

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

IN THE MATTER OF: :

:

NAI Saturn Eastern, LLC, :

t/a Safeway :

2845 Alabama Avenue, S.E.: Protest

Retailer B - ANC 7B : Hearing

License No. 97704 :

Case #17-PRO-00075 :

:

(Application to Renew the:

License) :

Wednesday
March 7, 2018

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JOHN IGNACIO, Center Store Operations Specialist,
Safeway

STEPHEN O'BRIEN, Applicant Attorney

STEPHANIE RIDORE, Director for Government
Affairs, Safeway

LISA SHAW, Hillcrest Community Civic Association

INVESTIGATOR SHAWN TOWNSEND, ABRA

WAYNE YOUNG, Hillcrest Community Civic Assn.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Preliminary Matters.21
Closing Statement by Applicant	265
Closing Statement by Protestant.	266

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Shawn Townsend	73	109,117		
Wayne Young	142	172		
John Ignacio	194	204	254	249

EXHIBITS Mark'd Rec'd

GOVERNMENT

1	Protest Letter	88	88
2	Mixed-Use Zone Definition	88	88
3	GIS Map	88	88
4	400 Feet Stanton Elementary	88	88
5	Page 13 of Board Order	88	88
6	Safeway Location on Map	88	88
7	Safeway Front Parking Lot	88	88
8	Safeway Alcohol Aisles Photo	88	88
9	Safeway Alcohol Aisles Photo	88	88
10	Safeway Alcohol Aisles Photo	88	88
11	Safeway Alcohol Aisles Photo	88	88
12	Safeway Alcohol Aisles Photo	88	88
13	2/28/18 Regulatory Inspection	88	88
14	Safeway Alcohol 4-Packs/2-Packs	88	88
15	Safeway Alcohol		
	2 Bud Ice Singles	88	88
16	Safeway Alcohol 4-Packs/2-Packs	88	88
17	Safeway Alcohol 4-Packs/2-Packs	88	88
18	Safeway Alcohol 4-Packs/2-Packs	88	88
19	Safeway Alcohol 4-Packs/2-Packs	88	88
20	Operable Camera Monitor Copy	88	88
21	Desktop Monitor Photo	88	88
22	Desktop Monitor Photo	88	88
23	Desktop Monitor Photo	88	88
24	Abandoned Shopping Cart Photo	88	88
25	Safeway Front Parking Lot	88	88
26	Shopping Cart Attendant Photo	88	88
27	Bus Stop/Lot Safeway Front	88	88
28	Neighborhood Behind Safeway	88	88
29	Neighborhood Behind Safeway	88	88
30	Neighborhood Behind Safeway	88	88

T-A-B-L-E O-F C-O-N-T-E-N-T-S (Cont'd.)

		Mark'd	Rec'd
GOVERNMENT (Cont'd.)			
31	Neighborhood Behind Safeway	88	88
32	MPD Calls for Service	88	88
33	VA Between ANC/Safeway	88	88
34	Board Order	88	88
PROTESTANT			
1	Monitor Not Working Photo	151	
2	2nd Monitor Not Working Photo	153	
3	Safeway Receipt Photo	163	

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

2 1:45 p.m.

3 CHAIRPERSON ANDERSON: Okay. We will
4 now move to our afternoon agenda. The first
5 matter on our afternoon agenda is a Protest
6 Hearing, Case No. 17-PRO-00075, Safeway, License
7 No. 97704.

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

10 MR. O'BRIEN: Stephen O'Brien for the
11 renewal application. I'm accompanied by
12 Stephanie Ridore, R-I-D-O-R-E, Safeway's Director
13 of Government Affairs. The reporter has our
14 cards.

15 CHAIRPERSON ANDERSON: I'm sorry, I
16 didn't hear the last thing you said, Mr. O'Brien.

17 MR. O'BRIEN: I'm sorry, the last
18 name?

19 CHAIRPERSON ANDERSON: Yes, yeah. I
20 didn't hear what -- the last thing you said.

21 MR. O'BRIEN: Oh, the last thing I
22 said was the reporter has our cards.

1 CHAIRPERSON ANDERSON: Okay. Good
2 afternoon.

3 MS. RIDORE: Good afternoon.

4 MS. SHAW: Good afternoon. My name is
5 Lisa Shaw. I'm accompanied by --

6 MR. YOUNG: Wayne Young.

7 CHAIRPERSON ANDERSON: Good afternoon.
8 Prior to this Protest Hearing, I want the record
9 to reflect that the Safeway that is the subject
10 of the protest today is the Safeway that is
11 closest to my house. And so I am familiar with
12 the Safeway, because I do shop there from time to
13 time. And because this is in my neighborhood, I
14 am familiar with who the protestants are.

15 However, I do not believe that me
16 being familiar with the Safeway, I shop all over
17 the city, I shop at the Safeway, I shop at other
18 Safeways, I shop at Giant, I shop at Costco, so
19 if I was to recuse myself from every supermarket
20 that I ever shop at, then I guess I would never
21 hear a case here.

22 And knowing the -- because it's my

1 neighborhood, knowing the protestants, I don't
2 think that -- this in any bias my judgment in
3 this case today. But I just wanted the record to
4 reflect that I'm familiar with the Safeway and
5 I'm also familiar with the protestants in this
6 matter today. Okay.

7 Mr. Short?

8 MEMBER SHORT: I would also say that
9 I live in that community and I have shopped at
10 that shopping center. I remember when that
11 Safeway was built. And for a lot of us old-
12 timers, we remember there used to be a Sears and
13 Roebuck in that same lot, a very nice department
14 store.

15 But at any rate, it wouldn't have any
16 judgment -- have any matter for my judgment in
17 this case. I will sit on it. Thank you.

18 MR. O'BRIEN: All right. Well, thank
19 you for those disclosures. We do not have a
20 motion.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you. All right. The way for a Protest

1 Hearing, the way the process will work is that
2 the Board will call its first witness, which is a
3 Board witness. The Board's witness will testify
4 based on his report. Once the Board's witness
5 has testified on his report, the Board will ask
6 questions of the witness, based on the contents
7 of the report.

8 After the Board asks questions of the
9 Board's witness, then the applicant would have an
10 opportunity to question the Board's witness on
11 the report. Once the applicant has questioned
12 the Board's witness on the contents of the
13 report, then the protestant will also have an
14 opportunity to question the Board's witness on
15 the contents of the report.

16 Once the Board has called its witness
17 and we have disposed of our witness, then the
18 applicant will present its case. Once the
19 applicant presents its case, again, they will
20 call, if they have witnesses, witnesses. The
21 protestant will have an opportunity to cross-
22 examine the witnesses of the applicant. Once

1 that is done, then the Board will ask questions
2 of that witness and then the protestant will have
3 an opportunity of asking the witness questions
4 based on the Board's questions. And then the
5 applicant will have the final opportunity to ask
6 questions, if they need to clarify that.

7 Once the applicant has presented its
8 case in chief, then the protestant will have an
9 opportunity to present its case.

10 I believe that each side is given an
11 hour and a half to present its case. So in the
12 presentation of your case, I would want to make
13 sure that you don't spend the majority of your
14 time cross-examining another person's witness,
15 because that is taken away from your time. So
16 just be mindful when you are asking questions
17 that you are not taking away from the time, the
18 total time that you have to present your case.

19 Although we are saying you have an
20 hour and a half each, the way I operate is that I
21 will give each side an opportunity to present
22 your case. So I will not say well, you are out

1 of time, so sorry, you can't -- if you are here
2 this afternoon, I'll give you an opportunity to
3 present your case.

4 But I will let folks know that there
5 is some time constraint, because we do have
6 another Protest Hearing at 4:30, so I would hope
7 that we don't ask redundant questions or we kind
8 of move it along, but I will give you the time
9 that you need to make a presentation of your
10 case.

11 All right. Are there any preliminary
12 matters in this that either side wants to bring
13 forth?

14 MR. O'BRIEN: Mr. Chair, just one
15 clarification.

16 CHAIRPERSON ANDERSON: Yes, sir.

17 MR. O'BRIEN: Within our time limits,
18 the applicant is entitled to present a rebuttal
19 case. Is that not correct?

20 CHAIRPERSON ANDERSON: The applicant
21 has an opportunity to provide a rebuttal witness
22 and the protestant also has an opportunity to do

1 that and the Board also has an opportunity to do
2 that.

3 I don't think that I will take that
4 out of your time, because that's only available
5 if it is requested. It's not mandatory. So it's
6 not necessarily -- so I'm not going to take away
7 from your time to do the rebuttal.

8 MR. O'BRIEN: Okay. The progression
9 after the Board's witness is finished, the
10 applicant presents its case.

11 CHAIRPERSON ANDERSON: Yes.

12 MR. O'BRIEN: The protestants present
13 their case.

14 CHAIRPERSON ANDERSON: Yes.

15 MR. O'BRIEN: And the applicant is
16 entitled to rebuttal.

17 CHAIRPERSON ANDERSON: Yes. And what
18 I'm saying to you is that you will have that
19 opportunity, but I'm not going to take it away
20 from your time. So I'll give you extra time to
21 do that, that's all I'm saying.

22 MR. O'BRIEN: I'm not worried about

1 the time issue. It's just when the Chair
2 explained the progression, rebuttal was not
3 mentioned.

4 CHAIRPERSON ANDERSON: Well, because
5 it's not -- it doesn't normally happen, but you
6 do have an opportunity to call rebuttal
7 witnesses. And I -- but I wanted to -- most
8 sides do not. And you, Mr. O'Brien, know, as an
9 attorney and I don't think that at least Mr.
10 Young or Ms. Shaw, they have never presented
11 themselves to me as an attorney. So they might not
12 know what rebuttal is.

13 And so what that is is that you can
14 call a rebuttal witness. However, it is not to
15 present new information. This -- if you are
16 going to call a rebuttal witness, this witness
17 has to have specific information to rebut
18 testimony, so that's what a rebuttal witness is.
19 And so that's what I wanted to make sure that
20 folks know what it means by rebuttal.

21 It's not giving you an opportunity to
22 present additional -- to bring in new evidence.

1 It's that you call a witness, because you have
2 heard something that was testified today and you
3 have a witness who has contrary testimony to
4 rebut that testimony.

5 Yes, Mr. O'Brien, I see you have a
6 look on your face.

7 MR. O'BRIEN: I do have, yes. I'm
8 sorry if I'm telegraphing. Okay. The burden of
9 proof, of course, is on the applicant.

10 CHAIRPERSON ANDERSON: Yes, sir.

11 MR. O'BRIEN: But this is a renewal
12 case.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. O'BRIEN: Which means that really
15 what the Board is going to end up evaluating here
16 is what the beef is from the point of view of the
17 protestants.

18 CHAIRPERSON ANDERSON: Okay.

19 MR. O'BRIEN: All right. So because
20 we have the burden of proof, meaning the
21 applicant, we have to go first.

22 CHAIRPERSON ANDERSON: Right.

1 MR. O'BRIEN: But I don't know what
2 they are going to say.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. O'BRIEN: That's why we are
5 entitled to rebuttal, to rebut what I may be
6 hearing for the very first time.

7 CHAIRPERSON ANDERSON: But --

8 MEMBER ALBERTI: May I make a quick--

9 CHAIRPERSON ANDERSON: Hold on, hold
10 on, hold on, Mr. Alberti. Mr. O'Brien?

11 MR. O'BRIEN: Yes, sir.

12 CHAIRPERSON ANDERSON: You are an
13 attorney and I'm an attorney. And I'm seeing it
14 this way. And whether or not you know, as an
15 attorney, what rebuttal testimony is, it's
16 unfortunate you don't know what they are going to
17 say, but, as an attorney, we all know what
18 rebuttal testimony is. And we all know that when
19 you bring a rebuttal witness, it is to rebut
20 testimony that is in the record.

21 It cannot -- although you don't know
22 what they are -- what is going to be said, it

1 cannot be new. And so, yes, you are correct.
2 You are going to hear something and then, because
3 you don't know what their case is, and you have a
4 witness who can rebut what they stated, so yes,
5 that -- so that exactly is what a rebuttal
6 witness is.

7 It's that yes, you don't know what
8 they are going to say, but, clearly, your client
9 will share with you that no, that is not true.
10 And so therefore, they can testify to say the
11 testimony the Board just heard I have evidence to
12 contradict what has been said.

13 But at the same time, I have not
14 looked at the PIF and I don't know who the
15 witnesses are in the PIF, because I have not see
16 it, so I would hope that there is some -- that
17 you know who their witnesses are and there is
18 some general thrust of what the testimony is of
19 the witnesses on both sides. I am hoping that is
20 done with that done.

21 MEMBER ALBERTI: Can I just --

22 CHAIRPERSON ANDERSON: Yes, Mr.

1 Alberti.

2 MEMBER ALBERTI: -- I think I
3 understand Mr. O'Brien's confusion.

4 So, Mr. O'Brien, in the rebuttal, you
5 can bring in new evidence, but you cannot open a
6 new line of questioning.

7 CHAIRPERSON ANDERSON: No, you cannot
8 bring in new evidence.

9 MR. O'BRIEN: I always --

10 MEMBER ALBERTI: Because you have got
11 a new --

12 MR. O'BRIEN: If I can finish where I
13 was going --

14 MEMBER ALBERTI: Right.

15 MR. O'BRIEN: -- I think we can solve
16 it. I understand perfectly rebuttal is not last
17 words.

18 MEMBER ALBERTI: Right.

19 MR. O'BRIEN: It is to contradict
20 evidence that we have heard for the first time.

21 CHAIRPERSON ANDERSON: Right.

22 MEMBER ALBERTI: Right.

1 MR. O'BRIEN: Where I was going is
2 there is not another round of surrebuttal after
3 that.

4 MEMBER ALBERTI: Oh, no, no.

5 CHAIRPERSON ANDERSON: No. It's --
6 what -- basically, this is a way -- all right.
7 This is a way the process is that was given to
8 me. Okay? The way the process is is that -- and
9 so let me go over it. It's that opening the
10 case, applicant's case in chief, protestant's
11 case in chief, rebuttal.

12 So the applicant goes first and the
13 protestant goes second. And then the Board can
14 call a rebuttal witness. That is the -- that is
15 what they gave to me. So it's, when it comes to
16 rebuttal, the applicant goes first. The
17 protestant goes second. And if the Board wants
18 to call a witness to rebut it, then the Board can
19 call a witness.

20 That's what I was told the way these
21 forums operate.

22 MR. O'BRIEN: Okay. The only question

1 I have or issue with that is saying the Board
2 calls rebuttal witness.

3 CHAIRPERSON ANDERSON: Yes.

4 MR. O'BRIEN: I'm saying we, the
5 applicant, are entitled to call a rebuttal
6 witness.

7 CHAIRPERSON ANDERSON: Yes. So that's
8 what I'm saying.

9 MR. O'BRIEN: What I'm saying is that
10 that does not open another round for the
11 protestants to call rebuttal --

12 CHAIRPERSON ANDERSON: No, no.

13 MR. O'BRIEN: -- or else we will be
14 here forever.

15 CHAIRPERSON ANDERSON: No, no. It's
16 if there is rebuttal and it is not mandatory, the
17 applicant calls a rebuttal witness. The
18 protestant can call a rebuttal witness. And the
19 Board call a rebuttal witness and that's it.

20 MR. O'BRIEN: I'm sorry, Mr. Chair, I
21 disagree that the proper procedure is for the
22 protestants to call a rebuttal witness. That is

1 surrebuttal.

2 CHAIRPERSON ANDERSON: Well, Mr.
3 O'Brien, I have some written instructions that
4 were given to me. That is what I was told the
5 way it operates and so I'm following the
6 instructions that are given to me, until the
7 General Counsel has given me additional
8 information.

9 And during these hearings, I'm given
10 a cheat sheet of how these things are supposed to
11 operate. And that's the information that is
12 given to me. So if you can provide contrary
13 information, then I'm open to that. But that's
14 what I am told. Every hearing that I do, I'm
15 given a cheat sheet to say this is how it
16 operates. These are the processes you need to
17 follow.

18 And if I'm following -- if I don't
19 think that it is right, prior to doing the
20 hearing, I will consult with the General Counsel
21 to say why are we doing it this way, because I'm
22 a practicing attorney in administrative forum

1 similar to this. This is what I have been doing
2 for over 25 years.

3 So there are certain ways that I know
4 how hearings operate and so I have brought some
5 of the changes to the Board. I'll give a perfect
6 example for doing a Show Cause Hearing. I have
7 stated that if we are doing a Show Cause Hearing,
8 why is it that we don't exchange witness'
9 documents and witnesses seven days before?

10 Why are we sitting here the day of and
11 folks are calling -- we don't operate that way in
12 administrative forums. So I have asked for some
13 of those changes. So if you believe that there
14 is another way to do it, I would suggest that you
15 make some -- send something to the General
16 Counsel and have them revisit it.

17 And I'm not wedded to anything. If I
18 can -- if I'm told it's more efficient, it's a
19 better process, I am open to it. But currently,
20 that's how this hearing is going to operate
21 today, because that's how I was told this is what
22 has been done always and I can't change the

1 process in the middle of this hearing.

2 But if you believe that there is a
3 better way to do it, you know, moving forward, we
4 can change it.

5 MR. O'BRIEN: All right. Thanks.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you. All right.

8 Does the -- so there are no
9 preliminary motions, am I correct, on both sides?
10 And I have done this in every hearing that I need
11 -- every Protest Hearing that I have. Are the
12 parties close? Because if you need a couple of
13 minutes to talk, and if we can -- if you can tell
14 me that you have agreement on certain issues and
15 it's to protect each side, we can memorialize
16 certain things by saying we can issue a Board
17 Order saying this is what it is and it disposes
18 of the protest, I'm willing to do that.

19 So if that's a possibility where you
20 can talk a couple of minutes and you say that
21 these are the issues and you want the Board to
22 issue a Board Order memorializing these and

1 dispose of the case, I'm open to that, too.

