
20 about this activity with -- you were asked a  
21 question, I see activity -- you were asked about,  
22 that you saw at one point, you looked at the  
23 security footage in your camera system, correct?

24 MR. FANTAYE: Correct.

25 MR. ADAMS: And you said that you

1 didn't see prior activity with the victim? Am I  
2 getting that wrong?

3 MR. FANTAYE: You're talking about  
4 that day, or?

5 MR. ADAMS: Or any days prior to that  
6 day.

7 MR. FANTAYE: These guys, they're  
8 always there. Let's say the victim, he's always  
9 there, every day, in, and out. If I'm there,  
10 he's in, and out. So, when there's too many  
11 people, I say you've just got to go. But  
12 honestly speaking, I'm tired talking, or saying  
13 something to them. They're not listening. They  
14 stand right there, when they see me, they go  
15 outside.

16 When I just move, they come back.  
17 That's how they do it every day.

18 MR. ADAMS: Is it fair to say you know  
19 the victim?

20 MR. FANTAYE: He's there every day, I  
21 know him standing right there every day, outside,  
22 inside.

23 MR. ADAMS: Earlier you said that the  
24 specific act that we're talking about, and the  
25 prior times that you saw was involving Mr.

1 Threatt having possession of a gun, correct?

2 MR. FANTAYE: Yes.

3 MR. ADAMS: And you stated that you  
4 never saw Mr. Threatt specifically have  
5 possession of a gun, correct?

6 MR. FANTAYE: Yes sir.

7 MR. ADAMS: All right, but you -- but  
8 does that mean that you haven't seen Mr. Threatt  
9 have possession of anything else such as drugs,  
10 or narcotics?

11 MR. FANTAYE: I never see him with  
12 anything since that day. That's the first day  
13 that I saw him, on the video camera.

14 MR. ADAMS: Okay. So, after the  
15 shooting, was the store closed for any period?

16 MR. FANTAYE: Yeah, the shooting was  
17 on Friday night, 6:00 o'clock, and it was closed  
18 Saturday, and Sunday, and then Mr. Morris called  
19 me on Monday morning, and he told me I can open  
20 it back up. And I opened it on Monday, and I  
21 think that ABRA came on Wednesday I believe. I'm  
22 not quite sure about the date, but after two  
23 days, they come, and shut down the fridge, and  
24 everything.

25 MR. ADAMS: So, let me make sure I



1 understand. So, in terms of the suspension, upon  
2 summary suspension, did you close the full  
3 establishment, or did you just not serve  
4 alcoholic beverages?

5 MR. FANTAYE: I never closed the whole  
6 store after Monday. So the things happened on  
7 Friday. I closed the whole store Saturday, and  
8 Sunday by the order of Mr. Morrison, the store  
9 was shut down. And then Monday I worked, and  
10 then I believe they came on Tuesday, or  
11 Wednesday, after two days. The ABRA came, not  
12 the ABRA, the police came, and then they made me  
13 shut it down again for 96 hours.

14 MR. ADAMS: So, now how long -- and I  
15 thank you very much for your answer, I only have  
16 a couple more questions. Actually three more  
17 questions. Now one, going back to your landlord,  
18 who now has passwords to the system, does the  
19 landlord have any financial interests in the  
20 business itself, or the store at all?

21 MR. FANTAYE: No.

22 MR. ADAMS: Okay. And some of the  
23 improvements that you talked about, you said that  
24 you would use no loitering signs, correct?

25 MR. FANTAYE: Correct.

1 MR. ADAMS: Is that outside of the  
2 business?

3 MR. FANTAYE: Yeah, it's outside, all  
4 over the wall.

5 MR. ADAMS: In this case, the sales  
6 happened inside the establishment, correct?

7 MR. FANTAYE: Right.

8 MR. ADAMS: All right. Now, again, I  
9 want to go back to this conversation that you had  
10 with Sergeant Morrison. According to your  
11 testimony, you were talking about a previous  
12 employee, correct?

13 MR. FANTAYE: Correct.

14 MR. ADAMS: And this prior employee  
15 had possession of a handgun, correct?

16 MR. FANTAYE: Correct.

17 MR. ADAMS: The person who gave him  
18 possession of the handgun is the same person who  
19 is considered to be a victim, correct?

20 MR. FANTAYE: Correct.

21 MR. ADAMS: At no point did you have  
22 established any barring notices for that person  
23 who is the victim, correct?

24 MR. FANTAYE: I did not do that.

25 MR. ADAMS: And at no point did you

1 take any legal action to prohibit the victim from  
2 being at your store, correct?

3 MR. FANTAYE: I did not do that  
4 either.

5 MR. ADAMS: At no point did you report  
6 the victim, and his actions to the police  
7 department, did you?

8 MR. FANTAYE: No, I didn't do that.

9 MR. ADAMS: I have no further  
10 questions.

11 MR. FANTAYE: Except that I always  
12 argue with them, just like go outside, and do  
13 your thing. But he always coming up to me, and  
14 saying that this is our area, we were here before  
15 you got here, and stuff. Had an argument with  
16 him, the worst thing you can do is call the  
17 police there. There's nothing you're going to do  
18 about it.

19 But it looks like you cannot stop us  
20 doing this, because you just got here. And we're  
21 born, and raised here, kind of like verbal words  
22 that he mentioned about it.

23 CHAIRPERSON ANDERSON: All right.  
24 Thank you. All right, Mr. Fantaye, let me ask  
25 you a question, what's the name of the clerk, who

1 was, again, who was working at the facility -- at  
2 your establishment, sir?

3 MR. FANTAYE: His first name is  
4 Steffone. That's all I know.

5 CHAIRPERSON ANDERSON: No, I'm talking  
6 about the -- your employee, what was his name?

7 MR. FANTAYE: The previous one, you're  
8 talking about?

9 CHAIRPERSON ANDERSON: No, the one who  
10 -- the employee who provided the -- who provided  
11 the gun to the other person, what's the name of  
12 the other employee that was working at -- during  
13 the night of the incident?

14 MR. FANTAYE: His first name is  
15 Steffone.

16 CHAIRPERSON ANDERSON: And what's his  
17 last name?

18 MR. FANTAYE: His last name -- I got  
19 to get it out of the -- this is the hard to catch  
20 up on that, but let me see here. All right, so  
21 -- Threatt.

22 CHAIRPERSON ANDERSON: Okay, Mr.  
23 Threatt, he was an employee of yours that you  
24 hired around December of '21, is that correct?

25 MR. FANTAYE: Yes.

1 CHAIRPERSON ANDERSON: And what was --  
2 what was Mr. Threatt, what was his tour of duty,  
3 what time did he go to work, what time did he  
4 show up in the morning, what time did he leave?

5 MR. FANTAYE: So he basically worked\  
6 pretty much, evening shift, because I'm covering  
7 the morning shift, but when I need him, or when  
8 I, when I need help, I call him sometimes, he --

9 CHAIRPERSON ANDERSON: All right --

10 MR. FANTAYE: -- he help me.

11 CHAIRPERSON ANDERSON: -- so what --  
12 so what was the evening shift then that he  
13 covered?

14 (Simultaneous speaking.)

15 MR. FANTAYE: From 4:00 p.m. to 12:00  
16 a.m.

17 CHAIRPERSON ANDERSON: But he worked  
18 from 4:00 p.m. to 12:00 p.m.?

19 MR. FANTAYE: Yes.

20 CHAIRPERSON ANDERSON: And did he work  
21 alone, or was there another employee --

22 MR. FANTAYE: He worked alone.

23 CHAIRPERSON ANDERSON: -- working with  
24 him from 4:00 p.m. to 12:00 p.m.?

25 MR. FANTAYE: He worked by himself.

1                   CHAIRPERSON ANDERSON: And he worked  
2 by himself, for the most part, since December of  
3 -- December '21, the -- since December of '21?

4                   MR. FANTAYE: Yes. If I'm not there,  
5 then he's going to be by himself.

6                   CHAIRPERSON ANDERSON: I'm talking  
7 about between 4:00 p.m. and 12:00 p.m.

8                   MR. FANTAYE: Yes.

9                   CHAIRPERSON ANDERSON: And he -- so  
10 he's been working by himself between 4:00 p.m.  
11 and 12:00 p.m. every day since December, is that  
12 correct?

13                   MR. FANTAYE: Correct.

14                   CHAIRPERSON ANDERSON: Now -- and he's  
15 been the -- he was the only employee working  
16 there during that shift, is that correct?

17                   MR. FANTAYE: Correct.

18                   CHAIRPERSON ANDERSON: And you  
19 testified that you are aware -- are you aware,  
20 sir, that if you are selling or serving alcohol  
21 -- you're selling alcohol during any period of  
22 time that there has to be an owner or an ABC  
23 Manager present for this to occur?

24                   MR. FANTAYE: Yes.

25                   CHAIRPERSON ANDERSON: So if you're

1 aware, sir, why did you allow this man to work by  
2 himself in your establishment from December  
3 through at least early March, or when he was  
4 terminated, when you were aware that there was  
5 no owner or ABC Manager in your -- in your  
6 facility to sell alcohol?

7 MS. ARMSTRONG: Yes, I'm aware of  
8 that, and then I was on the -- like I said, I was  
9 on the process to doing that and try to get --  
10 get him a manager's license for that.

11 But for the meantime, until he get  
12 that, I was in there, in and out, in and out and  
13 I was -- I was always in there, so that way, you  
14 know, I can see it.

15 But, not since December, until he --  
16 he got terminated, is -- he's -- he was not by  
17 himself the whole time or every day, but I was  
18 with him there, but was in and out, you're right.

19 CHAIRPERSON ANDERSON: I'm just trying  
20 to clarify the record, sir.

21 MR. FANTAYE: True.

22 CHAIRPERSON ANDERSON: I asked -- I  
23 asked you -- you said that his term, his tour of  
24 duty was from 4:00 p.m. till around 12:00 p.m.,  
25 you work seven days a week, and you said that he

1 worked there alone.

2 And you said that -- you also -- you  
3 just testified that he worked alone and you just  
4 testified there was no other employer there. So  
5 if you said -- how can you be there, if you just  
6 stated that he worked alone?

7 MR. FANTAYE: He is by himself, there  
8 is no other employees, so I'm not -- I -- if I --  
9 if I consider myself as an employee, yes. But  
10 there is no other employees besides him, except  
11 me, where I am the only person there with him, if  
12 -- when I -- when I'm there, but the -- for the  
13 employees, he's the only employees there.

14 CHAIRPERSON ANDERSON: All right. So  
15 you stated that -- you stated that you're usually  
16 there from 4:00 p.m. until 12:00 p.m. when he's  
17 working, is that what -- is that what you're  
18 saying, sir?

19 MR. FANTAYE: Well, I got to be honest  
20 with you, I was -- I'm not -- I can't be there  
21 every day from the morning until all the way.  
22 Sometimes, I will just like, you know, a -- I  
23 know it's -- it's a mistake, I'm not -- I'm not  
24 trying to argue it with you with that, but yes  
25 that -- that's a thing.



1 CHAIRPERSON ANDERSON: All right, sir,  
2 were you aware that MPD was in your facility --  
3 your place of business in the evenings?

4 MR. FANTAYE: One more time? I'm  
5 sorry.

6 CHAIRPERSON ANDERSON: I said, were  
7 you aware that the police was coming to your  
8 business in the evenings, to check on the  
9 operation of your business, sir, were you aware  
10 of this?

11 MR. FANTAYE: No, I was -- I wasn't  
12 aware of it, until they told me in -- on March  
13 4th.

14 CHAIRPERSON ANDERSON: Mr. Fantaye,  
15 okay, I'm trying to give you the benefit of the  
16 doubt, okay?

17 MR. FANTAYE: Okay.

18 CHAIRPERSON ANDERSON: The police  
19 testified earlier that they routinely came to  
20 your business, to check on your business.

21 MR. FANTAYE: Correct.

22 CHAIRPERSON ANDERSON: During the  
23 night. And you're telling me that you are there.  
24 So which one -- who's -- who's telling me the  
25 truth, sir?

1           If the police say that they're -- they  
2 have routinely come to your business to check  
3 during the evening, and you said that you're --  
4 you're there.

5           And you've also stated that you didn't  
6 even know the police was -- was there, so are you  
7 telling me that the police routinely never came  
8 to check on your business, sir?

9           MR. FANTAYE: When they -- they say  
10 that they came there three times and during that  
11 the -- the time that they was -- that they came  
12 to the store, I was not there, and then my -- my  
13 employees did not tell me there was a police came  
14 to check it.

15           And then on March 4th, one of the  
16 police officer came and told me, you know, we  
17 were there the other day and they try to -- and  
18 try to check the -- the store.

19           And then, one of the employee -- yes,  
20 one of your employees told us, like, we good  
21 right here, we good, we -- we don't need no help.  
22 But -- but since -- since March 4th and they did  
23 not even -- the police officer did -- did not  
24 communicate with me.

25           I'm, like I said, I'm there every day,

1 especially, and during daytime, but they -- I  
2 didn't know, I was not aware of that, they --  
3 they -- they got that answer from my employee.

4 CHAIRPERSON ANDERSON: Now, you didn't  
5 do a background check on this employee, you have  
6 a sophisticated camera system, so were you making  
7 money?

8 How do you know -- how do you know, if  
9 you were making money? If you have an employee  
10 that is new, he's there by himself, how do you  
11 know whether or not he's not stealing from you?

12 You're saying you don't check -- you  
13 say you don't check the cameras, so how do you  
14 know whether or not this employee's not stealing  
15 your money?

16 MR. FANTAYE: Well, he probably do,  
17 but, by the time when I go home it's, you know,  
18 I'm getting a little tired, because I'm be there  
19 like in the morning.

20 So whatever -- whatever that he give  
21 me the reports that's the report that I'm just  
22 checking. And then, you know, I have -- but that  
23 -- that's the way we -- I did, until now.

24 CHAIRPERSON ANDERSON: All right, what  
25 is your -- what's -- what are your hours of

1 operation? What hours do you sell -- do you sell  
2 alcohol, what hours -- what are the hours that  
3 you work -- you're licensed to sell alcohol, sir?

4 MR. FANTAYE: From 9:00 a.m. to 12:00  
5 a.m.

6 CHAIRPERSON ANDERSON: From 9:00 a.m.  
7 in the morning until 12:00 a.m., is that correct?

8 MR. FANTAYE: Correct.

9 CHAIRPERSON ANDERSON: And, besides  
10 yourself, how many ABC managers do you have,  
11 currently, working for you, sir?

12 MR. FANTAYE: Well I had one, but he  
13 -- he's --

14 CHAIRPERSON ANDERSON: I --

15 MR. FANTAYE: -- not doing well.

16 CHAIRPERSON ANDERSON: -- I -- I said  
17 to you, sir, currently, who -- how many ABC  
18 managers do you have, currently, on your staff,  
19 sir?

20 (Simultaneous speaking.)

21 MR. FANTAYE: I don't have none.

22 CHAIRPERSON ANDERSON: You don't have  
23 any?

24 MR. FANTAYE: Yes.

25 CHAIRPERSON ANDERSON: So the -- if

1 the Board was to lift the suspension tomorrow,  
2 how many ABC managers would you have to work for  
3 you, tomorrow, between the hours -- I'm sorry --  
4 your -- what -- what are your hours of operation,  
5 sir?

6 MR. FANTAYE: From 9:00 a.m. to 12:00  
7 a.m.

8 CHAIRPERSON ANDERSON: From 9:00 a.m.  
9 to 12:00 a.m., and you're open, what, seven days  
10 a week?

11 MR. FANTAYE: Yes, correct.

12 CHAIRPERSON ANDERSON: And so are you  
13 saying that, if the Board was to lift the  
14 suspension tomorrow that you would be working at  
15 the -- at the store, seven days a week, between  
16 9:00 a.m. and 12:00 p.m.?

17 MR. FANTAYE: Well I'm trying -- right  
18 now, I'm -- I'm the only person covering. So --  
19 but -- and then, right now, I'm looking for  
20 another employees with, you know, with good  
21 employees I'm try -- try to -- try to hire.

22 So if they reopen it for me, then I'm  
23 going be there, until I get them -- good  
24 employees, and I -- I'll make sure that I'm going  
25 to have all the process that everybody -- that --

1 that the manager licensed to -- together.

2 CHAIRPERSON ANDERSON: But what I'm  
3 asking you, sir, so your -- your lawyer is asking  
4 us to lift the suspension and I think he's asking  
5 us to lift the suspension tomorrow. And what I'm  
6 asking you, you're going to open seven days a  
7 week --

8 MR. FANTAYE: Correct.

9 CHAIRPERSON ANDERSON: -- from 9:00  
10 a.m. to 12:00 p.m. and, are you telling the Board  
11 that you are going to be in your shop, say,  
12 between 9:00 a.m. and 12:00 p.m., seven days a  
13 week, sir?

14 (Simultaneous speaking.)

15 MR. FANTAYE: This is -- this is  
16 supposed -- supposed to be like that, but now,  
17 since this happened, I'm the only person covering  
18 that, so I did not work all the way to 12:00 a.m.

19 So what I did is, right now, now even,  
20 I do from -- I open 9 o'clock and I close 9:00  
21 p.m. That's -- that's what I -- I've been doing,  
22 since the March 14th incident this -- this  
23 happened, because I don't have no employee, yet.

24 CHAIRPERSON ANDERSON: Sir -- I mean,  
25 you can operate. We're talking about to serve --

1 to sell alcohol. So in order for you to -- to --  
2 during this point in time, to sell alcohol, you  
3 -- there has to be an owner or ABC manager.

4 And I'm just asking -- I'm asking you,  
5 you're -- I'm -- you're not giving me any  
6 confidence, sir, if that -- if tomorrow, the  
7 Board was to lift this suspension that you're  
8 prepared to be in your store between 9:00 a.m.  
9 and 12:00 p.m., seven days a week, until you  
10 somehow hire an employee and go and have them  
11 approved to be an -- and apply for, at least,  
12 even at minimum, a 90-day -- a 90-day temporary  
13 ABC manager license.

14 MR. FANTAYE: Yes, so the -- my plan  
15 is I -- I'm going be there, until I found and --  
16 and -- I found an employee and that -- to make  
17 sure that that employees have an ABC manager  
18 license.

19 I'm having a plan to be there from  
20 9:00 a.m. to 9:00 p.m., so I can -- I can handle  
21 12 hours a day for seven days, and so that's my  
22 plan is.

23 CHAIRPERSON ANDERSON: So you're  
24 saying that you -- you're -- rather than be stay  
25 open until 12 o'clock, you're going to close at 9

1 o'clock?

2 MR. FANTAYE: Yes, I'm -- for  
3 temporary, until I've found my employees with --  
4 with a -- with a good alcohol manager license.

5 CHAIRPERSON ANDERSON: Any question by  
6 any of the Board Members?

7 Go ahead, Mr. Short.

8 MEMBER SHORT: Thank you. Mr.  
9 Fantaye, how are you this evening?

10 MR. FANTAYE: Good. How about  
11 yourself?

12 MEMBER SHORT: Oh, well I'm better,  
13 now, thank you for asking. Mr. Fantaye, out of  
14 your total profits and the money that you have  
15 coming through your business, what percentage of  
16 your business is selling of alcohol?

17 MR. FANTAYE: I can say about 25  
18 percent.

19 MEMBER SHORT: And that -- do you mind  
20 telling us what you gross a year? What do you --  
21 what do you normally make a year of selling  
22 alcohol?

23 MR. FANTAYE: I'm not sure that I can  
24 give you the right number on that.

25 MEMBER SHORT: You say 25 percent?



1 MR. FANTAYE: Yes.

2 MEMBER SHORT: Okay. Well, what --  
3 let me ask you this, what is your next big seller  
4 in your market, besides alcohol, what is the next  
5 -- what -- what is -- what sustains your  
6 business? If you're only getting 25 percent from  
7 alcohol, what percentage then makes up your major  
8 part of your income from your business?

9 MR. FANTAYE: What is that question?  
10 What does -- what does that means? One more  
11 time, I'm sorry, I'm try to give the --

12 MEMBER SHORT: Okay.

13 MR. FANTAYE: -- other --

14 MEMBER SHORT: We understand from your  
15 answer that 25 percent of your total sales is  
16 alcohol.

17 (Simultaneous speaking.)

18 MR. FANTAYE: Correct.

19 MEMBER SHORT: What is the other 75  
20 percent?

21 MR. FANTAYE: All the foods and -- and  
22 the other -- the other stuff that I'm selling,  
23 the medicines and the -- like a drink beverage,  
24 food and beverage.

25 MEMBER SHORT: Okay. I understand

1 that, I'll accept that. Now what was -- what  
2 date can you remember, or what month did you  
3 first see one of your employees with a gun?

4 Not Mr. Threatt. You said there was  
5 one before Mr. Threatt, who you hired in  
6 December. What month did you see that other  
7 employee with a gun?

8 MR. FANTAYE: I can say this, about  
9 five minutes ago, but I don't have the -- the  
10 exact dates --

11 MEMBER SHORT: So --

12 MR. FANTAYE: -- and I --

13 MEMBER SHORT: -- two months after you  
14 fired the first guy with a gun, you hired Mr.  
15 Threatt?

16 (Simultaneous speaking.)

17 MR. FANTAYE: Correct. He didn't get  
18 fired. That person didn't get fired just for  
19 that, he get fired -- I told him that, hey listen  
20 we're not doing that here and that he -- I never  
21 -- since then, I never see him doing with the  
22 same thing, but he was --

23 MEMBER SHORT: Okay --

24 MR. FANTAYE: -- he was -- he was not  
25 making the time that he not be able to come, so

1 --

2 MEMBER SHORT: -- fair enough.

3 MR. FANTAYE: -- I asked him if he  
4 don't --

5 MEMBER SHORT: Fair enough.

6 MR. FANTAYE: -- he don't --

7 MEMBER SHORT: Did the gun that person  
8 have, was it a legal gun?

9 (Simultaneous speaking.)

10 MR. FANTAYE: I don't know about that,  
11 but the -- but I saw him --

12 MEMBER SHORT: Your business, but you  
13 didn't even check to find out if someone was in  
14 your business employed by you had a gun in your  
15 business and you don't know if it was a legal gun  
16 or illegal gun?

17 (Simultaneous speaking.)

