

ALSO PRESENT:

WALTER ADAMS, DC OAG

JUSTIN L. SUTTON, DC OAG

JOHN FARMER, Licensee Attorney

MEHARI WOLDEMARIAM, Licensee

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

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone. We now call case No. 17-CMP-00729,
5 Green Island Café/Heaven & Hell, License No.
6 74503.

7 Will the parties, please, approach and
8 identify themselves for the record, please?

9 MR. ADAMS: Good afternoon, Mr.
10 Chairman and Members of the Board. I'm Walter
11 Adams representing the District of Columbia.

12 MR. SUTTON: Justin Sutton on behalf
13 of the District of Columbia.

14 CHAIRPERSON ANDERSON: Your last name
15 again, sir?

16 MR. SUTTON: Justin Sutton.

17 CHAIRPERSON ANDERSON: Mr. Sutton.

18 MR. SUTTON: S-U-T-T-O-N.

19 CHAIRPERSON ANDERSON: Good afternoon,
20 Mr. Sutton.

21 MR. FARMER: John Farmer on behalf of
22 Green Island.

1 CHAIRPERSON ANDERSON: Good afternoon,
2 Mr. Farmer.

3 MR. WOLDEMARIAM: Mehari Woldemariam
4 on behalf of Green Island.

5 CHAIRPERSON ANDERSON: Good afternoon,
6 Mr. Woldemariam. Could everyone, please, sign-in
7 their name, please? All right.

8 This is actually a Show Cause Hearing,
9 but so prior to us starting, are there any
10 preliminary matters?

11 MR. ADAMS: Yes, Mr. Chairman. I
12 think there are a couple preliminary matters and
13 the first one to address is really the -- that
14 the parties have reached an Offer in Compromise.

15 This is a case where there is a single
16 charge in which the establishment on December 24
17 is being charged with violating the Board Order
18 that requires it to have reimbursable detail
19 employed at all times between Thursdays and
20 Sundays.

21 So to resolve that matter, the parties
22 have discussed and we propose a fine in the

1 amount of \$2,100 to be paid within a period of
2 120 days. And if the establishment fails to pay
3 that fine within 120 day period, then the
4 establishment understands that the license would
5 be suspended until such time they make the
6 payment.

7 CHAIRPERSON ANDERSON: Okay. That's
8 the extent of it?

9 MR. ADAMS: Yes, that's the extent of
10 it, Mr. Chairman.

11 CHAIRPERSON ANDERSON: Mr. Farmer?

12 MR. FARMER: Yes.

13 CHAIRPERSON ANDERSON: It's my
14 understanding that there is an Offer in
15 Compromise and the Offer in Compromise is that
16 there is a fine of \$2,100 payable in 120 days.
17 Is that your understanding, sir?

18 MR. FARMER: Yes, it is.

19 CHAIRPERSON ANDERSON: All right. And
20 I truly believe today that this is the Offer in
21 Compromise, because your client is sitting next
22 to you expressionless and I am very familiar with

1 Mr. Woldemariam that I know when he doesn't agree
2 with something, that he shows it. So I don't
3 need to ask, I feel comfortable that your client
4 is in agreement with this Offer in Compromise
5 today.

6 MEMBER SILVERSTEIN: Mr. Chairman, you
7 are a master of understanding.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Silverstein.

10 All right. So all right, do does your
11 -- is your client aware that by accepting an
12 Offer in Compromise, that he is giving up his
13 right to a hearing?

14 MR. FARMER: Yes.

15 CHAIRPERSON ANDERSON: And your client
16 is also aware that by accepting an Offer in
17 Compromise, that he is giving up his right to
18 appeal this matter?

19 MR. FARMER: Yes.

20 CHAIRPERSON ANDERSON: All right. Are
21 there any questions by any Board Members?

22 Hearing no questions, I then make a

1 motion that the Offer in Compromise of a fine of
2 \$2,100 payable in 120 days be accepted. Is there
3 a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 MEMBER ISAAC: Aye.