2 MS. SHAW: We are open also.

3 CHAIRPERSON ANDERSON: Mr. O'Brien?

4 MR. O'BRIEN: Mr. Chair, we had a 2-
5 hour mediation with the able assistance of the
6 Board's Mediator. The outcome of it was we did
7 not reach agreement.

8 CHAIRPERSON ANDERSON: Well, that's
9 the mediation, but, yeah.

10 MR. O'BRIEN: But if -- I'll never say
11 never, at least not too often. So if Ms. Shaw
12 feels that we should talk for a moment, I'll
13 certainly be glad to participate in that.

14 CHAIRPERSON ANDERSON: Right. And I
15 mean, as I said before, I don't want you to talk,
16 just to talk, but what I can do is if there is
17 some outstanding issues and people feel that they
18 need to -- we need an order or a settlement
19 agreement to -- and I -- what my position is is
20 that if, at this juncture, you want to take five
21 minutes or say 10 minutes to talk and to say
22 these are the issues, memorialize these issues in

1 a Board Order and this will dispose of this
2 protest, I'm willing to do that rather than going
3 through a protest.

4 MR. O'BRIEN: Because Ms. Shaw says
5 that she believes that it might be profitable, I
6 will agree, if the Board will take five minutes.

7 CHAIRPERSON ANDERSON: All right. So
8 it's 2:03.

9 MS. SHAW: I'm saying it might be
10 possible, but --

11 CHAIRPERSON ANDERSON: It's 2:03. So
12 at 2:10.

13 MS. SHAW: -- to talk.

14 CHAIRPERSON ANDERSON: At 2:10, so
15 I'll give you seven minutes. And if you believe
16 that you need more time, because it looks like
17 it's fruitful, I'll take more time. But so I'll
18 give you until 2:10. Okay. Thank you.

19 So we are in recess. You guys can go
20 outside and chat. We will just sit here. All
21 right.

22 (Whereupon, the above-entitled matter

1 went off the record at 2:03 p.m. and resumed at
2 2:16 p.m.)

3 CHAIRPERSON ANDERSON: All right.
4 We're back on the record. Do we have any
5 agreement?

6 MR. O'BRIEN: No, sir.

7 CHAIRPERSON ANDERSON: Huh?

8 MR. O'BRIEN: No, sir.

9 CHAIRPERSON ANDERSON: All right. I
10 want to advise the parties while you guys were
11 gone, I took a look at the PIF to see the
12 disclosures by both sides. Now, within the PIF
13 by the protestant, I see that there is a Board
14 Order. So there is as Board Order that,
15 basically, put already the limitations on the
16 license.

17 And in looking at what is being
18 requested by the protestant, that's already --
19 with the exception of the Shared Value Plan, all
20 the other issues already in the Board Order that
21 was issued, I think, in 2003 that already place
22 limitations on the license.

1 MR. O'BRIEN: I believe the Board
2 Order was appended to Ms. Shaw's PIF.

3 CHAIRPERSON ANDERSON: But that's what
4 I'm saying.

5 MR. O'BRIEN: Oh, I'm sorry, I thought
6 you were saying it was in mine.

7 CHAIRPERSON ANDERSON: No, no. I said
8 -- I'm saying there is already a Board Order in
9 the protestant's PIP that already -- that at
10 least establishes that there can be no -- it
11 covers -- that "The applicant shall package
12 alcoholic beverages in translucent bags." That's
13 already in the Board Order from 2003.

14 So I'm not quite sure why that is even
15 an issue here today, because that's already in a
16 Board Order as a portion of the license.

17 MR. O'BRIEN: Okay. I will tell you
18 that the evidence will show that Safeway is not
19 complying with the provision regarding
20 translucent bags.

21 CHAIRPERSON ANDERSON: So are you --

22 MR. O'BRIEN: Because of the 2010

1 Disposable Bag Legislation requires that you
2 charge patrons .5 cents for each bag and you
3 cannot force the patron to pay that.

4 CHAIRPERSON ANDERSON: But, Mr.
5 O'Brien, you know that if you have a settlement
6 agreement and the settlement agreement is 2015
7 years-old, that you can -- that Safeway can
8 petition -- well, Safeway can attempt to
9 renegotiate that agreement and the applicant can
10 then petition the Board to state that this is a
11 provision that is unenforceable.

12 But irrespective of whether or not
13 this matter goes to hearing today, that provision
14 remains as a part of Safeway's license. So you
15 have to do something to have that removed,
16 because even if we have this hearing today,
17 irrespective of whatever decision that is made
18 today, the Board Order is still in effect.

19 And if our Investigator goes out
20 tomorrow and Safeway is not complying with that
21 Board Order, then they can be fined. So I'm not
22 sure why that is even an issue in this hearing.

1 MR. O'BRIEN: I submit that the Board
2 can always amend its own order, based on changed
3 circumstances.

4 CHAIRPERSON ANDERSON: But are you --

5 MR. O'BRIEN: And --

6 CHAIRPERSON ANDERSON: -- but that's
7 not --

8 MR. O'BRIEN: -- the 2010 legislation
9 is the changed circumstances. Now --

10 CHAIRPERSON ANDERSON: But that's not
11 before us today.

12 MR. O'BRIEN: Well, the issue of
13 translucent bags is. And the evidence will show
14 that the reason that we haven't complied with it
15 is because it is contradicted by the 2010
16 Disposable Bag Legislation.

17 CHAIRPERSON ANDERSON: But that's not
18 an issue in this case. The issue in this case is
19 that as part of a settlement agreement, that's
20 the issue for the -- and maybe you can tell me,
21 because I don't know this case, although, as I
22 said, I live in the neighborhood, I don't know

1 this case.

2 I was reviewing the issues that were
3 brought forth by the protestants. And so,
4 therefore, it appears that and as -- if we were
5 to have a hearing today, I'm not sure if that is
6 an issue as part of a Board Order that the Board
7 would -- we would not write a Board Order saying
8 that translucent bags would be a portion of the
9 Board Order that we are writing today.

10 But it is my understanding, in
11 speaking to our General Counsel, that that is a
12 provision of a Board Order and it cannot be
13 removed until someone petitions the Board to
14 change that. And I don't think that -- I wasn't
15 aware that Safeway was asking the Board in this
16 Protest Hearing to remove that provision from its
17 license.

18 MR. O'BRIEN: I'm anticipating that
19 the protestants will complain in their case that
20 the translucent bag provision has not been
21 complied with.

22 CHAIRPERSON ANDERSON: Right.

1 MR. O'BRIEN: We will not contest
2 that.

3 CHAIRPERSON ANDERSON: Right.

4 MR. O'BRIEN: That factual assertion.
5 But we will explain, I've given you, basically,
6 explanation already that it is unenforceable
7 because we can't make people buy bags any more.

8 CHAIRPERSON ANDERSON: And I agree
9 with -- I might agree with you, but that's not
10 before us, so we can't -- and you -- Mr. O'Brien,
11 and I'll say this and this is -- you have been
12 practicing in this area longer than I have,
13 because I'm new to this area.

14 And so it's my understanding, and I am
15 being very -- my understanding is we have a Board
16 Order. When we renew the license, everything in
17 the Board Order moves forward. So this Board
18 Order will stay in effect.

19 Now, if you want to change the Board
20 Order, I can't -- we can't change the Board
21 Order, so even if you issue -- I'm sorry, even if
22 we issue a renewal today, the Board Order from

1 2003 will still -- it still remains in effect
2 saying that they cannot -- you can't have single
3 sales. You can't have -- you have to sell it in
4 the translucent bags.

5 So all of the provisions in the Board
6 Order are still in effect until Safeway petitions
7 the Board to make changes to that Board Order,
8 because, by operation of law, it's now
9 unenforceable. And so -- but we can't do that
10 here today. At least that's what I'm told.
11 That's not something that we can do today.

12 MR. O'BRIEN: With respect, Mr. Chair,
13 I think you can do it today. I can envision a
14 finding of fact or a conclusion of law that
15 recites next protestant's complaint that the
16 translucent bag provision in section so and so of
17 the 2003 Board Order has not been complied with.

18 However, due to an intervening change
19 in the law, this no longer can be enforced. I
20 can see that as a finding of fact or conclusion
21 of law.

22 MEMBER ALBERTI: May I --

1 CHAIRPERSON ANDERSON: I think they
2 want to respond.

3 MEMBER ALBERTI: Can I just really
4 quickly?

5 CHAIRPERSON ANDERSON: Go ahead, Mr.
6 Alberti.

7 MEMBER ALBERTI: So technically Mr.
8 O'Brien is correct. The Board at any time can
9 address this Board Order and can amend it. Any
10 time we want, right? But I'm not sure that that
11 is -- we know whether that is the will of this
12 Board or not. And we don't have to. And there
13 is -- I would disagree with Mr. O'Brien that just
14 because we now have this new law that implements
15 a fee on bags, that it negates or makes that
16 other provision, the provision in the order
17 unenforceable.

18 I'm not sure that's a finding that
19 this Board would agree with or has the
20 information to rule on. So you are right, we
21 could do that at any time, Mr. O'Brien, but I
22 personally don't think that this is the venue to

1 be ruling on that.

2 And if Safeway wants to amend that
3 order, I would suggest, this is only my personal
4 opinion, that they do proactively through you or
5 someone to petition the Board to do that. But I
6 don't think this is the proper venue for the
7 Board to address that.

8 Yes, we could, but my opinion, and I
9 would advocate to the rest of my Board Members
10 not to address it out of this hearing.

11 CHAIRPERSON ANDERSON: All right. Is
12 there a response?

13 MR. YOUNG: One of my concerns is that
14 when people negotiated that original agreement,
15 there must have been a reason for them wanting to
16 have the alcohol in translucent bags. It must
17 have been there for some --

18 CHAIRPERSON ANDERSON: Turn on your --
19 yes, pull the microphone closer to you.

20 MR. YOUNG: How is that? I was saying
21 earlier that one of the --

22 CHAIRPERSON ANDERSON: Introduce,

1 state -- yeah.

2 MR. YOUNG: My name is Wayne Young of
3 the Hillcrest neighborhood. One of the problems
4 that I have that hasn't been mentioned yet is
5 that there is a reason why the original
6 negotiators wanted the alcohol in the translucent
7 bag. I don't know exactly what the reason was or
8 is, but, to me, that needs to be discovered, too.
9 Why was that wanted and why was that agreed to?

10 So even if the law has changed and
11 they can't force someone to buy a .5 cent bag,
12 the problem still -- might still be there. It
13 might still be alleviated by some other way. And
14 the Safeway was really being community-oriented.
15 The first thought would be, in my opinion, what
16 do we need to do to rectify the situation if we
17 can't put it in a translucent bag any more or we
18 can't enforce someone to buy a bag?

19 But that isn't even -- is not
20 discussed. But being here with Ms. Ridore in the
21 last two -- on two other issues, I can see why
22 they wouldn't bring it up, because I don't think

1 they are really that concerned about solving the
2 problem. They just want something.

3 CHAIRPERSON ANDERSON: All right.

4 Well, as I said before, I will consult with our
5 General Counsel, but I don't believe that this is
6 the proper forum for that issue, that it has to
7 be addressed at a different forum. And so
8 whatever decision that is made today, it will --
9 that Board Order will remain in effect.

10 So and the reason why I brought that
11 up is because I see that the only other issue
12 that is on the table is that the applicant will
13 distribute a 5-year plan to shared value for
14 Dupont Circle within -- well, you said Dupont
15 Circle. I assume that -- well, that's -- well,
16 we can't order that anyway.

17 It says Dupont Circle and that is not
18 one of the provisions under the appropriateness
19 standard, so, I mean, unless either side would
20 like to argue that issue -- I mean, for me, the
21 only issue that I see here today is the applicant
22 will distribute a 5-year plan, it's a shared

1 value for, it says, Dupont Circle within five
2 months from the date thereof.

3 I assume that is an error, but there
4 is really no reason -- I'm coming. There is no
5 way we could even order Safeway on Alabama Avenue
6 to do something in Dupont Circle, but
7 irrespective of what the issue is, that's not an
8 -- we can't order that provision to occur today,
9 because that would not fall under the
10 appropriateness standard.

11 So if that's the issue, I would make
12 a motion that that issue be dismissed because if
13 that is the only issue that is available, then
14 there is really no need to have this protest
15 hearing, because the Board doesn't have
16 jurisdiction to order Safeway to do that.

17 However, the other issues in --
18 regarding the bags, that's in the Board Order.
19 That's not something that this Board would
20 address in this Protest Hearing, so Safeway then
21 outside of this Protest Hearing would have to
22 review the settlement agreement -- I'm sorry, the

1 Board Order and petition the Board to say that we
2 want these changes made to our license, because
3 of the state of the law.

4 MR. O'BRIEN: Only because it's not
5 complicated enough yet.

6 CHAIRPERSON ANDERSON: All right,
7 but --

8 MR. O'BRIEN: There is --

9 CHAIRPERSON ANDERSON: Go ahead, sir.

10 MR. O'BRIEN: -- both a settlement
11 agreement and a Board Order. What happened was
12 the application -- I'm new to Safeway's
13 representation, by the way, this year. And Ms.
14 Ridore has been in her position for a year, two
15 years maybe, so neither of us have any historical
16 knowledge, but it is clear what happened.

17 It is the application was filed in
18 2002. There were two protestants: The ANC and,
19 I may get the exact name wrong but, the Hillcrest
20 Civic -- Community Civic Association, a community
21 association of some sort.

22 The ANC and Safeway settled in a two-

1 page settlement agreement. The Hillcrest
2 Association did not settle and it went to trial,
3 to full Protest Hearing and that resulted in the
4 April 3, 2003 Board Order.

5 Now, the conditions in the Board Order
6 were engrafted from the settlement agreement from
7 the year before. So translucent bags appears
8 both in the settlement agreement and in the Board
9 Order.

10 MEMBER ALBERTI: It hasn't changed.

11 MR. O'BRIEN: As I said, it wasn't
12 complicated.

13 CHAIRPERSON ANDERSON: All right.

14 MR. O'BRIEN: But going -- if I may
15 continue to speak?

16 CHAIRPERSON ANDERSON: Yes. Go ahead,
17 sir.

18 MR. O'BRIEN: I'll tell you what the
19 issue is here with regards to the shared values.
20 The Board approved a settlement agreement in the
21 Dupont Circle case.

22 MEMBER ALBERTI: Right.

1 MR. O'BRIEN: And it has that
2 provision in it. Once again, this is under
3 previous counsel.

4 CHAIRPERSON ANDERSON: No, but I'm
5 agreeing with you that I would not order that
6 today as a part of a Protest Hearing, so I don't
7 need to --

8 MR. O'BRIEN: Okay.

9 CHAIRPERSON ANDERSON: -- I mean, you
10 can tell me that it is not -- you can make
11 arguments saying that this is not under the
12 appropriateness standard, so I would not -- this
13 Board would not, at a Protest Hearing, order
14 Safeway to do that provision, because we don't
15 have the authority to do that.

16 In a settlement agreement, you guys
17 can agree to it and we will approve it, but we
18 would not order. So that's what I have stated.
19 If that's the only issue, then the Board would
20 state that we do not have authority to order
21 Safeway to do a shared value plan, because that
22 doesn't fall on any of the standards and so I

1 would dismiss the protest, if that's the only --
2 because that's the only outstanding issue.

3 But the larger issue that -- for
4 Safeway, is that there is a current settlement
5 agreement with all the other provisions and this
6 Board, this is not the proper forum for us to
7 address that. That to -- you are aware, Safeway
8 is aware that during renewal, it is, again, a
9 settlement agreement and a Board Order that is
10 larger -- especially a settlement agreement that
11 is longer than 4 years.

12 So during renewal, you can petition
13 the Board to dispose of that settlement
14 agreement. You make a provision to say this
15 agreement is older than 4 years. We have tried
16 to negotiate. We have contacted the original
17 signers, they can't agree, so we are asking the
18 Board to do away with these provisions in the
19 settlement agreement, based on operation of law.
20 And that's what Safeway should or could have done
21 during the renewal process.

22 But at this juncture, the Board will

1 not entertain removing that. That is -- at least
2 not in this hearing. You would have to figure
3 out how to have the Board renew that.

4 MR. O'BRIEN: At the risk of putting
5 way too fine a point on it, the difference is the
6 settlement agreement can only be amended either
7 with the cooperation of the settling party --

8 CHAIRPERSON ANDERSON: True.

9 MR. O'BRIEN: -- in this case the ANC.

10 CHAIRPERSON ANDERSON: True.

11 MR. O'BRIEN: Which is not a party
12 here today.

13 CHAIRPERSON ANDERSON: That's true.

14 MR. O'BRIEN: And I agree that the
15 Board could not go ahead and change the ANC
16 settlement agreement without them having an
17 opportunity to participate, which, of course,
18 comes up only at renewal time, so we would be
19 talking about that in 2020.

20 CHAIRPERSON ANDERSON: That's correct.

21 MEMBER ALBERTI: But you can approach
22 the ANC at any time.

1 MR. O'BRIEN: Or but -- yes, we can
2 call the ANC there. But that's the difference
3 between a settlement agreement and a Board Order.
4 And as Mr. Alberti observed, I believe and submit
5 that the Board may amend its order at any time in
6 any forum.

7 CHAIRPERSON ANDERSON: But that's not
8 going to help you though, Mr. O'Brien, because
9 you just clarified to us that that same provision
10 is in the settlement agreement. So even if in
11 the Board Order the Board issues an order to
12 amend its order to take out that provision, you
13 still have a settlement agreement with the ANC.

14 So I think the better option is that
15 you need to go back to the ANC to get rid of that
16 provision and both the ANC and the Safeway
17 jointly come to the Board to say we want to amend
18 our settlement agreement and at the same time, we
19 also want to amend the Board Order, because based
20 on operation of law, this provision is no longer
21 enforceable.

22 But whatever decision is issued today,

1 we cannot -- we are not going to make any changes
2 to the Board Order. And so I will ask -- I will
3 entertain other questions regarding if -- you
4 have already stated that the shared value plan
5 and you are correct, it's not under the
6 appropriateness standard, so the board would not
7 entertain that issue here.