18 MR. FANTAYE: No. So what happens is,  
19 the gun is -- is the victim, the -- the -- the  
20 gun is for -- for -- coming from the victim, the  
21 -- the one -- the one -- he will get a victim  
22 right now, so he was try to -- he was try to put  
23 the gun to the boot was -- was -- was my  
24 employees, so --

25 MEMBER SHORT: Okay -- All right --

1 okay -- that -- that's a fair answer.

2 MR. FANTAYE: Yes.

3 MEMBER SHORT: Now, the victim, who  
4 two months before you hired Mr. Threatt, or fired  
5 Mr. Threatt, gave another employee a gun,  
6 correct?

7 MR. FANTAYE: Correct.

8 MEMBER SHORT: And the victim, even  
9 after you saw this and you got rid of the  
10 employee he handed the gun to, you still allowed  
11 Mr. Threatt, or not Mr. Threatt, but the victim  
12 to --

13 MR. FANTAYE: The victim.

14 MEMBER SHORT: -- come in your store  
15 on a regular basis.

16 (Simultaneous speaking.)

17 MR. FANTAYE: Like I said, I always  
18 have an argument with these people, they not  
19 listening. They not -- they can't -- they can't  
20 hear me.

21 MEMBER SHORT: Okay --

22 MR. FANTAYE: Not even --

23 JUDGE ADEROJU: -- that -- that's --

24 MR. FANTAYE: -- me the police --

25 MEMBER SHORT: -- that -- that's a

1 fair answer, Mr. -- that's a very fair answer,  
2 Mr. Fantaye. But, Mr. Fantaye, do you know the  
3 rules and regulations of having an alcohol  
4 license say?

5 You have to properly -- you have to  
6 properly run your business. You have to  
7 superintend your business and make sure that it  
8 runs appropriately and -- and by the law, did --  
9 did you know that?

10 (Simultaneous speaking.)

11 MR. FANTAYE: Yes, I know that.

12 MEMBER SHORT: So it didn't make you  
13 any difference, you're still going to have people  
14 hanging around with guns with your employees, and  
15 you come there, he's there, and you leave and  
16 he's there, is that what you're saying to me?

17 MR. FANTAYE: Well, he -- you're  
18 talking about my employees, or you're talking  
19 about the -- the victim?

20 MEMBER SHORT: The victim. They're  
21 the victim. You say he's there every day, right?

22 MR. FANTAYE: He's there -- I saw him  
23 every day there. When -- sometimes, when -- when  
24 there are too many people hanging out right  
25 there, I call the police.

1           When I call the police, as soon as the  
2 police pulled off, they -- they're watching and  
3 as soon as the police officer going and then they  
4 go -- they come back.

5           That -- I don't know how I can control  
6 with these people. And then, when I try to talk  
7 to them with a nice way, please see now, like,  
8 this is my business, let me handle this --

9           MEMBER SHORT: And that's a --

10          MR. FANTAYE: -- and they --

11          MEMBER SHORT: -- that's a -- that's  
12 a fair answer and thank you for being fair with  
13 your answer.

14                   (Simultaneous speaking.)

15          MR. FANTAYE: All right.

16          MEMBER SHORT: But now -- but now, on  
17 the video that we saw and I know you saw it also,  
18 the victim was selling other things, other than  
19 alcohol, or things from your store and, did you  
20 see the same thing we saw?

21          MR. FANTAYE: You say, the victim was  
22 selling what? I'm sorry.

23          MEMBER SHORT: We don't know what the  
24 victim was selling, but he was -- he was not  
25 selling your products, correct?

1 MR. FANTAYE: No, he was not.

2 MEMBER SHORT: But he was operating  
3 like he was a part of your business.

4 MR. FANTAYE: Well he was not  
5 operating, so what -- what did he do, it is, I  
6 think he -- he try to be very friendly with my  
7 employees, which -- which he did for -- for the  
8 previous guy, try to be a -- a friend with my --

9 MEMBER SHORT: Okay, was he --

10 MR. FANTAYE: -- employees and so that  
11 --

12 MEMBER SHORT: -- was he friend --

13 MR. FANTAYE: -- was --

14 MEMBER SHORT: -- was he friendly with  
15 you?

16 (Simultaneous speaking.)

17 MR. FANTAYE: He's not friends with  
18 me, I don't -- we not -- we not even -- he's not  
19 a friend of mine, he's -- we not even understand  
20 each other, but he's there.

21 So he try to be a friend with -- with  
22 the employee -- my employees, so that way he can  
23 -- he can keep his stuff around there, which --

24 MEMBER SHORT: Okay, my --

25 MR. FANTAYE: -- he -- which he --

1                   MEMBER SHORT: -- my last -- my  
2 question, Mr. Fantaye, my question is that,  
3 you've been in this business for how many years,  
4 how many years have you been licensed to sell  
5 alcohol from 2400 --

6                   MR. FANTAYE: Probably, two years. So  
7 I had this store about two-and-a-half years.

8                   (Simultaneous speaking.)

9                   MEMBER SHORT: How many ABC managers  
10 have you had in two-and-a-half years?

11                  MR. FANTAYE: I had one and he was  
12 with me for a long time, then he changed the --  
13 he changed that job, so he -- he became a truck  
14 driver, and he left me.

15                  MEMBER SHORT: What hours did he work?

16                  MR. FANTAYE: What?

17                  MEMBER SHORT: What hours did that  
18 employee work --

19                  MR. FANTAYE: He was working --

20                  MEMBER SHORT: -- which shift?

21                  MR. FANTAYE: -- he was working in the  
22 evening shift.

23                  (Simultaneous speaking.)

24                  MEMBER SHORT: He was working in the  
25 evening shift, so did he ever get a day off?



1 MR. FANTAYE: No, he's not.

2 MEMBER SHORT: So he worked seven days  
3 a week?

4 MR. FANTAYE: Yes, he worked seven  
5 days.

6 MEMBER SHORT: Thank you, Mr. Fantaye.  
7 I thank you for your answers and thank you for  
8 coming and being -- and answering the questions  
9 for the Board today, thank you.

10 MR. FANTAYE: My pleasure.

11 MEMBER SHORT: That's all I have, Mr.  
12 Chair.

13 CHAIRPERSON ANDERSON: Thank you, Mr.  
14 Short. Mr. Grandis.

15 MEMBER GRANDIS: Thank you. Mr.  
16 Fantaye, thank you again for being here and  
17 giving us such honest testimony today.

18 MR. FANTAYE: Thank you.

19 MEMBER GRANDIS: Before you purchased  
20 this lease for the store, what type of work were  
21 you doing?

22 MR. FANTAYE: I was doing a limousine  
23 service.

24 MEMBER GRANDIS: Okay. So this is  
25 your first business that deals with alcohol?

1 MR. FANTAYE: Correct.

2 MEMBER GRANDIS: When you applied and  
3 received your license, did you sign up for any  
4 training through ABRA about the rules and  
5 regulations and safety, all types of things that  
6 ABRA is -- has education -- educational classes  
7 for, did you take any of those?

8 MR. FANTAYE: No I did not.

9 MEMBER GRANDIS: Did not. And you  
10 also acknowledged that you knew that this last  
11 individual needed a manager's license and you all  
12 started the process, but for whatever reason, it  
13 didn't get completed?

14 MR. FANTAYE: Correct.

15 MEMBER GRANDIS: So it may be in your  
16 interest to sign up for some of these classes,  
17 because it would -- it would probably have  
18 avoided this hearing if you had a better  
19 understanding. Next, who buys the inventory for  
20 your establishment?

21 MR. FANTAYE: Myself.

22 MEMBER GRANDIS: Okay. And, is part  
23 of your in -- inventory to sell scales?

24 MR. FANTAYE: Yes. Yes, we can -- we  
25 can sell the scales there --

1 MEMBER GRANDIS: Yes --

2 MR. FANTAYE: -- but we'll --

3 MEMBER GRANDIS: -- you can --

4 MR. FANTAYE: -- we'll --

5 MEMBER GRANDIS: -- sell scales, but  
6 is -- is that something that you brought to the  
7 business?

8 (Simultaneous speaking.)

9 MR. FANTAYE: Well, any other stores,  
10 any other convenience stores sells the same stuff  
11 that I'm selling in here, so it -- it doesn't  
12 make -- it doesn't make any sense for me to open  
13 the store and sell this part and not to sell the  
14 scales there.

15 MEMBER GRANDIS: Do you -- do you sell  
16 open boxes of plastic bags?

17 MR. FANTAYE: That plastic bag they  
18 were talking about, the sandwich bag, is -- is --  
19 was -- we're not selling a single plastic bag, we  
20 -- that -- that bag was opened, because we sell a  
21 hot sausage, kind of, hot sausage, it's under  
22 kind of, meat thing that we -- we sell at the  
23 outside the counter. So when we sell that, we --  
24 we have to give them that -- a little, small  
25 bag, for them to -- to have the sausage. So it's

1 not --

2 MEMBER GRANDIS: And --

3 MR. FANTAYE: -- that's not -- a  
4 looted --

5 MEMBER GRANDIS: -- and -- and -- and  
6 therefore, you keep the scales next to these open  
7 bags?

8 MR. FANTAYE: Well, so it would be --  
9 it will be easy -- it will be easier to grab the  
10 bag -- the small bags, so -- because -- so that  
11 way it's -- it's right over there to throw the --  
12 for the small bag, for the counter.

13 And then, the scale was right on the  
14 top, as -- it was not purposely put it together,  
15 but it was just random and we just put it right  
16 there, so that way it could be close -- close to  
17 us, to serve one.

18 MEMBER GRANDIS: Well, you -- you're  
19 to be commended for going out and buying a  
20 business. That's not easy to do. And you're --  
21 you're being -- you should be commended for  
22 getting through the ABC process.

23 But, sir, it doesn't stop there. It  
24 sounds like to me that you're not even aware of  
25 the federal and D.C. Wage Hours laws, because you

1 have employees working seven days and I -- I  
2 think that this -- there could be some issues  
3 there, but that's not why we're here.

4 But, all these things, collective,  
5 gives me difficulty to be able to entrust you,  
6 tomorrow, without you signing up for some  
7 training, without you getting a better  
8 understanding how to run the business.

9 And we don't -- we don't want to see  
10 you here. I mean that in a positive way. We  
11 don't get joy out of this. But there are some  
12 critical concerns regarding your establishment  
13 that really need to be addressed, before I think  
14 you're able to comply to not just our ABRA laws,  
15 but to the DCRA laws, to the OTR laws, the Wage  
16 and Hour laws.

17 You know, we want you to be  
18 successful. It's not in our interest to -- to  
19 not have a license being given and the person's  
20 not successful. It's in our interest, if you're  
21 successful, and it's in your interest.

22 So I -- I very much appreciate your  
23 honesty, but I'm very concerned that I don't  
24 think you've -- you were engaged by anyone to  
25 say, you need to take some classes. Do you have

1 a security plan for your establishment?

2 MR. FANTAYE: So far that's the -- the  
3 -- those -- all those -- two cameras that we  
4 added, up there, and the -- the other system that  
5 -- that -- that's the way we -- I -- I have right  
6 now.

7 And then, I see the -- the things  
8 change and there's nobody standing right there,  
9 right now. We -- we had these cameras in -- in  
10 the other system, about four or five days, and  
11 then it -- it's a big change over -- there's  
12 nobody hanging out right there, they -- pretty  
13 much nobody standing right there.

14 What if I -- if I cannot control  
15 everything with -- through these cameras and the  
16 other system, that's something that I have to  
17 think about --

18 MEMBER GRANDIS: Yes, sir.

19 MR. FANTAYE: -- it --

20 MEMBER GRANDIS: How many days does  
21 your camera keep an image?

22 (Simultaneous speaking.)

23 MR. FANTAYE: There is two camera  
24 systems, so the one can hold probably nine days.

25 MEMBER GRANDIS: Okay.

1           MR. FANTAYE: And the other one, the  
2 new one, is five days.

3           MEMBER GRANDIS: Okay. Well, once  
4 again, there may be things in a security plan  
5 that may require them to hold images longer than  
6 that. I'm not saying what you have is not  
7 adequate, the -- the -- the visual is excellent.

8           So I -- I'm just wanting to encourage  
9 you, now that you know that ABRA does have  
10 training for owners and for its employees, it's  
11 difficult for me to understand that, if we were  
12 to allow you to open up to sell alcohol, because  
13 as our Chairman has said several times, you're  
14 able to open up.

15           You know, DCRA has not taken your  
16 basic business license, OTR hasn't shut you down  
17 and neither has Health. So right now, you can be  
18 open 9:00 a.m. to 12:00 a.m., but you can't sell  
19 alcohol until we make that decision.

20           But, I think there's no way you can  
21 run that 9:00 a.m. to 12:00 a.m. seven days a  
22 week by yourself. And if you have an employee  
23 and you go home, as you should, that employee  
24 doesn't have a manger's license.

25           So we -- there -- there are steps that

1 need to be addressed, to give you confidence that  
2 you know what the rules are and gives us  
3 confidence that we're not going to see you back  
4 here.

5 Because, again, we really compliment  
6 you on your hard work. But at the same time,  
7 there are things that, I think, you just were not  
8 aware that you needed to get involved with, and  
9 so thank you for letting me speak with you and I  
10 wish you success down the road.

11 CHAIRPERSON ANDERSON: Thank you, Mr.  
12 Grandis. Any other questions from any other  
13 Board Members?

14 Mr. Adams, any --

15 MR. ADAMS: No --

16 CHAIRPERSON ANDERSON: -- any -- any  
17 recross, based on the questions that were asked  
18 by the Board's --

19 MR. ADAMS: No --

20 CHAIRPERSON ANDERSON: -- questions --

21 MR. ADAMS: -- no, no additional  
22 questions, Mr. Chair.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Thank you. Mr.  
25 Bianco?



1 MR. BIANCO: Nothing from us.

2 CHAIRPERSON ANDERSON: Do you rest,  
3 sir?

4 MR. BIANCO: We do.

5 CHAIRPERSON ANDERSON: Does the  
6 Government wish to make a closing statement?

7 MR. ADAMS: Yes, Mr. Chairman. And I  
8 -- I can just start from -- from here, if -- if  
9 the Board will like me to?

10 Yes, it's already 7:30 p.m., so I  
11 don't want to take up --

12 CHAIRPERSON ANDERSON: Mr. Adams --

13 MR. ADAMS: -- but I do want to at  
14 least --

15 CHAIRPERSON ANDERSON: Mr. Adams, the  
16 Board is going to be here for some time after,  
17 because we do have work to do, sir, so you take  
18 your time. We're not running to go home, we  
19 still have work to -- we still have work to do  
20 after the end of this hearing.

21 MR. ADAMS: Well, I'm sorry to hear  
22 that, Mr. Chairman. May it please the Board,  
23 this case really is a textbook example of a  
24 summary suspension case that even though for  
25 District, we only need a preponderance of

1 evidence.

2 But the fact that of the matter is  
3 there -- is that there's really no reasonable  
4 doubt that establishment or aids of the  
5 establishments have been engaged in dangerous,  
6 illegal activity.

7 And -- and -- all -- and I'm happy  
8 that I'm thankful to Mr. Bianco for us discussing  
9 stipulations, but it was very important that the  
10 Board actually was able to see, for the record,  
11 exactly what -- what occurred at the  
12 establishment to -- to get a full -- fuller  
13 context and I believe that you -- you have that.

14 This case is very important, because  
15 as -- as was testified to by Mr. Fantaye, 25  
16 percent of this establishment's business is  
17 alcohol sales, 25 that's a -- a quarter, a  
18 substantial of -- of it.

19 So this is -- isn't just about,  
20 whether it's a business having problems, it's a  
21 liquor licensee, which represents this Board  
22 having these sort of problems.

23 In looking at this, it's not -- the  
24 Board shall also remember that -- that the  
25 standard that we're looking at is whether the

1 licensee can operate in a way that -- that --  
2 that's all -- is -- presents an imminent domain,  
3 in terms of for the safety to the public.

4 Now, regardless of whether or not Mr.  
5 Fantaye had any problems, or did anything wrong.  
6 The standard is, whether the business can operate  
7 safely and, based upon the testimony from Sargent  
8 Morrison, Investor Ruiz, and from Mr. Fantaye,  
9 himself, the environment, the operations, so many  
10 things about this establishment simply are not  
11 consistent with safety.

12 So we wish to talk about the shooting  
13 and -- and the Board, you -- you saw the -- the  
14 shooting and -- and I -- we apologize, if it's --  
15 if it was graphic in any way.

16 But this wasn't a situation that the  
17 -- the minutes that led to the shooting, you can  
18 see from the evidence that, and from the video  
19 that this was an open -- an open selling, an open  
20 use of digital scale, open use of -- of a scale  
21 of -- of measuring materials, open at least  
22 three, or at least two hand-to-hand transactions  
23 that you witnessed.

24 And so this was done, not in an hidden  
25 way, not in a -- a way that anyone had searched

1 for, it was just right there, for all to see,  
2 right there in the foyer of -- of the store.

3 There's an aid at 40 south, so it's a  
4 clerk, it's a full -- it has full view and -- and  
5 this person was all -- was supposedly hired three  
6 months prior.

7 But within that three months, whatever  
8 relationship he had with the person who was the  
9 victim was close enough that, in the context of a  
10 robbery, that he handed a firearm that he had  
11 previously allowed to be stored within the secure  
12 area of this establishment to -- to the person.

13 So the -- and -- instead of this being  
14 a situation where something happened to the  
15 establishment, this is a situation where the  
16 establishment created an environment that might  
17 lead to violence and they respond -- potentially  
18 responded violently.

19 Now, thankfully, nothing occurred, in  
20 terms of what the victim did. Well, so what --  
21 what lead to this is that you had a -- you have  
22 someone -- you have a clerk who knows the  
23 situation, who knows that there's -- that there's  
24 drugs, or that there's drugs being sold from the  
25 establishment, who literally allowed a firearm to

1 be stored within the secure perimeter of the  
2 employee area, to -- to do this.

3 That -- that basically already, prior  
4 to this happening, this place -- this  
5 establishment, this licensee had already been  
6 identified as a potential red flag area by MPD.

7 Now, the MPD didn't get a chance to do  
8 anything, because before -- while they were doing  
9 these business checks, this -- this shooting  
10 occurred.

11 But the very fact that there were  
12 agents of the establishment, or even not agents  
13 of this establishment, being allowed to have free  
14 reign to dictate the terms, by which the licensee  
15 interacts with the public, and that's a problem.

16 In addition, you saw the activity that  
17 occurred. You saw the drugs, saw you scale --  
18 you -- you saw that -- that there was trade. We  
19 talked about the paraphernalia that was  
20 identified.

21 Although, it may not be illegal to  
22 sell digital scales, the fact that the matter is,  
23 is a pocket-sized scale, so a very low volume of  
24 -- of weight that can be used that's being sold,  
25 with Mr. Fantaye's full knowledge to -- to the

1 public from -- from the establishment.

2 Now, there are sandwich bags and you  
3 must admit that from the -- at least to what you  
4 saw that sandwich bags were used to distribute  
5 illicit materials. We didn't see any sausages  
6 being sold at the time.

7 Now, the Board has to also think  
8 about, well, in terms of looking at the same  
9 thing, does the owner have knowledge of the  
10 situation? And it turns out that he did.

11 It turns out that, of course, in his  
12 testimony that he knew that this person, who  
13 became the victim, has been hanging out at the  
14 establishment for many times as, and at one point  
15 even passed a firearm to an employee.

16 What was the result of that? Well,  
17 he's no longer employed, but not for a reason  
18 that you think. He's no longer employed, because  
19 of a completely different reason, not because of  
20 the fact that he handled a firearm for somebody  
21 else.

22 As we know, firearms are deadly and --  
23 and just giving a warning to employee regarding  
24 handling a firearm probably was, the Board can  
25 make a deduction, is an inadequate response to

1 that situation.

2 He wasn't fired at that time, so is it  
3 surprising that a subsequent employee would be  
4 involved, this very same person, in handling a  
5 firearm, it isn't, and the testimony shows that  
6 -- that the -- not only -- if -- if the employee  
7 isn't the exact problem, then the victim was a  
8 problem.

9 And now we do understand that  
10 sometimes you have tough situations. But the  
11 fact of the matter is that the evidence supports  
12 that nothing was done.

13 That outside of -- of verbal  
14 communications that we're not privy to, there is  
15 no communications to the police, there's no --  
16 there's no civil actions done to protect this  
17 license from having firearms in the  
18 establishments.

19 And so -- and remember, again, if you  
20 believe that Mr. Fantaye did not necessarily do  
21 anything wrong, you're -- the Board's  
22 responsibility is to protect the safety and  
23 health of the community, based upon the actions  
24 that you see and -- and, thus, there's being  
25 dangerous conduct -- if there's a -- a variable

1 that cannot be controlled, then that means the  
2 licensure can't be there, at that point.

3 But, you also see that this is a  
4 victim, from footage, he -- he was -- he seemed  
5 quite comfortable within the establishment, not  
6 like he was a stranger to the establishment.

7 So with that situation being known, we  
8 have to wonder -- the -- whether or not -- oh,  
9 sorry. I'll -- I'll just move on from that  
10 point.

11 The other thing you have -- the Board  
12 now has probably thoroughly discussed is the lack  
13 of ABC manager and the fact that, at this point,  
14 there's no way that the establishment can  
15 function from 8:00 a.m. to 12:00 a.m. without  
16 having at least one individual there.

17 The Board has to make an assessment,  
18 even with the good intentions that were -- were  
19 mentioned by Counsel and by Mr. Fantaye, whether  
20 that actually any of it could actually be done,  
21 or whether or not it will make any difference  
22 whatsoever.

23 Because, since we know that there --  
24 that there's -- that no ABC manager has been  
25 licensed, there are no one else has been brought



1 into the establishment, or even maybe a different  
2 person as an owner in addition to Mr. Fantaye, so  
3 that the -- that this establishment could be in  
4 compliance.

5 So for three months we know that they  
6 were out of compliance with this -- with the --  
7 the rules in -- in those same three months that's  
8 when these -- when illicit activity was -- was  
9 occurring.

10 Beyond that, we also have to think  
11 about the merchandises being sold. We know that  
12 selling a single cigarette is illegal in District  
13 of Columbia, but nevertheless it was done.