9 CHAIRPERSON ANDERSON: Aye.

10 MEMBER SHORT: Aye.

11 MEMBER SILVERSTEIN: Aye.

12 MEMBER CATO: Aye.

13 MEMBER WAHABZADAH: Aye.

14 CHAIRPERSON ANDERSON: Those opposed?

15 MEMBER ALBERTI: Opposed.

16 CHAIRPERSON ANDERSON: The matter
17 passes 6-1-0 with Mr. Alberti in opposition.

18 Thank you very much. I wanted --

19 MR. FARMER: Mr. Chairman?

20 CHAIRPERSON ANDERSON: Yes, yes, hold
21 on a minute, Mr. Farmer. Hold on a minute.

22 I want to thank the parties for

1 agreeing to an Offer in Compromise. I know you
2 want to say something, sir.

3 MR. FARMER: Yes.

4 CHAIRPERSON ANDERSON: I'm going to
5 allow you to. I know that this would not -- it's
6 not going to be as easy as that where I don't
7 hear any other words. And I appreciate the fact
8 that -- I appreciate the fact.

9 I, however, want to thank the parties
10 for working this matter out. Sometimes when we
11 have hearings that is dragging the matter through
12 and so I appreciate the fact that the parties
13 were able to discuss and come to terms that are
14 satisfactory to both sides.

15 Yes, Mr. Farmer?

16 MR. FARMER: In recognizing that we
17 basically settled this particular item, one of
18 the items I wanted to bring before the Board is
19 the issue of RDO itself.

20 We are coming up on a year where it
21 has been -- where the RDO has been on -- been in
22 place.

1 CHAIRPERSON ANDERSON: Yes.

2 MR. FARMER: And Mr. Woldemariam has
3 made substantial changes in operation. Mainly,
4 he has got a full-service food operation. The
5 club asked that this operation only run on
6 Fridays and Saturdays.

7 Also, recognizing the fact that there
8 have not been any violent incidents at the club
9 and the only real violation he has had was the
10 underage service, which was -- from my
11 description, would be an administrative foul-up,
12 because there was only one guy who showed up for
13 work. One security person that showed up for
14 work on that particular day.

15 I wonder if the Board would be willing
16 to consider a motion to remove the RDO?

17 CHAIRPERSON ANDERSON: I don't know
18 the process. I can't respond, so I'm not sure.
19 Are you asking -- are you making an oral motion,
20 at this juncture, for the Board to lift that or
21 what is the process to -- if you are asking the
22 Board to reconsider the RDO?

1 MR. FARMER: I am -- my understanding
2 of the process is that I would submit a written
3 motion with requisite evidence of the changes and
4 things that have been made for full consideration
5 by the Board.

6 CHAIRPERSON ANDERSON: All right. My
7 personal position is that I will listen. I can't
8 speak for other Board Members to see what is it
9 that they are going to do, but I take these
10 matters individually. I'm not going to look at
11 your history, your last history. I will look at
12 -- at least if it comes to me to make a decision,
13 I'm going to look to see why is it that the Board
14 imposed these conditions and what it is that --
15 have the conditions improved in an area -- in
16 this period of time?

17 Is there a sufficient period of time?
18 That's -- I'm just saying how I'm going to look
19 at it. Is it insufficient time for the Board to
20 lift the order? And I would also -- I see that
21 there are a couple of lieutenants and some police
22 officers in the hearing today, so I would also

1 look to see what is their position.

2 And so it would at least help you if
3 you are asking the Board for you to have some --
4 at least for me anyway, to see what the police
5 are saying. Are they -- would they -- are they
6 in agreement? I mean, I would believe that, at
7 least for me, if I get an order and folks, I'm
8 hearing, in the community saying, you know, based
9 on what has been going on, we don't think that it
10 needs.

11 But if the community still -- and I'm
12 not speaking for the Board. I'm just saying what
13 I would look at to make a decision. When I --
14 this is what I would -- if you are asking me to
15 make a decision, these are things that I would
16 look at to make a decision to see what -- how I
17 would vote if this matter comes in front of me.

18 MR. FARMER: All right.

19 CHAIRPERSON ANDERSON: Okay. I'm not
20 saying that's what I'm going to do, but I'm just
21 saying what is it that I would need to look at
22 for you to try to convince me.