8 If the parties want to agree, want to
9 come up with a settlement agreement and to agree
10 with that, that's fine, they can do that.

11 So if that's the only issue in this
12 protest, I will make a motion to -- I mean, I'll
13 listen to arguments. Yeah, I'm coming back to
14 you, Ms. Shaw. I'll listen to arguments and I'll
15 make a motion to the Board that we dismiss the
16 protest and that we renew the license, but that
17 is -- but both parties will know that that
18 provision that is in the Board Order and that is
19 in the settlement agreement is still enforceable.

20 Every provision that is in the Board
21 Order and the settlement agreement is still
22 enforceable. So if Safeway is not complying with

1 the provisions of the Board Order and the
2 settlement agreement, at any point, the Board can
3 be advised through an Investigator and we would
4 fine them until the Board Order or the settlement
5 agreement has changed.

6 So if I'm --

7 MR. O'BRIEN: I agree to the Board
8 sending an Investigator down there and come back
9 with a report that says no translucent bags were
10 distributed. The Board can initiate a Show Cause
11 proceeding, which we would defend on the ground
12 that the provision is unenforceable, because
13 there has been a change in the law.

14 But let's just wait for that to happen
15 somewhere.

16 MEMBER ALBERTI: So, Mr. -- I just
17 can't help it, Mr. O'Brien, if someone walked out
18 without a bag, that's fine, right? So they could
19 actually bring their own bag to Safeway and just
20 stuff it in their own cloth bag.

21 MR. O'BRIEN: They do.

22 MEMBER ALBERTI: Well, then they are

1 actually -- then Safeway is not at fault. But if
2 Safeway is providing the bag and it's not
3 translucent, then it is clear that they are at
4 fault. So I just want to put that out there for
5 food for thought for everyone.

6 MR. O'BRIEN: Yes, I'm not disagreeing
7 with you, but Safeway must charge the customer
8 for the bag. The statute is clear and it's in my
9 PIF.

10 MEMBER ALBERTI: Yes.

11 MR. O'BRIEN: The statute is clear.
12 Safeway cannot say oh, you don't want to pay for
13 it, well, here is a free one.

14 MEMBER ALBERTI: No, but Safeway can
15 say to someone, we only have translucent bags for
16 that type of purchase. Would you like one? And
17 the person has the option of saying no, I'm going
18 to use my own bag. So your argument that because
19 they are charging it makes this provision null
20 and void, doesn't cut it with me, at least,
21 because there is a viable option for both
22 parties.

1 MR. O'BRIEN: Okay. The -- you are
2 suggesting, Mr. Alberti, that there's nothing
3 wrong with a customer bringing their own cloth
4 bag, reusable bag.

5 MEMBER ALBERTI: Yeah, I do it all the
6 time.

7 MR. O'BRIEN: And putting alcohol into
8 it?

9 MEMBER ALBERTI: Yeah, I do it all the
10 time.

11 MR. O'BRIEN: That that would be okay.
12 Or if the customer said --

13 MEMBER ALBERTI: This is my opinion
14 only.

15 MR. O'BRIEN: -- I understand,
16 understood. But if the customer brought their
17 own disposable bag and put the alcohol into the
18 bag --

19 MEMBER ALBERTI: Yeah.

20 MR. O'BRIEN: -- okay, that will be
21 okay. If the customer said I don't want a bag,
22 I'm just taking the six-pack or this bottle and

1 walking out the front door holding it in my hand,
2 that would be okay?

3 MEMBER ALBERTI: Yeah, there is no law
4 against that.

5 MR. O'BRIEN: But -- I agree.

6 MEMBER ALBERTI: In fact, that does
7 not violate -- that actually doesn't violate the
8 spirit of the settlement agreement, because they
9 want it to be visible.

10 MR. O'BRIEN: Or go out the front door
11 and put it in their coat, how about that?

12 MEMBER ALBERTI: Well, they are still
13 -- correct.

14 MR. O'BRIEN: Okay. Fine. You see,
15 the settlement agreement and the order don't have
16 those exceptions. They say you shall only sell
17 it in translucent bags.

18 MEMBER ALBERTI: I don't think that's
19 the way the Board would ever interpret it. I
20 think the way the Board would interpret it is if
21 you are providing a bag, it has got to be
22 translucent. I don't think that the Board would

1 be -- because it is nonsensical to say oh, you
2 have to put it in a translucent bag, but you
3 can't carry it out visible to everybody. That's
4 nonsensical.

5 And, Mr. O'Brien, hopefully you give
6 the Board more credit than that.

7 MR. O'BRIEN: I know. Mr. Alberti,
8 please, the --

9 MEMBER ALBERTI: Go ahead.

10 MR. O'BRIEN: -- that's why I said if
11 such enforcement comes about, we can deal with it
12 down the road.

13 MEMBER ALBERTI: Yeah, right. But I'm
14 just giving you an indication about one --

15 MR. O'BRIEN: But it really doesn't
16 address the essential issue here today.

17 MEMBER ALBERTI: And I'm just trying
18 to give you an indication of at least one Board
19 Member's view on this.

20 CHAIRPERSON ANDERSON: All right.

21 MEMBER ALBERTI: That may guide your
22 thinking.

1 MR. O'BRIEN: But knowing that all
2 Board Members always keep an open mind --

3 MEMBER ALBERTI: Yeah.

4 MR. O'BRIEN: -- I'm sure that you
5 would be willing to --

6 MEMBER ALBERTI: I would be willing to
7 listen to you.

8 MR. O'BRIEN: -- listen to argument on
9 this.

10 MEMBER ALBERTI: I would be willing to
11 listen to you and maybe that's why we don't have
12 -- we don't make the decisions at this hearing.

13 CHAIRPERSON ANDERSON: All right.

14 MR. O'BRIEN: Okay.

15 CHAIRPERSON ANDERSON: This is the
16 question on the table. This is the motion I'm
17 making to the Board. The motion I'm making to
18 the Board is that we dismiss the protest. And
19 the main reason for dismissing the protest, the
20 only issue that is outstanding here is the
21 applicant will distribute a 5-year plan for
22 shared value for, it says, Dupont Circle within

1 six months from the date thereof.

2 First and foremost, it says Dupont
3 Circle, which this is not this area. However,
4 where I guess it's a -- this was in the area that
5 Safeway is, where this Safeway off Alabama Avenue
6 where the Safeway is located.

7 This provision is not one of the
8 appropriateness standards to protest an
9 application. In a settlement agreement, the
10 parties can agree to terms and the Board will --
11 this is what the parties agree to. The Board
12 will adopt it, because this is what the parties
13 will agree to.

14 However, the Board does not have the
15 authority to force the parties to adopt such a
16 term, because we have certain standards and it
17 does not fall under those standards. So for that
18 specific reason, the motion that I'm making to my
19 Board is to dismiss the protest, because that's
20 the only issue.

21 All the other issues in the sense of
22 the translucent bag, I'm getting to you, Ms.

1 Shaw, all the other issues that are currently in
2 the settlement agreement, that are currently in
3 the Board Order are still effective.

4 Yes, Mr. O'Brien, you are correct.
5 The Board can revisit the issue regarding the
6 translucent bag. You can make that argument here
7 today, but for this particulate case, it is
8 irrelevant. And the reason why it is irrelevant,
9 you pointed out to me, is that that same issue is
10 in the settlement agreement.

11 And so even if the Board was to rule
12 today that we are going to amend our Board Order
13 to take out that provision in the translucent
14 bag, you still would have to go back to the
15 Hillcrest and the ANC and ask them to take that
16 provision -- to revisit the settlement agreement
17 to take that provision out.

18 So it would be -- I don't think it
19 would be the effective use of our time to rule on
20 this today when it does not help you to do what
21 you want to do.

22 So, yes, Ms. Shaw?

1 MS. SHAW: Board indulgence so that I
2 can find clarification of what you're saying.
3 When you all crafted your agreement, this goes
4 back to the shared value, and signed off on your
5 agreement with Dupont Circle several months ago,
6 the verbiage of shared value it had not been
7 defined, but it was included in their agreement.
8 Based off of that particular community's needs
9 and wants for their Safeway and how Safeway would
10 do business in their community.

11 We attempted to come back and we have
12 sat at the table during mediation with Safeway.
13 Your negotiator and Safeway said there was no
14 such verbiage at all, it didn't exist, that that
15 even existed in any document signed off by ABRA
16 that there was any shared value.

17 We were willing to negotiate. We
18 agreed to two other terms for our community, east
19 of the river. So why is it that shared value is
20 included in west of the river, but not included
21 in east of the river, which makes a distinction
22 between two communities doing business with the

1 same corporation.

2 If Safeway could do shared value with
3 west of the river stores, then east of the river
4 stores should have the same affordability to do
5 shared value also regardless of whether or not it
6 was defined. Sure enough, there was a typo.

7 I'll admit there was a typo. I'm suffering with
8 walking pneumonia right now. It was a typo.
9 I'll admit to that.

10 But the bottom line, you all signed
11 off on shared value and I was just using an
12 example of Dupont Circle as my example. It is
13 there. Regardless of what it means, it is there.
14 And for us, we told them what we wanted. We
15 wanted Safeway to be accountable to our store the
16 same as they are doing in their store west of the
17 river.

18 And it became there shouldn't have to
19 be any pop-up visits from Channel 7, Channel 9,
20 if we were talking, that's all we want to do is
21 them to come to the table and talk to us. We
22 want -- when our customers go in the store, we

1 want the same thing at the store, that the stores
2 west of the river give their customers. We
3 shouldn't have to see the stuff that we see in
4 our community that they don't see.

5 But it's okay, that is the cost of
6 doing business. So I'm imploring to you all, as
7 a Board, we want shared value in our agreement.
8 And it was crafted by Dupont Circle. You all
9 signed off on it. Your negotiator said, you
10 know, the negotiator I'm reiterating, it did not
11 exist. It does exist.

12 Safeway said it didn't exist when we
13 met on February 15th. It does exist. We want
14 the same verbiage.

15 CHAIRPERSON ANDERSON: Well, what I'm
16 saying Ms. Shaw, I'm not disagreeing with you
17 that whether or not it exists or not. All I'm
18 saying is that at this hearing, in this
19 proceeding, we cannot order Safeway to do that.
20 If during negotiation, if the parties agree that
21 this is what they are going to do, all that the
22 Board does, we adopt their agreement.

1 I hear what you are saying, but the
2 only thing the Board can do, I can say I hear
3 you. However, I cannot -- this Board cannot
4 order Safeway to do that. We cannot -- when --
5 at a negotiation table, parties will negotiate
6 terms. And one -- what the Board does, we review
7 the terms to see whether or not it is
8 enforceable.

9 If the Board determines that it is
10 enforceable, we will adopt it, but if you come to
11 an actual hearing, that's not a terms that the
12 Board can do.

13 One of the things I have always told
14 all protestants, I have always said to
15 protestants that in a settlement agreement, you
16 are better off signing a settlement agreement
17 with the applicant, because -- or the licensee,
18 because there are provisions that you can get in
19 a settlement agreement, but if you come to a
20 Protest Hearing, we cannot order it.

21 So most of the -- so for example, all
22 the issues that are in the Board Order today,

1 this Board would not order that today. And maybe
2 the reason why that Board ordered before is
3 because it was already in the settlement
4 agreement. I don't know why.

5 MS. SHAW: You are the Board. I mean,
6 I don't mean to be mean, you are the Board. You
7 are the Board with exception of the two new
8 people that signed off on it. We are not talking
9 unicorns and UFOs.

10 CHAIRPERSON ANDERSON: Which -- what
11 issue are you talking about? What?

12 MS. SHAW: The shared value.

13 CHAIRPERSON ANDERSON: Right.

14 MS. SHAW: You all signed off --

15 CHAIRPERSON ANDERSON: Right.

16 MS. SHAW: -- on it.

17 CHAIRPERSON ANDERSON: But --

18 MS. SHAW: And also, where is our
19 recourse? If your negotiator, your negotiator
20 clearly said during negotiations that does not
21 agree. I mean, that does not exist. That
22 verbiage does not exist, five times. That

1 verbiage does not exist. That verbiage does not
2 exist. That verbiage does not exist. That
3 verbiage does not exist. That verbiage does not
4 exist. And it exists.

5 MR. YOUNG: As well as had
6 influenced --

7 MS. SHAW: Where is our recourse?

8 MR. YOUNG: -- on negotiations.

9 CHAIRPERSON ANDERSON: Well, this is
10 what I will say to you today. If the Board Agent
11 in mediation, if the Board Agent provided
12 incorrect information to you to say that this
13 doesn't exist, then I will advise you to send a
14 letter to the Director to say that in
15 negotiation, during our mediation, we requested
16 this particular -- this provision, which existed
17 in a previous settlement agreement with a
18 different Safeway and your Agent told us that
19 this was not -- this is incorrect information.
20 That's what I'll direct you to do.

21 But as I said before, this issue it
22 does not fall under the appropriateness standards

1 for the renewal of the license, so, therefore, it
2 is -- in negotiation parties give and take. We
3 cannot -- the Safeway -- I cannot tell Safeway to
4 sign a settlement agreement with you or with any
5 other party or I cannot tell Safeway in a
6 settlement agreement what the terms and
7 conditions that they should agree to.

8 But one thing I'll say to you,
9 although you are here saying that the settlement
10 that you -- you are asking for the shared value,
11 based on the terms that exist in the Board Order
12 and in the settlement agreement, you have one of
13 the strongest settlement agreements and Board
14 Order than probably any other community has
15 regarding their supermarket.

16 So because their settlement agreement
17 and this Board Order is actually very restrictive
18 in a sense of the Safeway. So you -- so although
19 you are saying that -- at least sitting here, you
20 are saying that okay, they won't do the shared
21 value. You have -- you are in a better position,
22 based on restrictions, that are under license

1 that other communities do not have.

2 But so that's my position. I'm going
3 to recommend to the Board that we dismiss the
4 protest, because the only outstanding issue is
5 that shared value. However, the settlement
6 agreement and the Board Order still remains in
7 effect and it will remain in effect until and
8 unless Safeway and the ANC and the civic
9 association who were part of the previous
10 settlement agreement petition the Board to change
11 those provisions.

12 MS. SHAW: Again, Chair indulgence.
13 What is our recourse? If you dismiss this, will
14 we have 30 days to bring it back again? Will we
15 be -- have 30 days to bring this protest back
16 again? Because one of the sticklers of us
17 sitting and talking was the shared value. You
18 are right, we do have a very strong agreement.
19 But if the shared value of doing business in our
20 community is not being adhered of, i.e., surprise
21 cameras showing up in a Safeway during
22 walkthroughs, communities not supporting the

1 store, there is an issue.

2 There was an issue, a reason why we
3 came to the table. Safeway has not been a good
4 citizen east of the river and I'll say that for a
5 record. Safeway has not been a good citizen east
6 of the river, that's on the record.

7 I'm saying what is our recourse? Will
8 we have a chance when we get before and we can
9 call the ANC and we can also go before the
10 Hillcrest Civic Association to say the other
11 communities have shared value. We were told by
12 the Board's person --

13 MR. YOUNG: Mediator.

14 MS. SHAW: -- that it doesn't. I
15 don't think you all want us to say that to the
16 public, because, again, it becomes again you all
17 putting a west of the river against the east of
18 the river. I'm simply saying that is a verbiage
19 that you all signed off on. And we brought it to
20 the table and you all, your negotiator said it
21 didn't exist, like fairies and unicorns, but we
22 see that it does.

1 CHAIRPERSON ANDERSON: Well, what I'm
2 saying, Ms. Shaw, is that we will dismiss this.
3 I'm going to recommend that we dismiss the
4 protest. The recourse that you have is that
5 Safeway has to go back to the ANC and to the
6 Hillcrest Civic Association to ask that those
7 provisions, that this translucent provision in
8 the settlement agreement or any other provision
9 in the settlement agreement, needs to be removed.

10 However, one of the things that one
11 can do in negotiation if you are speaking to the
12 civic association or if you are speaking to the
13 ANC, you can tell the ANC this is what as of --
14 you can say this needs to occur. You need to ask
15 this from them, because they have agreed to this
16 with other communities.

17 So I don't -- the Board doesn't have
18 the authority to say this, but if you are saying
19 what your recourse is, it's --

20 MS. SHAW: We will do that.

21 CHAIRPERSON ANDERSON: -- Safeway --
22 in order for the changes --

1 MS. SHAW: And alert --

2 CHAIRPERSON ANDERSON: -- to be made,
3 Safeway has to go back to the community, so you
4 then would have to speak to your community
5 members to say this is something that is
6 important to us that Safeway has agreed to in
7 other communities. And if you are going to
8 change the settlement agreement, this must be a
9 part of it.

10 But again, that's in negotiation. The
11 Board, as I said before in this forum, cannot do
12 that. But the only thing I can say, our Director
13 of the Agency is in the room. You can address
14 that information directly to the Director to
15 state that the Board Agent, during the mediation,
16 gave incorrect information. And because you
17 believe the Board Agent gave the incorrect
18 information, it did -- mediation was not
19 successful because of the incorrect information,
20 in your view, that was given to both parties by
21 the Board. Okay?

22 Yes, Mr. Silverstein, before I have

1 the vote, before I take a vote.

2 MEMBER SILVERSTEIN: Thank you very
3 much for coming, Ms. Shaw. I want to try to be
4 helpful here, even though I'm going to be going
5 against you, but I want to bring some clarity to
6 this.

7 First, the Dupont Circle language uses
8 the word distribute and I think that is
9 important. It doesn't say that anything has to
10 be in there at all. It says that they have to
11 have something. The Board is not going to
12 involve itself in what is in content of whatever
13 goes in that particular case.

14 I think we all understand what the
15 word distribute means and that was put in there
16 for just that purpose. The Board was not going
17 to editorialize what is good or bad for the
18 applicant or the protestants.

19 Simply, if they have something,
20 whatever it is, they have to distribute it. We
21 cannot order them by law to provide amenities to
22 a community or any of those things as part of a

1 protest process. It all involves peace, order,
2 quiet, you know the rest, residential parking,
3 pedestrian safety, residential property values.