14 And it, based upon the testimony that  
15 was given by Mr. Ruiz that essentially is done --  
16 and -- and they also had stipulations, that's  
17 done, because that's what the -- the people want,  
18 regardless of what the rules may say -- so they  
19 -- so the Board can also make the decision about,  
20 whether or not there's been a disregard of the  
21 rules, by Mr. Fantaye, himself.

22 In this case, also, and I will  
23 conclude very soon, lack of knowledge is no  
24 defense. Now, I -- I believe that there is, now.

25 But lack of knowledge is really no

1 defense, and -- and from a -- from the very  
2 standpoint that Mr. Fantaye has admitted that he  
3 the whole time can remote-access his cameras as  
4 -- and can observe what is going on through the  
5 -- the establishment, is a -- that means that at  
6 all times he could've seen what occurred at this  
7 establishment.

8 He -- and he could've seen the same  
9 observations that -- that Mr. Ruiz made now,  
10 March 1st and March 3rd, that there was already  
11 illegal activity that was happening in his  
12 establishment, again, not in a hidden way, in an  
13 open way.

14 Regardless of once he -- it -- the  
15 owner, Mr. Fantaye, is responsible for  
16 occurrences in his establishment, regardless of  
17 whether he's there or not, and in -- even if --  
18 if Mr. Threatt was doing something and that he  
19 didn't actually know, he's still responsible for  
20 that.

21 But, based upon the fact that he had  
22 every opportunity to know the situation, to stop  
23 it, or to at least take some form of actions  
24 towards it that goes to the idea that -- that  
25 constructive knowledge was already there, but

1 nothing was done, essentially that Mr. Fantaye  
2 turned his head to the ugly things that are going  
3 on, until the shooting occurred.

4 So based upon what we have here,  
5 today, there's no way that the Board has any  
6 insurance, even with the promises that this  
7 establishment can operate in a safe manner.

8 Even if Mr. Fantaye does come into  
9 compliance, if he's unable to have any control of  
10 patrons, or able -- and not being willing to  
11 engage into whatever -- whatever authorities,  
12 either criminal or civil, to control it, then --  
13 then it the bottom line is the establishment  
14 still remains in the -- in the posture of being  
15 -- of operating in a -- in a way that it'll be  
16 unsafe to the members of the community, so as a  
17 result, leaving the establishment in a suspended  
18 status is appropriate.

19 CHAIRPERSON ANDERSON: That's it, Mr.  
20 Adams?

21 MR. ADAMS: Oh, that is it, I conclude  
22 my remarks.

23 CHAIRPERSON ANDERSON: All right,  
24 thank you. Mr. Bianco?

25 MR. BIANCO: Thank you, Mr. Chair, and

1 Members of the Board. I will be brief, I know  
2 you have more work to do. And, you know, I -- I  
3 think with -- or, I feel like what's getting lost  
4 here is that this is a forward-looking  
5 proceeding.

6 We're looking to see whether this  
7 establishment can safely operate in the future in  
8 a manner that safeguards public health and  
9 safety.

10 This is not about a sanction and I  
11 feel like the Government is pursuing this as a  
12 sanction, and in fact even objecting to the  
13 forward-looking measures that we were -- wanted  
14 to put on -- put in testimony about, to talk  
15 about how the community can be safeguarded in  
16 this case.

17 I think the Government did a very,  
18 very thorough job of demonstrating that the  
19 clerk, who worked at the store was engaged in  
20 dangerous and illegal activities.

21 And I say very, very thorough, because  
22 we spent a lot of times with Mr. Adams,  
23 negotiating 36 stipulated facts, yet were -- were  
24 shown very, very detailed testimony and exhibits  
25 about exactly what it is we stipulated to, why?

1 We came to the table hiding nothing. We came to  
2 the table saying there is a problem here and we  
3 need to fix this problem. We were not in any  
4 way, shape, or form hiding from it, when the  
5 problem arose, my client didn't lie, he didn't  
6 hide, he didn't do a lot of the things that,  
7 unfortunately, some licensees do to try and get  
8 out of trouble.

9 Instead, what he did is he cooperated  
10 fully and that was corroborated by every witness  
11 that testified. He helped to bring this  
12 situation to a close and the actual perpetrators,  
13 being the clerk and the victim, to the justice.

14 I don't know what happened to the  
15 other two individuals that were involved in the  
16 situation -- and terminated his employment,  
17 terminated the clerk's employment, after that,  
18 and comes to the table today saying, what can we  
19 do, what can we do to fix this?

20 And not only is he asking, he is  
21 making some actual suggestions. As you've heard,  
22 from Sergeant Morrison and others, who testified  
23 here today, it's -- this is a tough neighborhood  
24 to make a business work in.

25 The problems that you heard about in

1 this particular establishment are not unique to  
2 this particular establishment. Some of the same  
3 things are going on within visibility of where  
4 this establishment is, just two blocks up at  
5 another liquor store.

6 And, you know, I think the difference  
7 here is, this is not a straight, you know, liquor  
8 store that only does that, this is a market.  
9 They sell things other than just liquor and in  
10 fact the testimony is that only about 25 percent  
11 of the revenue for this particular establishment  
12 comes from liquor.

13 And that's important, because this is  
14 a neighborhood where full-service groceries are  
15 not prevalent, so they're providing a service to  
16 the community here in being open and they want to  
17 be open in a way that is safe and that it -- that  
18 encourages customers to come in.

19 We don't disagree with anything that  
20 the Board said and -- and the Board's suggestions  
21 or cross-examination about the resources that are  
22 available and the measures that need to be put  
23 into place, and the reduced operating hours,  
24 until such time as a ABC licensed manager can be  
25 brought onboard.

1                   These are the types of controls that  
2 we, not only agree are necessary, but that we are  
3 actually asking for. This is a small business,  
4 it's a one-man-band.

5                   He has tried to fill in with other  
6 people, here and there, he has not found reliable  
7 help. He is committed to doing that, to training  
8 them properly, to make sure they're appropriately  
9 right -- licensed.

10                  This small business is savable, with  
11 the -- with the measures that we are suggesting,  
12 they can operate safely. We don't need to end  
13 this business, today.

14                  This business has been operating in  
15 some way, shape, or form for 20 years, under my  
16 client's ownership for the last two-and-a-half.  
17 They have served the community for a long time.

18                  They look forward to continuing to do  
19 so, with our suggestions and -- and some from the  
20 Board, we think it is appropriate that they be  
21 allowed to reopen based on those conditions.  
22 Thank you.

23                  CHAIRPERSON ANDERSON: So I just want  
24 to -- so the conditions, Mr. -- what were the  
25 conditions? I know that you had stated the

1 conditions in your opening.

2 So what are the conditions that you're  
3 asking the Board, if the Board was to -- was to  
4 -- can you, then, repeat -- I don't know if you  
5 actually know, but can you repeat the conditions  
6 that you -- you're asking the Board to impose, if  
7 the Board was to -- was inclined to lift the  
8 summary suspension?

9 MR. BIANCO: Absolutely. So there  
10 were two of them, which are already in place, but  
11 I'll go through each of them. One, background  
12 checks before hiring employees.

13 And I think we can add to that, some  
14 type of assurance that the employee is or will  
15 shortly be licensed as an ABC manager. No. 2, a  
16 set of written rules and regulations for employee  
17 conduct.

18 No. 3, training specifically for  
19 security protocols. No. 4, regular checks of the  
20 video feed remotely when the owner is not on  
21 premises.

22 No. 5, is one of the measures that  
23 have already been put in place, but the addition  
24 of two more cameras, with an audible alarm, to  
25 discourage loitering and giving the landlord



1 access to view those cameras and likewise press  
2 the alarm and discourage loiterers.

3 No. 6, which is another measure that  
4 has already been put in place, additional no  
5 loitering or no standing signs on the exterior of  
6 the establishment.

7 And No. 7, regular communication with  
8 the Metropolitan Police Department, about what is  
9 going on at the establishment and outside of it,  
10 and that could take whatever form that MPD would  
11 be willing to communicate with us and we're glad  
12 to be, sort of, an open book there.

13 CHAIRPERSON ANDERSON: That's it, Mr.  
14 Bianco?

15 MR. BIANCO: That's it.

16 CHAIRPERSON ANDERSON: All right.

17 Thank you very much. As Chairperson --  
18 Chairperson of the Alcoholic Beverage Board for  
19 the District of Columbia.

20 And, in accordance with D.C. Official  
21 Code Section 2575, of the Open Meetings Act, I  
22 move that the ABC Board hold a closed meeting,  
23 for the purpose of seeking legal advice, from our  
24 Counsel on Case No. 22-251-00006, Martha's  
25 Market.

1 Pursuant to D.C. Official Code Section  
2 2575B4A of the Open Meetings Act and deliberating  
3 upon Case No. 22-251-00006, Martha's Market, for  
4 the reasons cited in D.C. Official Code Section  
5 2575(b)(13) of the Open Meetings Act. Is there a  
6 second?

7 MEMBER CROCKETT: Ms. Crockett  
8 seconds.

9 CHAIRPERSON ANDERSON: Ms. Crockett  
10 has seconded the motion. We'll now have a roll  
11 call vote on the motion. Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Cato?

14 MEMBER CATO: Mr. Cato, I agree.

15 CHAIRPERSON ANDERSON: Ms. Crockett?

16 MEMBER CROCKETT: Rafi Crockett, I  
17 agree.

18 CHAIRPERSON ANDERSON: Ms. Hansen?

19 MEMBER HANSEN: Jeni Hansen, I agree.

20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: Edward Grandis, I  
22 agree.

23 CHAIRPERSON ANDERSON: Mr. Anderson,  
24 I agree. As it appears the motion has passed  
25 6-0-0, I hereby give notice that the ABC Board

1 will recess this proceedings to hold a closed  
2 meeting, pursuant to Section 2575 of the Open  
3 Meetings Act.

4 The Board have, I be -- three days.  
5 I'm not sure if it's three -- I -- if it's three  
6 business days, or three days, but the Board will  
7 issue its determination within the statutory  
8 requirement, which is either three days or three  
9 business days.

10 But with -- within the -- within the  
11 statutory requirement, we will issue a decision  
12 on this. Thank you very much and have a great  
13 day.

14 MEMBER GRANDIS: Thank you.

15 CHAIRPERSON ANDERSON: All right. All  
16 right, so let me -- I think --

17 MR. FANTAYE: Yes, Your Honor.

18 CHAIRPERSON ANDERSON: -- we've  
19 reached our -- the end of our -- thank you. And  
20 this is now the end of our day, so let me close  
21 the record, officially.

22 As chairperson of the Alcoholic  
23 Beverage Control Board for the District of  
24 Columbia and accordance with D.C. Official Code  
25 Section 2575(b) and 2575(b)(14) of the Open

1 Meetings Act, I move that the ABC Board hold a  
2 closed meeting on April 20th, 2022 for the  
3 purpose of discussing and hearing reports  
4 concerning ongoing or planned investigations of  
5 alleged criminal or civil misconduct or  
6 violations of law or regulations and seeking  
7 legal advice from our legal counsel on the  
8 matters identified on the Board's legal,  
9 licensing, and investigative agenda, for April  
10 20th, 2022, as published -- as will be published  
11 in the D.C. Register on April 15th, 2022, is  
12 there a second?

13 MEMBER SHORT: Mr. Short, I second.

14 CHAIRPERSON ANDERSON: Mr. Short has  
15 seconded the motion. I will now take a roll call  
16 vote on the motion. Mr. Short?

17 MEMBER SHORT: Mr. Short, I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato?

19 MEMBER CATO: Bobby Cato, I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett?

21 MEMBER CROCKETT: Rafi Crockett, I  
22 agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis?

1 MEMBER GRANDIS: Edward Grandis, I  
2 agree.

3 CHAIRPERSON ANDERSON: And Mr.  
4 Anderson, I agree. As it appears that the motion  
5 has passed 6-0-0, I hereby give notice that the  
6 ABC Board will hold this closed meeting pursuant  
7 to the Open Meetings Act.

8 Notice will also be posted on the ABC  
9 Board Hearing Room bulletin board, placed on an  
10 electronic calendar on ABRA's Website and  
11 published in D.C. Register in as timely a manner  
12 as practical.

13 We are now officially adjourned for  
14 the day. I would like to thank the Board Members  
15 for their active participation today. I also  
16 want to thank the members of the public who have  
17 tuned in to participate in this hearing today.  
18 Thank you for your participation.

19 We are adjourned and I now direct all  
20 Board Members to return to executive session for  
21 further action. Thank you very much. Good  
22 night.

23 (Whereupon, the above-entitled matter  
24 went off the record at 7:56 p.m.)  
25

| A                               |                                |                                |                               |
|---------------------------------|--------------------------------|--------------------------------|-------------------------------|
| <b>A- 5:5</b>                   | 169:8 170:11                   | <b>aisles</b> 8:9              | 89:2,9,19 91:18               |
| <b>a.m</b> 133:16 140:4,5,6,7   | <b>actual</b> 23:1 34:15 42:17 | <b>alarm</b> 20:2 114:19,21    | 178:24 181:4                  |
| 141:6,7,8,9,16 142:10           | 47:8 51:16 173:12,21           | 115:3 123:21,22                | <b>applicable</b> 104:25      |
| 142:12,18 143:8,20              | <b>adamant</b> 38:24           | 176:24 177:2                   | <b>application</b> 120:25     |
| 159:18,18,21,21                 | <b>add</b> 47:3 53:13 116:5    | <b>alcohol</b> 8:3 21:17 22:5  | 121:4 125:14                  |
| 168:15,15                       | 176:13                         | 96:2 124:15,16                 | <b>applied</b> 154:2          |
| <b>ABC</b> 9:2 12:5,20 21:12    | <b>added</b> 20:1 116:7,9      | 134:20,21 135:6                | <b>apply</b> 143:11           |
| 124:17,21 134:22                | 123:5 158:4                    | 140:2,3 143:1,2 144:4          | <b>appointment</b> 124:25     |
| 135:5 140:10,17                 | <b>addicts</b> 50:10           | 144:16,22 145:4,7,16           | 125:8                         |
| 141:2 143:3,13,17               | <b>adding</b> 19:23 116:1      | 149:3 150:19 152:5             | <b>appreciate</b> 49:2 157:22 |
| 152:9 156:22 168:13             | <b>addition</b> 39:6 165:16    | 153:25 159:12,19               | <b>appropriate</b> 18:15      |
| 168:24 174:24 176:15            | 169:2 176:23                   | 162:17                         | 75:20 100:20 171:18           |
| 177:22 178:25 180:1             | <b>additional</b> 7:20 19:23   | <b>alcoholic</b> 1:2,9,14 8:1  | 175:20                        |
| 181:6,8                         | 20:7,10 22:12,14 23:5          | 14:5 21:14,20 75:14            | <b>appropriately</b> 149:8    |
| <b>ability</b> 68:25 69:21      | 37:6,13 116:1 123:9            | 75:16 129:4 177:18             | 175:8                         |
| 70:15 72:5 77:10                | 123:25 160:21 177:4            | 179:22                         | <b>approved</b> 143:11        |
| 112:9 122:18                    | <b>address</b> 8:5             | <b>alerted</b> 20:3 67:16      | <b>approximate</b> 97:9       |
| <b>able</b> 5:20 42:3,17 46:25  | <b>addressed</b> 41:17 48:21   | <b>ALIYA</b> 1:18              | <b>approximately</b> 8:18     |
| 68:22 70:24 94:20               | 157:13 160:1                   | <b>alleged</b> 19:20 180:5     | 10:14 11:21 12:1 74:7         |
| 118:21 123:18 125:3             | <b>adequate</b> 159:7          | <b>allow</b> 6:21 15:5 18:21   | 74:9 81:8 87:7 88:14          |
| 146:25 157:5,14                 | <b>ADEROJU</b> 148:23          | 21:24 24:9 55:8                | 90:2 97:12                    |
| 159:14 162:10 171:10            | <b>adjourned</b> 181:13,19     | 101:10 103:10,18               | <b>April</b> 1:12 180:2,9,11  |
| <b>above-entitled</b> 105:18    | <b>administrative</b> 62:15    | 135:1 159:12                   | <b>area</b> 8:8 9:17 50:10    |
| 181:23                          | <b>admissible</b> 101:1        | <b>allowed</b> 148:10 164:11   | 59:2 73:22 78:12              |
| <b>above-referred</b> 92:7      | <b>admit</b> 166:3             | 164:25 165:13 175:21           | 83:25 84:2,5,15 88:20         |
| <b>ABRA</b> 1:24 3:13 11:21     | <b>admitted</b> 11:24 12:4,6   | <b>allowing</b> 71:24 82:17    | 89:10,11 95:24                |
| 23:14 63:18 64:15,23            | 12:13 170:2                    | 103:12                         | 123:23 131:14 164:12          |
| 128:21 129:11,12                | <b>adrenaline</b> 33:19        | <b>amount</b> 34:25 35:8,9     | 165:2,6                       |
| 154:4,6 157:14 159:9            | <b>adult</b> 8:18              | 51:20                          | <b>areas</b> 26:3 97:6        |
| <b>ABRA's</b> 181:10            | <b>advice</b> 120:14 177:23    | <b>ANC</b> 1:7 20:17           | <b>argue</b> 131:12 136:24    |
| <b>Absolutely</b> 4:17 21:22    | 180:7                          | <b>angle</b> 83:17 86:17,21    | <b>argument</b> 131:15        |
| 176:9                           | <b>advised</b> 29:12 31:21     | <b>answer</b> 98:5 111:6       | 148:18                        |
| <b>accept</b> 146:1             | 41:13 48:17                    | 112:20 129:15 139:3            | <b>arm</b> 86:6               |
| <b>accepting</b> 48:19          | <b>affirm</b> 24:18 64:2 106:7 | 145:15 148:1 149:1,1           | <b>armed</b> 8:20             |
| <b>access</b> 20:5 32:6 34:12   | <b>affordable</b> 67:23        | 150:12,13                      | <b>ARMSTRONG</b> 135:7        |
| 40:16 42:9 114:23               | <b>afraid</b> 63:3 70:2        | <b>answered</b> 113:1          | <b>arose</b> 173:5            |
| 122:8,13 123:17,20              | <b>afternoon</b> 2:19,23,25    | <b>answering</b> 153:8         | <b>arrest</b> 101:18,19       |
| 177:1                           | 3:4 4:18 5:8 6:3 64:8          | <b>answers</b> 153:7           | <b>arrival</b> 67:4           |
| <b>accessible</b> 73:22         | 64:9 93:19,20                  | <b>Anteneh</b> 1:25 4:23 5:1   | <b>arrive</b> 40:18           |
| <b>accomplish</b> 117:3         | <b>agenda</b> 180:9            | 34:12 40:9 41:2 106:1          | <b>arrived</b> 10:24 33:15    |
| <b>acknowledged</b> 154:10      | <b>agents</b> 14:16 165:12,12  | 106:11                         | <b>aside</b> 115:25           |
| <b>act</b> 127:24 177:21 178:2  | <b>agitated</b> 33:18          | <b>anticipated</b> 3:12        | <b>asked</b> 5:24 12:10 13:11 |
| 178:5 179:3 180:1               | <b>ago</b> 6:18 107:21 108:11  | <b>anybody</b> 96:23 116:7     | 13:11 14:24 29:11             |
| 181:7                           | 108:12,13,20 119:2             | <b>anymore</b> 118:22          | 41:5 60:16,23 61:17           |
| <b>action</b> 1:7 18:15 131:1   | 146:9                          | <b>apartment</b> 42:22         | 61:18 67:10 98:15             |
| 181:21                          | <b>agree</b> 56:19 175:2       | <b>apologize</b> 5:16 7:1 15:2 | 100:7 122:7,23                |
| <b>actions</b> 15:15 18:3,18    | 178:12,14,17,19,22             | 35:15 36:18 51:2,5             | 126:20,21 135:22,23           |
| 18:18,21 131:6                  | 178:24 180:17,19,22            | 59:3 72:3 100:4                | 147:3 160:17                  |
| 167:16,23 170:23                | 180:24 181:2,4                 | 104:18 105:13 120:2            | <b>asking</b> 15:13,24 24:3   |
| <b>active</b> 181:15            | <b>agreed</b> 57:2             | 163:14                         | 53:24 98:17 104:7             |
| <b>activities</b> 97:18,25      | <b>agreement</b> 13:1,4        | <b>apparent</b> 18:8 29:23     | 120:16 125:4 142:3,3          |
| 113:19 172:20                   | <b>ahead</b> 4:7 5:25 7:4,23   | <b>appear</b> 81:1,1           | 142:4,6 143:4,4               |
| <b>activity</b> 41:8 59:21 60:1 | 36:9,10 49:21,22               | <b>appearance</b> 11:16        | 144:13 173:20 175:3           |
| 61:20,23 67:12,19               | 50:20 77:15,20 82:20           | <b>appeared</b> 80:22 88:17    | 176:3,6                       |
| 76:5 95:19 112:6                | 88:23 91:7 95:10               | 89:17                          | <b>asks</b> 36:1,2            |
| 122:23 126:20,21                | 100:3 119:24 144:7             | <b>appearing</b> 79:19         | <b>aspect</b> 47:15           |
| 127:1 162:6 165:16              | <b>aid</b> 31:15 164:3         | <b>appears</b> 38:16 72:8      | <b>aspects</b> 100:19         |
|                                 | <b>aids</b> 162:4              | 81:3 83:7 84:1 88:4,9          | <b>assailants</b> 9:8,13      |

**assessment** 168:17  
**assigned** 25:19 26:5  
 65:9  
**assignment** 26:6  
**assignments** 26:9  
**assist** 42:3  
**assistance** 41:6  
**assume** 15:20 26:7  
 61:15 102:8 121:19  
 121:21  
**assumed** 106:13  
**assuming** 59:3  
**assurance** 15:9 176:14  
**attached** 71:22 100:17  
 101:3  
**attempt** 30:11  
**attempted** 8:19 9:4 10:7  
 10:13,25 11:2 85:1  
**attempting** 32:5 38:16  
**attention** 28:11  
**Attorney** 15:23 20:18  
 56:18  
**attributed** 33:19  
**audible** 20:2 79:6  
 176:24  
**audio** 79:6,11  
**authenticate** 102:8  
**authorities** 171:11  
**authority** 16:13 21:13  
 21:18 22:1,2,3,6,9  
**automatically** 68:15  
**available** 56:12 57:8  
 92:25 174:22  
**Ave** 1:7 8:5  
**Avenue** 25:25 50:6  
 59:10,12  
**avoided** 154:18  
**aware** 18:7 28:12 56:6  
 70:6 101:22 102:18  
 102:23 103:1,7 105:5  
 134:19,19 135:1,4,7  
 137:2,7,9,12 139:2  
 156:24 160:8