1 MR. FARMER: Right.

2 CHAIRPERSON ANDERSON: All right.

3 MR. FARMER: Right. And what I would
4 propose is an informal motion to the Board for
5 reconsideration.

6 CHAIRPERSON ANDERSON: Of course, you
7 can do that. And as I said, as I'm saying to
8 you, the way I look at things, these are things
9 that I would look at to see whether or not, when
10 the Board imposed these conditions, based on what
11 is going on in the neighborhood and based on what
12 is going on with this licensee, should these
13 conditions be lifted.

14 MR. FARMER: Okay.

15 CHAIRPERSON ANDERSON: So all right?

16 MR. FARMER: Understood.

17 CHAIRPERSON ANDERSON: Mr.
18 Woldemariam, you know, I'm even very comfortable
19 in pronouncing your name, which is not a good
20 thing for me. Okay. You know what I mean,
21 because I remember the first time you came across
22 here, I had some difficulty in pronouncing your

1 name. And I don't -- I'm too comfortable in
2 pronouncing your name, that tells me that you are
3 coming in front of me too often and I don't like
4 that.

5 And that's what I tell folks, I don't
6 necessarily like to see folks in front of me,
7 because normally when they are in front of me,
8 it's because something is wrong and that's not my
9 goal to always see people up here in front of me,
10 but we will see.

11 Send a motion to the Board and we will
12 consult with legal and the Board will make a
13 determination whether or not -- what the Board is
14 going to do.

15 MR. FARMER: All right.

16 CHAIRPERSON ANDERSON: And again, I'm
17 only speaking for myself. I don't know what the
18 other Board Members will do when such -- if such
19 a motion comes before us.

20 MR. FARMER: Thank you, sir.

21 CHAIRPERSON ANDERSON: Okay. Any
22 other -- any further comments?

1 With that said, this matter is in
2 recess. I know that we didn't do formal
3 introductions, but I see there are a couple of
4 lieutenants and police officers in --

5 MEMBER SHORT: A captain.

6 CHAIRPERSON ANDERSON: Captain, I'm
7 sorry, Captain. Well, since there is no -- there
8 are some white shirts and when there are white
9 shirts, I'm told that these are the important
10 officers. Not that the blue shirts are not as
11 important. But so there are two white shirts and
12 a blue shirt in the audience and I -- since they
13 have not introduced themselves, I just want to
14 say that.

15 And oh, also although this case is
16 over, I want to at least put on the record that
17 the Investigator for the day today was -- is
18 Investigator Nicole Langway. And today is
19 actually her last day in the Agency, working for
20 the Agency.

21 And I'm not sure if Mr. Woldemariam is
22 happy with that because --

1 (Laughter/Simultaneous Speaking)

2 CHAIRPERSON ANDERSON: -- Mr.

3 Woldemariam, I have to pick on you today, sir.

4 MR. WOLDEMARIAM: Go ahead and pick.

5 CHAIRPERSON ANDERSON: I have to pick
6 on you today.

7 MR. WOLDEMARIAM: She is a lovely
8 person.

9 CHAIRPERSON ANDERSON: Right. I have
10 to pick on you because -- and I say this with all
11 due respect is because when I face you, your face
12 is always -- I know exactly what you think,
13 although you don't say anything. So that's one
14 of the reasons why I pick on you, because I can
15 tell what you are thinking.

16 That's why a lot of times when I --
17 because I can tell how you think. I always tell
18 you to make sure that you talk to your attorney,
19 because I can see what is coming up.

20 But I just want to say on the record
21 that Ms. Langway today is her last day with the
22 Agency. She is moving on to greener pastures,

1 not necessarily -- she has moved out of the
2 jurisdiction.

3 I want to thank her publicly for her
4 service to the Agency and her service to the
5 District of Columbia. And I think this is --
6 there is no better way to end her tenure for her
7 not to testify today.

8 MR. FARMER: We almost had her.

9 CHAIRPERSON ANDERSON: So I just want
10 to thank, again, Ms. Langway for her service.
11 And again to thank the folks that are here, to
12 thank the --

13 (Cell Phone Rings)

14 CHAIRPERSON ANDERSON: Mr. Farmer!

15 MR. FARMER: I know.

16 MEMBER ALBERTI: Everything was going
17 so well.

18 CHAIRPERSON ANDERSON: You know, Mr.
19 Farmer, if that was Mr. Woldemariam, I would be
20 okay with it, but Mr. Farmer.