4 And shared values, while they are a
5 positive thing, that is beyond our power to -- as
6 Lincoln would say, our poor power to add or
7 detract. We can't go there.

8 If a community organization is able to
9 get that in a settlement agreement, as long as we
10 don't have to become involved in the editorial
11 policy, we can say yeah, you have to distribute
12 that. But if they are not going to do that, we
13 can't arrogate unto ourselves what we don't have
14 the legal power to do.

15 However, you asked what is your
16 recourse. The recourse is let us assume that
17 both parties are acting in good faith, that you
18 say to them we need you to help us out with --

19 MS. SHAW: Picking up your --

20 MEMBER SILVERSTEIN: -- watching the
21 sidewalk and doing this and doing that, you know,
22 and let's work a Memorandum of Understanding with

1 the community group and Safeway. We are out of
2 it. We can't get ourselves involved in that, but
3 there is nothing to stop you from meeting with
4 them and coming up with some kind of agreement
5 there, so long as we don't go beyond our
6 authority. I hope that was helpful.

7 MS. SHAW: It was very helpful, very
8 helpful. How long do we have? How long can we--

9 MEMBER SILVERSTEIN: You can do that
10 at any time.

11 MS. SHAW: Can we set this in motion
12 within the next three months, because I'm sure
13 the Hillcrest Civic Association and the ANC for
14 Ward 7 would love to know about this.

15 MEMBER SILVERSTEIN: Well, anyone is
16 legally --

17 MS. SHAW: Okay.

18 MEMBER SILVERSTEIN: -- allowed to go
19 to somebody and say hey, you know, will you help
20 us out? But the Board and the City Government
21 would not be involved in making it happen or
22 enforcing it or anything like that.

1 MR. YOUNG: I think we sort of
2 understood that concern. Unfortunately --

3 MEMBER SILVERSTEIN: Mr. O'Brien, you
4 are looking at me like uh-oh.

5 MR. O'BRIEN: No, I'm sorry, sir. I'm
6 not expressing anything.

7 MEMBER SILVERSTEIN: Okay. I just
8 wanted to make sure I hadn't --

9 MR. O'BRIEN: No, sir.

10 MR. YOUNG: The clarification was
11 good. I think the missing issue still is that
12 the concept as being treated equally.

13 MEMBER SILVERSTEIN: I'm sorry, I have
14 a hearing impediment.

15 MR. YOUNG: I think we understood your
16 particular concerns, but the bigger concern that
17 was missing out of everything you said was just
18 being treated equally. And that instead of
19 making the problem between the east and the west
20 larger, treat both sides equally. So if they are
21 getting certain verbiage, we get certain
22 verbiage. If they get certain opportunities, we

1 get certain opportunities. Whether or not you
2 can enforce or not, we understood that part.

3 MEMBER SILVERSTEIN: I hear you loud
4 and clear and I think we all do.

5 MR. YOUNG: Right.

6 MS. SHAW: Okay.

7 MEMBER SILVERSTEIN: Everything in
8 this world sadly is viewed through that prism.

9 MR. YOUNG: Okay.

10 MEMBER SILVERSTEIN: And we hear that,
11 but we cannot enforce something that the law does
12 not allow us to enforce.

13 MR. YOUNG: I understood that.

14 CHAIRPERSON ANDERSON: All right. I
15 made a motion and before we can vote on the
16 motion, I just want to discuss with our counsel
17 to make sure that we are on, at least, good legal
18 footing.

19 I mean, my view is that the -- we have
20 a protest and the relief that the protestants are
21 seeking is this shared plan?

22 MS. SHAW: Shared value.

1 CHAIRPERSON ANDERSON: Shared value.

2 And what I'm stating is that the Board cannot
3 order that relief. And so if the Board cannot
4 order the relief that you are seeking, because so
5 therefore you are asking that their license be
6 renewed and that we attach this provision to
7 their license.

8 And what I'm saying is that yes, we
9 can renew the license. However, we cannot attach
10 that provision to the license. And so therefore,
11 if we cannot attach the relief that you are
12 seeking to the license, the other relief that you
13 are asking for is already a part of their
14 license.

15 So if the only provision that you are
16 asking for that we cannot legally grant that,
17 then there is really no reason for us to have a
18 protest, because we cannot give you that relief
19 that you are seeking.

20 So why are we going to go through this
21 process, if that specific relief the Board
22 doesn't have the authority to grant? And so

1 that's one of the reasons why I was suggesting
2 that we dismiss your protest, renew the liquor
3 license. The other provisions that you are
4 asking for, it's already a part of their license.
5 It will remain on their license and it will
6 remain there until such time as the applicant
7 petitions the Board to say that they want to make
8 changes to the current settlement agreement that
9 -- and once that is done, they have to negotiate
10 with those parties again with the terms of the
11 settlement agreement.

12 And what you are asking for could be
13 placed in a settlement agreement and the Board --
14 if a settlement agreement comes to us with that
15 provision, the Board will approve it. But the
16 Board, however, on its own initiative cannot
17 order those terms. So that's the only
18 difference. Okay?

19 MS. SHAW: Um-hum.

20 CHAIRPERSON ANDERSON: And so with
21 that said, let me do this.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with Section 405 of
3 the Open Meetings Amendment Act of 2010, I move
4 that the ABC Board hold a closed meeting for the
5 purpose of seeking legal advice from our counsel
6 on Case No. 17-PRO-00075, Safeway, per Section
7 405(b)(4) of the Open Meetings Amendment Act of
8 2010, and deliberating upon Case No. 17-PRO-
9 00075, Safeway, for the reasons cited in Section
10 405(b)(13) of the Open Meetings Amendment Act of
11 2010. Is there a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON ANDERSON: Mr. Short has
14 seconded the motion. I will now take a roll call
15 vote on the motion before us now that it has been
16 seconded.

17 Mr. Cato?

18 MEMBER CATO: I agree.

19 CHAIRPERSON ANDERSON: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIRPERSON ANDERSON: Mr. Short?

22 MEMBER SHORT: I agree.

1 CHAIRPERSON ANDERSON: Mr.
2 Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Anderson?
5 I agree.

6 As it appears that the motion has
7 passed, I hereby give notice that the ABC Board
8 will hold a closed meeting in the ABC Board
9 conference room pursuant to the Open Meetings
10 Amendment Act of 2010.

11 We are in recess and I'll be back
12 shortly. Thank you.

13 (Whereupon, the above-entitled matter
14 went off the record at 3:03 p.m. and resumed at
15 3:10 p.m.)

16 CHAIRPERSON ANDERSON: All right. The
17 purpose of taking a recess is to -- I was making
18 a motion that I believe that, assuming we should
19 dismiss this matter based on the fact that the
20 relief that the Petitioner -- I'm sorry, the
21 protestant is asking for is -- cannot be granted
22 by the Board.

1 I'm going to withdraw my motion.

2 However -- so we are going to have the Protest
3 Hearing, at least to give the parties an
4 opportunity to be heard.

5 However, the Board cannot grant the
6 relief that is being asked for. The specific
7 relief for this Shared Value Plan that the
8 petitioner has asked -- the protestant is asking
9 for, that is not a relief that the Board can
10 grant.

11 And the other issue, as far as the
12 applicant is concerned, you can ask the Board to
13 remove that provision, but it doesn't really make
14 sense in this particular case because although
15 the Board could remove it from its order, there
16 is still a settlement agreement that still has a
17 petition.

18 So I would not say -- that should not
19 be something to ask the Board for because even if
20 the Board grants the order -- grant that relief,
21 Safeway still would have to -- until Safeway goes
22 back to the ANC and the Hillcrest Civic

1 Association, that they still would have to leave
2 -- they still would have to deal with that
3 provision.

4 So I'll just give the parties an
5 opportunity to be heard. I think that I have
6 stated we know what the issues are, so I don't
7 believe that we should make arguments that is not
8 pertinent to this protest. And I believe that we
9 should be able to complete this process in a very
10 short period of time.

11 But if -- but I'm going to give you as
12 much time as you need to argue your case. I
13 think it's safer to listen to the case and make a
14 decision. I just want to say that I think both
15 sides -- I don't -- the petition -- the
16 protestant is not asking the Board not to renew
17 the license. So I think that both sides are
18 asking for renewal.

19 And it's clear now to both sides that
20 the provision of the settlement agreement and the
21 Board Order is still in place. And I think the
22 protestants are saying they want additional

1 conditions to be added to the license. And we
2 are saying that that one condition that they are
3 asking to be added to the license, the Board
4 cannot order that provision, but we will listen
5 in that regard.

6 So the Board will call its first
7 witness, Mr. Shawn Townsend. I thought I could
8 speed this up, but it would be safer -- better to
9 be safe than sorry. I just want to make sure
10 that all parties feel that they are being heard.

11 Can you raise your right hand, Mr.
12 Townsend?

13 Whereupon,

14 INVESTIGATOR SHAWN TOWNSEND
15 was called as a witness by the ABRA Board, and
16 having been first duly sworn, assumed the witness
17 stand and was examined and testified as follows:

18 THE WITNESS: Yes.

19 CHAIRPERSON ANDERSON: Yes, have a
20 seat, sir.

21 DIRECT EXAMINATION

22 CHAIRPERSON ANDERSON: Can you state

1 your name for the record, please?

2 THE WITNESS: Shawn Townsend, T-O-W-N-
3 S-E-N-D, ABRA Investigator.

4 CHAIRPERSON ANDERSON: And where are
5 you currently employed?

6 THE WITNESS: The Alcoholic Beverage
7 Regulation Administration.

8 CHAIRPERSON ANDERSON: And how long
9 have you been employed here?

10 THE WITNESS: Four years.

11 CHAIRPERSON ANDERSON: And what's your
12 duties and responsibilities, sir?

13 THE WITNESS: To conduct inspections
14 and investigations of licensed establishments in
15 the District of Columbia.

16 CHAIRPERSON ANDERSON: Are you
17 familiar with the establishment that is being --
18 whose renewal is being protested today, Safeway?

19 THE WITNESS: Yes, sir.

20 CHAIRPERSON ANDERSON: And how are you
21 familiar with this?

22 THE WITNESS: I was assigned the

1 protest investigation of the renewal application.

2 CHAIRPERSON ANDERSON: And as a result
3 of the investigation, what information regarding
4 the establishment have you been -- did you -- did
5 there come a time that you wrote a report?

6 THE WITNESS: Yes, sir.

7 CHAIRPERSON ANDERSON: Well, can you
8 go through your report with the Board and let us
9 know what it is that you found?

10 THE WITNESS: Okay. The application
11 for the license renewal, the Class B License
12 renewal for NAI Saturn Eastern, LLC t/a Safeway
13 located at 2845 Alabama Avenue, S.E., was
14 protested by a Group of 15 represented by Ms.
15 Lisa Shaw.

16 The application was protested on the
17 grounds that the establishment would have an
18 adverse impact on peace, order and quiet.

19 I spoke to Ms. Shaw on February 28,
20 2018 and she provided the following concerns
21 regarding Safeway. She stated that the
22 establishment's current settlement agreement

1 states that the licensee shall package alcoholic
2 beverages in translucent bags.

3 She stated that the establishment had
4 not complied with this portion of the settlement
5 agreement. Ms. Shaw also stated that she had
6 personally observed a cashier sell a single can
7 of Bud Light Margarita to a customer.

8 Ms. Shaw stated that she observed
9 multiple two-packs and four-packs of alcoholic
10 beverages on the shelves with one or two cans or
11 bottles missing from the packs.

12 As it relates to human and/or
13 electronic surveillance, Ms. Shaw stated that
14 during her visit to the establishment, she
15 observed that the camera monitor in one of the
16 grocery aisles where alcoholic beverages were
17 displayed was inoperable.

18 Ms. Shaw stated that there is a
19 provision in the establishment's current
20 settlement agreement that requires the licensee
21 to maintain human and/or electronic surveillance
22 of the aisles where alcoholic beverages are sold.

1 In reference to trash, Ms. Shaw stated
2 that the establishment's shopping carts end up in
3 random areas of the parking lot and inside of the
4 neighborhood adjacent to the establishment. Ms.
5 Shaw stated that the shopping carts are then left
6 unattended and have become an issue in the
7 surrounding area.

8 On February 21, 2018, I received a
9 statement from the applicant's attorney, Mr.
10 Stephen O'Brien. Mr. O'Brien stated that the
11 presence of the Safeway store and its sale of
12 beer and wine do not negatively impact peace,
13 order and quiet.

14 In response to the protestant's
15 concern, Mr. O'Brien stated the following: In
16 reference to translucent bags, Mr. O'Brien stated
17 that the subsequent -- that subsequent to 2003,
18 D.C. passed a law to charge .5 cents for every
19 disposable bag. Mr. O'Brien stated that because
20 there has been an intervening change in the law,
21 the licensee cannot force customers to purchase a
22 translucent bag if they chose not to. Thus

1 making the stipulation of the settlement
2 agreement unenforceable.

3 In reference to single sales and human
4 and/or electronic surveillance, Mr. O'Brien
5 stated that the licensee has maintained security
6 at \$500,000 annually at all hours that the store
7 is open. Mr. O'Brien stated that the
8 establishment has three security guards assigned
9 to the store whose responsibilities include
10 conducting human surveillance of the grocery
11 aisles where alcoholic beverages are displayed.

12 Mr. O'Brien stated that the Safeway
13 does not sell single cans or bottles of alcoholic
14 beverages.

15 As it relates to trash, Mr. O'Brien
16 stated that Safeway is not to blame for the trash
17 issues that the protestants have mentioned. Mr.
18 O'Brien stated that each shopping cart is valued
19 at approximately -- it's -- my report -- this
20 goes in -- to the Board, my report says
21 approximately, \$1,000. Prior to this hearing,
22 moments before the hearing, Mr. O'Brien mentioned

1 to me that he read the numbers wrong in his notes
2 and that it should say, approximately, \$100 per
3 shopping cart, not \$1,000.

4 CHAIRPERSON ANDERSON: Okay.

5 THE WITNESS: And he stated that the
6 theft of the carts from the store constitutes a
7 significant loss to Safeway.

8 Mr. O'Brien stated that locks have
9 been installed on the shopping carts, but they
10 have continued to be stolen. He also stated that
11 in addition to the shopping carts being stolen,
12 the electronic handicap carts, which are valued
13 at, approximately, \$4,000 have been stolen as
14 well.

15 I asked Mr. O'Brien if he was aware if
16 the licensee had maintained a logbook detailing
17 the time and date of calls made to Metropolitan
18 Police Department? Mr. O'Brien informed me that
19 the copy of the settlement agreement that he had
20 reviewed did not include a requirement for
21 maintaining a logbook.

22 It was at this time that myself and

1 Mr. O'Brien determined that in addition to the
2 settlement agreement that was executed on May 16,
3 2002, the ABC Board issued Board Order 2003-36.
4 On April 16, 2003, they added a stipulation
5 related to maintaining a logbook.

6 I emailed a copy of the Board Order to
7 Mr. O'Brien at that time. Mr. O'Brien stated
8 that he would provide the licensee with a copy of
9 the Board Order and ensure that the licensee
10 would maintain a logbook, if security was not
11 already doing so.

12 Mr. O'Brien stated that the
13 neighborhood is challenging, but Safeway had not
14 been the cause of the loitering and panhandling
15 that may have transpired in the vicinity of the
16 store.

17 CHAIRPERSON ANDERSON: Repeat that
18 again.

19 THE WITNESS: Mr. O'Brien stated that
20 the neighborhood is challenging, but Safeway has
21 not been the cause of the loitering and
22 panhandling that may have transpired in the

1 vicinity of the store.

2 Safeway is located in a Mixed-Use, MU-
3 7, Zone, according to the D.C. Zoning Handbook.
4 According to the District of Columbia Geographic
5 Information System, as of February 8, 2018, there
6 are no active ABC licensed establishment
7 operating within 1200 feet of Safeway.

8 According to the D.C. Geographic
9 Information Systems, there are no recreation
10 centers, libraries or daycare centers located
11 within 400 feet of the establishment. However,
12 Stanton Elementary School, which is located -- is
13 located within 400 feet of the establishment.

14 In Board Order 2003-36, the ABC Board
15 ruled that there was no evidence that Safeway
16 would negatively affect the operation of Stanton
17 Elementary.

18 The hours of operation of this
19 establishment listed on the license is 5:00 a.m.
20 to 12:00 a.m. daily, Sunday to Saturday.

21 On February 28, 2018, I conducted a
22 regulatory inspection at the establishment. I

1 met with front end manager and also ABC Manager,
2 Tishana Sams, as well as Assistant Store
3 Director, Bill Johnston. Mr. Johnston escorted
4 me to the grocery aisles where alcoholic
5 beverages were displayed. During this time, I
6 did observe two-packs and four-packs of alcohol
7 with missing bottles and cans, which can be seen
8 in Exhibits 14 through 19.

9 Mr. Johnston had stated that the staff
10 was trained not to sell single sales and that the
11 missing alcoholic beverages observed was the
12 result of customers stealing product. Mr.
13 Johnston stated that the theft of goods,
14 particular alcoholic beverages, have become
15 common in the establishment.

16 Mr. Johnston stated that the
17 establishment's camera system was recently
18 upgraded to assist in providing efficient
19 electronic surveillance of the entire store. He
20 also stated that security patrols the
21 establishment and monitors the alcoholic beverage
22 aisles.

1 I did notice that the camera monitor
2 in one of the beverage aisles was operable during
3 my visit. Mr. Johnston provided myself with the
4 view of the entire camera system from the store
5 manager's desktop computer and I was provided
6 with -- I was able to see that the camera system
7 had playback capability.

8 When I asked the staff, particularly
9 Mr. Johnston, about the logbook, he stated that
10 he was unaware if the establishment had kept a
11 logbook. He also informed me that he was
12 recently assigned to the store in November of
13 2017.