## B

**B** 1:7 8:1  
**B-I-A-N-C-O** 4:20  
**B-L-A-N-D** 4:9  
**baby** 39:3,7,9  
**back** 4:5 9:6 15:6 32:1  
 32:14,22,24 33:18  
 34:1 36:4 38:5 39:24  
 43:16 81:24 82:12  
 85:21 87:23 89:3,6,16  
 94:10 105:14,16,22  
 122:24 124:7 125:6  
 125:20 127:16 128:20  
 129:17 130:9 150:4

160:3  
**background** 18:23  
 109:13 116:16 139:5  
 176:11  
**backs** 81:19  
**bad** 17:23 124:13  
**bag** 9:25 10:9,20 11:15  
 34:22 36:25 37:6,7,13  
 38:6,9,12,19,20 39:1  
 61:5,10,12,14 81:4  
 82:25 83:8 84:20 85:4  
 85:9 87:24 88:6,8,10  
 89:10 90:14,19 95:23  
 155:17,18,19,20,25  
 156:10,12  
**baggie** 37:1  
**baggies** 76:8 78:19  
**bagging** 79:20  
**bags** 8:12 9:25 12:11  
 74:17,18,22 75:17  
 88:5 155:16 156:7,10  
 166:2,4  
**Barbett** 38:13,19  
**barrel** 38:1  
**barring** 130:22  
**based** 13:21 14:3 15:10  
 17:13 23:9 36:3 38:11  
 43:3 54:4 60:15 61:21  
 62:18 65:20 98:14  
 102:11 120:13 160:17  
 163:7 167:23 169:14  
 170:21 171:4 175:21  
**basic** 159:16  
**basically** 24:5 133:5  
 165:3  
**basis** 76:12 148:15  
**bed** 110:7  
**beer** 124:16  
**began** 34:19  
**beginning** 10:14 94:10  
**behaving** 93:13  
**believe** 7:20 13:16 15:2  
 16:5 19:2 20:14 23:23  
 40:8 45:5 46:1 47:24  
 48:9,24 53:5 62:21  
 66:13 69:7 72:17 75:7  
 76:23 86:13 88:21  
 90:21 100:5 103:2,5  
 119:7,10 128:21  
 129:10 162:13 167:20  
 169:24  
**believed** 30:12 48:18  
**beneficial** 43:24  
**benefit** 137:15  
**best** 27:2 33:7 42:20  
 78:22  
**better** 37:5 42:23 96:16  
 144:12 154:18 157:7

**beverage** 1:2,9,14 8:3  
 21:21 75:15,16  
 145:23,24 177:18  
 179:23  
**beverages** 8:2 14:5  
 21:14 34:3 129:4  
**Beyond** 169:10  
**big** 116:6 145:3 158:11  
**birth** 125:5  
**bit** 22:25 37:18 62:14  
 72:8 90:22 124:8  
**black** 9:6 10:8 34:21  
 36:25 39:22 85:4  
 87:24 88:6,8 89:10  
 90:14,19 95:23  
 110:25  
**Bland** 1:23 2:15 3:13,20  
 4:1,4,8,8 7:16 31:21  
 33:1 35:8 62:16 63:1  
 63:10  
**Bland's** 62:21  
**block** 59:10,11  
**blocks** 59:24 174:4  
**blood** 33:22,23  
**blue** 34:23 74:5 80:14  
**blue-stamped** 11:10  
**bluntly** 101:23  
**board** 1:2,10,14 2:25  
 4:18 6:4,19 8:3,3 9:3  
 13:11,17,19,22 14:1  
 14:23 15:13,14 16:4,6  
 16:8,11,12,17,21,21  
 16:23 17:3,17 20:20  
 21:13 22:16 23:15,22  
 24:2,3,8,10 32:15  
 49:18 50:18 55:2  
 60:13,16 78:25 86:11  
 95:10,13 96:17 98:13  
 98:15 101:10,14,24  
 102:3,13 103:4  
 105:10 119:19 141:1  
 141:13 142:10 143:7  
 144:6 153:9 160:13  
 161:9,16,22 162:10  
 162:21,24 163:13  
 166:7,24 168:11,17  
 169:19 171:5 172:1  
 174:20 175:20 176:3  
 176:3,6,7 177:18,22  
 178:25 179:4,6,23  
 180:1 181:6,9,9,14,20  
**Board's** 14:4,7 22:8  
 68:15 160:18 167:21  
 174:20 180:8  
**Bobby** 1:18 180:19  
**book** 177:12  
**boot** 147:23  
**booth** 8:8 9:1,9,17,19

9:22 10:2,8,10 11:7  
 12:16 32:16 33:21,22  
 33:23,25 34:2,12,15  
 34:17,20 35:2,7 37:2  
 37:22 38:14,16 39:17  
 40:16 41:24 45:8,9  
 73:19,22 78:7,7,12,14  
 82:7,18 83:18 84:9,25  
 85:14,25 86:2,18  
 87:12 88:20 89:3,12  
 91:1,11 95:22,24  
 96:24  
**booth's** 32:19  
**border** 35:24  
**born** 131:21  
**bottle** 39:4,7,7,8  
**bottles** 11:12 34:5,24  
 37:11  
**bottom** 37:25 74:4  
 171:13  
**bought** 123:2  
**box** 9:21 11:6 37:23  
 38:1,9 74:5,5,5,17,18  
 74:22 78:18 88:5  
 89:11,17  
**boxes** 155:16  
**brand** 114:17  
**break** 105:11,14  
**brief** 93:21 172:1  
**briefly** 26:12 60:21  
 86:10  
**bring** 13:25 69:23 70:16  
 173:11  
**brought** 126:11 155:6  
 168:25 174:25  
**building** 97:6 98:4  
 116:6  
**buildings** 42:22  
**bullet** 34:6  
**bulletin** 181:9  
**bundled** 36:25  
**business** 8:5 15:2  
 28:23,25 29:3,6,12,14  
 29:17 37:20 43:17,17  
 43:24 44:1,6 58:11  
 59:18 62:5,15 67:19  
 98:1 113:7 129:20  
 130:2 137:3,8,9,20,20  
 138:2,8 144:15,16  
 145:6,8 147:12,14,15  
 149:6,7 150:8 151:3  
 152:3 153:25 155:7  
 156:20 157:8 159:16  
 162:16,20 163:6  
 165:9 173:24 175:3  
 175:10,13,14 179:6,9  
**busy** 57:6 113:8 114:24  
 123:18 126:14

**button** 77:25 123:21  
**buy** 58:21 115:13  
**buying** 58:12,17,25  
 95:2 156:19  
**buys** 12:13 154:19

### C

**C-H-R-** 6:8  
**calendar** 181:10  
**call** 3:7 24:11,14 28:23  
 30:14 38:17 58:11  
 63:15,18,21 105:8,23  
 105:24 110:3 112:20  
 114:19 131:16 133:8  
 149:25 150:1 178:11  
 180:15  
**called** 27:13 38:23  
 40:12,24 62:15  
 106:12 109:23 110:1  
 110:3 112:25 118:19  
 120:20 128:18  
**calls** 28:22 29:25  
**camera** 32:6 42:4,6,20  
 42:23 82:23 83:2,17  
 86:17 96:18 97:7,23  
 105:15 109:23 110:5  
 112:21 114:19,23  
 118:17 119:14 123:15  
 126:23 128:13 139:6  
 158:21,23  
**cameras** 19:24 20:1,6  
 84:2 86:22 97:8,10,17  
 112:10,15 113:18  
 114:15,17 116:1  
 123:5,6,8,9,9 139:13  
 158:3,9,15 170:3  
 176:24 177:1  
**candid** 99:8  
**capable** 75:8  
**car** 30:8,16 94:16 95:5  
**cardboard** 11:6 37:23  
**care** 62:5  
**case** 1:8 2:4,4,8 3:4,12  
 4:21 5:19 6:14,16  
 13:21 14:13 15:18  
 16:19 17:12 18:6,11  
 18:17,20 20:2,19,24  
 22:21 35:22 53:16  
 66:1 69:17,19,24  
 70:16,17,21 71:11,18  
 72:10,12 77:18 103:6  
 130:5 161:23,24  
 162:14 169:22 172:16  
 177:24 178:3  
**cases** 16:20,25  
**cash** 9:19,24 10:21 35:1  
 35:8 86:8  
**cashier** 78:7 82:7 83:18

86:18 90:25  
**casings** 33:24 34:8  
**casings** 34:11  
**catch** 132:19  
**Cato** 1:18 178:13,14,14  
 180:18,19,19  
**cause** 15:15,18 16:22  
 102:20 104:22,24  
**CCN-MPD** 65:18  
**centered** 65:12  
**certainly** 18:12  
**certificate** 124:24 125:5  
**Chair** 2:17 4:18 50:13  
 98:9 101:8 153:12  
 160:22 171:25  
**Chairman** 2:24,25 3:11  
 5:16 6:3,4,15 7:5,19  
 14:3 16:16 22:22  
 24:14,24 50:19 52:4  
 52:11 60:9,10,20 64:7  
 70:12 72:1,13 75:13  
 99:22 101:15 103:25  
 104:14 159:13 161:7  
 161:22  
**chance** 100:9 165:7  
**change** 158:8,11  
**changed** 152:12,13  
**check** 28:23 29:3,13  
 43:17 44:11 112:10  
 112:14,19,21,25  
 113:5,6,7,9 116:16  
 118:17 122:19 123:19  
 137:8,20 138:2,8,14  
 138:18 139:5,12,13  
 147:13  
**checked** 19:16 113:18  
 117:23  
**checking** 112:18,23  
 117:25 118:1,3  
 139:22  
**checks** 18:23 19:12  
 29:1,17 43:18,24 44:1  
 44:6 46:7 165:9  
 176:12,19  
**chief** 13:15,16  
**chips** 37:24  
**chloride** 35:14,15  
**Chris** 1:22 2:12 6:5  
**Christopher** 5:19  
**chunk** 90:1  
**cigarette** 67:15 89:19  
 94:21 95:3 169:12  
**cigarettes** 8:15,16 12:8  
 67:17 89:18 96:7,11  
**circumstances** 17:23  
 22:25  
**cited** 178:4  
**civil** 167:16 171:12

180:5  
**clarification** 79:10  
 94:11,19  
**clarify** 21:12 135:20  
**clarifying** 22:9  
**Class** 8:1  
**classes** 154:6,16  
 157:25  
**classified** 23:9  
**clean** 21:3,8 96:15  
**clear** 11:14 24:10 37:1  
 37:6 38:20 42:12,15  
 61:12,13 88:9 95:3  
**clearance** 125:1,4,8,13  
**cleared** 67:9  
**clearly** 14:23 33:18  
 108:16 116:7  
**clerk** 9:1,2,5,8,13,16  
 10:3,12 11:5 12:1,4  
 12:15 18:4,11 29:11  
 32:11 35:4 44:25 45:4  
 82:6,16 85:3,13 86:1  
 87:19 88:17 89:6,15  
 89:22 90:7,13,18 91:3  
 91:13,20 93:11 94:2  
 119:9,11 131:25  
 164:4,22 172:19  
 173:13  
**clerk's** 173:17  
**clerks** 29:7 30:10  
**client** 18:9,24 19:15  
 20:24 47:18 94:5 99:5  
 108:15 173:5  
**client's** 175:16  
**close** 59:5,7 69:10  
 92:12 97:19 129:2  
 142:20 143:25 156:16  
 156:16 164:9 173:12  
 179:20  
**closed** 13:19,20 17:19  
 128:15,17 129:5,7  
 177:22 179:1 180:2  
 181:6  
**closest** 59:9,13  
**closing** 161:6  
**Closure** 1:10  
**cloudy** 42:13  
**clue** 44:3 48:4 119:12  
**co-counsel** 5:18,18  
**cocaine** 39:2  
**Code** 177:21 178:1,4  
 179:24  
**coerced** 48:19 119:9,11  
**cold** 34:3  
**colleague** 6:21  
**collective** 157:4  
**collectively** 75:3  
**color** 36:2

**Columbia** 1:1 3:2 8:2  
 25:5 62:6 63:7 64:24  
 67:18 169:13 177:19  
 179:24  
**come** 30:11 32:3 40:13  
 40:24 51:13 58:21  
 82:17 89:5 105:14  
 115:13 125:19 127:16  
 128:23 138:2 146:25  
 148:14 149:15 150:4  
 171:8 174:18  
**comes** 18:20 85:24  
 173:18 174:12  
**comfort** 20:22  
**comfortable** 168:5  
**coming** 33:11 131:13  
 137:7 144:15 147:20  
 153:8  
**commended** 156:19,21  
**committed** 175:7  
**common** 11:13 45:19  
**commonly** 36:14  
**communicate** 62:17  
 138:24 177:11  
**communication** 177:7  
**communications** 20:16  
 167:14,15  
**community** 12:13 14:19  
 67:22 167:23 171:16  
 172:15 174:16 175:17  
**compared** 97:3  
**complete** 30:12  
**completed** 65:21 89:23  
 154:13  
**completely** 35:2 54:24  
 166:19  
**completing** 125:14  
**compliance** 169:4,6  
 171:9  
**complicit** 18:8  
**compliment** 160:5  
**comply** 157:14  
**comprehensive** 17:25  
**concealed** 12:15  
**conceals** 89:11  
**concerned** 20:18 43:22  
 157:23  
**concerning** 180:4  
**concerns** 157:12  
**conclude** 169:23  
 171:21  
**concluded** 80:16  
**conditions** 16:15 24:7  
 175:21,24,25 176:1,2  
 176:5  
**condone** 18:12  
**conduct** 14:16 19:21  
 21:8 34:9 40:7 43:24



65:1 66:17 67:21  
167:25 176:17  
**conducted** 28:3 37:3  
44:21 66:5,12,20 67:6  
80:23 92:17  
**conducting** 84:7 89:19  
**conducts** 75:10  
**confidence** 143:6 160:1  
160:3  
**confirmed** 103:16  
**consider** 16:12 102:14  
136:9  
**considered** 130:19  
**consistent** 39:2 163:11  
**consists** 21:4  
**constructive** 170:25  
**contact** 49:10 59:18  
**contained** 34:17 68:20  
**container** 9:25  
**containing** 10:1 11:9,15  
**context** 23:6,8,11,18,20  
162:13 164:9  
**continue** 24:4 29:16  
80:9 90:21  
**continued** 34:10  
**continuing** 67:24  
175:18  
**control** 1:2,14 8:3 150:5  
158:14 171:9,12  
179:23  
**controlled** 36:21 168:1  
**controls** 175:1  
**convenience** 42:21  
43:5 155:10  
**conversation** 30:18,22  
41:9 88:17 130:9  
**conversations** 23:12  
23:18 41:2 49:6  
**conversed** 10:3  
**cooperated** 173:9  
**cooperative** 46:14,17  
99:5,7  
**copy** 6:25 51:21,24  
52:7 56:18 71:21  
104:2,8,13  
**corner** 32:1,19,24 37:8  
81:19 84:12,14  
**correctly** 57:13 79:2  
**corroborated** 173:10  
**could've** 170:6,8  
**counsel** 4:20 106:12  
168:19 177:24 180:7  
**count** 74:10  
**counted** 35:8  
**counter** 9:19 10:6 41:14  
78:12,16 86:8 87:17  
88:16 91:11 155:23  
156:12

**couple** 32:8 44:8,15  
45:7 46:19 83:10  
129:16  
**course** 65:11,15 66:16  
66:23 117:12 120:8  
121:23 166:11  
**court** 26:23 27:4 68:14  
**cover** 26:2,4 118:6  
126:12  
**covered** 96:23 133:13  
**covering** 133:6 141:18  
142:17  
**crack** 39:2  
**create** 14:20  
**created** 164:16  
**crime** 31:18,19 33:6  
**criminal** 171:12 180:5  
**criminals** 18:9  
**critical** 19:11 157:12  
**Crockett** 1:18 54:14,18  
178:7,7,9,15,16,16  
180:20,21,21  
**cross** 102:10  
**cross-examination**  
60:22 174:21  
**cubby** 9:5 10:10 89:10  
**cup** 74:25  
**current** 25:11 26:12  
**currently** 25:19 140:11  
140:17,18  
**custody** 102:6  
**customer** 45:15  
**customer's** 80:13  
**customers** 29:7 35:4  
39:10 58:11 67:22  
174:18

## D

**D.C** 8:6 156:25 177:20  
178:1,4 179:24  
180:11 181:11  
**damage** 34:8  
**danger** 14:10,20,21  
17:20  
**dangerous** 18:4 162:5  
167:25 172:20  
**date** 47:23 78:8 128:22  
146:2  
**dated** 102:12  
**dates** 10:22 146:10  
**day** 15:3 21:6 31:11  
47:25 48:10 62:7  
83:20 87:2 92:17  
95:19 107:5,12  
113:13,15,16 118:16  
122:20 125:2 126:9  
127:4,6,9,17,20,21  
128:12,12 134:11

135:17 136:21 138:17  
138:25 143:21 149:21  
149:23 152:25 179:13  
179:20 181:14  
**days** 76:24,25 92:18,21  
93:2,24 99:2 102:21  
103:3 107:6 127:5  
128:23 129:11 135:25  
141:9,15 142:6,12  
143:9,21 153:2,5  
157:1 158:10,20,24  
159:2,21 179:4,6,6,8  
179:9  
**daytime** 139:1  
**DC** 1:22,22 26:18  
**DCRA** 157:15 159:15  
**deadly** 166:22  
**dealing** 41:7  
**deals** 153:25  
**December** 121:16,19  
132:24 134:2,3,3,11  
135:2,15 146:6  
**decided** 63:5 121:11  
**decision** 17:4 159:19  
169:19 179:11  
**deduction** 166:25  
**defects** 102:15  
**defense** 169:24 170:1  
**definitely** 18:12  
**definitive** 16:7  
**degrees** 72:25  
**deliberating** 178:2  
**demand** 55:21  
**demonstrate** 77:6  
**demonstrating** 172:18  
**demoted** 51:5  
**densely** 100:11  
**deny** 18:5  
**department** 9:20 25:9  
25:12 31:17 131:7  
177:8  
**depending** 126:14  
**derive** 98:2  
**describe** 26:12 28:25  
31:9 32:15 45:4 66:11  
66:25 79:17 80:20  
81:9,14,20 82:4,21  
84:23 85:7,11,23  
87:10,15 88:2,13,24  
89:15 90:5 91:17  
**described** 29:21 30:6  
44:24  
**describing** 84:16  
**description** 68:3  
**detail** 66:9  
**detailed** 172:24  
**details** 42:18  
**detectives** 32:3

**determination** 114:4  
179:7  
**determine** 47:1 75:11  
94:20,23  
**determined** 94:24  
**determines** 16:23  
**dictate** 165:14  
**difference** 149:13  
168:21 174:6  
**different** 47:9 54:25  
74:6 166:19 169:1  
**differentiate** 45:15  
**difficult** 72:9 159:11  
**difficulty** 157:5  
**digital** 8:12 9:24 10:19  
12:12 39:20,21 74:3,8  
74:11 78:18 163:20  
165:22  
**direct** 69:25 70:17  
103:18 181:19  
**directed** 44:9  
**directly** 84:1 86:6  
**disagree** 174:19  
**disclose** 103:8  
**disclosed** 52:17 55:16  
55:19 102:23 103:15  
105:7  
**discourage** 176:25  
177:2  
**discovery** 46:20  
**discuss** 23:17  
**discussed** 101:14,16  
101:17 168:12  
**discussing** 56:8 162:8  
180:3  
**discussion** 6:22 100:5  
108:4 118:6,11,13  
**display** 42:17 58:22  
**disposable** 74:4  
**dispute** 17:24  
**disregard** 169:20  
**distinguish** 60:23  
**distribute** 11:18 14:17  
14:18 166:4  
**distributed** 61:9  
**district** 1:1 3:1 5:18 8:2  
14:11,23 15:24 24:14  
25:5,20 28:18 43:8  
62:6 63:7 64:24 67:18  
102:1 122:5 161:25  
169:12 177:19 179:23  
**District's** 15:7  
**document** 55:21 56:3,4  
56:7,11 69:23,25  
71:10 74:2 92:8 100:6  
100:7,9,12,21 101:7  
101:14,15 102:3,10  
103:11,16 104:5,6,7,8

104:11,13  
**document's** 56:12  
**documents** 52:17 55:9  
 55:15,19 69:10  
 102:19,22 103:8,15  
 105:6 125:2  
**doing** 18:8 24:11 28:22  
 29:12,12 48:18 71:1  
 89:15 94:25 96:23  
 111:16,19 112:22  
 113:9,11 115:24  
 116:20 117:16 118:20  
 118:20,24 131:20  
 135:9 140:15 142:21  
 146:20,21 153:21,22  
 165:8 170:18 175:7  
**dollar** 51:20  
**dollars** 122:2,4  
**domain** 163:2  
**Donovan** 1:15,17  
**door** 9:9 32:18,22,23  
 82:17 85:14,17 88:18  
 89:12 90:8 91:1 97:19  
**doubt** 137:16 162:4  
**drill** 46:18  
**drink** 145:23  
**driver** 152:14  
**drop** 69:14  
**drug** 11:11,13,14 36:4  
 41:7 50:9,9 59:6  
 75:19,25 76:1,5  
**drugs** 58:13,18 128:9  
 164:24,24 165:17  
**drugs.com** 35:18,19  
**due** 67:21  
**duly** 106:13  
**duties** 64:20 65:1  
**duty** 133:2 135:24

---

**E**


---

**earlier** 100:5 127:23  
 137:19  
**early** 135:3  
**easier** 69:16 72:8 156:9  
**easy** 156:9,20  
**education** 154:6  
**educational** 154:6  
**Edward** 1:19 178:21  
 181:1  
**eight** 8:23 25:16 26:15  
 87:25 88:11 91:3  
**Eighteen** 10:2  
**either** 44:8 78:25 101:4  
 124:17 131:4 171:12  
 179:8  
**electronic** 181:10  
**elevate** 2:7  
**elevated** 2:11,12,13,14