21 (Laughter)

22 CHAIRPERSON ANDERSON: Because we know

1 as attorneys, Mr. Farmer, we know when we go
2 downtown and if that happens, the Judge is not
3 too happy about that.

4 MR. FARMER: I would be taking a walk
5 to the back.

6 CHAIRPERSON ANDERSON: Right. So
7 that's why -- you know, I tell folks I'm harder
8 on attorneys because we know what the
9 expectations are. The non-attorneys don't know,
10 but the attorneys we know. So whenever an
11 attorney comes in front of me, I'm harder on
12 them, because I said you know better that these--
13 and I'm not picking on you per se, Mr. Farmer.

14 MR. FARMER: I understand.

15 CHAIRPERSON ANDERSON: But otherwise,
16 I just want to thank everyone for being here
17 today and thank everyone for coming to an
18 agreement. And I just want to thank you for
19 that. Okay.

20 MR. FARMER: Yes, sir.

21 CHAIRPERSON ANDERSON: This matter is
22 dismissed then. Thank you.

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MR. FARMER: Thank you.

CHAIRPERSON ANDERSON: All right.

(Whereupon, the Show Cause Hearing was
concluded at 1:51 p.m.)

<p>A</p> <p>able 8:13 accepted 7:2 accepting 6:11,16 Adams 2:11 3:9,11 4:11 5:9 address 4:13 administrative 9:11 afternoon 3:3,9,19 4:1 4:5 Agency 14:19,20 15:22 16:4 agree 6:1 agreeing 8:1 agreement 6:4 11:6 17:18 ahead 15:4 Alberti 1:19 7:15,17 16:16 Alcoholic 1:2,14,14 allow 8:5 amount 5:1 ANC 1:8 Anderson 1:16,18 3:3 3:14,17,19 4:1,5 5:7 5:11,13,19 6:8,15,20 7:5,9,14,16,20 8:4 9:1 9:17 10:6 11:19 12:2 12:6,15,17 13:16,21 14:6 15:2,5,9 16:9,14 16:18,22 17:6,15,21 18:2 anyway 11:4 appeal 6:18 appreciate 8:7,8,12 approach 3:7 area 10:15 asked 9:5 asking 9:19,21 11:3,14 attorney 2:13 15:18 17:11 attorneys 17:1,8,10 audience 14:12 August 1:12 aware 6:11,16 aye 7:7,8,9,10,11,12,13</p>	<p>9:20,22 10:5,8,13,19 11:3,12 12:4,10 13:11 13:12,13,18 BOBBY 1:19 bring 8:18 Building 1:15</p>	<p>D</p> <p>D.C 1:15 day 5:3 9:14 14:17,19 15:21 days 5:2,16 7:2 DC 2:11,12 December 4:16 decision 10:12 11:13 11:15,16 description 9:11 detail 4:18 determination 13:13 difficulty 12:22 discuss 8:13 discussed 4:22 dismissed 17:22 District 1:1 3:11,13 16:5 DONALD 1:20 Donovan 1:16,18 downtown 17:2 dragging 8:11 due 15:11</p>	<p>front 11:17 13:3,6,7,9 17:11 full 10:4 full-service 9:4 further 13:22</p>
<p>B</p> <p>back 17:5 based 11:8 12:10,11 basically 8:17 behalf 3:12,21 4:4 believe 5:20 11:6 better 16:6 17:12 Beverage 1:2,14,14 blue 14:10,12 Board 1:2,10,14 3:10 4:17 6:21 8:18 9:15</p>	<p>C</p> <p>Café/ 1:6 Café/Heaven 3:5 call 3:4 captain 14:5,6,7 case 1:9 3:4 4:15 14:15 CATO 1:19 7:12 Cause 1:7 4:8 18:3 Cell 16:13 Chairman 3:10 4:11 5:10 6:6 7:19 Chairperson 1:15,18 3:3,14,17,19 4:1,5 5:7 5:11,13,19 6:8,15,20 7:5,9,14,16,20 8:4 9:1 9:17 10:6 11:19 12:2 12:6,15,17 13:16,21 14:6 15:2,5,9 16:9,14 16:18,22 17:6,15,21 18:2 changes 9:3 10:3 charge 4:16 charged 4:17 client 5:21 6:3,11,15 club 9:5,8 Columbia 1:1 3:11,13 16:5 come 8:13 comes 10:12 11:17 13:19 17:11 comfortable 6:3 12:18 13:1 coming 8:20 13:3 15:19 17:17 comments 13:22 community 11:8,11 Comply 1:10 Compromise 4:14 5:15 5:15,21 6:4,12,17 7:1 8:1 concluded 18:4 conditions 10:14,15 12:10,13 consider 9:16 consideration 10:4 consult 13:12 Control 1:2,14,14 convince 11:22 couple 4:12 10:21 14:3 course 12:6 CT 1:8</p>	<p>E</p> <p>easy 8:6 employed 4:19 establishment 4:16 5:2 5:4 evidence 10:3 exactly 15:12 expectations 17:9 expressionless 5:22 extent 5:8,9</p>	<p>G</p> <p>giving 6:12,17 goal 13:9 Green 1:5,6 3:5,22 4:4 greener 15:22</p>
		<p>F</p> <p>face 15:11,11 fact 8:7,8,12 9:7 Failed 1:10 fails 5:2 familiar 5:22 Farmer 2:13 3:21,21 4:2 5:11,12,18 6:14,19 7:19,21 8:3,15,16 9:2 10:1 11:18 12:1,3,14 12:16 13:15,20 16:8 16:14,15,19,20 17:1,4 17:13,14,20 18:1 favor 7:7 feel 6:3 fine 4:22 5:3,16 7:1 first 4:13 12:21 folks 11:7 13:5,6 16:11 17:7 food 9:4 formal 14:2 foul-up 9:11 Fridays 9:6</p>	<p>H</p> <p>happens 17:2 happy 14:22 17:3 harder 17:7,11 hear 8:7 hearing 1:8,14 4:8 6:13 6:22 10:22 11:8 18:3 hearings 8:11 Heaven 1:5,7 Hell 1:6,7 3:5 help 11:2 history 10:11,11 hold 7:20,21</p>
			<p>I</p> <p>identify 3:8 important 14:9,11 imposed 10:14 12:10 improved 10:15 incidents 9:8 individually 10:10 informal 12:4 insufficient 10:19 introduced 14:13 introductions 14:3 Investigator 14:17,18 ISAAC 1:20 7:8 Island 1:5,6 3:5,22 4:4 issue 8:19 item 8:17 items 8:18</p>
			<p>J</p> <p>JAMES 1:21 John 2:13 3:21 JR 1:19 Judge 17:2 juncture 9:20 jurisdiction 16:2 Justin 2:12 3:12,16</p>
			<p>K</p>
			<p>L</p> <p>L 2:12 Langway 14:18 15:21</p>