14 At the conclusion of my regulatory
15 inspection, I informed the ABC Manager, Ms. Sams,
16 that I observed, during my canvassing of the area,
17 shopping carts on the east side of the Safeway
18 closer to the rear of the -- well, in the rear of
19 the shopping center. I observed abandoned
20 shopping carts. Ms. Sams at that moment told me
21 that there was a shopping cart attendant assigned
22 to the parking lot and was responsible for

1 monitoring and identifying abandoned shopping
2 carts in the vicinity.

3 Ms. Sams contacted the shopping cart
4 attendant and asked him to retrieve the shopping
5 carts in my presence.

6 Ms. Sams also stated that the location
7 where I observed the abandoned shopping carts was
8 typically where they found other shopping carts,
9 because the shopping cart wheel locks were
10 programmed to activate at that location to deter
11 customers from stealing them. However, Ms. Sams
12 stated that some customers have discovered how to
13 bypass the lock system and steal the carts beyond
14 that point.

15 While canvassing the vicinity around
16 Safeway, including the shopping center and the
17 neighborhood that sits behind Safeway, I did not
18 observe any trash, alcoholic beverage cans or
19 bottles or shopping carts in the neighborhood
20 behind Safeway.

21 In reference to MPD calls for service,
22 this was requested from the office of the --

1 Office of Unified Communications. I received a
2 list of calls of service -- calls for service
3 from February 1, 2017 to February 28, 2018.
4 During that time, Safeway had, approximately, 400
5 calls for service at the address requested. None
6 of the calls for service listed had ABRA -- it
7 did not list -- I'm sorry -- with none of them
8 being listed as ABRA-related incidents.

9 It should be noted that in the
10 investigative history, on March 30, 2017, the
11 establishment had a sale to minor violation. And
12 on January 8, 2016, there was another sale to
13 minor violation as well as November 3, 2015. I'm
14 sorry, July 2, 2015 as well as February 22, 2007.

15 As a result, the March 30, 2017 case
16 resulted in the licensee being suspended for --
17 or alcohol service being suspended for four days
18 and six days stayed for one year.

19 And I'm going to -- I can go through
20 the exhibits?

21 CHAIRPERSON ANDERSON: Yes, please, go
22 through the exhibits.

1 THE WITNESS: All right. Exhibit 1 is
2 a copy of the Protest Letter received by ABRA.
3 Exhibit 2 is the definition of the Mixed-Use
4 Zone. Exhibit 3 is a copy of the GIS Map that
5 states that there are no licensed establishment
6 within 1200 feet of Safeway. Exhibit 4 it is
7 showing that Stanton Elementary is within 400
8 feet. Exhibit 5 is page 13 of the
9 establishment's Board Order that was issued
10 referencing that there was no negative effects on
11 the operation as a result of the establishment
12 being within 400 feet of Stanton Elementary.

13 Exhibit 6 is map of where Safeway is
14 located. Exhibit 7 is the parking lot in the
15 front of the establishment. Exhibit 8 and 9, 10,
16 11 and 12 are pictures of the aisles where
17 alcoholic beverages are located inside of the
18 establishment.

19 Exhibit 13 is a copy of the regulatory
20 inspection conducted on February 28th. Exhibit
21 14 through 19, I believe, yes, 19, is a copy of -
22 - these are photos of missing alcoholic beverages

1 from four-packs and two-packs inside of the
2 establishment. Exhibit 20 is a copy of the
3 camera monitor that is operable inside of the --
4 or in one of the alcohol beverage aisles.

5 21, Exhibit 21, 22 and 23 are photos
6 of the desktop monitor of the store manager
7 showing that the cameras do have playback
8 capability. Exhibit 24 is a photo of the
9 shopping carts, abandoned shopping carts that I
10 observed. Exhibit 25 is just a shot of the
11 parking lot directly in front of Safeway.

12 Exhibit 26 is a photo of -- another
13 photo of the parking lot with the shopping cart
14 attendant retrieving some shopping carts.
15 Exhibit 27 is a photo of the parking lot in front
16 of safeway as well as the bus stop directly in
17 front of Safeway that sits on Alabama Avenue.
18 Exhibit 28, 29, 30, 31 are photos of the
19 neighborhood that sits behind safeway.

20 Exhibit 32 is a copy of the calls for
21 service. Exhibit 33 is a copy of the voluntary
22 agreement between the ANC and Safeway. And

1 Exhibit 34 is a copy of the Board Order that was
2 issued.

3 (Whereupon, the above-
4 referred to documents were
5 marked as Government Exhibit
6 No. 1 through 34 for
7 identification.)

8 CHAIRPERSON ANDERSON: That's it?

9 THE WITNESS: Yes, sir.

10 CHAIRPERSON ANDERSON: I just want to
11 ask you a quick question. Explain again what
12 Exhibit 15 is, please.

13 THE WITNESS: Exhibit 15?

14 CHAIRPERSON ANDERSON: Yes.

15 THE WITNESS: So the majority of the
16 -- this picture is two Bud Ice singles. The
17 majority of the Bud Ice are attached by plastic.
18 I don't -- I'm not sure what the exact term is,
19 but they sell them as two-packs. And the plastic
20 -- there is some plastic wiring that hold the
21 two-packs together.

22 So I'm assuming what -- based on what

1 the store manager told me is that customers come
2 in and detach the two-packs and take one. And
3 according to the licensee, they steal them and
4 not purchase a single can, because he said that,
5 Mr. Johnston, said that the cashiers are trained
6 not to purchase -- not to sell single --
7 individual single cans.

8 So this picture shows that these two
9 single cans, they are sitting there as singles
10 and not attached like the rest of them I saw.

11 CHAIRPERSON ANDERSON: So once the
12 store manager saw these two single cans, I mean,
13 what did he do? What was done to these two cans?

14 THE WITNESS: He removed them from the
15 shelf. These particular two cans, he removed
16 them. But as we, like I said, walked through the
17 rest of the alcohol aisles, there were -- I mean,
18 it was a lot of two-packs and four-packs that
19 were detached.

20 CHAIRPERSON ANDERSON: And were --
21 okay. There were a lot, so what, if anything,
22 did management say about what would be done about

1 all these detachments?

2 THE WITNESS: So he mentioned that
3 when they observe detached cans and bottles like
4 this, they remove them from the shelf and put
5 them back together, but he said because there is
6 a problem with theft in the store, that it's a
7 daily issue for them. So it's something that
8 they do on a repetitive basis.

9 CHAIRPERSON ANDERSON: You said there
10 was a lot. What do you call a lot?

11 THE WITNESS: I took six picture of
12 cans missing, so I think I'm safe to say at least
13 10 different. In addition to the six, maybe four
14 or five other packages that I seen with missing
15 cans or bottles.

16 MEMBER SHORT: How many aisles?

17 THE WITNESS: There are four aisles,
18 but on -- so there are six rows. There are six
19 rows of alcoholic beverages, but there are four
20 individual aisles. So on three of the aisles,
21 they are two-sided. And then on the one aisle,
22 it's only on the left side of beer -- I believe

1 it's beer.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you, Mr. Townsend. Do we have any other
4 questions by any Board Members? Go ahead, Mr.
5 Short.

6 MEMBER SHORT: All right. Well, just
7 getting back on that issue of theft. How long
8 were you in the store?

9 THE WITNESS: How long?

10 MEMBER SHORT: Yes, for your
11 inspection.

12 THE WITNESS: About an hour, about 45
13 minutes to an hour.

14 MEMBER SHORT: How long or how far
15 into your visit, at that time, did you notice the
16 two cans that were -- or the numerous cans that
17 were disconnected?

18 THE WITNESS: Maybe about 20 minutes.

19 MEMBER SHORT: So would it be safe to
20 say when you got there, they were there like that
21 and nobody did anything about them until you said
22 something about it?

1 THE WITNESS: Correct.

2 MEMBER SHORT: The carts that you saw
3 back the -- the service carts --

4 THE WITNESS: Yes, sir.

5 MEMBER SHORT: -- how long were you
6 there before you observed them out back
7 unattended?

8 THE WITNESS: I canvased the area
9 before entering the establishment, so I would say
10 about 30 to 45 minutes prior to me entering the
11 establishment is when I noticed the carts. After
12 I saw the carts, I went into the neighborhood, so
13 that was, I would say, about 30 minutes.

14 MEMBER SHORT: Okay. And so when you
15 left, were the carts removed?

16 THE WITNESS: Yes, sir.

17 MEMBER SHORT: Okay. So do you think
18 pretty much that -- well, no, let me get away
19 from that. I guess the question I want to ask is
20 this protest is about peace, order and quiet. So
21 would you think that the carts being abandoned in
22 the back of the store on the lot, is that a

1 positive or a negative effect on the community?

2 THE WITNESS: In my opinion, it would
3 be a negative effect.

4 MEMBER SHORT: Okay. The aisles of
5 alcohol that you observed with the single cans
6 were there and you were told that normally they
7 would not allow that to happen. They come right
8 along and take those cans off, correct?

9 THE WITNESS: Correct.

10 MEMBER SHORT: The sale to minors that
11 you talked about in your report, were any of
12 those for single cans? And how many, while you
13 are going over that, sale to minors were in the
14 store and what length of time?

15 THE WITNESS: Since 2007 there have
16 been four. And of the four, I can't-- based on
17 just looking at this history, I am not too sure
18 if any of those four involved the sale of a
19 single.

20 MEMBER SHORT: Okay. And those sales
21 were between what dates? Give me the month and
22 year.

1 THE WITNESS: Okay. So the first one
2 was February of 2007. The second one was July of
3 2015. The third one was January 2016. And the
4 fourth one was March 30th, March of 2017.

5 MEMBER SHORT: Okay. Getting back to
6 theft and property loss, you said they didn't
7 have a logbook or did they?

8 THE WITNESS: The staff wasn't aware.
9 Well, Mr. Johnston, in particular, because he was
10 the assistant store director, he was -- I asked
11 him, but he was not aware of an incident logbook.

12 MEMBER SHORT: Okay. In the SA, is
13 there anything in that saying about any logbook
14 or --

15 THE WITNESS: The settlement agreement
16 does not mention the logbook. However, the Board
17 Order that was issued by this Board states it was
18 added to that paragraph that a logbook detailing
19 -- that they are to keep track of when MPD is
20 called was mentioned in the Board Order.

21 MEMBER SHORT: Okay. So they weren't
22 doing that?

1 THE WITNESS: Not to my knowledge.

2 MEMBER SHORT: Were they cited for
3 that?

4 THE WITNESS: They -- no, sir, not by
5 me. They were not. When I spoke to Mr. O'Brien
6 about it, I called him directly after my visit
7 and questioned him about it. And he stated that
8 the applicant was -- they only had the settlement
9 agreement and the first time that he was aware of
10 the Board Order was when I started asking him
11 about well, you know, I went to the store and no
12 one knew about a logbook. Are you aware? And he
13 stated that the licensee--

14 MEMBER SHORT: What was the date of
15 the --

16 THE WITNESS: The Board Order?

17 MEMBER SHORT: -- Board Order for the
18 -- and the information that they needed to keep a
19 log?

20 MR. O'BRIEN: I'll stipulate April 3,
21 2003.

22 MEMBER SHORT: No, no, please, let him

1 answer, Mr. Mr. O'Brien.

2 MR. O'BRIEN: Okay.

3 MEMBER SHORT: Thank you. Okay. I'm
4 going to -- I just wanted to get testimony on the
5 -- from the Investigator. There is reason for
6 it. Okay. That's okay. So, Mr. O'Brien, what
7 date?

8 MR. O'BRIEN: April 3, 2003.

9 MEMBER SHORT: April?

10 MR. O'BRIEN: 3, 2003. Is the Board
11 Order.

12 MEMBER SHORT: Okay. So,
13 Investigator, can I ask you why you did not cite
14 him or for not sticking with that?

15 THE WITNESS: When I was there doing
16 my regulatory inspection, I was not aware of the
17 Board Order. I was aware that they had a
18 settlement agreement, because when I checked the
19 license, it stipulates whether or not they have
20 one or not. And I reviewed the settlement
21 agreement that they had there, which is my normal
22 procedures. If they have a settlement agreement

1 and it says it all in the ABC License, I'll ask
2 for it and review it there on the spot.

3 While I was there, I reviewed the
4 settlement agreement that they had posted next to
5 the license and I didn't see the sentence on
6 there about maintaining a logbook. So when I got
7 back and contacted -- or actually when I got back
8 and looked at the settlement agreement in the
9 files, I noticed that there were two. And when I
10 contacted Mr. O'Brien, I saw that there was a
11 line in there that said logbook. And there was
12 not -- he -- the copy that he sent me, he didn't
13 have logbook stated on his.

14 MEMBER SHORT: Okay.

15 THE WITNESS: So there was a
16 discrepancy as relates to whether or not they
17 knew that they were supposed to.

18 MEMBER SHORT: But officially, they
19 were supposed to have?

20 THE WITNESS: Yes, sir.

21 MEMBER SHORT: And did you cite them
22 for that?

1 THE WITNESS: I did not.

2 MEMBER SHORT: Can I ask you why not?

3 THE WITNESS: Because at the time, I
4 don't -- well, they didn't -- it's of my belief
5 that they didn't have it according to what Mr.
6 O'Brien said. And I didn't --

7 MEMBER SHORT: Okay. Well, let's just
8 say when you go back next, you will check on that
9 accident book, correct?

10 THE WITNESS: Correct. Oh, when I go
11 back, because I gave it to them, that's the first
12 thing I'll look for.

13 MEMBER SHORT: All right. And I guess
14 my line of questioning just goes along with the
15 peace, order and quiet in the neighborhood. And
16 so if you are stating that the carts were back
17 there, you absolutely saw them when you --

18 THE WITNESS: Yes, yes, sir.

19 MEMBER SHORT: -- were there? You saw
20 the beer cans, singles on the shelves.

21 THE WITNESS: Yes, sir.

22 MEMBER SHORT: We know the history

1 that they have not been as -- I guess, watching
2 as close as they can about sales to minors, which
3 is a main, a major issue in that part of town,
4 isn't it?

5 THE WITNESS: It's Ward 7 and 8, yes,
6 sir.

7 MEMBER SHORT: So are you, as an
8 Investigator, in your mind, do you think now if
9 you went there right now, there would be singles
10 on that shelf because it happens all the time?
11 Are they taking care of it? Would you think that
12 because of your visit that things have changed at
13 Safeway?

14 THE WITNESS: Um --

15 MEMBER SHORT: Be honest. I mean you
16 have been doing this for four years.

17 THE WITNESS: Based on my experience
18 as an Investigator, I would assume that there are
19 singles on the shelves right now.

20 MEMBER SHORT: That's all I have, Mr.
21 Chair.

22 CHAIRPERSON ANDERSON: Any other --

1 MEMBER SHORT: Thank you very much,
2 Investigator.

3 CHAIRPERSON ANDERSON: Mr. Alberti?

4 MEMBER ALBERTI: Investigator
5 Townsend, thank you for your excellent report.

6 THE WITNESS: Yes, sir.

7 MEMBER ALBERTI: So I'm going to beat
8 a dead horse here and ask you about these
9 displays of beers.

10 THE WITNESS: Okay.

11 MEMBER ALBERTI: I apologize. But
12 I'll try to be brief and to the point. So I'm
13 going to define an aisle face as one side of the
14 aisle, so that both sides have a product, that's
15 two aisle faces.

16 THE WITNESS: Correct.

17 MEMBER ALBERTI: How many aisles? Do
18 you remember how many aisle faces of beer and ale
19 they had? And you can refer to your exhibits if
20 you want to.

21 THE WITNESS: I believe it was either
22 two or three, but I'm going to check my exhibits.

1 MEMBER ALBERTI: Yes.

2 THE WITNESS: There was two beer
3 aisles.

4 MEMBER ALBERTI: Okay. So is that
5 Exhibit 8 and Exhibit 9?

6 THE WITNESS: Yes, sir.

7 MEMBER ALBERTI: Okay. And are they
8 opposite of each other?

9 THE WITNESS: They are -- no. They
10 are --

11 MEMBER ALBERTI: On two different
12 aisles?

13 THE WITNESS: Correct.

14 MEMBER ALBERTI: Okay. But that's the
15 only two that you noted?

16 THE WITNESS: Yes, sir.

17 MEMBER ALBERTI: Okay. I'm going to
18 test your memory here.

19 THE WITNESS: Okay.

20 MEMBER ALBERTI: And your powers of
21 observation. Do you remember if you observed how
22 things were priced? And so if I had a four-pack

1 or a six-pack or a 12-pack of beer, was it priced
2 by the packaging?

3 THE WITNESS: It was priced by -- it
4 said -- I believe some of them I saw said two or
5 four-pack.

6 MEMBER ALBERTI: Okay. So presumably
7 in Exhibit 15, is it fair to sort of suppose that
8 in Exhibit 14, that if someone brought up these
9 four containers, this six-pack with two missing
10 containers, the clerk wouldn't know how to ring
11 that up? They couldn't really ring it up,
12 because they don't have a full package. Is that
13 a reasonable supposition or no?

14 THE WITNESS: It's a good question.
15 I asked the same question to the ABC Manager and
16 Mr. Johnston. Initially, Mr. Johnston stated
17 that the system did not recognize the ringing up
18 of one of these bottles.

19 MEMBER ALBERTI: Right.

20 THE WITNESS: But Ms. -- the ABC
21 Manager stated that yes, it would ring up as a
22 single bottle, but the staff was trained not to

1 sell singles.

2 MEMBER ALBERTI: Okay. So going back
3 to -- so we only have two aisle faces of beer.
4 And are they sort of back -- do you know if they
5 are back-to-back?

6 THE WITNESS: Yes.

7 MEMBER ALBERTI: So they are back-to-
8 back. All right. So I go down one side and come
9 back down the other, right?

10 THE WITNESS: Correct.

11 MEMBER ALBERTI: And you saw at least
12 10 broken packages?

13 THE WITNESS: I'm -- yeah.

14 MEMBER ALBERTI: All right.

15 THE WITNESS: -- comfortable saying at
16 least 10.

17 MEMBER ALBERTI: Yeah, so I'm going to
18 -- did you see anyone removing them or observing
19 them while you were there?