2:15,16  
**Eleven** 9:4  
**email** 100:8,10  
**emerging** 82:6  
**employ** 44:7  
**employed** 25:3,5,15  
 48:3 147:14 166:17  
 166:18  
**employee** 8:25 12:2  
 18:7 32:11 45:15 48:7  
 108:3 112:20 118:16  
 118:17 130:12,14  
 132:6,10,12,23  
 133:21 134:15 136:9  
 138:19 139:3,5,9  
 142:23 143:10,16  
 146:7 148:5,10  
 151:22 152:18 159:22  
 159:23 165:2 166:15  
 166:23 167:3,6  
 176:14,16  
**employee's** 139:14  
**employees** 107:8,14,21  
 116:14,24 117:15  
 120:17 124:9,15  
 136:8,10,13,13  
 138:13,20 141:20,21  
 141:24 143:17 144:3  
 146:3 147:24 149:14  
 149:18 151:7,10,22  
 157:1 159:10 176:12  
**employer** 136:4  
**employment** 173:16,17  
**encourage** 159:8  
**encourages** 174:18  
**enforcing** 26:17 75:16  
**engage** 171:11  
**engaged** 10:15 113:19  
 157:24 162:5 172:19  
**engaging** 112:6  
**enlarge** 79:21  
**enlarged** 80:5  
**enlarging** 80:2  
**ensure** 68:7 104:5  
**enter** 32:17  
**entered** 10:2,8 65:25  
 67:9 68:11 87:11  
 91:23 95:22,22  
 101:25  
**enters** 91:10  
**entitled** 14:25  
**entrust** 157:5  
**entryway** 78:7  
**environment** 163:9  
 164:16  
**especially** 112:17  
 125:17 126:10 139:1  
**essentially** 14:6,17

15:7 169:15 171:1  
**establish** 86:14  
**established** 105:2  
 130:22  
**establishment's** 162:16  
**establishments** 21:1  
 43:2 64:23 97:4 162:5  
 167:18  
**evaluating** 75:9  
**evening** 26:14 58:2,3  
 120:1 125:22 133:6  
 133:12 138:3 144:9  
 152:22,25  
**evenings** 12:9 67:21  
 121:11 137:3,8  
**event** 78:24  
**events** 79:2  
**everybody** 20:22  
 141:25  
**everyone's** 63:22  
**evidence** 19:14 23:23  
 33:5 68:11 91:24 92:8  
 100:20 101:25 162:1  
 163:18 167:11  
**exact** 146:10 167:7  
**exactly** 94:24 162:11  
 172:25  
**examination** 106:12  
**examine** 102:10  
**examined** 106:14  
**example** 161:23  
**excellent** 63:2 95:12  
 98:8 159:7  
**exception** 63:23  
**excerpts** 101:5  
**exchanged** 10:21  
**excuse** 12:3  
**excused** 99:17  
**executive** 181:20  
**exhaustive** 66:9  
**exhibit** 53:15,19,21  
 54:14 68:20 70:23  
 71:14,15,17 72:15,22  
 77:16,19 83:15 92:2,5  
 92:9 101:4  
**exhibits** 71:22,23  
 172:24  
**exited** 67:5  
**exiting** 95:1  
**expect** 14:1  
**experience** 43:2 45:19  
 75:2 76:3  
**experienced** 75:15  
**experiences** 28:18  
**expertise** 75:8  
**extend** 22:1  
**extension** 22:8  
**extent** 5:10 22:5 23:21

**exterior** 96:25 177:5  
**extremely** 20:18  
**eye** 33:3,7  
**eyes** 20:7 123:25

---

**F**


---

**F-A-N-** 5:6  
**face** 74:5  
**FaceTime** 38:17  
**facility** 67:4 95:22  
 132:1 135:6 137:2  
**fact** 6:20,23 7:7 49:13  
 65:10,17 162:2  
 165:11,22 166:20  
 167:11 168:13 170:21  
 172:12 174:10  
**facts** 7:20 12:22,25  
 14:8,12 17:25 18:1  
 22:12,12,14 66:10  
 172:23  
**failed** 12:19  
**faint** 108:16  
**fair** 46:5 99:3 127:18  
 147:2,5 148:1 149:1,1  
 150:12,12  
**familiar** 27:14 59:2 65:4  
 65:8 77:2  
**Fantaye's** 165:25  
**far** 13:14 50:9 51:16  
 110:9 158:2  
**Fashbaugh** 2:6,9 68:24  
 69:21 70:14 72:5  
**fashion** 83:12  
**fear** 48:19  
**February** 43:21 44:23  
**federal** 156:25  
**feed** 19:16 39:8 176:20  
**feeds** 19:13 20:5  
 117:23  
**feel** 100:19 172:3,11  
**fellow** 6:4  
**felt** 40:23  
**Fifteen** 9:18  
**file** 71:23  
**filed** 6:19  
**fill** 175:5  
**final** 17:3  
**finally** 20:16  
**financial** 129:19  
**find** 22:13 39:13 55:4  
 74:1 93:6,8 147:13  
**finding** 14:7 45:17  
 65:10,17  
**findings** 15:11 43:4  
 101:20  
**fine** 24:11 51:6  
**fire** 31:17 111:23,25  
**firearm** 164:10,25

166:15,20,24 167:5  
**firearms** 166:22 167:17  
**fired** 118:25 146:14,18  
 146:18,19 148:4  
 167:2  
**fires** 81:25  
**first** 5:4,5 6:8 24:12,15  
 25:4 31:9,12,13 34:21  
 39:23 49:7,24 55:9,10  
 64:12 80:5 89:5 92:24  
 93:7,24 94:13 95:17  
 96:1,9,11 98:18  
 106:13 115:23 120:10  
 128:12 132:3,14  
 146:3,14 153:25  
**five** 8:14 11:11 19:22  
 76:24 97:12 105:10  
 107:6,19,21,25 119:1  
 124:9 146:9 158:10  
 159:2  
**fix** 173:3,19  
**flag** 165:6  
**fled** 9:8 30:8  
**flier** 20:25  
**floor** 33:22 82:24 83:4  
**focus** 18:16,16 44:15  
 89:5,6  
**folks** 20:3 63:5  
**follows** 106:15  
**food** 145:24  
**foods** 145:21  
**footage** 11:2 32:6 41:15  
 76:17,22 77:7 78:4,5  
 78:9,21 79:13 86:16  
 86:20,24 87:1 91:23  
 92:18,22,23 93:2,6,23  
 97:23 98:17,22,23  
 99:6 122:19 126:4,23  
 168:4  
**foreseeable** 14:21  
**forever** 70:8  
**forget** 78:24  
**form** 104:22 170:23  
 173:4 175:15 177:10  
**formal** 56:15  
**forms** 23:17  
**forth** 81:25  
**forward** 13:6 17:12  
 38:19 55:3,10 57:4  
 81:7 85:21 90:1 102:2  
 103:21 104:3 116:13  
 175:18  
**forward-looking** 172:4  
 172:13  
**forwarded** 103:25  
**found** 9:20,21 11:5,9,18  
 18:14 23:10 34:21  
 37:6,20,25 38:8 39:1

39:4,17 43:3 46:24  
 47:1 61:2 143:15,16  
 144:3 175:6  
**foundation** 86:14  
**four** 8:10 19:10 21:9  
 82:14,20,22 97:12  
 108:19 116:4 119:1  
 122:12 124:9 158:10  
**Fourteen** 9:15  
**fourth** 93:14 95:20 96:1  
 96:9,10 98:23  
**foyer** 164:2  
**frankly** 14:12,19  
**free** 62:5 63:9 113:10  
 165:13  
**frequent** 19:12 20:25  
**frequenting** 93:4  
**frequently** 112:14,18  
 117:22  
**Friday** 128:17 129:7  
**fridge** 128:23  
**friend** 41:12 108:23,25  
 120:14,16 151:8,12  
 151:19,21  
**friend's** 109:18  
**friendly** 151:6,14  
**friends** 19:1,2 41:20  
 151:17  
**front** 17:16 32:18,23,23  
 43:23 67:7 78:12,17  
 87:20 91:14 95:4,23  
 97:17 98:3 114:18  
 115:4  
**full** 129:2 162:12 164:4  
 164:4 165:25  
**full-service** 174:14  
**fuller** 162:12  
**fully** 46:14 173:10  
**function** 168:15  
**further** 6:22 15:15  
 43:12 62:2 74:23  
 76:13 93:15 131:9  
 181:21  
**future** 172:7

---

**G**


---

**G-R-E-G** 3:24 25:2  
**gas** 42:22  
**Gatorade** 37:10  
**geared** 19:6  
**general** 15:23 20:18  
 33:14 50:5 73:23 76:4  
**generally** 26:14 29:8  
 56:24  
**generated** 51:14  
**gentlemen** 30:5  
**getting** 38:5 56:18 68:7  
 127:2 139:18 145:6

156:22 157:7 172:3  
**give** 20:22 47:23 52:2  
 68:25 69:21 70:14  
 72:5 97:9 137:15  
 139:20 144:24 145:11  
 155:24 160:1 178:25  
 181:5  
**given** 29:20 102:9  
 107:11,23 157:19  
 169:15  
**gives** 29:9 36:3 157:5  
 160:2  
**giving** 143:5 153:17  
 166:23 176:25  
**glad** 17:11 74:22  
 177:11  
**glass** 34:4 84:5  
**Glock** 38:4  
**goods** 75:12  
**government** 2:22 13:9  
 13:24 22:15,16,20  
 25:6 52:3,3,6,7 63:18  
 99:20,24 100:22  
 102:2,6 103:17  
 104:16,17,18 161:6  
 172:11,17  
**grab** 156:9  
**grade** 50:9  
**grams** 74:13  
**Grandis** 1:19 50:19,21  
 50:22,23,25 51:9,11  
 51:21,25 52:2,8,10,15  
 52:19 53:18,25 54:1  
 54:23 55:12 56:17  
 57:10,15,21,24 58:4,9  
 58:19 59:1,5,16,20,24  
 60:2,7,9,12 79:7  
 100:7 153:14,15,19  
 153:24 154:2,9,15,22  
 155:1,3,5,15 156:2,5  
 156:18 158:18,20,25  
 159:3 160:12 178:20  
 178:21,21 179:14  
 180:25 181:1,1  
**grant** 103:4  
**graphic** 163:15  
**green** 10:1 11:15 78:17  
 88:5  
**greet** 29:7  
**Greg** 1:23 2:14 3:13,24  
 24:15 25:1  
**groceries** 174:14  
**grocery** 8:1 42:21  
**gross** 144:20  
**guess** 22:13 31:7 33:13  
 39:14 40:21 44:22  
 54:4 126:4  
**gun** 41:15,19,24 47:14

48:7,16,20,22 51:17  
 85:18 91:3 118:12  
 119:10,11 128:1,5  
 132:11 146:3,7,14  
 147:7,8,14,15,16,19  
 147:20,23 148:5,10  
**guns** 149:14

---

**H**


---

**half** 40:22 106:24 107:1  
 107:5 126:8  
**hand** 24:17 64:1 80:13  
 81:2 82:8 94:15,15,20  
 94:20 95:4,4 106:6  
**hand-to-hand** 10:16  
 67:6 163:22  
**handed** 9:9 12:17  
 148:10 164:10  
**handgun** 82:7 85:8  
 90:19 91:1 130:15,18  
**handguns** 81:18  
**handing** 80:12 82:10  
 85:18  
**handle** 143:20 150:8  
**handled** 166:20  
**handling** 166:24 167:4  
**hands** 82:8  
**hang** 29:9  
**hanging** 45:13,16,21,22  
 45:25 58:15 114:20  
 114:25 115:4,12  
 123:19 149:14,24  
 158:12 166:13  
**Hansen** 1:19 178:18,19  
 178:19 180:23,24,24  
**happen** 48:1  
**happened** 18:2 20:19  
 28:25 30:15 34:14  
 47:22 81:21 82:14  
 109:21 110:4 121:15  
 123:7,8 125:9 129:6  
 130:6 142:17,23  
 164:14 173:14  
**happening** 20:2 84:4,17  
 85:3 165:4 170:11  
**happens** 147:18  
**happy** 53:13 102:2  
 162:7  
**hard** 45:14 71:7 132:19  
 160:6  
**hazard** 44:22  
**He'll** 70:16  
**head** 80:14 171:2  
**health** 14:10 17:20  
 114:6,8 159:17  
 167:23 172:8  
**hear** 108:15 148:20  
 161:21

**heard** 173:21,25  
**hearing** 1:7 2:6,20 3:5  
 5:11,14 6:11,13 13:14  
 13:18,23 14:3,25,25  
 16:1 17:14 21:15  
 55:16 56:12 102:7,17  
 102:20,22 103:2,4,5  
 103:13 104:21,23,24  
 154:18 161:20 180:3  
 181:9,17  
**hearings** 55:17 102:25  
 105:2  
**hearsay** 102:9  
**held** 9:6  
**help** 71:25 117:8 133:8  
 133:10 138:21 175:7  
**helped** 9:16 40:14  
 173:11  
**helpful** 42:7 46:17 71:4  
 84:17  
**helping** 41:11  
**hey** 120:21 146:19  
**hidden** 11:6 163:24  
 170:12  
**hide** 173:6  
**hiding** 17:22 173:1,4  
**highest** 50:7  
**hire** 19:1 116:17 117:18  
 120:17,22 141:21  
 143:10  
**hired** 109:14 120:11  
 121:7,18 125:11  
 132:24 146:5,14  
 148:4 164:5  
**hiring** 18:24 116:13  
 176:12  
**historically** 20:13  
**history** 21:3,4  
**hit** 77:25  
**hold** 7:3,12 26:21,22  
 32:5 55:6 63:20  
 158:24 159:5 177:22  
 179:1 180:1 181:6  
**holding** 41:19 83:9  
 84:21 87:23  
**holds** 82:16  
**hole** 9:5 10:10  
**home** 40:24 139:17  
 159:23 161:18  
**homicides** 60:6  
**honest** 45:10 136:19  
 153:17  
**honestly** 127:12  
**honesty** 157:23  
**Honor** 179:17  
**hopefully** 13:6 77:5  
 83:12  
**hospital** 38:22,23

**hot** 155:21,21  
**hour** 6:18 40:22 110:17  
 118:2,4 121:25 122:4  
 157:16  
**hours** 8:22 12:21 19:17  
 103:3,5 129:13  
 139:25 140:1,2,2  
 141:3,4 143:21  
 152:15,17 156:25  
 174:23  
**house** 110:7 122:14  
**huh** 44:17  
**hydro** 35:12 36:17  
**hydrochloride** 11:11  
 36:5  
**hydrocodone** 36:17

---

**I**


---

**I-S** 6:9  
**idea** 170:24  
**identified** 35:16,17 40:2  
 67:11 81:12 165:6,20  
 180:8  
**identifier** 35:20 36:4  
**identifiers** 36:1  
**identify** 3:9 36:14  
**Il** 36:21  
**illegal** 12:7 14:18 67:18  
 67:19 147:16 162:6  
 165:21 169:12 170:11  
 172:20  
**illicit** 166:5 169:8  
**image** 83:16 158:21  
**images** 159:5  
**immediately** 23:13 24:9  
 33:17 37:4 82:12  
**imminent** 14:10 17:20  
 163:2  
**importance** 114:9  
**important** 17:15 19:19  
 19:24,25 118:6 162:9  
 162:14 174:13  
**impose** 176:6  
**imposed** 24:2  
**imposition** 24:6  
**impression** 31:25 48:25  
**improve** 113:24 114:13  
 116:2  
**improvements** 129:23  
**inadequate** 166:25  
**inappropriate** 102:13  
**incident** 13:15 14:14  
 18:25 21:8 23:13  
 28:16 51:14 54:5  
 57:12,17 65:13,18  
 112:1 118:12 119:5  
 132:13 142:22  
**incidents** 16:19 60:3

**inclined** 176:7  
**include** 34:23 42:20  
**included** 86:12 98:22  
 101:18 102:19 104:7  
**including** 8:11  
**income** 145:8  
**incorrect** 16:6  
**indefinite** 15:14 16:14  
 16:21 24:4,8  
**indefinitely** 16:4,9  
**indicating** 13:4  
**individual** 8:15 12:7,11  
 67:5,11 69:13 93:4,8  
 93:10 94:24 99:1  
 119:8 154:11 168:16  
**individuals** 10:16 29:4  
 46:6 79:6 81:12  
 173:15  
**inexcusable** 18:4  
**infestation** 50:9  
**information** 15:10  
 46:15 51:11 54:1,9  
 62:19 70:3  
**infrequently** 19:16  
**ingredient** 11:14  
**inside** 9:1,19,22 10:10  
 11:6 19:13 29:4 33:23  
 34:25 35:7 36:24  
 37:22 57:18,19 58:16  
 61:23 73:18,22 78:6  
 81:4 82:17 83:18  
 86:18 88:20 93:8 94:2  
 96:24 97:6 127:22  
 130:6  
**inspect** 64:22  
**inspected** 11:22  
**inspection** 66:5,11,18  
 66:22 67:3 73:13 77:8  
 92:18  
**inspections** 75:10  
**instance** 29:25 78:25  
**instances** 19:21 47:17  
**instant** 53:2  
**insurance** 171:6  
**intentions** 168:18  
**interacts** 165:15  
**interest** 101:24 154:16  
 157:18,20,21  
**interesting** 42:25 80:3  
**interests** 129:19  
**interference** 27:9  
**interior** 31:19  
**interject** 68:1  
**interjection** 52:24  
**internal** 53:6  
**interpreted** 23:19  
**intervals** 19:13  
**interview** 99:8

**interviewed** 32:4 121:7  
**intimidated** 41:12  
**introduce** 2:21 4:24  
 5:21 23:15 68:9  
**introduced** 5:17  
**introduction** 55:25  
**inventory** 154:19,23  
**invest** 66:11  
**investigate** 27:24 64:22  
**investigated** 27:21  
**investigation** 23:19  
 65:9,12,16 66:4,17  
 75:19 76:18 99:4  
 109:14  
**investigations** 28:3  
 65:1 180:4  
**investigative** 21:4  
 53:16 68:3,10,20  
 75:24 77:18 83:15  
 86:13 92:4 180:9  
**investigator** 1:24 3:14  
 7:18 11:21 23:16  
 54:22 55:4 63:19  
 64:15 73:6 75:8,14,15  
 75:23 76:16 77:7 78:3  
 79:13,17 92:16 93:18  
 95:11 98:10,16  
**investigator's** 53:20  
 54:7 100:18 101:3  
**investigators'** 56:24  
**Investor** 163:8  
**involved** 41:11 160:8  
 167:4 173:15  
**involving** 118:12  
 127:25  
**ish** 58:8  
**issue** 46:20 179:7,11  
**issued** 8:2 13:17 14:24  
 16:21 17:3  
**issues** 157:2  
**it'll** 25:16 171:15  
**item** 76:6 79:20  
**items** 10:6,21 11:12,18  
 23:20 35:3 37:24  
 73:19,21,25 75:3 76:4  
 78:16 88:16

---

**J**


---

**JAMES** 1:20  
**January** 43:21 44:23  
**Jeni** 1:19 178:19 180:24  
**Jenkins** 104:1,3  
**job** 95:13 152:13  
 172:18  
**joking** 58:19  
**joy** 157:11  
**JR** 1:18,20  
**judge** 21:7 148:23

**judicial** 22:8  
**jumping** 90:7  
**juncture** 56:11  
**justice** 173:13

---

**K**

---

**keep** 15:13 16:13 31:8  
 33:3,7 93:21 151:23  
 156:6 158:21  
**keeps** 38:24  
**kept** 32:1 96:15 100:21  
**kindly** 73:2  
**kinds** 97:25  
**knew** 154:10 166:12  
**knowing** 12:4,7  
**knowledge** 23:2 36:17  
 47:17 76:4 122:4  
 165:25 166:9 169:23  
 169:25 170:25  
**knowledgeable** 42:4,6  
**known** 11:14 23:7  
 36:19 65:5 168:7  
**knows** 164:22,23

---

**L**

---

**lack** 168:12 169:23,25  
**landlord** 20:4 114:17,23  
 115:14 123:11,14  
 129:17,19 176:25  
**large** 34:25 35:7 37:23  
 81:3  
**law** 68:14 149:8 180:6  
**laws** 26:17 75:16,16  
 156:25 157:14,15,15  
 157:16  
**lawyer** 117:10,11 142:3  
**lay** 17:12 86:14  
**lead** 164:17,21  
**leafy** 10:1 11:15  
**lean** 11:14  
**leans** 38:19  
**learn** 109:20  
**learned** 18:25 67:14  
**lease** 153:20  
**leave** 29:15 85:14 133:4  
 149:15  
**leaving** 11:25 171:17  
**led** 163:17  
**left** 9:11 32:24 74:21,24  
 81:2 125:12 152:14  
**leg** 8:19  
**legal** 16:13 17:16 59:7  
 104:12 131:1 147:8  
 147:15 177:23 180:7  
 180:7,8  
**legally** 16:4  
**length** 102:9  
**lesson** 19:1

**let's** 2:22 3:20 56:10  
 75:22 112:19 113:6  
 117:24 122:12 123:17  
 127:8  
**letter** 65:18  
**letting** 160:9  
**level** 20:22  
**Levelle** 16:20  
**license** 1:8 2:5 8:1  
 11:18 12:5 14:4 15:6  
 15:14,21 17:1,2  
 124:23 135:10 143:13  
 143:18 144:4 149:4  
 154:3,11 157:19  
 159:16,24 167:17  
**licensed** 9:3 12:21  
 64:23 101:20 124:17  
 124:21 140:3 142:1  
 152:4 168:25 174:24  
 175:9 176:15  
**licensee** 1:24,25 7:11  
 7:25 8:7 12:19 15:9  
 16:5 103:2,6 105:4  
 162:21 163:1 165:5  
 165:14  
**Licensee's** 8:4,10,14,20  
 8:22 12:14  
**licenses** 173:7  
**licensing** 180:9  
**licensure** 168:2  
**lie** 173:5  
**lieutenant** 4:4 7:15,16  
 41:5 49:25 50:24  
**lift** 24:8 141:1,13 142:4  
 142:5 143:7 176:7  
**light** 102:14  
**likewise** 177:1  
**limit** 100:14  
**limousine** 153:22  
**line** 102:18 103:7,8,14  
 171:13  
**lines** 105:1,4  
**liquor** 20:14 45:18,24  
 162:21 174:5,7,9,12  
**list** 6:19  
**listen** 118:19 146:19  
**listening** 57:8 127:13  
 148:19  
**literally** 164:25  
**little** 22:25 67:12 71:6,6  
 72:7 79:21 85:21  
 124:7 139:18 155:24  
**live** 110:9,12  
**LLC** 1:6 7:11,25  
**located** 25:23 32:20  
 33:25 37:22 64:23  
 74:3  
**location** 10:12 12:15