16:10
Laughter 16:21
Laughter/Simultaneo...
 15:1
legal 13:12
license 1:8 3:5 5:4
licensee 2:13,14 12:12
lieutenants 10:21 14:4
lift 9:20 10:20
lifted 12:13
listen 10:7
look 10:10,11,13,18
 11:1,13,16,21 12:8,9
lot 15:16
lovely 15:7

M

making 9:19
master 6:7
matter 1:4 4:21 6:18
 7:16 8:10,11 11:17
 14:1 17:21
matters 4:10,12 10:10
mean 11:6 12:20
MEETING 1:3
Mehari 2:14 4:3
Member 1:19,19,20,20
 1:21,22 6:6 7:4,8,10
 7:11,12,13,15 14:5
 16:16
Members 3:10 6:21
 10:8 13:18
met 1:14
MIKE 1:20
minute 7:21,21
motion 7:1,6 9:16,19
 10:3 12:4 13:11,19
moved 16:1
moving 15:22

N

N.W 1:15
name 3:14 4:7 12:19
 13:1,2
necessarily 13:6 16:1
need 6:3 11:21
needs 11:10
neighborhood 12:11
NICK 1:19
Nicole 14:18
non-attorneys 17:9
normally 13:7
NW 1:7

O

OAG 2:11,12
Offer 4:14 5:14,15,20
 6:4,12,16 7:1 8:1

officers 10:22 14:4,10
operation 9:3,4,5
opposed 7:14,15
opposition 7:17
oral 9:19
order 1:10 4:17 10:20
 11:7