20 THE WITNESS: No, sir, not--

21 MEMBER ALBERTI: For the purpose of --

22 THE WITNESS: Not prior to myself and

1 the manager walking over there.

2 MEMBER ALBERTI: So is it fair to say
3 that your impression was -- is that they were
4 not, while you were there at least, making an
5 effort to canvas the shelves for broken packages?

6 THE WITNESS: I'm comfortable saying
7 that, yes.

8 MEMBER ALBERTI: How long were you
9 there?

10 THE WITNESS: About an hour.

11 MEMBER ALBERTI: Yeah.

12 THE WITNESS: 45 minutes to an hour.

13 MEMBER ALBERTI: Okay. Thank you. I
14 think I made my point. Yeah, oh, okay. The last
15 thing I want to do is I want to ask you a
16 hypothetical. So based on my hypothetical, I
17 want you to tell me whether or not you would
18 think that this situation would trigger you to
19 write a report alleging a violation. All right?

20 The hypothetical is you are up front
21 and you are observing them packaging alcohol.
22 All right? And someone asks for a bag, all

1 right?

2 THE WITNESS: Um-hum.

3 MEMBER ALBERTI: And they take the
4 alcohol and they put it in an opaque bag, non-
5 translucent bag. According to what you know from
6 the Board Order and from the settlement
7 agreement, would that be a -- would that trigger
8 a report?

9 THE WITNESS: Yes.

10 MEMBER ALBERTI: Okay. All right. I
11 have no further questions. Thank you.

12 THE WITNESS: Thank you.

13 MEMBER SHORT: I just have a follow-
14 up.

15 CHAIRPERSON ANDERSON: Hold on, hold
16 on, Mr. Alberti -- Mr. Short. Any other
17 questions by any other Board Members? Go ahead,
18 Mr. Short.

19 MEMBER SHORT: Okay. How many
20 Safeways have you inspected in Washington, D.C.
21 since you have been with ABRA?

22 THE WITNESS: I think it's safe to say

1 I have probably inspected all of them at least
2 once. So within four years, I don't --

3 MEMBER SHORT: Okay. That's good.
4 Yes, that's good. Now, when you go to those
5 other Safeways, do you see many shelves with
6 singles like you saw at this particular Safeway?

7 THE WITNESS: I can't identify if it
8 was Safeway or not, but I have -- historically, I
9 have seen --

10 MEMBER SHORT: Now, I'm speaking of
11 Safeway.

12 THE WITNESS: Okay. I don't recall at
13 what store it was.

14 MEMBER SHORT: Okay. Now, I guess I
15 can ask you. How many other stores have you been
16 in where you have seen -- who have single sales,
17 but you see singles on the -- non-single sales,
18 but you see singles on the shelf?

19 THE WITNESS: Quite a few. We have
20 also seen them in A stores as well. And if I
21 were just doing an inspection, just a regular
22 inspection and not for a protest, this would

1 probably have triggered me to go back and do a
2 Single Sales Compliance Check, where we go in
3 undercover and try to make a purchase.

4 MEMBER SHORT: Okay. So did this
5 trigger anything, being at this particular
6 Safeway? Did it trigger anything for you to
7 think along those lines?

8 THE WITNESS: After doing this
9 inspection on the 28th, yes, it did. I mean,
10 this is definitely something that we will -- or
11 at least I will keep my eyes on in terms of doing
12 a compliance check at that Safeway.

13 MEMBER SHORT: Okay. And again, why
14 would that be?

15 THE WITNESS: I have -- in my four
16 years, I haven't seen at a grocery store the
17 amount of detached beverages or missing
18 beverages. I haven't seen it as much as I have
19 seen it at this Safeway.

20 MEMBER SHORT: Were any -- did you see
21 any security presence close to those aisles while
22 you were in the store doing that?

1 THE WITNESS: I did see a security
2 guard roaming in that vicinity, but he didn't --
3 when I was -- when we were standing in the aisles
4 and checking the alcohol, I didn't see him come
5 through the alcohol aisles.

6 MEMBER SHORT: How many security
7 guards did you observe while you were there that
8 day?

9 THE WITNESS: There were -- I saw at
10 least two.

11 MEMBER SHORT: Did they say they had
12 three?

13 THE WITNESS: Yes, sir.

14 MEMBER SHORT: But you only saw -- you
15 could only observe two? Maybe one was in plain
16 clothes or whatever, but --

17 THE WITNESS: I identified two
18 security guards.

19 MEMBER SHORT: All right. Okay.
20 That's all I have. Thank you, Mr. Chair.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you. Mr. O'Brien?

1 CROSS-EXAMINATION

2 BY MR. O'BRIEN:

3 Q Investigator Townsend, in no
4 particular order, one of Chief Short's last
5 questions to you was regarding other stores
6 around town where you have seen -- which are
7 subject to single sales bans, but you have seen
8 singles on the shelf.

9 Okay. You have seen that all over the
10 city, not just Ward 7 and Ward 8, correct?

11 A Yes.

12 Q Could you take another look at Exhibit
13 15, please, which depicts two, what I'll call,
14 free-standing cans of Bud Light. What does the
15 shelf price say? What does the shelf sticker say
16 the price of that is?

17 A \$2.69.

18 Q So that's a discount price, isn't it?
19 A club price?

20 A Yes, it appears to be, yes.

21 Q The normal price is \$4.99?

22 A Based on this picture, yes.

1 Q Okay.

2 A I would assume that.

3 Q Would, in your experience as an
4 Investigator, anybody pay \$4.99 for a single can
5 of Bud Ice?

6 A I don't know. I can't --

7 Q Do you have a sense of what beer
8 costs?

9 A I do, but I don't purchase two-packs,
10 so I wouldn't know what the price of a Bud Ice
11 two-pack would be or the range of it.

12 Q Okay. For clarification, and this
13 developed in conversation between me and you on
14 the phone, it turns out we have a 2002 voluntary
15 agreement.

16 A Correct.

17 Q And a 2003 Board Order.

18 A Correct.

19 Q Okay. Which of those two was hanging
20 on the wall when you inspected the store?

21 A The 2002 settlement agreement.

22 Q And that document does not contain a

1 logbook requirement, does it?

2 A Correct.

3 Q It is only the 2003 order that has a
4 logbook requirement?

5 A Correct.

6 Q But the 2003 order was not hanging on
7 the wall of the store?

8 A Correct.

9 Q What does the 2003 Board Order require
10 with respect to a logbook? And you can look at
11 your Exhibit 34. I can tell you to save time
12 here, I think it's at page --

13 A 14?

14 Q -- 14.

15 A It says "The applicant shall maintain
16 a logbook detailing the time and date of such
17 calls made to MPD."

18 Q Okay. When it says such calls, what
19 kind of calls is it referring to?

20 A Based on this sentence, I would assume
21 that it means whenever MPD needs to be called for
22 assistance to the establishment.

1 Q Well, if I suggest to you the word
2 such relates to the previous phrase --

3 A Oh.

4 Q -- (c) "Calling MPD to enforce the
5 applicant's policy against loitering and
6 panhandling. The applicant shall maintain a
7 logbook detailing the time and date of such calls
8 to MPD."

9 Would you agree that not all calls to
10 MPD require logbook entry, only calls to MPD
11 regarding loitering and panhandling?

12 A If such is referring to (c), then yes,
13 that's what I would interpret that to be.

14 Q Okay. The shopping carts that you saw
15 during your regulatory visit --

16 A Yes.

17 Q -- they were still within the bounds
18 of the shopping center?

19 A It was -- I'm not sure if I would call
20 that the bounds of the shopping center. It was--
21 there is the storefront. Then you go down, I'm
22 going to say, maybe about -- in terms of

1 distance, I'll say maybe about -- in terms of
2 distance, I'll say maybe about a half a block and
3 then you turn the corner and there is an exit
4 behind Safeway. They were next to -- they were
5 at the end of the sidewalk next to, I think, some
6 bushes, so I'm not sure what would be considered
7 the bounds of Safeway, but it was around the
8 storefront. It was around the corner of the
9 storefront.

10 Q Okay. Well, it's -- we don't know
11 where the property line is, but it's not
12 contested in this case that shopping carts make
13 their way into the neighborhood beyond -- I think
14 you saw that in at least one visit, did you not?

15 A I didn't.

16 Q You did not?

17 A I did not. During my canvas of the
18 neighborhood, I did not.

19 Q Going back to the logbook, you say you
20 spoke to the manager, to a manager who had been
21 there for four months who did not know about it.

22 A Correct.

1 Q Did you speak to either of the
2 security guards that you viewed regarding
3 maintenance of the logbook?

4 A No, but the store manager asked the
5 ABC Manager in my presence.

6 Q Okay.

7 A And she was unaware of it as well.

8 Q Okay. I see from your report,
9 although you have not testified -- excuse me. I
10 see from your report, although you did not
11 testify to it, that you made a total of six
12 visits to the store. I think we are on page 6 of
13 your report. I'm sorry, page 5 --

14 A Page 5.

15 Q -- of your report.

16 A Yes.

17 Q Okay. And at different times of day,
18 I see?

19 A Correct, yeah.

20 Q Okay. On the top of page 7 of your
21 report, you recite that "Investigator Townsend
22 did not observe any issues with peace, order and

1 quiet as it relates to Safeway."

2 Your report is accurate in that
3 respect, is it not?

4 A Yes. In -- let me give it some
5 context.

6 Q Sure.

7 A As it relates to the shopping carts,
8 Ms. Shaw in her statement, she stated that when
9 she mentioned that the issues were peace, order
10 and quiet and trash, she mentioned that the
11 shopping carts was a trash issue. And we had the
12 conversation about whether or not -- or what the
13 scope of my investigation was it was peace, order
14 and quiet, but I also informed her that it was,
15 in my opinion, that the shopping carts did not
16 necessarily fall under peace, order and quiet.
17 It was more of a trash issue and that she would
18 be more than welcome to mention it or bring it
19 and put it on the record in this hearing.

20 But based on the abandonment of the
21 shopping carts, I did -- when Ms. Shaw asked a
22 question, I did state that it was -- you know, it

1 would be considered a peace, order and quiet
2 issue.

3 Q Well, Ms. Shaw and I or even Board
4 Members among themselves might disagree as to
5 exactly what constitutes peace, order and quiet.
6 You have been doing this four years.

7 A Correct.

8 Q You have got a sense of what it means,
9 at least, to you, correct?

10 A Yes.

11 Q All right.

12 A What peace, order and quiet means?

13 Q Yes.

14 A Yes.

15 Q Did you see in your six visits any
16 issues with peace, order and quiet at this store?

17 A If we are not talking about shopping
18 carts?

19 Q Um-hum.

20 A No, not in my opinion.

21 Q Okay. Would you shop at this store?

22 A I have shopped at the store.

1 Q Would you go back again?

2 A Yes.

3 Q Okay.

4 MR. O'BRIEN: Those are my questions.

5 Thank you.

6 CHAIRPERSON ANDERSON: Ms. Shaw, do
7 you have any questions or who will be -- well,
8 you are the representative, Ms. Shaw, so you have
9 to -- so what questions do you have for Mr.
10 Townsend?

11 CROSS EXAMINATION

12 BY MS. SHAW:

13 Q Thank you, Investigator Townsend. Do
14 you have in possession my November 20th email
15 where I sent to the Chair and ABC Board regarding
16 what issues we want to contest?

17 A Um --

18 Q Exhibit 1.

19 A Exhibit 1?

20 Q Yes.

21 A Okay.

22 MR. O'BRIEN: November 20?

1 MS. SHAW: November 20?

2 MR. O'BRIEN: Okay. Thanks.

3 THE WITNESS: Yes.

4 BY MS. SHAW:

5 Q Can you list what we said were our
6 concerns for each -- for our stores?

7 A Peace, order, quiet and trash.

8 Q Okay. So you testified that shopping
9 carts cost, originally it was \$1,000 and then it
10 came down to \$100.

11 A Yes, ma'am.

12 Q Correct?

13 A Yes, ma'am.

14 Q And if you saw \$100 that had been
15 sitting there for days at a time, would you
16 consider that it was abandoned?

17 A Yes.

18 Q And that would mean trash, correct?

19 A Yes, ma'am.

20 Q So --

21 A I would assume it's trash.

22 Q I agree. I totally agree. So when

1 you went in the community, did you happen to see
2 in the -- did you get to go through all the
3 alleys and get to see the majority of the alleys
4 where the trash was wheeled down the alleys and
5 left abandoned?

6 A I walked through a portion of that
7 neighborhood, directly behind Safeway and to
8 include some alleys and there are some driveways
9 behind the residences, I did not -- I'm not sure
10 what you are referring to when you say that trash
11 was dumped, but I didn't see -- I think my
12 priority was looking for shopping carts and, you
13 know, alcoholic beverage containers and that. I
14 just didn't see those things.

15 Q So metaphorically, if we see something
16 abandoned, it would consider somebody else's
17 trash. I am going that the shopping carts is
18 considered abandoned and therefore it's trash.
19 If it has been sitting there for days and days on
20 end, correct? And you -- correct? I'm sorry.

21 MR. O'BRIEN: Mr. Chairman, I object.
22 This is argument. It's not questioning.

1 MS. SHAW: No, this is not an
2 argument.

3 CHAIRPERSON ANDERSON: Ms. Shaw, you
4 address me not him.

5 MS. SHAW: All right.

6 CHAIRPERSON ANDERSON: And so
7 therefore, ask it in the form of a question. I
8 know you are not an attorney, so but when there
9 is -- he is objecting. He addresses me. And
10 when -- in response to him, you --

11 MS. SHAW: I apologize.

12 CHAIRPERSON ANDERSON: -- respond to
13 me, please. All right. So why don't you
14 rephrase your questions. I think he is -- so why
15 don't you rephrase the question?

16 BY MS. SHAW:

17 Q When you went up and down the alleys,
18 did you happen to see abandoned vehicles -- I
19 mean, abandoned carts, shopping carts discarded?

20 A No, ma'am.

21 MS. SHAW: May I -- can I bring --

22 CHAIRPERSON ANDERSON: Is this part of

1 your PIP?

2 MS. SHAW: Yes.

3 CHAIRPERSON ANDERSON: Is it
4 disclosed?

5 MS. SHAW: Yes.

6 CHAIRPERSON ANDERSON: What exhibit is
7 this?

8 MS. SHAW: I wasn't told I needed to
9 number, but it's a part of the 16 pictures.

10 CHAIRPERSON ANDERSON: Which? And is
11 it in the PIP?

12 MS. SHAW: Yes.

13 CHAIRPERSON ANDERSON: What?

14 MS. SHAW: When I originally submitted
15 the information on March 7th, I had -- or
16 whatever it was, the pictures that were included
17 of abandoned shopping carts up and down the
18 alley.

19 CHAIRPERSON ANDERSON: All right.

20 MR. O'BRIEN: Let me be fair, Ms. Shaw
21 filed a PIF and at the same time sent
22 photographs. So I -- she sent them in

1 conjunction with the PIF.

2 CHAIRPERSON ANDERSON: All right.

3 MR. O'BRIEN: So I think it is fair of
4 her to use them.

5 CHAIRPERSON ANDERSON: All right. So
6 you have -- I don't know if I have them, so I
7 can't see them, because I don't --

8 MS. SHAW: They should be included in
9 your packet. I was told by April Randall that
10 you all did get them. Okay. Thank you, Ms.
11 Randall. Hi, nice to meet you.

12 CHAIRPERSON ANDERSON: So where are
13 they in the exhibits that we have in front of us,
14 because I want to make sure that Mr. O'Brien has
15 that, too, so we can all be looking at the same
16 things.

17 MS. SHAW: Yes.

18 CHAIRPERSON ANDERSON: So which --
19 what exhibit are you going to show him?

20 MS. SHAW: I'm going to show him in
21 the rear of Safeway, the rear for --

22 CHAIRPERSON ANDERSON: No, the reason

1 -- you need to -- Mr. O'Brien needs to know what
2 you are showing him. So why don't you show Mr.
3 O'Brien what you are going to show him before you
4 show it to him.

5 MS. SHAW: Okay.

6 MEMBER SHORT: Mr. Chair, may I make
7 a suggestion? Maybe she doesn't have them
8 numbered. We have them numbered.

9 CHAIRPERSON ANDERSON: These are not
10 hers.

11 MS. SHAW: I don't have them numbered.
12 I don't. Thank you.

13 CHAIRPERSON ANDERSON: So I just want
14 to make sure he knows. So show Mr. O'Brien what
15 you are about to show him. Once you show Mr.
16 O'Brien, then you can tell us what it is and then
17 you can show the witness.

18 MEMBER ALBERTI: Are those numbered?

19 CHAIRPERSON ANDERSON: She said no.

20 MEMBER ALBERTI: Are those -- what you
21 are looking at, are they numbered?

22 MS. SHAW: No, they're not.

1 MEMBER ALBERTI: Okay.

2 MS. SHAW: I apologize.

3 MEMBER ALBERTI: Fine. All right.

4 MS. SHAW: I apologize.

5 MR. O'BRIEN: I don't have it, but I
6 have no objection to Ms. Shaw showing that to the
7 witness.

8 CHAIRPERSON ANDERSON: Okay. Go
9 ahead, Ms. Shaw. Can you ask him to identify the
10 document?

11 BY MS. SHAW:

12 Q Can you identify what is in this
13 picture?

14 A I see two shopping carts and what
15 appears to be an alley or a driveway of some
16 sort. It looks like residential.

17 Q Right. Board, what I submitted is
18 this is a picture of the alley between 30th and
19 29th Street, S.E., and --

20 CHAIRPERSON ANDERSON: You can't --
21 you have to -- you can't -- that's for closing.
22 If you could ask him to identify what it is and

1 then you have to move on.

2 MS. SHAW: Oh.

3 MR. O'BRIEN: Mr. Chairman, I suggest
4 a more expeditious way of proceeding?

5 CHAIRPERSON ANDERSON: Yes, sir?

6 MR. O'BRIEN: The witness has never
7 seen these photographs to my knowledge, so he
8 can't authenticate them. I think it's up to Ms.
9 Shaw in her case to present the photos and for
10 her to tell you what they represent.