20:13 95:18  
**locations** 23:7  
**locked** 40:15  
**loiterers** 177:2  
**loitering** 20:11 29:13  
 98:3 116:4,10 129:24  
 176:25 177:5  
**long** 25:15 31:8 40:17  
 64:17 76:21 87:5  
 103:20 106:22 110:14  
 129:14 152:12 175:17  
**longer** 100:21 159:5  
 166:17,18  
**look** 33:5 47:8 54:16  
 58:23 100:9 101:4  
 175:18  
**looked** 23:8 37:12  
 38:12 97:11 126:22  
**looking** 34:18 38:12  
 58:6 70:22 141:19  
 162:23,25 166:8  
 172:6  
**looks** 35:23 71:6 96:14  
 97:23,23 131:19  
**loose** 8:11,15 61:8  
 94:21 95:2 96:6  
**looted** 156:4  
**lost** 172:3  
**lot** 29:9 33:4 51:15 66:9  
 68:2 96:16 97:16  
 110:6,22 113:10  
 172:22 173:6  
**love** 22:1  
**low** 165:23

---

**M**

---

**M** 35:23,23  
**M-A-R-K** 4:11 64:13  
**M-O-R-R-I-S-O-N** 3:24  
 25:2  
**major** 145:7  
**majority** 53:6  
**making** 22:23 31:18  
 90:25 98:25 118:17  
 118:25 139:6,9  
 146:25 173:21  
**male** 8:18 80:23  
**man** 135:1  
**manage** 33:10  
**manager** 9:2 12:20  
 124:17,21 134:23  
 135:5 142:1 143:3,13  
 143:17 144:4 168:13  
 168:24 174:24 176:15  
**manager's** 12:5 135:10  
 154:11  
**managers** 140:10,18  
 141:2 152:9

**manger's** 159:24  
**manner** 15:10 45:4  
 48:13 171:7 172:8  
 181:11  
**manpower** 33:10  
**March** 1:10 8:17 11:20  
 11:25 23:3 28:13  
 30:20,22 31:2,5 41:16  
 41:25 43:3 46:2 49:15  
 51:14 54:4 61:22  
 65:13 66:12,15 78:10  
 92:19 94:14 95:17  
 98:18,19 101:21  
 102:12 109:21 112:4  
 112:13 113:17,20,22  
 114:15 117:21,23,24  
 121:15 123:5 125:21  
 135:3 137:12 138:15  
 138:22 142:22 170:10  
 170:10  
**marijuana** 11:16 39:14  
 39:17,24 40:2,4 46:20  
 46:24 47:1,5 60:24,25  
 61:2,15,16  
**mark** 1:24 2:13 3:14  
 4:11 11:21 63:19  
 64:12 81:11 82:4,21  
 82:22 87:8  
**marked** 53:15 70:23  
 77:17 83:15 92:8  
**market** 1:6,6 2:5 7:11  
 7:11,25,25 8:8 14:5  
 27:13,20 28:11,14,19  
 28:21 30:1,4 44:11  
 57:12 58:12,20 59:6,7  
 60:4 65:5,8 76:18  
 78:6 96:19 106:19,21  
 115:24 145:4 174:8  
 177:25 178:3  
**marking** 35:22  
**markings** 61:14  
**Martha's** 1:6 2:4 7:11  
 7:25 27:13,20 28:11  
 28:14,18 30:1,4 44:11  
 65:5,8 76:18 78:6  
 106:19 177:24 178:3  
**mask** 74:5  
**material** 23:24  
**materials** 10:19 28:4  
 37:19 65:16,20  
 163:21 166:5  
**matter** 1:5 5:17 6:16  
 23:24 68:14 105:18  
 162:2 165:22 167:11  
 181:23  
**matters** 6:13 180:8  
**maximized** 80:6  
**maximum** 74:12

**mean** 13:10 19:3 33:17  
40:20,23 49:25 53:9  
53:10 58:20 98:2  
107:12 113:4 125:14  
128:8 142:24 157:10  
**means** 145:10 168:1  
170:5  
**measure** 20:9 177:3  
**measures** 20:21 114:7  
172:13 174:22 175:11  
176:22  
**measuring** 163:21  
**meat** 155:22  
**medicines** 145:23  
**meet** 66:18  
**meeting** 1:3 177:22  
179:2 180:2 181:6  
**Meetings** 177:21 178:2  
178:5 179:3 180:1  
181:7  
**members** 2:25 4:18 6:4  
16:17 49:18 50:18  
60:14 95:10 98:13  
144:6 160:13 171:16  
172:1 181:14,16,20  
**members'** 52:24  
**mention** 48:6 49:9  
75:24  
**mentioned** 32:9 34:23  
38:6 46:10 48:8 51:17  
101:24 131:22 168:19  
**merchandise** 8:11  
73:18  
**merchandises** 169:11  
**merely** 15:5  
**messing** 36:18  
**met** 1:14 29:3,18 30:9  
30:22,24 31:20 46:3  
49:7,14  
**method** 14:15  
**Metro** 35:23  
**Metropolitan** 9:20 25:4  
25:9 177:8  
**mg** 36:5  
**microphone** 105:16  
**midnight** 30:2  
**milk** 39:9  
**mind** 29:10 52:24  
144:19  
**mine** 120:16 151:19  
**minimum** 143:12  
**Minnesota** 1:7 8:5 50:6  
59:10,11  
**minute** 7:4,13 79:16  
80:16,19 81:5,7,10  
82:20,22 85:22 87:7  
88:14 105:10,14  
**minutes** 81:8,15,22

82:3,14 86:4 87:5,8  
87:14,22 88:1,12,23  
88:25 89:7,13,21 90:2  
90:3,4,10,15,22 91:2  
91:7,16 110:11,16,17  
146:9 163:17  
**misconduct** 180:5  
**missed** 125:2  
**missing** 37:11  
**mistake** 118:25 136:23  
**Mister** 53:10 62:10  
**model** 51:17  
**models** 74:6  
**Monday** 128:19,20  
129:6,9  
**money** 35:3 91:11,13  
139:7,9,15 144:14  
**monitor** 84:1  
**month** 125:10 146:2,6  
**months** 41:16 47:24  
48:2 108:11,12,13,20  
119:2 121:15 122:12  
146:13 148:4 164:6,7  
169:5,7  
**morning** 6:2,3 112:17  
125:17 126:11,12  
128:19 133:4,7  
136:21 139:19 140:7  
**Morris** 128:18  
**Morrison's** 118:8  
**motion** 56:15 178:10,11  
178:24 180:15,16  
181:4  
**move** 44:12 75:22  
85:21 91:23 101:25  
102:8 103:20 127:16  
168:9 177:22 180:1  
**moved** 32:14 92:6  
**moving** 17:12 32:16  
37:17 57:4 83:13  
116:12  
**MPD** 9:20 10:24 11:1,4  
11:8,19 18:3 20:17  
22:24 23:8 25:15  
39:13 40:2 50:9 56:25  
65:10 97:15 137:2  
165:6,7 177:10  
**mute** 3:23 4:5,6 26:23  
63:22 105:16

---

**N**

---

**N-T-E-N-E-H** 5:6  
**name** 3:8,10,17,21 4:9  
4:14,19,19,23,25 5:1  
5:2,4,5,6 6:7,8,9  
24:25 32:9 36:18 48:6  
48:9 64:11,11,12,13  
108:4 109:1,3,7,9

115:15 120:3,4  
131:25 132:3,6,11,14  
132:17,18  
**narcotics** 11:9 14:18  
28:3 34:22 51:19  
128:10  
**NE** 1:7  
**near** 87:6  
**necessarily** 19:3 41:11  
104:25 167:20  
**necessary** 175:2  
**need** 7:3,13,15,17,18  
20:3 24:6 48:22 50:24  
54:25 62:21,25 63:22  
77:25 102:22 112:19  
112:23 125:18 133:7  
133:8 138:21 157:13  
157:25 160:1 161:25  
173:3 174:22 175:12  
**needed** 113:4 154:11  
160:8  
**needs** 18:15  
**negotiating** 172:23  
**neighborhood** 41:21  
110:1 173:23 174:14  
**neighbors** 109:24  
**neither** 56:5 159:17  
**never** 30:24 46:3 47:5  
61:16 100:15 118:24  
128:4,11 129:5 138:7  
146:20,21  
**nevertheless** 169:13  
**new** 20:1,6,9 114:17  
116:14 123:6 139:10  
159:2  
**Newport** 89:18  
**nice** 150:7  
**night** 128:17 132:13  
137:23 181:22  
**nine** 8:25 88:23,25 89:7  
90:2 92:4 158:24  
**Nineteen** 10:5  
**noise** 114:22  
**non-prescribed** 47:10  
**non-prescription** 39:14  
46:24 60:24  
**non-public** 53:3  
**normal** 15:1 97:25  
**normally** 29:6 144:21  
**Nos** 101:4  
**note** 17:15 97:12  
103:22  
**notebook** 78:18 88:5  
**noted** 41:9 66:22 67:20  
103:20  
**noteworthy** 74:1  
**notice** 14:24 178:25  
181:5,8

**notices** 130:22  
**notify** 67:16  
**noting** 73:17 79:1  
**notion** 47:13  
**number** 2:4,5 18:23  
19:5,7,10,22 20:4  
35:25 57:16 71:15,17  
97:10 144:24  
**numbers** 110:3  
**numerous** 28:21  
**nurse** 38:25

---

**O**

---

**o'clock** 6:19 110:18  
126:14 128:17 142:20  
143:25 144:1  
**OAG** 1:22,22  
**OAG's** 6:5  
**object** 53:12 55:23,24  
75:4 83:4,6 101:1,2,6  
101:6  
**objecting** 172:12  
**objection** 53:17 68:12  
75:22 76:9 91:25  
100:14 102:4 103:20  
114:2,11  
**objects** 55:14  
**observation** 99:1  
**observations** 170:9  
**observe** 33:15 96:4,7  
96:12 170:4  
**observed** 41:14 48:15  
66:24 67:1 86:21 96:6  
97:24  
**observing** 85:3 95:21  
**occasions** 45:6 126:4  
**occur** 14:1 61:23 105:2  
134:23  
**occurred** 8:21 13:15  
17:1 31:3 79:18 80:2  
80:9,20 81:10,15  
82:22 84:23 85:7,16  
85:23 87:10,15 88:2  
88:13,25 90:6,11,16  
91:8 162:11 164:19  
165:10,17 170:6  
171:3  
**occurrences** 170:16  
**occurring** 79:3 82:4  
85:2,12 90:9,23 91:17  
169:9  
**occurs** 70:7  
**office** 6:5 15:23 20:17  
**officer** 1:23 2:15 3:13  
3:20 4:1,4,8,8 7:16  
31:21 33:1 35:8 40:2  
43:21 62:16,21 63:1  
63:10 75:18 119:14

138:16,23 150:3  
**officers** 10:24 11:1,5,9  
 26:8,15 28:17 29:16  
 29:20 30:4,7,9,15  
 33:2,11 38:23 44:7,9  
 44:10 49:9,14  
**official** 27:1 31:13  
 102:1 177:20 178:1,4  
 179:24  
**officially** 179:21 181:13  
**OIC** 6:17  
**on-field** 50:2  
**onboard** 174:25  
**once** 34:7 159:3 170:14  
**one-man-band** 175:4  
**ones** 44:20  
**ongoing** 33:12 180:4  
**Oops** 79:4  
**open** 8:16 9:24 12:11  
 20:16 21:24,25 32:21  
 37:11 71:23,24 73:19  
 74:18,22 89:18  
 128:19 141:9 142:6  
 142:20 143:25 155:12  
 155:16 156:6 159:12  
 159:14,18 163:19,19  
 163:19,20,21 170:13  
 174:16,17 177:12,21  
 178:2,5 179:2,25  
 181:7  
**open-topped** 37:23  
**opened** 9:9 100:11  
 128:20 155:20  
**opening** 176:1  
**opens** 85:14  
**operate** 15:9 21:19 24:9  
 77:2 115:20 142:25  
 163:1,6 171:7 172:7  
 175:12  
**operates** 8:7  
**operating** 21:3,9 23:3  
 151:2,5 171:15  
 174:23 175:14  
**operation** 8:22 68:13  
 137:9 140:1 141:4  
**operations** 21:18 75:10  
 163:9  
**opiate** 11:10 36:19  
**opinion** 41:10 96:20  
 98:2  
**opioid** 36:19  
**opportunity** 170:22  
**order** 129:8 143:1  
**OTR** 157:15 159:16  
**outside** 7:20 20:11  
 33:22,25 39:17 45:8  
 58:15 61:24,25 67:13  
 84:5,25 85:2 96:24

97:5 110:23 127:15  
 127:21 130:1,3  
 131:12 155:23 167:13  
 177:9  
**overlapping** 79:12  
**overlooked** 98:24  
**overrule** 114:10  
**owned** 106:23  
**owner** 4:22 8:23 10:22  
 11:23,24 12:4,6,12,20  
 18:6,9 19:11 20:4  
 23:12 30:19,23,25  
 32:5 42:3 46:14 49:8  
 49:10 66:18 67:10,16  
 77:1 79:14 105:25  
 106:20 134:22 135:5  
 143:3 166:9 169:2  
 170:15 176:20  
**owners** 159:10  
**ownership** 123:15  
 175:16  
**oxycodone** 11:11 35:12  
 36:5,17,18 37:13

## P

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**p.m.** 2:2 8:18 10:15  
 11:21 12:1 28:13 58:2  
 58:3,3 105:19,20  
 133:15,18,18,24,24  
 134:7,7,10,11 135:24  
 135:24 136:16,16  
 141:16 142:10,12,21  
 143:9,20 161:10  
 181:24  
**p.m.-** 58:7  
**pack** 8:16 75:1  
**packaged** 36:23,24  
 61:3,9  
**page** 21:21 70:22 71:18  
 72:19 100:11,21  
 101:7  
**pages** 100:25 101:12  
**paid** 121:19,21,24  
 122:1,3  
**pair** 20:7  
**pallet** 37:10,12  
**pallets** 37:9  
**papers** 8:12 12:11 75:1  
 76:8  
**paperwork** 62:25  
**paramount** 114:9  
**paraphernalia** 75:25  
 76:2 165:19  
**part** 18:10 26:11 27:20  
 28:6,8 52:11 54:7,10  
 54:21 55:22 56:3,15

56:24 57:3 59:6 64:25  
 66:4 68:15 86:12 97:1  
 134:2 145:8 151:3  
 154:22 155:13  
**participate** 181:17  
**participation** 181:15,18  
**particular** 18:3,7 26:2  
 26:18 28:22 57:1,12  
 60:4 66:21 74:1 75:12  
 78:25 100:25 103:6  
 174:1,2,11  
**particularly** 26:5 73:19  
 78:6  
**particulars** 51:16  
**parties** 2:7,21 12:25  
**pass** 35:3 41:15 118:17  
**passed** 11:5 47:13  
 48:16 91:19 95:4  
 166:15 178:24 181:5  
**password** 123:17  
**passwords** 129:18  
**patience** 62:24  
**patrol** 26:2  
**patrolling** 26:17  
**patrons** 171:10  
**pause** 56:10 79:5  
**PDF** 51:23  
**peddling** 96:4  
**Pennsylvania** 25:24  
**people** 14:18 19:2  
 30:11 43:22 45:7,10  
 45:21,22,24 58:12,14  
 58:16,21,24 70:2  
 97:16,18 107:13,24  
 107:25 108:1 114:20  
 114:25 115:4,13  
 123:19,22 127:11  
 148:18 149:13,24  
 150:6 169:17 175:6  
**perceived** 41:7  
**percent** 33:8 115:12  
 144:18,25 145:6,15  
 145:20 162:16 174:10  
**percentage** 144:15  
 145:7  
**perimeter** 165:1  
**period** 80:10 125:11  
 128:15 134:21  
**permit** 23:22 55:3  
**perpetrators** 173:12  
**person** 45:16 48:10  
 96:3 97:22 115:23  
 118:15,18 119:2  
 120:21 130:17,18,22  
 132:11 136:11 141:18  
 142:17 146:18 147:7  
 164:5,8,12 166:12  
 167:4 169:2

**person's** 157:19  
**personally** 19:18,20  
 20:20 44:6,16 57:20  
**Perspex** 35:3  
**phone** 57:5 63:22  
 112:12 113:11 122:15  
 122:16  
**photo** 73:11,12  
**photographically** 74:2  
**phrased** 46:22  
**pick** 27:5  
**picked** 97:18  
**picks** 85:3  
**picture** 73:7,10,16  
**piece** 29:10 86:11 91:23  
 93:22  
**pill** 35:19,22 36:3  
**pills** 11:10 34:23 35:11  
 36:5,14 37:7,13 38:7  
**pistol** 9:6,9,12,14,21  
 10:9,11,13 11:5 12:15  
 12:17 34:19 37:22,25  
**place** 15:3 18:25 27:13  
 27:14 61:22 98:3  
 115:24 137:3 165:4  
 174:23 176:10,23  
 177:4  
**placed** 9:18 10:6,20  
 87:16 88:16 89:9  
 90:14 181:9  
**plan** 3:6 143:14,19,22  
 158:1 159:4  
**planned** 180:4  
**plastic** 8:12 9:6,25,25  
 10:9,20 11:15 12:11  
 34:22 36:25 37:7 38:6  
 61:4,10,12,14 81:4  
 82:25 83:8 84:20  
 89:10 155:16,17,19  
**play** 78:21 84:12 114:25  
**playing** 80:9 87:6  
**please** 2:7,9 3:10,17,21  
 3:22 4:5,5,6,14 5:4  
 6:6,7 7:8,9,13 24:17  
 24:24 64:1,10 69:1  
 72:5,15,16,23 79:1  
 84:19 87:9 93:25  
 105:15 106:5,6  
 108:16 150:7 161:22  
**pleasure** 153:10  
**Plenty** 107:18  
**pocket** 8:13 10:19  
 12:12 74:12 91:19  
**pocket-sized** 165:23  
**point** 10:5 13:5 15:20  
 30:17 38:15 40:8 45:5  
 56:11 63:17 85:23  
 86:9 88:20 90:6,17,23

91:4,21 99:22 100:14  
102:6 126:22 130:21  
130:25 131:5 143:2  
166:14 168:2,10,13  
**pointing** 38:1,1 81:18  
**points** 99:4  
**police** 9:20 13:15,16  
25:9 26:8 29:10 30:15  
42:24 49:12 53:7  
54:18 75:18 100:20  
101:5 110:6,23,25  
111:3,4 112:5 119:13  
125:1,3,8,13 129:12  
131:6,17 137:7,18  
138:1,6,7,13,16,23  
148:24 149:25 150:1  
150:2,3 167:15 177:8  
**policies** 105:6  
**pop** 70:4  
**portion** 47:4  
**portions** 53:5 100:16  
**position** 15:7 16:7  
26:12 64:18,21  
**positive** 157:10  
**possession** 128:1,5,9  
130:15,18  
**possible** 26:22 93:22  
**possibly** 98:2  
**posted** 181:8  
**posture** 15:5 171:14  
**potato** 37:24  
**potential** 14:20 165:6  
**potentially** 164:17  
**practical** 181:12  
**practice** 67:19  
**prefer** 23:22  
**preliminary** 6:13,16  
**premises** 176:21  
**prepare** 117:4,6  
**prepared** 23:16 143:8  
**preponderance** 161:25  
**prescribed** 47:9  
**prescription** 11:11,13  
47:1,5,7 60:24 61:15  
61:16  
**prescription/non-pre...**  
47:4  
**presence** 29:5 49:11  
58:18 63:4  
**present** 1:16,21 3:6  
8:23,25 10:23 12:20  
14:13 19:18,20 22:20  
29:19 33:19 34:13  
44:12,25 46:7 79:11  
134:23  
**presented** 6:21 22:15  
57:2  
**presenting** 22:16

**presently** 116:23  
**presents** 14:8,9 163:2  
**presiding** 1:15  
**press** 114:21 123:21  
177:1  
**presume** 47:6  
**pretend** 100:12  
**pretty** 96:18,23 133:6  
158:12  
**prevalent** 174:15  
**prevent** 22:4  
**prevented** 21:16  
**previous** 33:2 83:23  
118:12,16 130:11  
132:7 151:8  
**previously** 47:14 84:16  
164:11  
**printout** 53:8  
**prior** 10:22 23:1,3 28:16  
29:24 30:21 34:16  
41:16,24 46:2 47:17  
47:24 49:15 62:18  
86:24 94:25 113:17  
117:23 127:1,5,25  
130:14 164:6 165:3  
**privy** 167:14  
**probably** 6:16 42:19,23  
43:20 107:5,19  
110:11,16 113:14  
119:1,19 139:16  
152:6 154:17 158:24  
166:24 168:12  
**problem** 17:7 20:25  
63:10 120:17 165:15  
167:7,8 173:2,3,5  
**problematic** 20:13  
**problems** 162:20,22  
163:5 173:25  
**procedural** 102:15  
**procedures** 104:23  
105:6  
**proceeding** 16:23  
172:5  
**proceedings** 15:16  
86:24 105:1 179:1  
**process** 55:4 62:24  
124:23 125:12 135:9  
141:25 154:12 156:22  
**produce** 47:6  
**produced** 12:15 54:22  
**product** 21:20  
**products** 58:12,22,25  
75:9 150:25  
**professional** 50:8  
**proffer** 22:20,23 23:14  
**profit** 18:13  
**profits** 144:14  
**prohibit** 131:1