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 3:2 18:4
paid 5:1
particular 8:17 9:14
parties 3:7 4:14,21 7:22
 8:9,12
passes 7:17
pastures 15:22
pay 5:2
payable 5:16 7:2
payment 5:6
people 13:9
period 5:1,3 10:16,17
person 9:13 15:8
personal 10:7
Phone 16:13
pick 15:3,4,5,10,14
picking 17:13
place 8:22
please 3:7,8 4:6,7
police 10:21 11:4 14:4
position 10:7 11:1
preliminary 4:10,12
PRESENT 1:17 2:9
presiding 1:16
prior 4:9
process 9:18,21 10:2
pronouncing 12:19,22
 13:2
propose 4:22 12:4
publicly 16:3
put 14:16

Q

questions 6:21,22

R

RDO 8:19,21 9:16,22
reached 4:14
real 9:9
reasons 15:14
recess 14:2
recognizing 8:16 9:7
reconsider 9:22
reconsideration 12:5
record 3:8 14:16 15:20
Reeves 1:15
reimbursable 4:18

REMA 1:22
remember 12:21
remove 9:16
representing 3:11
requires 4:18
requisite 10:3
resolve 4:21
respect 15:11
respond 9:18
Retailer 1:8
Rings 16:13
Room 1:15
run 9:5

S

S-U-T-T-O-N 3:18
satisfactory 8:14
Saturdays 9:6
saying 10:18 11:5,8,12
 11:20,21 12:7
se 17:13
second 7:3,4
seconded 7:6
security 9:13
Send 13:11
service 9:10 16:4,4,10
settled 8:17
shirt 14:12
shirts 14:8,9,10,11
Short 1:21 7:4,5,10
 14:5
Show 1:7 4:8 18:3
showed 9:12,13
shows 6:2
sides 8:14
sign-in 4:6
Silverstein 1:20 6:6,9
 7:11
single 4:15
sir 3:15 5:17 8:2 13:20
 15:3 17:20
sitting 5:21
sorry 14:7
speak 10:8
speaking 11:12 13:17
 15:1
SR 1:20
starting 4:9
Street 1:7,15
submit 10:2
substantial 9:3
sufficient 10:17
Suite 1:15
Sundays 4:20
suspended 5:5
Sutton 2:12 3:12,12,16
 3:16,17,18,20

T

t/a 1:6
talk 15:18
tell 13:5 15:15,17,17
 17:7
tells 13:2
tenure 16:6
terms 8:13
testify 16:7
thank 6:8 7:18,22 8:9
 13:20 16:3,10,11,12
 17:16,17,18,22 18:1
these-- 17:12
things 10:4 11:15 12:8
 12:8
Thursdays 4:19
times 4:19 15:16
today 5:20 6:5 10:22
 14:17,18 15:3,6,21
 16:7 17:17
told 14:9
truly 5:20
try 11:22
two 14:11

U

underage 9:10
understand 17:14
understanding 5:14,17
 6:7 10:1
understands 5:4
Understood 12:16

V

violating 4:17
violation 9:9
violent 9:8
vote 11:17

W

W 1:16,18
WAHABZADAH 1:22
 7:13
walk 17:4
Walter 2:11 3:10
wanted 7:18 8:18
Washington 1:15
way 12:8 16:6
Wednesday 1:12
white 14:8,8,11
willing 9:15
Woldemariam 2:14 4:3
 4:3,6 6:1 9:2 12:18
 14:21 15:3,4,7 16:19
wonder 9:15
words 8:7
work 9:13,14

working 8:10 14:19
written 10:2
wrong 13:8

X

Y

year 8:20

Z

0

1

1:38 3:2
1:51 18:4
120 5:2,3,16 7:2
14th 1:15
17-CMP-00729 1:9 3:4
18th 1:7
1C 1:8

2

2,100 5:1,16 7:2
2000 1:15
20009 1:15
2017-439 1:10
2018 1:12
2327 1:7
24 4:16

3

4

400S 1:15

5

6

6-1-0 7:17

7

74503 1:8 3:6

C E R T I F I C A T E

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In the matter of: Heaven and Hell

Before: DC ABRA

Date: 08-01-18

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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Court Reporter

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