11 CHAIRPERSON ANDERSON: Right.

12 MR. O'BRIEN: He doesn't know.

13 CHAIRPERSON ANDERSON: Right. But you
14 can ask him to identify these. If he doesn't
15 know what it is, he can say that. Okay?

16 MS. SHAW: Okay.

17 CHAIRPERSON ANDERSON: So just ask him
18 to identify it. If he --

19 BY MS. SHAW:

20 Q Can you identify this?

21 A It's two shopping carts.

22 Q Does it look like they are abandoned?

1 A Yes.

2 Q That's not right. I'm sorry.

3 MEMBER ALBERTI: So, Ms. Shaw, I think
4 Mr. O'Brien's suggestion would be helpful.

5 MS. SHAW: Okay.

6 CHAIRPERSON ANDERSON: Well --

7 MEMBER ALBERTI: When you present your
8 case, you can tell us what we are looking at.
9 Your witness can tell us I'm looking at this and
10 it's on 1st Street between, you know, A and B.

11 MS. SHAW: Okay.

12 MEMBER ALBERTI: And then we can see
13 the carts. I mean, you know, you don't have to
14 tell me there is two carts there.

15 MS. SHAW: No problem.

16 MEMBER ALBERTI: But if you tell me
17 where it is and the Investigator has no idea
18 where it is.

19 CHAIRPERSON ANDERSON: This is what
20 you -- this is how best to do that, Ms. Shaw.
21 You can -- if you want to do pictures, do
22 pictures that he took. If you have pictures,

1 then you call a witness and have the witness
2 describe and identify what it is. Because I
3 think if this is so -- if there are pictures in
4 Mr. Townsend -- so this is what I'll -- you need
5 to ask him questions on his report.

6 What you are doing when you are
7 presenting your case, you can have -- you can
8 call the witness and just have your witness
9 identify what they are, because at least your
10 witness will know what it is. So you can only
11 ask Mr. Townsend questions on his report. The
12 report that he did.

13 MS. SHAW: Board indulgence, so I can
14 understand. Did Mr. Townsend have a chance to
15 see the pictures that I submitted?

16 CHAIRPERSON ANDERSON: But it doesn't
17 matter. That is what I'm trying to say to you.

18 MS. SHAW: Okay. Thank you.

19 CHAIRPERSON ANDERSON: You can --

20 MS. SHAW: Maybe he can answer.

21 CHAIRPERSON ANDERSON: -- yes, I don't
22 know if he can, but you can only ask him to

1 testify about the testimony he gave about his
2 report. So if it's not in the body of his
3 report, then you can't ask him questions about
4 it, because he only has direct knowledge about
5 what is in his report.

6 Whatever the picture that you are
7 showing, you can call a witness later on to show
8 -- in presenting your case to show -- have that
9 witness identify the pictures and tell us what it
10 is, because that witness can tell us what it is.
11 Mr. Townsend can look at it and say oh, yes, it's
12 a shopping cart, but this can be from anywhere.

13 So he is not going to know, since he
14 did not take the picture, he does not know that
15 this is in the same -- was in the vicinity of the
16 Safeway.

17 MS. SHAW: Okay.

18 CHAIRPERSON ANDERSON: If that's where
19 it is.

20 BY MS. SHAW:

21 Q Investigator Townsend, did you say
22 that a staff member told you that the cash

1 register can trigger or observe if a single sale
2 had been done?

3 A My statement was that if a cashier
4 rung up a single alcoholic beverage, it would
5 ring up as, I' assuming, what the price of either
6 a single or a two-pack would be. But I guess,
7 you know, my question to them was, was there
8 something in the system that triggered if a
9 single was rung up and he -- well, the ABC
10 Manager stated that if a single does ring up, it
11 will just show a price. And if the cashier is
12 not trained to know that a single isn't supposed
13 to be sold, then it would, I mean, just be sold.

14 Q So did you ask, since it was a lot of
15 cans that were missing, for the register tape to
16 see were any sold at all? Any singles were sold?

17 A I did not.

18 Q Would that have added to our argument
19 that singles were being sold? Seeing that you
20 saw --

21 MR. O'BRIEN: Objection.

22 CHAIRPERSON ANDERSON: What's the

1 nature of your objection?

2 MR. O'BRIEN: She is asking him to
3 speculate as to what the Board might infer from
4 an event that did not take place.

5 CHAIRPERSON ANDERSON: Why don't you
6 rephrase the question? Ask him in a different
7 way. Let me see if there is an objection. Ms.
8 Shaw.

9 BY MS. SHAW:

10 Q You testified there were a lot of
11 singles. More than you have ever seen at any
12 other store, correct?

13 A Yes.

14 Q And you also said that had you not
15 said anything, they would have not been moved.
16 They would have still been there, correct?

17 MR. O'BRIEN: Objection. That's not
18 what he testified to.

19 CHAIRPERSON ANDERSON: Rephrase the
20 question Ms. Shaw. That's not necessarily his
21 testimony.

22 BY MS. SHAW:

1 Q Had you not -- certainly had you not
2 said anything, they would not have been taken off
3 the shelf?

4 A I'm not sure if they would have been
5 taken off the shelves, correct.

6 Q Most of the beer is sold in rings,
7 correct, plastic rings?

8 A Yes.

9 Q And packaging, correct?

10 A Correct, yes.

11 Q In your pictures, you produced a
12 picture of a Budweiser case that the package had
13 been torn open, correct?

14 A Yes.

15 Q In your estimation, is that something
16 easy to open? Is it something that you can just
17 press a tab and open it and -- or even the rings,
18 it's something easy to open or take the bottles
19 out of the rings at all? Is that something that
20 is easy to be done?

21 A Um --

22 Q Do you have to work hard to do it?

1 A -- based on my experience, it is easy
2 to pull a can off of the ring, off of the plastic
3 rings. It's easy to do that. But when they are
4 packaged -- I believe that was a three-pack in my
5 exhibit. When they are packaged in the three-
6 pack, they come fully wrapped in plastic. So it
7 would be a little more difficult to retrieve one
8 single can from those three-packs.

9 Q So if there were three security guards
10 and adequate security and monitors, that's
11 something that could be seen from a monitor,
12 correct? That's not something you could just
13 easily do to take a bottle or a can out that is
14 in a packaging coming from the distillery?

15 A If a human, if a security guard was
16 physically standing in that aisle observing or
17 monitoring or if someone was watching the camera,
18 the security system in the manager's office, yes,
19 that would be something, I believe, in my opinion
20 that one would be able to notice.

21 Q Did you -- you went in the office and
22 you happened to see the security cameras and you

1 said that they did an update. Did they show you
2 where -- did it capture any of the items being
3 stolen or purchased?

4 A They did not show me any information
5 like that.

6 Q Did you ask?

7 A No, ma'am. Did I ask? Let me just
8 get clarification on your question.

9 Q Did you ask them were they stolen or
10 were they purchased? Did you ask, you know, what
11 happened to them? Were they stolen? Were they
12 purchased? Did any of the cameras pick up any of
13 that footage at all?

14 A I'm not sure. I'm not sure exactly
15 what you are asking.

16 Q I guess --

17 A I asked the --

18 CHAIRPERSON ANDERSON: You are asking
19 too many. You are asking a compound question,
20 Ms. Shaw. So just ask him one question at a
21 time, because you asked him three questions in
22 one, so why don't you ask him one question and

1 give him --

2 MS. SHAW: I thought I was arguing.

3 CHAIRPERSON ANDERSON: Why don't you
4 ask him one question and give him an opportunity
5 to respond and then move on.

6 BY MS. SHAW:

7 Q When you observed the cans and bottles
8 missing, did you go inside of the manager's
9 office to see if you could see had they been
10 purchased or were they stolen?

11 A No, ma'am. No, ma'am.

12 Q Okay.

13 MS. SHAW: That's all the line of
14 questioning that I have.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you. I'm going to -- I'm not going to
17 allow, because if I -- I was going to -- I'll
18 open a whole bunch more questions. So I'll just
19 end the inquiry for the Board.

20 So thank you for your questions.
21 Thank you, Mr. Townsend.

22 THE WITNESS: Um-hum, thank you.

1 MS. SHAW: Thank you.

2 CHAIRPERSON ANDERSON: You can step
3 down.

4 THE WITNESS: Thank you.

5 CHAIRPERSON ANDERSON: All right.

6 (Whereupon, the witness was excused.)

7 MEMBER SILVERSTEIN: Mr. Chairman, the
8 applicant has used 14 minutes. The protestant
9 has used 15.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. All right. Prior to Mr. -- the
12 applicant moving forward with his case, it is
13 4:19 and I know that there is a bunch of people
14 sitting in the audience for a 4:13 Protest
15 Hearing. That Protest Hearing will not start at
16 4:13. I believe that probably the earliest it
17 will start, I will say, give us another hour.

18 I am not telling the folks here that
19 okay, they only have an hour, but I'm just saying
20 to the folks in the background that the 4:30
21 Protest Hearing probably will not start until at
22 least 5:30. I just wanted to let you know. All

1 right. Yes, Mr. O'Brien, do you wish to present
2 -- how do you wish to present your case?

3 MR. O'BRIEN: There is evidence in the
4 record already through the testimony of
5 experienced Investigator Townsend that no adverse
6 effect on peace, order and quiet was observed on
7 multiple visits. That is substantial evidence
8 upon which the Board's ultimate decision could be
9 based.

10 We will rest our case on his testimony
11 and reserve our -- any remaining time for
12 rebuttal.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you. Does the -- what that says is that --
15 what that says, Ms. --

16 MS. SHAW: Shaw.

17 CHAIRPERSON ANDERSON: -- Shaw, is
18 that they have -- they are basically relying on
19 the Board's report and the testimony that was
20 given by the Board to -- for us to make a
21 decision.

22 You now have an opportunity, you can

1 now make an opening statement and you can call
2 your witnesses of how you want to present your
3 case. So do you have --

4 MS. SHAW: Board's indulgence for a
5 second. The Board's indulgence. Just for
6 clarification for my sake, the points that we
7 originally brought to the Board was peace, order,
8 quiet and trash. Given that Safeway is saying
9 that they are going to save all their comments
10 until the end, which is when they do their
11 summation, we have issues that have had adverse
12 impact in our community, which 15, 20 people
13 signed off saying that there has been a problem.

14 So here is my question. Among a
15 couple of their witnesses was their Government
16 affairs person, Ms. Ridore, and if she comes to
17 the stand, she will testify what they have been
18 doing as far as security and safety and how much
19 they have paid, correct?

20 CHAIRPERSON ANDERSON: I don't know
21 what -- they elected, at this junction, not to
22 call any witnesses, so I don't know what the

1 person would have testified to. So what -- but
2 what --

3 MS. SHAW: And in their PIFs, they
4 basically said they have an investigator who
5 would talk about what they have done differently
6 in the store, correct?

7 CHAIRPERSON ANDERSON: Well --

8 MS. SHAW: I would like to hear those
9 two people bring testimony --

10 CHAIRPERSON ANDERSON: No, you --

11 MS. SHAW: -- about --

12 CHAIRPERSON ANDERSON: -- no --

13 MS. SHAW: -- what they have done as
14 far as security in the store. If my community,
15 which I live 24/7 is going to be adversely
16 impacted, then I want them to state on the record
17 what -- how many security guards are there on a
18 given moment in time. How many -- how much money
19 they have actually poured in the store as far as
20 security. And I would like to have proof,
21 because if I am saying to you that it is not
22 happening, then I should be -- I should have a

1 chance to question them on this particular
2 situation, since they say peace, order and trash
3 is being complied, but I say the opposite.

4 CHAIRPERSON ANDERSON: All right.
5 They had an opportunity to present witnesses to
6 defend themselves. They have -- their position
7 is that they are going to rest their case on the
8 Board Order -- I'm sorry, on the report that was
9 done on Mr. Townsend's testimony and on the
10 cross-examination of Mr. Townsend.

11 If you have a witness that you want to
12 testify, you can call that witness to testify
13 about the problems that you have or at a minimum,
14 what you should do, you have a whole bunch of
15 pictures, so you should call a witness and if --
16 or maybe you could have -- you could either call
17 a witness to identify those documents and move
18 them in the record or if your witness can't do
19 that, maybe you could just have your witness call
20 you as a -- call you and ask you what the
21 pictures are. You identify them and then we can
22 move them in the record.

1 But knowing that once you are there,
2 you will be subject to their cross-examination.
3 But so the issue is that you can testify. You
4 can have someone ask you questions or you can
5 testify and bring these points out, but they
6 elect -- we can't base our case on cross-
7 examination, because we never know whether or not
8 these people are going to be there.

9 So where we are now is that you need
10 to call witnesses, ask some questions to bring
11 out what is it that you just stated you are
12 trying to prove. So that's what you need to do
13 now.

14 MS. SHAW: Okay. I would like to call
15 the General Government Affairs to the stand.

16 CHAIRPERSON ANDERSON: No. You can't.
17 No. You can only call people who are listed on
18 your PIF. So the only witnesses that you have
19 listed on your PIF, those are the only people you
20 can call. The only way you could call her -- you
21 can call her -- if he had called her as a
22 witness, then you could cross-examine her.

1 If you have someone who testified
2 today and he calls her as a rebuttal witness,
3 then you can question her. But at this juncture,
4 there is no witnesses, so you can't call anyone
5 on their side. You have to call a witness that
6 you have. If you don't have a witness, then you
7 would rest.

8 But as I said, you have a whole bunch
9 of documents that you need to figure out how to
10 bring these documents in the record. And so the
11 way to bring these documents in the --

12 MS. SHAW: Mr. Chairman, I call Wayne
13 Young as one of my witnesses.

14 CHAIRPERSON ANDERSON: All right. So,
15 Mr. Young, can you take the stand, please? Can
16 you raise your right hand, please, Mr. Young?
17 Whereupon,

18 WAYNE YOUNG
19 was called as a witness by the Protestant, and
20 having been first duly sworn, assumed the witness
21 stand and was examined and testified as follows:

22 MR. YOUNG: Absolutely.

1 CHAIRPERSON ANDERSON: Your witness,
2 ma'am.

3 MR. O'BRIEN: Mr. Chairman, I'll note
4 that I don't believe Mr. Young is listed as a
5 witness, but I'm not objecting. Listed in the
6 PIF, but I'm not objecting to it.

7 CHAIRPERSON ANDERSON: All right.
8 Fine. All right. Mr. O'Brien informed us that
9 he wasn't listed as a witness, but he is not
10 objecting to his testimony, so go ahead and call
11 -- ask him whatever questions you want to ask
12 him.

13 MR. O'BRIEN: I think the witness
14 needs to be sworn, Your Honor.

15 CHAIRPERSON ANDERSON: I did. I just
16 did.

17 DIRECT EXAMINATION

18 BY MS. SHAW:

19 Q Mr. Young, can you tell me where the
20 area do you live? What's your address?

21 A 3215 W Street, about five minutes, 10
22 minutes walking from the store.

1 CHAIRPERSON ANDERSON: Mr. Young, can
2 you, please, pull the microphone to you, please,
3 when you speak?

4 THE WITNESS: 3215 W Street, S.E.,
5 about 5 or 10 minutes walk from the store.

6 BY MS. SHAW:

7 Q Would you say that you go into the
8 store regularly?

9 A I try not to.

10 Q Can you clarify, please?

11 A Yeah, the problem is the store has too
12 many issues. The store has too many issues and I
13 would rather go someplace where it is more
14 pleasant.

15 Q But for the sake of argument, you do
16 use the store?

17 A Yes, I do go in the store.

18 CHAIRPERSON ANDERSON: Mr. Young,
19 please, pull the microphone to you. No, pull it.
20 You can press it and bring it to your -- so when
21 you speak we can hear you.

22 THE WITNESS: Okay. Is that better?

1 CHAIRPERSON ANDERSON: That's better,
2 much better.

3 THE WITNESS: Okay. Great.

4 CHAIRPERSON ANDERSON: Thank you.

5 BY MS. SHAW:

6 Q When you go into the store, can you
7 testify what you have seen that would cause you
8 to stay away from the store?

9 A General confusion.

10 Q That adds to the peaks, right?

11 A Yeah.

12 Q So is it safe to say that there is
13 always a manager on duty?

14 A I have no clue.

15 Q Okay. As an average shopper, would
16 you say they have a clue of what -- who is on
17 duty in the store?

18 MR. O'BRIEN: Objection.

19 CHAIRPERSON ANDERSON: What's the
20 nature of the objection, sir?

21 MR. O'BRIEN: The question was as an
22 average shopper, would you have an opinion as to

1 whether they, meaning store management, I
2 presume, has a clue. That's calling for an
3 opinion. I have no problem with Mr. Young
4 testifying as to his observations, but not
5 opinions.

6 CHAIRPERSON ANDERSON: Why don't you
7 just rephrase the question in asking him.

8 MS. SHAW: Sure.

9 BY MS. SHAW:

10 Q Mr. Young, on your occasions of
11 shopping at the Safeway, would you see people
12 cursing and walking out and upset with lack of
13 management and peace in the store? Your own
14 personal.

15 A I mean, you see people always --
16 generally people that I know don't go to the
17 store, because they don't want to be confronted
18 with the issues in the store. So if I'm in the
19 store, often times the people there, I don't
20 really know. But there is usually some -- it's
21 not unusual for there to be a disagreement with
22 the people in the store, in the shop. It's not

1 unusual.

2 Q When is the last time you been in the
3 store?

4 A I think about two days ago.

5 Q Did you walk around the alcohol aisles
6 and did you observe anything around the six
7 aisles of alcohol that were --

8 A Yeah, I was most impressed, because we
9 talked earlier about the margaritas and
10 supposedly, Ms. Ridore said oh, we will take them
11 -- we won't sell them as single sale. We won't
12 send the -- sell them as single sales -- single
13 cans any more, because they are beer. But I was
14 confused at why they didn't know they were beer
15 in the first place, because all I did was Google
16 on Google and saw Anheuser-Busch already had
17 listed them as being alcoholic beer. Being
18 alcohol, so -- or being beer.