**promethazine** 11:13  
34:25 38:7 39:6,10  
**promises** 171:6  
**promoted** 51:5  
**promotion** 50:3  
**pronounce** 120:3  
**pronounced** 120:3  
**proper** 31:15  
**properly** 149:5,6 175:8  
**property** 20:5  
**propose** 15:5  
**proposed** 6:20 7:6  
**proposing** 18:19 24:7  
**prospectively** 114:5  
**protect** 114:7 167:16,22  
**protocols** 19:8,9  
176:19  
**provide** 22:25 23:5,15  
55:11 120:24 121:3  
**provided** 13:22 15:6  
46:14 51:12 52:7 54:2  
62:20 101:7 104:6,13  
132:10,10  
**providing** 23:11 99:5  
174:15  
**provision** 102:23  
**PSA** 26:5,7,18 27:16  
44:13  
**public** 17:21 53:2,6  
70:4,7 73:23 104:3  
114:6,8 163:3 165:15  
166:1 172:8 181:16  
**published** 180:10,10  
181:11  
**pull** 30:15 81:17  
**pulled** 30:4 38:13 94:13  
150:2  
**pulling** 40:14  
**punishment** 16:24  
**purchase** 67:22  
**purchased** 153:19  
**purchasing** 67:14  
**purpose** 13:23 75:11  
177:23 180:3  
**purposely** 156:14  
**pursuant** 178:1 179:2  
181:6  
**pursue** 9:13  
**pursuing** 172:11  
**put** 4:5 17:9 18:24  
23:22 56:10 69:24  
100:23 114:17 116:3  
147:22 156:14,15  
172:14,14 174:22  
176:23 177:4  
**putting** 80:13

---

**Q**


---

**quality** 96:16,21 97:2  
**quantities** 51:19  
**quarrel** 17:24  
**quarter** 162:17  
**question** 33:14 42:2  
43:1 49:5,20 52:23  
57:5,9 100:7 122:8,23  
126:21 131:25 144:5  
145:9 152:2,2  
**questions** 32:8 43:12  
43:15 46:19 49:17  
50:18,24 51:9 52:25  
60:13,16 62:2 76:14  
93:16 95:9 98:13,14  
111:7 119:18 120:7  
129:16,17 131:10  
153:8 160:12,17,20  
160:22  
**quick** 52:23 98:25  
**quickly** 17:12 83:13  
125:19  
**quite** 14:8,12,19 55:18  
55:20 94:12 101:23  
115:23 128:22 168:5  
**quote** 17:20

---

**R**


---

**R-U-I-Z** 4:12 64:13  
**radio** 26:23 57:8  
**Rafi** 1:18 178:16 180:21  
**raise** 24:17 63:25 106:6  
**raised** 131:21  
**ran** 30:7  
**random** 110:2 156:15  
**range** 57:25  
**rank** 25:11  
**re-open** 17:19 18:19,22  
**re-opening** 20:23  
**reached** 9:5 64:19  
179:19  
**read** 7:6,9 14:9 100:13  
120:9  
**realize** 13:5  
**reason** 14:5,22 15:4  
29:21 56:1 98:21  
103:11 119:10 154:12  
166:17,19  
**reasonable** 162:3  
**reasons** 178:4  
**recall** 118:13  
**receive** 31:14 100:10  
**received** 9:12 48:7 92:8  
154:3  
**recess** 179:1  
**recognize** 73:7 83:5,16  
86:15,20  
**recollection** 40:18  
56:22 61:1



**recommended** 109:10  
**record** 2:21 3:17,22  
 4:15,25 5:21 7:7,9,21  
 21:12 23:23 24:25  
 51:12 52:12 53:7,13  
 54:3,7 55:9,22,25  
 56:1,3,16 57:3 64:11  
 65:25 66:10 68:14,16  
 70:4,8 79:2 85:6  
 102:1,19 103:23  
 104:8 105:15,17,19  
 105:22 135:20 162:10  
 179:21 181:24  
**recording** 98:25  
**records** 56:25 68:15  
 102:3  
**recovered** 33:25 36:15  
 38:3  
**recross** 98:14 160:17  
**red** 74:5 165:6  
**redacted** 104:2,8,11  
**redactions** 55:1  
**redirect** 60:15,19,19  
 99:13,14  
**reduced** 174:23  
**refer** 68:19  
**referenced** 101:17  
 123:10  
**referencing** 48:10,13  
**referral** 15:25  
**referred** 15:20,22 67:20  
 120:23  
**refrigerators** 34:2  
**regarding** 23:20 100:6  
 157:12 166:23  
**regardless** 163:4  
 169:18 170:14,16  
**Register** 180:11 181:11  
**registered** 8:4  
**regular** 19:13 102:20  
 148:15 176:19 177:7  
**regulations** 19:6,9  
 116:23 149:3 154:5  
 176:16 180:6  
**regulatory** 66:17,21  
 73:13 77:8 92:17  
**reign** 165:14  
**relation** 87:19 91:13  
**relationship** 4:15  
 106:19 164:8  
**relatively** 83:13  
**relevance** 114:2,3  
**relevant** 86:15 114:8  
**reliable** 175:6  
**remain** 17:2 32:2  
**remainder** 37:3  
**remained** 10:11 15:21  
**remains** 102:4 171:14

**remarks** 171:22  
**remedial** 18:17,18,21  
 114:7  
**remember** 5:23 44:2  
 98:19 146:2 162:24  
 167:19  
**remind** 63:22 79:1  
**remote** 42:9 122:13  
**remote-access** 170:3  
**remotely** 112:10 176:20  
**remove** 89:17  
**removed** 88:4,15 89:18  
 91:19  
**removes** 85:8  
**removing** 90:18  
**reopen** 141:22 175:21  
**repeat** 176:4,5  
**repetitive** 13:6  
**replay** 89:16  
**replayed** 84:18  
**report** 13:21 23:15  
 51:13,18,20,20,22  
 52:11,20 53:1,2,2,3,8  
 53:10,15,16,20,24  
 54:3,7,8,19,22,25  
 56:21 58:7 65:21,24  
 65:25 66:1 68:3,10,21  
 69:17,19,24 70:16,18  
 70:21 71:5,12,18,21  
 72:10,12 75:24 77:18  
 77:18 83:15 86:13  
 92:4 95:12 98:9,22  
 100:17,18,20 101:3,5  
 101:18 131:5 139:21  
**reported** 44:19  
**reporter** 26:24 27:4  
**reporting** 78:23  
**reports** 56:24 65:18  
 139:21 180:3  
**represent** 3:1  
**representative** 1:24  
**represents** 162:21  
**request** 17:14 52:11  
 65:10 103:3,3,5  
**requested** 46:15  
**require** 159:5  
**requirement** 15:3 179:8  
 179:11  
**residents** 29:9 62:6  
 63:7  
**resistance** 29:19,21  
 45:20  
**resistant** 49:11  
**resolution** 42:12,12  
**resources** 174:21  
**respect** 114:5  
**respond** 31:4 32:6  
 164:17

**responded** 164:18  
**respondent** 4:20 14:24  
 15:1 106:13  
**responding** 31:10  
**response** 166:25  
**responsibility** 31:10  
 167:22  
**responsible** 26:17  
 170:15,19  
**rest** 99:24 104:16,19  
 161:2  
**result** 14:19 15:12  
 166:16 171:17  
**resumed** 105:19  
**Retail** 8:1  
**Retailer** 1:7  
**retrieved** 10:12 38:25  
**retrieves** 38:20  
**retrieving** 34:19 90:13  
**return** 181:20  
**returned** 9:14,15 89:3  
**returning** 30:12 82:12  
**revenue** 174:11  
**review** 56:14 65:16  
 66:19 86:10 93:1  
**reviewed** 11:1 65:17,21  
 76:17 86:23 92:23  
 97:4 98:18  
**reviewing** 93:5  
**revocations** 17:1  
**RI** 66:20  
**Richard** 1:24 2:10 4:19  
**rid** 148:9  
**rife** 102:9  
**rights** 2:7,10,11,12,13  
 2:14,16  
**road** 160:10  
**rob** 30:11  
**robbery** 8:20,21,24 9:1  
 9:4,23 10:4,7,13,25  
 11:2 30:13 83:20 85:1  
 85:2 90:9 164:10  
**rock-like** 11:12 39:1  
**role** 27:20 31:9  
**roll** 178:10 180:15  
**rolling** 8:11 12:11 75:1  
 76:8  
**room** 40:15 181:9  
**rotate** 71:4 72:24  
**rotunda** 35:5  
**roughly** 57:16,21,24  
**routinely** 137:19 138:2  
 138:7  
**Row** 109:3,4  
**rule** 102:20  
**rules** 19:5,8 104:23  
 116:23 117:4 149:3  
 154:4 160:2 169:7,18

169:21 176:16  
**run** 109:24 110:8  
 116:16 123:22 149:6  
 157:8 159:21  
**running** 30:6 90:8  
 161:18  
**runs** 82:11 149:8  
**rush** 110:17

---

**S**


---

**S** 1:19  
**S-O-U-T-H-C-O-T-T** 6:9  
**safe** 15:10 29:10 31:18  
 33:6 171:7 174:17  
**safeguarded** 172:15  
**safeguards** 172:8  
**safely** 18:19,22 163:7  
 172:7 175:12  
**safety** 14:10 17:21 19:6  
 114:6,8 116:2 154:5  
 163:3,11 167:22  
 172:9  
**sake** 81:6  
**sale** 12:21 21:13 37:24  
 74:8 75:10,17  
**sales** 96:2 130:5 145:15  
 162:17  
**sanction** 17:16 172:10  
 172:12  
**sandwich** 8:12 10:20  
 74:17,18,22 75:17  
 78:18,19 88:5 155:18  
 166:2,4  
**Sargent** 163:7  
**Saturday** 128:18 129:7  
**sausage** 155:21,21,25  
**sausages** 166:5  
**savable** 175:10  
**saw** 30:7 61:22 94:15  
 95:19 96:1 110:5  
 112:3 113:20 119:15  
 126:4,22 127:25  
 128:4,13 147:11  
 148:9 149:22 150:17  
 150:17,20 163:13  
 165:16,17,17,18  
 166:4  
**saying** 24:5 37:14  
 39:20 42:14 48:14,15  
 104:5 112:22 113:8  
 125:25 127:12 131:14  
 136:18 139:12 141:13  
 143:24 149:16 159:6  
 173:2,18  
**says** 52:4  
**scale** 9:24 10:20 39:18  
 39:19,20,22 50:6  
 78:18 87:16,19

156:13 163:20,20  
165:17,23  
**scales** 8:13 12:12 74:3  
74:8,12,16,20 76:10  
154:23,25 155:5,14  
156:6 165:22  
**scarf** 80:14  
**scene** 10:25 31:13,18  
31:19 33:11 45:18  
**scene's** 33:6  
**schedule** 36:20 102:24  
**scheduled** 15:18  
103:14  
**school** 124:24  
**screen** 3:20 68:23 69:1  
69:8,11,22 70:3,15,25  
71:4 72:6,15,22 77:5  
77:22 79:21 91:22  
92:13 101:9  
**se** 28:22  
**sealed** 8:8 35:2  
**search** 11:4,8 28:3 34:9  
34:11,14,20 37:3  
39:13 40:7  
**searched** 11:3 163:25  
**searching** 37:2  
**second** 46:19 47:16  
68:2 79:16 81:10  
82:21 87:8 92:24  
113:3 178:6 180:12  
180:13  
**seconded** 178:10  
180:15  
**seconds** 79:15,18  
80:10,16,20,21 81:9  
81:16,21,22 82:3,14  
84:24 85:5,6,10,15,22  
86:5 87:9,14,22 88:1  
88:3,12,24 89:1,7,22  
90:3,4,11,16,22 91:3  
91:8,16 178:8  
**Section** 177:21 178:1,4  
179:2,25  
**Sector** 26:14  
**secure** 164:11 165:1  
**secured** 12:16  
**security** 11:2 19:9,16  
42:4,6,13 76:17 77:7  
86:22 112:10 113:24  
114:13 116:2 117:14  
122:8,13,19,25 124:1  
126:23 158:1 159:4  
176:19  
**seeing** 34:16 72:22  
119:14  
**seeking** 22:8 177:23  
180:6  
**seen** 18:2 31:17 34:7

42:20 47:5 56:9 61:16  
96:17 100:15 112:5  
128:8 170:6,8  
**sees** 114:24 123:19  
**sell** 8:1 11:18 12:7 14:4  
21:19,20 124:16  
135:6 140:1,1,3 143:1  
143:2 152:4 154:23  
154:25 155:5,13,13  
155:15,20,22,23  
159:12,18 165:22  
174:9  
**seller** 145:3  
**selling** 12:10 21:17  
22:5 67:17 75:11  
134:20,21 144:16,21  
145:22 150:18,22,24  
150:25 155:11,19  
163:19 169:12  
**sells** 8:11,15 12:13  
155:10  
**semi-automatic** 10:9  
**send** 51:23  
**sense** 40:23 155:12  
**sentiment** 46:23  
**sequestered** 37:5  
**sergeant** 2:14 3:12,16  
24:15,16,24 25:1,12  
25:14 26:7,14 27:11  
43:12,14 49:2,5,25  
50:8,16,25 51:10 53:1  
53:11 54:2 57:4 60:25  
62:3,20 96:15 97:14  
97:15 100:6 101:16  
118:7,8,10 130:10  
173:22  
**series** 34:22  
**serious** 16:18  
**serve** 20:6 124:15  
129:3 142:25 156:17  
**served** 175:17  
**service** 26:3 49:25  
50:16 63:6 153:23  
174:15  
**serving** 39:9 134:20  
**session** 181:20  
**set** 61:9 176:16  
**sets** 123:25  
**seven** 8:21 11:9 18:20  
87:7,8,13,21 102:21  
135:25 141:9,15  
142:6,12 143:9,21  
153:2,4 157:1 159:21  
**Seventeen** 9:23  
**shape** 36:3 173:4  
175:15  
**share** 68:23,25 69:3,11  
69:13,22 70:15,25

72:6,15 77:5,25 92:11  
101:9 104:11 123:15  
**shared** 18:2 56:13  
103:17 104:11  
**sharing** 70:3 72:18  
91:22  
**shattered** 34:4  
**shell** 33:24 34:8,11  
**shield** 31:20  
**shift** 26:15 30:3 44:10  
59:17 126:12 133:6,7  
133:12 134:16 152:20  
152:22,25  
**shocked** 119:15  
**shocking** 14:8  
**shooting** 9:7 12:17 23:1  
28:13 29:24 31:3  
33:20 47:25 48:11  
58:5,6 81:13 87:2  
95:20 128:15,16  
163:12,14,17 165:9  
171:3  
**shootings** 27:21,24  
**shop** 142:11  
**Short** 1:20 49:19,23  
50:4,12,15 51:4 95:10  
95:11,15,16,25 96:8  
96:13 97:7,14,22 98:6  
98:11,17 144:7,8,12  
144:19,25 145:2,12  
145:14,19,25 146:11  
146:13,23 147:2,5,7  
147:12,25 148:3,8,14  
148:21,25 149:12,20  
150:9,11,16,23 151:2  
151:9,12,14,24 152:1  
152:9,15,17,20,24  
153:2,6,11,14 178:11  
178:12,12 180:13,13  
180:14,16,17,17  
**shortly** 10:25 176:15  
**shot** 8:19 31:14 34:4  
38:13 78:14 96:4  
**shots** 81:25 96:22  
**show** 15:15,18 16:22  
19:14 101:13 102:20  
104:22,24 111:9  
133:4  
**showed** 34:18 71:5  
**showing** 34:13  
**shown** 172:24  
**shows** 167:5  
**shut** 22:2 128:23 129:9  
129:13 159:16  
**shuts** 85:17  
**siblings** 19:1,4  
**side** 35:6,24 59:7 74:25  
84:20 97:5 114:18

**sides** 57:2 114:18  
**sidewalk** 97:6  
**sign** 116:6 154:3,16  
**signed** 13:3  
**signify** 75:3  
**signing** 157:6  
**signs** 20:11 116:3,5,10  
129:24 177:5  
**Silver** 110:12,12  
**similar** 11:16 28:4 43:4  
43:5 59:6,25 61:19  
83:12 93:14 95:19  
**similarly** 104:13  
**simply** 95:16 98:6  
163:10  
**Simultaneous** 4:2 5:15  
22:18 26:20 35:13  
36:7,12 43:6 52:5,18  
53:22 54:13,17 59:15  
59:22 61:7 62:11 67:2  
67:25 70:10 72:2  
77:12 133:14 140:20  
142:14 145:17 146:16  
147:9,17 148:16  
149:10 150:14 151:16  
152:8,23 155:8  
158:22 160:23  
**single** 8:12 14:14  
155:19 169:12  
**single-sale** 67:17  
**single-sell** 67:15  
**sir** 4:6,16 5:4,9 7:4 13:2  
17:11 21:22 24:12  
40:5 49:3,21 50:14  
52:9,20 53:18 60:8,17  
60:19 62:6 63:6,16  
64:6 69:6,18 70:17,21  
77:10,15,16,20 92:13  
93:20 95:8 103:23  
106:17 120:2,4 128:6  
132:2 134:20 135:1  
135:20 136:18 137:1  
137:9,25 138:8 140:3  
140:11,17,19 141:5  
142:3,13,24 143:6  
156:23 158:18 161:3  
161:17  
**site** 35:18 36:8,13  
**sitting** 94:16 95:5 118:2  
**situation** 57:1 163:16  
164:14,15,23 166:10  
167:1 168:7 170:22  
173:12,16  
**situations** 58:10 167:10  
**six** 8:17 81:15  
**Sixteen** 9:21  
**sixth** 20:9 25:20  
**size** 96:19

**skip** 81:7 82:19 88:23  
 90:1 91:7  
**skulking** 29:8  
**slightly** 82:20 88:23  
 91:7  
**slow** 113:8  
**small** 8:7 39:21 155:24  
 156:10,12 175:3,10  
**socks** 38:24,25  
**sodas** 37:9,10  
**sold** 23:20 73:18 96:3,5  
 96:12 164:24 165:24  
 166:6 169:11  
**somebody** 117:18  
 166:20  
**somewhat** 104:22  
 108:16  
**soon** 150:1,3 169:23  
**sophisticated** 139:6  
**sorry** 2:24 3:5,23 4:3  
 7:16 13:16,18 15:2  
 21:15 25:4 26:22 27:2  
 36:8,10 39:5 42:3  
 51:1 52:21 57:7 77:24  
 79:4 84:14 100:2  
 118:23 120:2 121:2  
 124:13 137:5 141:3  
 145:11 150:22 161:21  
 168:9  
**sort** 19:15 32:24 58:15  
 84:5 162:22 177:12  
**sound** 115:3  
**sounds** 156:24  
**south** 164:3  
**Southcott's** 63:23  
**Southeast** 8:5 25:25  
 110:13  
**speak** 41:5 108:15  
 111:4 160:9  
**Speaker** 120:6  
**speaking** 4:2 5:15  
 22:18 26:20 35:13  
 36:7,12 43:6 52:5,18  
 53:22 54:13,17 59:15  
 59:22 61:7 62:11 67:2  
 67:25 70:10 72:2  
 77:12 79:14 127:12  
 133:14 140:20 142:14  
 145:17 146:16 147:9  
 147:17 148:16 149:10  
 150:14 151:16 152:8  
 152:23 155:8 158:22  
 160:23  
**speaks** 101:19,19  
**specific** 17:25 18:18  
 55:18,21 69:4 100:25  
 102:18 103:8,14  
 118:15 127:24

**specifically** 18:20 19:6  
 47:22 48:6 76:7 93:24  
 97:11 102:21 108:3  
 128:4 176:18  
**speculation** 75:5  
**spell** 3:16,21 4:14,24  
 5:3 6:7 24:25 64:11  
**spelled** 4:19  
**spelling** 3:9  
**spent** 172:22  
**spoke** 11:22  
**sporadically** 19:15  
**Spring** 110:12,12  
**stack** 91:11  
**stacked** 37:9  
**staff** 44:11 107:11  
 140:18  
**stand** 2:9 97:16 106:14  
 127:14  
**standard** 17:16 122:5  
 162:25 163:6  
**standing** 20:11 78:14  
 84:7 95:23 97:19  
 110:23 116:5 127:21  
 158:8,13 177:5  
**standpoint** 170:2  
**start** 2:22 5:24 108:18  
 115:23 125:11 161:8  
**started** 34:14 37:4 41:4  
 43:20 107:20 108:10  
 154:12  
**starting** 87:7 90:2  
**stashed** 10:8  
**state** 3:16,21 4:14 6:7  
 24:25 32:13 36:22  
 64:10 120:10  
**stated** 17:9 29:13 31:2  
 32:8,10 49:7 97:15  
 105:3 122:22 124:8  
 126:8 128:3 136:6,15  
 136:15 138:5 175:25  
**statement** 161:6  
**states** 102:21  
**station** 42:24 53:7  
**stations** 42:22  
**status** 15:22 171:18  
**statute** 103:13  
**statutory** 179:7,11  
**stay** 17:19 126:13  
 143:24  
**stealing** 139:11,14  
**Steffone** 31:22 108:5  
 132:4,15  
**step** 122:24  
**steps** 159:25  
**stipulated** 12:22,25  
 13:7 35:11 66:10  
 172:23,25

**stipulation** 13:3 18:1  
 22:11  
**stipulations** 6:20,23 7:7  
 7:21 14:9 62:19 162:9  
 169:16  
**stop** 44:10 91:22  
 131:19 156:23 170:22  
**stopping** 92:11  
**stops** 57:11  
**store** 12:1,14 18:19,22  
 19:13,17,24 20:3,8,12  
 20:14,22 29:19,23  
 30:6 31:3,20,23 32:1  
 32:11,14,24 34:9 37:3  
 41:8 43:23 45:14,18  
 46:7 50:6 82:6,12  
 93:4,9 94:2,6,25 96:3  
 96:14 97:1,8,17,19  
 99:2 107:16 110:4,6  
 110:10,22 112:15,25  
 114:13 115:4,21  
 122:25 125:13 126:12  
 128:15 129:6,7,8,20  
 131:2 138:12,18  
 141:15 143:8 148:14  
 150:19 152:7 153:20  
 155:13 164:2 172:19  
 174:5,8  
**store's** 9:17 30:19  
**stored** 76:22 164:11  
 165:1  
**stores** 42:21,22 43:5  
 45:24 155:9,10  
**straight** 32:18 174:7  
**stranger** 168:6  
**strength** 36:5  
**struck** 34:6  
**struggle** 81:24  
**stuff** 115:13 126:11  
 131:15 145:22 151:23  
 155:10  
**subject** 38:13 80:24  
 81:18,18 108:4  
**subjects** 81:17 85:2  
**submitted** 13:3 56:19  
**subsequent** 114:7  
 167:3  
**substance** 10:1 11:12  
 11:15 36:21 38:21  
 39:1,12 47:8 80:13  
 81:4 83:8 88:10  
**substantial** 162:18  
**substantive** 102:14  
**Substation** 25:21,22  
 26:2  
**success** 160:10  
**successful** 157:18,20  
 157:21

**successfully** 77:6  
**sufficient** 86:14  
**suggest** 61:14  
**suggesting** 175:11  
**suggestions** 173:21  
 174:20 175:19  
**summaries** 101:5  
**summary** 1:7 2:5,20  
 5:14 6:11 13:13,13,17  
 17:2,14 21:14,15 24:3  
 55:17 102:17,24  
 103:1 104:21 129:2  
 161:24 176:8  
**Sunday** 128:18 129:8  
**superintendent** 149:7  
**supervise** 26:8  
**supervising** 26:15  
**support** 56:17  
**supports** 167:11  
**supposed** 6:12 51:9  
 142:16,16  
**supposedly** 164:5  
**surmising** 96:19  
**surprising** 167:3  
**surveillance** 65:19  
 66:19 86:11 90:3  
**suspect** 81:25  
**suspects** 81:13 85:14  
**suspend** 16:4,9  
**suspended** 15:21 17:3  
 171:17  
**suspension** 2:6,20 5:14  
 6:11 13:13,14,17 14:4  
 15:14 16:14 17:2,14  
 21:14,15 24:3,4,8  
 55:17 102:17,24  
 103:2 104:21 129:1,2  
 141:1,14 142:4,5  
 143:7 161:24 176:8  
**suspensions** 16:22  
**suspicious** 67:12  
**sustain** 75:22  
**sustains** 145:5  
**swear** 24:18 64:2 106:6  
**sworn** 106:13  
**system** 40:15 42:4,6,9  
 42:13,24 76:23,24  
 77:2 96:18 97:13  
 114:20 122:9,13,25  
 123:15 124:1 126:23  
 129:18 139:6 158:4  
 158:10,16  
**systems** 42:20 158:24

---

**T**


---

**T-A-Y-E** 5:7  
**T-I-M-O-T-H-Y** 4:9  
**t/a** 1:6 7:11,25

**tab** 35:19  
**table** 173:1,2,18  
**tail-end** 46:10  
**taken** 20:10 40:20  
 77:10 79:13 88:8  
 96:22 159:15  
**takes** 15:15 98:3 104:22  
**talk** 41:5 47:12,15 108:2  
 117:24 150:6 163:12  
 172:14  
**talked** 93:23 118:14  
 121:8 129:23 165:19  
**talking** 14:14,15 26:19  
 27:12 51:16 53:14  
 110:25 126:19 127:3  
 127:12,24 130:11  
 132:5,8 134:6 142:25  
 149:18,18 155:18  
**Tameru** 115:15,16,17  
 115:18  
**tape** 110:21,24 111:1,2  
 111:3  
**tell** 20:20 24:18 64:2  
 106:7 114:14 138:13  
**telling** 137:23,24 138:7  
 142:10 144:20  
**temporary** 143:12  
 144:3  
**ten** 9:2 89:13,21 91:8  
 105:14  
**term** 135:23  
**terminated** 111:24  
 135:4,16 173:16,17  
**terms** 6:17 22:23,24,24  
 23:2,6 24:7 35:10,11  
 42:11,17 43:1 75:9  
 129:1 163:3 164:20  
 165:14 166:8  
**tested** 40:3 61:2  
**testified** 46:2 54:9  
 97:15 106:14 117:22  
 118:7,11 123:4  
 134:19 136:3,4  
 137:19 162:15 173:11  
 173:22  
**testify** 7:14,17,18 63:3  
**testifying** 43:17 75:14  
**testimony** 22:24 46:11  
 46:13,22 47:16 49:2  
 51:12 52:19 54:2  
 56:20 62:4,22 75:20  
 93:22 94:1,11 98:8  
 99:17 100:22 118:8  
 119:8 120:8,8 126:8  
 130:11 153:17 163:7  
 166:12 167:5 169:14  
 172:14,24 174:10  
**testimony's** 13:5

**textbook** 161:23  
**thank** 2:18 4:1,6,13  
 6:10 7:5 12:24 14:2  
 17:6 21:10 22:9,11  
 24:1,1,13,21,23 27:9  
 27:10 47:11 49:1,16  
 49:23,24 50:12,15  
 51:3 57:10 60:7,11  
 62:1,3,8,9,23 63:6,8  
 64:5,7 68:17,18 69:2  
 73:2 92:14 95:8,11,13  
 95:15 98:7,8,9,11,12  
 99:9,16,18 103:19,24  
 119:17 129:15 131:24  
 144:8,13 150:12  
 153:6,7,7,9,13,15,16  
 153:18 160:9,11,24  
 171:24,25 175:22  
 177:17 179:12,14,19  
 181:14,16,18,21  
**thankful** 162:8  
**thankfully** 164:19  
**Thanks** 50:2 62:8  
**things** 19:25 23:2 37:18  
 66:23 67:1 104:21  
 113:23 114:13 129:6  
 150:18,19 154:5  
 157:4 158:7 159:4  
 160:7 163:10 171:2  
 173:6 174:3,9  
**third** 92:24 93:8,24  
 95:17 96:1,9,11 98:18  
**Thirteen** 9:11  
**Thirty** 11:20  
**thirty-** 12:3  
**Thirty-five** 12:14  
**Thirty-four** 12:10  
**Thirty-one** 11:24  
**Thirty-six** 12:19  
**Thirty-three** 12:3,6  
**thorough** 95:12 172:18  
 172:21  
**thoroughly** 168:12  
**thought** 43:23 56:20,23  
**Threat** 111:21  
**Threatt** 31:22,22 32:9  
 32:21 33:17 34:18  
 37:4,15 38:14,16  
 41:10,15,23 45:6  
 47:13 48:2,6,18 94:2  
 108:5,18,22 109:11  
 109:14 111:16 112:5  
 113:18 118:13 119:3  
 120:11 121:7 124:8  
 124:14,20 125:11  
 128:1,4,8 132:21,23  
 133:2 146:4,5,15  
 148:4,5,11,11 170:18

**three** 8:7 10:15 15:1  
 19:7 44:21 57:22,23  
 60:6 64:19 81:15,22  
 82:2 90:3 108:11,12  
 108:13,19 116:5  
 121:14 125:10 129:16  
 138:10 163:22 164:5  
 164:7 169:5,7 179:4,5  
 179:5,6,8,8  
**threw** 86:8  
**throw** 156:11  
**throws** 91:11  
**tidy** 96:15  
**tidied** 37:1  
**till** 135:24  
**timely** 181:11  
**times** 28:21 57:16,17  
 57:23 94:6 107:25  
 113:5,17 127:25  
 138:10 159:13 166:14  
 170:6 172:22  
**timestamps** 78:23  
**timing** 102:11  
**Timothy** 1:23 2:15 3:13  
 4:8  
**tired** 127:12 139:18  
**today** 3:7 4:16 5:11  
 6:13 7:18 13:10,23  
 14:1,6 17:17 19:14  
 26:16,19 27:1,5,12  
 51:12 54:3 62:4 63:3  
 63:8 70:7 108:4 114:5  
 153:9,17 171:5  
 173:18,23 175:13  
 181:15,17  
**today's** 15:25  
**told** 7:2 32:2 33:1 47:20  
 110:3 125:4 128:19  
 137:12 138:16,20  
 146:19  
**tomorrow** 104:1 141:1  
 141:3,14 142:5 143:6  
 157:6  
**top** 37:10 74:15 156:14  
**topic** 76:14  
**total** 107:14 144:14  
 145:15  
**touch** 20:20 63:5  
**tough** 167:10 173:23  
**tour** 30:2 133:2 135:23  
**trade** 165:18  
**traffic** 126:14  
**trained** 27:23 28:1,2  
 50:8  
**training** 19:7,8 28:7,9  
 117:14 154:4 157:7  
 159:10 175:7 176:18  
**transaction** 67:7 80:15

80:23 89:20,23 94:15  
 94:21  
**transactions** 10:16,18  
 84:7 96:24 163:22  
**Transit** 35:23  
**transported** 38:22  
**tried** 118:16 175:5  
**trouble** 105:10 173:8  
**truck** 152:13  
**True** 135:21  
**trust** 19:3  
**trustworthy** 19:4  
**truth** 24:18,19 64:3,3  
 106:7,8 137:25  
**try** 18:5 27:1,4 33:7  
 41:6 78:22 82:24 83:3  
 135:9 138:17,18  
 141:21,21,21 145:11  
 147:22,22 150:6  
 151:6,8,21 173:7  
**trying** 20:21 22:13  
 62:16 71:23 72:7  
 135:19 136:24 137:15  
 141:17  
**Tsion** 1:6 7:10,24  
**Tuesday** 129:10  
**tuned** 181:17  
**turn** 27:2 28:10 31:1  
 63:12 105:15  
**turned** 30:7 38:3 100:16  
 100:18 102:5,12  
 171:2  
**turns** 166:10,11  
**Twelve** 9:7  
**Twenty** 10:7  
**Twenty-eight** 11:8  
**Twenty-five** 10:24  
**Twenty-four** 10:22  
**Twenty-nine** 11:17  
**Twenty-one** 10:11  
**Twenty-seven** 11:4  
**Twenty-six** 11:1  
**Twenty-three** 10:18  
**Twenty-two** 10:14  
**twice** 10:3  
**two** 8:4 11:12 12:4 15:2  
 19:5,23,25 20:4,6  
 30:5 34:24 44:21  
 57:22 58:15 59:24  
 60:6 65:18 74:6 80:16  
 81:8,10,12 82:14 86:4  
 88:1 90:22 103:3  
 106:24 107:1,21  
 108:1 114:17 123:5,9  
 123:9 124:10 128:22  
 129:11 146:13 148:4  
 152:6 158:3,23  
 163:22 173:15 174:4

176:10,24  
**two-and-a-half** 152:7  
 152:10 175:16  
**type** 35:21 39:8 45:17  
 103:13 104:25 112:6  
 113:19 153:20 176:14  
**types** 154:5 175:1  
**typical** 39:9  
**typically** 107:11

---

**U**


---

**ugly** 171:2  
**ultimate** 16:24  
**unable** 171:9  
**unaware** 34:17  
**uncomfortable** 29:4  
 44:25 45:11 46:6  
**understand** 19:19 33:3  
 57:13 70:11 71:7  
 93:25 112:24 129:1  
 145:14,25 151:19  
 159:11 167:9  
**understanding** 13:12  
 41:23 154:19 157:8  
**understands** 17:17  
**understood** 22:7 33:8  
 94:13  
**unfortunately** 59:1  
 105:5 173:7  
**unique** 14:13 96:18  
 174:1  
**unsafe** 171:16  
**unsupervised** 125:12  
**unusual** 29:5  
**uploaded** 7:3  
**upwards** 38:1  
**use** 14:17 42:15,16  
 115:7 123:25 129:24  
 163:20,20  
**username** 123:17  
**usually** 136:15  
**utilize** 104:24

---

**V**


---

**Valentino** 33:2  
**variable** 167:25  
**vehicle** 67:8  
**verbal** 131:21 167:13  
**vicinity** 37:15 50:5  
**victim** 8:19 9:10,11,15  
 9:16,18,24 10:2,5,8  
 10:15,19 11:6 12:17  
 18:11 78:13 79:19  
 80:12,22,25 81:1 82:1  
 82:8,10,17 83:8 84:6  
 84:20 85:19,24 87:11  
 87:16,23 88:15,20  
 89:2,5,8 90:14 91:10

91:18 93:11 94:1  
 95:21 111:19 112:7  
 118:18 127:1,8,19  
 130:19,23 131:1,6  
 147:19,20,21 148:3,8  
 148:11,13 149:19,20  
 149:21 150:18,21,24  
 164:9,20 166:13  
 167:7 168:4 173:13

**victim's** 86:6  
**victims** 31:14  
**video** 19:12 20:5 23:23  
 34:13,16,18 38:11,12  
 40:15 65:19 66:19  
 76:22 77:2 79:16  
 80:11 81:6,9,16,23  
 82:3,5,15,24 83:14,14  
 83:23 84:12 85:6,11  
 85:22 86:5,11 87:5,9  
 87:14,22 88:1,12,24  
 89:7,14,22 90:4,5,11  
 90:16,23 91:8,16  
 96:16,18,20,20,25  
 97:3 99:5 110:5  
 111:10,12,16,19  
 112:4,14 117:23  
 119:14 128:13 150:17  
 163:18 176:20

**videoconference** 1:14  
**videos** 18:2,3 83:11  
 95:25 96:13  
**view** 92:18,22 97:8  
 164:4 177:1  
**viewed** 57:17  
**viewing** 93:23  
**views** 97:13  
**violated** 23:7  
**violations** 66:21 180:6  
**violence** 164:17  
**violent** 14:14  
**violently** 164:18  
**visibility** 174:3  
**visible** 79:24 84:8 97:5  
**visit** 66:23 86:22  
**visited** 66:15  
**visual** 159:7  
**voice** 108:16  
**volume** 165:23  
**vote** 178:11 180:16

---

**W**


---

**W** 1:15,17  
**wad** 9:18  
**wage** 122:5 156:25  
 157:15  
**waive** 103:7 105:4  
**waived** 15:1  
**walk** 45:18 53:7 77:6

81:13 83:11  
**walks** 89:11  
**wall** 34:1 130:4  
**Walter** 1:22 2:11,24 3:1  
**wanted** 5:20 29:14,23  
 74:2 93:3 172:13  
**wanting** 159:8  
**warning** 21:4 166:23  
**Washington** 8:6  
**wasn't** 18:7,10 30:14  
 41:10 46:6 124:20  
 137:11 163:16 167:2  
**watch** 111:12  
**watching** 41:14 95:18  
 109:22 150:2  
**way** 15:8 32:22 39:9  
 46:25 69:3,13 71:5  
 88:18 90:25 94:10  
 120:22 125:18 135:13  
 136:21 139:23 142:18  
 150:7 151:22 156:11  
 156:16 157:10 158:5  
 159:20 163:1,15,25  
 163:25 168:14 170:12  
 170:13 171:5,15  
 173:4 174:17 175:15

**WebEx** 1:14

**Website** 181:10

**Wednesday** 1:12

128:21 129:11  
**week** 21:1,2,2 135:25  
 141:10,15 142:7,13  
 143:9 153:3 159:22

**weeks** 29:17

**weighed** 10:19

**weighing** 79:20

**weight** 8:13 12:12  
 74:12,12 165:24

**welcome** 99:11

**went** 19:11 29:2 30:9

66:11,17 105:19

110:5,7 125:1 181:24

**weren't** 125:24

**whatsoever** 168:22

**white** 11:12 37:1 38:20  
 39:1,1 88:10

**willing** 171:10 177:11

**window** 69:4,13

**wine** 124:16

**wish** 63:15 105:8  
 160:10 161:6 163:12

**witness** 1:23,23 3:8

23:14 24:12,15,22

31:25 55:15 62:13

63:2,15 64:6 93:16

99:20 102:7 105:8,22

105:25 106:14,16

173:10

**witnessed** 163:23  
**witnesses** 3:6,7,12 5:10  
 7:14 102:22 103:9,15

**wonder** 168:8

**word** 37:5 109:18

**words** 126:7 131:21

**work** 20:21 30:3 40:25

49:14 76:3 107:2,8,15

108:9 111:22 115:10

118:21 120:19 121:11

126:8 133:3,20 135:1

135:25 140:3 141:2

142:18 152:15,18

153:20 160:6 161:17

161:19,19 172:2

173:24

**worked** 31:22 45:12

64:18 108:7 124:9

129:9 133:5,17,22,25

134:1 136:1,3,6 153:2

153:4 172:19

**working** 26:1 45:6

48:10 107:24 108:10

108:18 119:4,9 132:1

132:12 133:23 134:10

134:15 136:17 140:11

141:14 152:19,21,24

157:1

**works** 115:11

**worst** 131:16

**wouldn't** 40:20

**writing** 120:9

**written** 19:5 51:13 54:4

56:21 100:12 116:23

117:4 120:25 121:4

176:16

**wrong** 19:12 93:25

127:2 163:5 167:21

**wrote** 120:10

---

**X**


---



---

**Y**


---

**year** 95:18 144:20,21

**years** 20:15 21:9 25:17

64:19 106:25 107:1

107:21 124:10 152:3

152:4,6,7,10 175:15

**yellow** 110:25 111:2,3

**yesterday** 101:23

**YouTube** 70:6

---

**Z**


---

**Zemenfes** 115:18

**zoom** 82:23 83:1

---

**0**


---

|   |   |  |
|---|---|--|
| <b>1</b>  | <b>3</b>  | <b>6:00</b> 28:13 58:7 110:18<br>128:17<br><b>6:07</b> 10:15<br><b>6:11</b> 8:18<br><b>6:25</b> 105:13<br><b>6:26</b> 105:19<br><b>6:35</b> 105:15,17<br><b>6:36</b> 105:20<br><b>600</b> 74:13<br><b>605-</b> 26:4<br><b>607</b> 26:5,7,18 27:17<br><b>650</b> 74:13<br><b>6th</b> 28:17 43:8 |
| <b>1,610.00</b> 35:9<br><b>10</b> 74:9 92:5,9<br><b>100</b> 33:8<br><b>11</b> 70:23 71:18 72:19<br><b>116862</b> 1:8 2:5<br><b>12</b> 88:2 143:21,25<br><b>12:00</b> 133:15,18,24<br>134:7,11 135:24<br>136:16 140:4,7 141:6<br>141:9,16 142:10,12<br>142:18 143:9 159:18<br>159:21 168:15<br><b>13</b> 11:20 66:12,15 76:24<br><b>13th</b> 94:14<br><b>14</b> 89:22<br><b>14th</b> 142:22<br><b>15</b> 122:2,3<br><b>15th</b> 180:11<br><b>16</b> 123:8<br><b>18</b> 1:10 123:7<br><b>19</b> 90:2,4,10,15<br><b>1st</b> 170:10   | <b>3</b> 53:15,19 82:9 101:4<br>176:18<br><b>3:00</b> 6:18 126:13<br><b>3:30</b> 126:16<br><b>30</b> 35:25 36:5 80:21<br>81:21<br><b>30-M</b> 11:10<br><b>33</b> 87:5 90:4<br><b>35</b> 110:16<br><b>36</b> 90:11 172:23<br><b>39</b> 90:16<br><b>3rd</b> 170:10  | <b>7</b>   |
| <b>2</b>  | <b>4</b>  | <b>8</b>   |
| <b>2</b> 26:14 54:14 101:4<br>176:15<br><b>2:30</b> 12:1 126:13<br><b>20</b> 20:15 26:15,16 84:23<br>86:5 87:8 90:22 91:2<br>175:15<br><b>20020</b> 8:6<br><b>2021</b> 21:5<br><b>2022</b> 1:10,12 8:17 11:20<br>11:25 78:10 109:21<br>180:2,10,11<br><b>20th</b> 180:2,10<br><b>21</b> 91:7,15 132:24 134:3<br>134:3<br><b>22-251-00006</b> 1:8 2:4<br>177:24 178:3<br><b>2200</b> 59:11<br><b>24</b> 85:5 100:11,21 101:7<br>101:12<br><b>2400</b> 1:7 8:5 50:6 59:10<br>152:5<br><b>247</b> 11:9<br><b>25</b> 144:17,25 145:6,15<br>162:15,17 174:10<br><b>2575</b> 177:21 179:2<br><b>2575(b)</b> 179:25<br><b>2575(b)(13)</b> 178:5<br><b>2575(b)(14)</b> 179:25<br><b>2575B4A</b> 178:2<br><b>27</b> 85:6 87:9<br><b>2701</b> 25:24<br><b>28</b> 79:15,18 | <b>4</b> 8:17 11:25 23:4 28:13<br>30:20,22 31:2,5 41:16<br>41:25 43:3 46:2 49:15<br>51:14 54:4 61:22<br>65:13 77:19 78:10<br>176:19<br><b>4:00</b> 133:15,18,24 134:7<br>134:10 135:24 136:16<br><b>4:16</b> 2:2<br><b>40</b> 80:20 81:22 110:17<br>164:3<br><b>41</b> 79:16<br><b>42</b> 88:24<br><b>44</b> 91:16<br><b>45</b> 82:3 110:11<br><b>46</b> 88:25<br><b>47</b> 80:10 82:9<br><b>48</b> 38:4 87:14 103:3<br><b>4th</b> 49:8 92:19 101:21<br>102:12 109:21 112:4<br>112:14 113:17,20,23<br>114:15 117:22,24,25<br>123:5 125:22 137:13<br>138:15,22 | <b>7</b> 177:7<br><b>7:30</b> 161:10<br><b>7:56</b> 181:24<br><b>72</b> 103:5<br><b>75</b> 145:19<br><b>7F</b> 1:7   |
|   | <b>5</b>  | <b>9</b>   |
|   | <b>5</b> 50:7,7,10,11 83:16<br>176:22<br><b>5:00</b> 58:2<br><b>50</b> 81:8,10 85:10 87:22<br>89:7<br><b>52</b> 85:15 88:12<br><b>54</b> 85:22 88:19<br><b>57</b> 82:21,22<br><b>59</b> 81:6  | <b>8</b> 88:19<br><b>8:00</b> 58:3 168:15<br><b>8:10</b> 11:21   |
|   | <b>6</b>  | <b>9</b> 142:20 143:25<br><b>9:00</b> 58:3 140:4,6 141:6<br>141:8,16 142:9,12,20<br>143:8,20,20 159:18<br>159:21<br><b>90</b> 72:25<br><b>90-day</b> 143:12,12<br><b>925</b> 11:10<br><b>95</b> 115:12<br><b>96</b> 129:13   |
|   | <b>6</b> 1:12 70:23 71:17<br>72:15,22 79:16 120:6<br>177:3<br><b>6-0-0</b> 178:25 181:5<br><b>6-and-7</b> 26:5  |  |

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Before: DC ABRA

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