19 Q Could you identify who Ms. Ridore is,
20 please?

21 A The lady sitting at the table to the
22 right of Mr. O'Brien or left.

1 MS. SHAW: So for the record, Ms.
2 Ridore is Government affairs person for Safeway.

3 BY MS. SHAW:

4 Q Were you -- did you -- were you in the
5 mediation hearings?

6 A Exactly, that's where she said that --

7 MR. O'BRIEN: Okay. I'm going to
8 object.

9 CHAIRPERSON ANDERSON: Yeah. All
10 right. You can't entertain -- we don't want to
11 hear what happened in the mediation or
12 settlement, so you can't talk about conversations
13 that occurred in mediation or settlement
14 discussions. You can ask questions, but not that
15 okay, in mediation this is what happened, this is
16 what the person stated. So we can't talk about
17 that. Okay?

18 BY MS. SHAW:

19 Q So around the Safeway whenever you
20 shop there, do you happen to see a large amount
21 of -- when you are in the alcohol aisles, what is
22 it that you usually see that are there? Do you

1 see everything -- just tell me what you see and
2 observe.

3 A Frankly, I don't go down the alcohol
4 aisle, because I don't buy alcohol there. But
5 the time that I was there to observe, to learn
6 more about the alcohol sales, yes, I did see a
7 large number of the plastic wrap being -- the
8 plastic wrap not having all six cans or all two
9 cans. Therefore, some cans were missing and some
10 bottles were missing.

11 And my question was if you have
12 security and you have cameras in that section,
13 then that many should be missing, because then
14 that means the -- either guards will be there to
15 catch them more often or there will be cameras
16 that will catch them more often.

17 Q Thank you.

18 A And so I was shocked that there were
19 so many missing.

20 Q So this is -- for exhibit --

21 CHAIRPERSON ANDERSON: Why don't you
22 show it to him and ask him to identify what it

1 is?

2 BY MS. SHAW:

3 Q Can you identify this, please?

4 MR. O'BRIEN: Can I see it, please?

5 MS. SHAW: Yes. It's in your -- it is
6 in your --

7 CHAIRPERSON ANDERSON: No. Hold on.
8 No, Ms. Shaw. All right. No, no. Before you
9 show it to him, you have to show it to Mr.
10 O'Brien. So Mr. O'Brien needs to know what is
11 it. If they were numbered, then you would tell
12 him what number.

13 MS. SHAW: I wasn't told I needed to
14 number them.

15 CHAIRPERSON ANDERSON: That's what I'm
16 saying. If they were numbered, you could tell
17 him what number. So before you show the witness,
18 ask -- show it to Mr. O'Brien, so at least he
19 will know what is it you are -- what is being
20 shown. And then you ask Mr. Young to identify
21 it. Ask him to identify what is in the picture.

22 BY MS. SHAW:

1 Q Can you identify what is in the
2 picture, please?

3 A It's a screen that is not working.

4 CHAIRPERSON ANDERSON: I'm sorry, what
5 is it?

6 MR. YOUNG: It's a monitor that is not
7 working, security monitor that is not working.

8 CHAIRPERSON ANDERSON: So what exhibit
9 is that? Is that one of the exhibits that you
10 disclosed?

11 MS. SHAW: It is.

12 CHAIRPERSON ANDERSON: All right.

13 MS. SHAW: It's one --

14 CHAIRPERSON ANDERSON: So --

15 MS. SHAW: -- of the exhibits that
16 disclosed.

17 CHAIRPERSON ANDERSON: All right.
18 Hold on, hold on, hold on a minute. For the
19 record, all right, so could I see what it is?

20 MR. O'BRIEN: You want me to mark it?

21 CHAIRPERSON ANDERSON: Just show it to
22 me. I'm going to mark it. All right. So we

1 will -- so we are going to mark this as Exhibit
2 No. 1.

3 (Whereupon, the above-
4 referred to document was
5 marked as Protestant Exhibit
6 No. 1 for identification.)

7 CHAIRPERSON ANDERSON: Okay. So
8 Exhibit No. 1 is a monitor. It's what is -- I
9 have it. You don't need to show me. We have it.
10 It's just not numbered. So I'm going to identify
11 this as Protestant Exhibit No. 1. Okay. So
12 which is a monitor which is -- okay. All right.
13 So that's Protestant Exhibit No. 1.

14 Is there any other pictures? Go
15 ahead, Ms. Shaw.

16 MS. SHAW: There should be two
17 pictures of two monitors, two separate monitors.

18 CHAIRPERSON ANDERSON: And so why
19 don't you -- you need to have him identify the
20 other picture. Show it to Mr. O'Brien and then
21 you have him identify that one, please.

22 MR. O'BRIEN: Since it turns out the

1 Board does have them, could I have back the one I
2 offered?

3 CHAIRPERSON ANDERSON: That's what I
4 had asked for, did you receive it, yeah. So why
5 don't you -- you said there were -- what's the
6 second picture? Show him the second picture and
7 have him identify it.

8 The reason why I'm asking you to do
9 this, Ms. Shaw, is because we have to keep an
10 official record, so I need to mark all the
11 exhibits that are in the record, so that's why.

12 MR. O'BRIEN: I have got a copy of
13 Protestant's No. 2.

14 CHAIRPERSON ANDERSON: So I need him
15 to --

16 MS. SHAW: I understand.

17 CHAIRPERSON ANDERSON: So show it to
18 him and have him -- Mr. O'Brien has it, so show
19 it to the witness and have him take -- have him
20 identify it.

21 BY MS. SHAW:

22 Q This is the second picture. Can you

1 give a description?

2 A In this picture, I see a security
3 monitor that is not working.

4 (Whereupon, the above-
5 referred to document was
6 marked as Protestant Exhibit
7 No. 2 for identification.)

8 BY MS. SHAW:

9 Q So originally, prior to -- in your
10 visits in Safeway have you ever seen this monitor
11 on?

12 A Actually, I never even paid attention
13 to it until the one time when I went there to go
14 see, you know, what the deal was about that
15 particular issue with the beer and stuff. And
16 that was the time, too, I only saw two security
17 guards.

18 Q Right, right. And when you went into
19 the store recently, did you see the monitor on?

20 A I can't really say, because I wasn't
21 paying attention, so --

22 Q In your visits in the store, have you

1 seen -- how many security guards have you noticed
2 in the store?

3 A Ever since the -- we had a discussion
4 about there being three and that they cost
5 \$500,000 to keep three of them, I have never seen
6 two -- more than two. And I have been there at
7 least four times since I got that information.
8 So to me it was just a continued pattern of
9 deception.

10 Q So would it say that when you --

11 MR. O'BRIEN: Objection. I ask to
12 strike that last phrase.

13 CHAIRPERSON ANDERSON: Which is what?

14 MS. SHAW: No, I just --

15 CHAIRPERSON ANDERSON: Well, it's --
16 the portion of "that's deception" is not --

17 MS. SHAW: But Board Chair, it was
18 stated to us that there is three on duty at the
19 store.

20 CHAIRPERSON ANDERSON: I'm not
21 disagreeing with you. What he -- he said that's
22 deception, so he can -- the testimony is that

1 since it was told to me that there are three
2 security guards, every time I have been there,
3 there has only been two. And the testimony can
4 end there. That's all it -- he doesn't have to--

5 MS. SHAW: Okay.

6 CHAIRPERSON ANDERSON: The part of it
7 that counsel has -- is objecting to is that he
8 said it's deception. And so that is --

9 MS. SHAW: Okay.

10 CHAIRPERSON ANDERSON: -- that is not
11 necessarily for the testimony. The testimony is
12 that he has been there and each time he has been
13 there, he has only seen two security guards.

14 BY MS. SHAW:

15 Q Prior to the cameras and Mr. Gray
16 doing a surprise visit, how many security guards
17 were in the store prior to the surprise visit in
18 Safeway that it went to their word?

19 A Actually, I have no clue.

20 Q Did you know that there were security
21 in the store?

22 A Oh, yeah. As soon as you walk in the

1 door, there is usually two.

2 Q Has that changed since the hearings
3 that we are doing, the ABRA hearings?

4 A No. I would just say that normally
5 our -- normally, I think, I recognize two when I
6 walk in the door. After my interest was
7 heightened or my knowledge was heightened, now I
8 visually count them or purposefully count them
9 and only see two.

10 Q When you are around the community, do
11 you see a lot -- do you see any shopping carts
12 that are --

13 A Of course.

14 CHAIRPERSON ANDERSON: Mr. Young, let
15 her ask the questions first before you answer the
16 question.

17 BY MS. SHAW:

18 Q Do you see any shopping carts that are
19 discarded and just haphazardly laying on the
20 handles in the community?

21 A Of course.

22 Q Do you know of anybody that has called

1 Safeway regarding picking up the carts?

2 A Yes, my neighbors complain about that.

3 Q How many neighbors do you have?

4 A Well, my immediate neighbors -- one of
5 my immediate neighbors complained about it enough
6 times. Just in conversation, because they don't
7 -- they just like okay, you know. After a while
8 you just move on.

9 Q Would you say that once they call
10 Safeway, Safeway is responsive and comes right
11 away, like 24 hours, 48, 72, a week?

12 A To be frank with you, the only person
13 who I know who has taken the time to call has
14 been you.

15 Q And why would you say that?

16 A Well, I'm saying most people know it
17 happens and they like, you know, some other stuff
18 happen at Safeway and people just don't even, you
19 know. It's like it has been like ages. One of
20 the neighbors is on the Board for ages, but
21 dealing with Safeway. She has died since then,
22 but she would talk about them being on some

1 committee and how to work with Safeway. And she
2 was just like, you know.

3 CHAIRPERSON ANDERSON: You have to
4 vocalize, Mr. Young. We don't -- everything you
5 say is being transcribed and the transcriber has
6 no idea, so you have to vocalize.

7 THE WITNESS: What I'm saying is
8 traditionally, before I even cared that much, one
9 of my neighbors was on some kind of committee
10 where they worked -- would try to work with
11 Safeway to maintain certain standards. And this
12 goes back maybe 20, 30 years. I don't know if 30
13 years, but at least 20 years, I suspect.

14 And she would tell me things, and she
15 was an older lady, so it would be more like a
16 conversation between an older person and a
17 younger person, but she was always continually
18 frustrated that things did not change. And often
19 times I would grocery shop outside of the
20 neighborhood.

21 When I see other neighbors at the
22 other stores say Harris Teeter across the river

1 or Giant in Prince George's, we would laugh about
2 how we don't go to our own Safeway. And the
3 discussion would always center around well, we
4 have told them that, they don't do this. They
5 don't do that. And so after a while, the
6 community is just like, you know, and I will try
7 to use -- not use that word, but they would just
8 say skip it.

9 BY MS SHAW:

10 Q So, Mr. Young, question, in your
11 shopping trips to the Safeway, would you say that
12 they have been pleasant or what would you say?
13 Pleasant or is there another adjective you would
14 use?

15 A I would say a lack of investment and
16 knowing the communities problems and trying to
17 address them as they are. So for instance, you
18 go into the store. You know sometimes people may
19 not be as friendly as others, they could -- the
20 store people aren't necessarily trained to be
21 friendly, you can go to the Giant right now
22 Branch Avenue and it's just the total opposite.

1 And actually the managers at the Giant
2 is totally different than the one at this
3 Safeway. The one at Safeway is more -- I don't
4 even know who they are. And they -- but the one
5 at Giant I tend to know who it is and when we
6 have an issue or problem, it's solved more
7 professionally.

8 Q So --

9 A So they base the problem in a manner
10 that is professional.

11 Q -- last time you went to Safeway, they
12 gave you a receipt, correct?

13 A The Safeway, yeah.

14 Q On your receipt, was it a name or a
15 telephone number and address of anybody?

16 A Okay. I know it was pointed out that
17 the name was incorrect as far as the manager and
18 no, there wasn't this friendly email at the
19 bottom saying if I had a problem at that
20 particular Safeway, that I should go and call
21 somebody. No, there was not there.

22 Q So, Board, what I'm trying to get at

1 is --

2 CHAIRPERSON ANDERSON: No, Ms. Shaw.
3 You are asking him questions.

4 BY MS. SHAW:

5 Q So if you had a situation at that
6 particular Safeway, would you know who to contact
7 if the person's name at the top of the receipt
8 was someone who no longer worked there?

9 MR. O'BRIEN: Mr. Chair, objection.
10 I have tried not to object to each question, but
11 how does this go to --

12 MS. SHAW: But you have.

13 CHAIRPERSON ANDERSON: Hold on, Ms.
14 Shaw. Go ahead, Mr. O'Brien.

15 MR. O'BRIEN: How does this go to
16 peace, order and quiet? That's a rhetorical
17 question. It doesn't.

18 MS. SHAW: Well, it does speak to
19 order, Board. It does speak to order. If you
20 are shopping in that store, there should be a
21 person that is identified that you can -- and a
22 telephone number that you can call and a person

1 that is identifiable that can answer your
2 questions. So if there is an issue, someone that
3 is an average person, does not need to have to
4 escalate their concern. They should at least
5 have that information readily.

6 I have here a receipt of Safeway.

7 CHAIRPERSON ANDERSON: All right.
8 Okay.

9 MS. SHAW: And it carries the name of
10 the former manager who left four months ago.

11 CHAIRPERSON ANDERSON: All right. Mr.
12 O'Brien, I will give her some leeway to present
13 her case. I mean, I do think that it does go
14 towards some of the issues that are being raised.
15 However, I will ask Ms. Shaw that the purpose of
16 this hearing, the Protest Hearing is the
17 establishment, the impact of peace, order and
18 quiet.

19 MS. SHAW: And trash.

20 CHAIRPERSON ANDERSON: So therefore,
21 you should make sure that all the questions that
22 you ask are directly related to that. And again,

1 I know that you are not an attorney. Mr. O'Brien
2 is an attorney. So I am going to make sure that
3 we follow certain procedures, so I will give you
4 a little leeway, because you are not an attorney.

5 MS. SHAW: Thank you.

6 CHAIRPERSON ANDERSON: But at the same
7 time, I want to make sure that we have a process
8 and we do not stray too much from the issues at
9 hand.

10 MS. SHAW: Thank you, Chair. I'm
11 showing him this exhibit, which was included in
12 the 16 photos.

13 CHAIRPERSON ANDERSON: All right. And
14 so all right, you are showing him the exhibit.
15 And show it to -- ask Mr. Young to identify it
16 and then I will mark that for the record, once I
17 can find it. So I will mark this as Exhibit 3,
18 once Mr. Young has identified it.

19 BY MS. SHAW:

20 Q Mr. Young, could you, please, identify
21 what is that?

22 A A Safeway receipt.

1 (Whereupon, the above-
2 referred to document was
3 marked as Protestant Exhibit
4 No. 3 for identification.)

5 BY MS. SHAW:

6 Q What is the date on that receipt, sir?

7 A I can't see it without my glasses.

8 Please?

9 MR. O'BRIEN: Mr. Chair, once she gets
10 his glasses, can we ask for foundation, whether
11 this is his receipt?

12 CHAIRPERSON ANDERSON: I'm sorry? I
13 am still looking to find the document, so I can't
14 find the document.

15 MR. O'BRIEN: It's the last page of
16 Ms. Shaw's package.

17 MEMBER ALBERTI: It's at the very
18 beginning of the report. The very beginning of
19 the report.

20 CHAIRPERSON ANDERSON: Oh, okay.

21 MEMBER ALBERTI: There you go. You
22 got it.

1 CHAIRPERSON ANDERSON: All right. So
2 ask Mr. Young to identify this document, please.

3 BY MS. SHAW:

4 Q Mr. Young, could you, please, identify
5 this document?

6 A Okay. It's a Safeway receipt with
7 Spiro somebody the last name as being the store
8 manager and it has at the bottom that I can call
9 1-800 or safeway.com. And the thing that sticks
10 out in my mind is this alcoholic beverage, Bud
11 Light Strawberita.

12 CHAIRPERSON ANDERSON: Okay.

13 BY MS. SHAW:

14 Q At the -- whose name is listed? Can
15 you list the date of the receipt of the purchase?

16 A 2/19/1018. February 19.

17 Q From your understanding was Mr. Spiro
18 the manager of that particular Safeway?

19 A No, it's somebody else.

20 COURT REPORTER: Ms. Shaw, could you
21 use the microphone, please?

22 MS. SHAW: I apologize. I apologize

1 to you all. I'm a newby here today.

2 CHAIRPERSON ANDERSON: No, what it is
3 is that he is recording every -- Ms. Shaw, he is
4 recording everything that you say, so we will
5 have a transcript. And so if he is not hearing
6 you, then he can't record what the question is.
7 That's what that's about.

8 MS. SHAW: Okay.

9 BY MS. SHAW:

10 Q From your understanding, is Mr. Spiro
11 manager of the Safeway store?

12 A No, he is not, according to my
13 understanding, but to me, when we talk about
14 peace, order and quiet, I still go -- I would
15 still go back to how you define it and your
16 expectations. And when things like this happen,
17 it adds confusion and that's why I said it's
18 unpeaceful. And that's the reason why I avoid
19 the store.

20 All these things like this that adds
21 to the confusion at that store, and this to me
22 just adds more confusion right here to call that

1 person and they are not there.

2 Q So when you -- were you one of the
3 original protestors, not back in 2003, but --

4 A I might have been.

5 Q -- back in 2017.

6 A I might have been both of them.
7 Because I knew that -- because I knew of the
8 first one. I knew of the first one, but I wasn't
9 involved and stuff. I would just sign my name,
10 you know, to agree.

11 Q Were you a part of the original group
12 that signed a protest November 20th?

13 A Of this year? Of the last year?

14 Q Last year.

15 A Yes, yes, yes.

16 Q Were you -- did you have occasion to
17 have -- be in attendance of a meeting with the
18 group who signed and how -- what were some of the
19 things that they expressed were the problems?

20 A Doing the same thing that people at-
21 large say, you know. You go into the store.
22 There is people out front. Some neighbors on the

1 listserv don't like the jitneys out there, but I
2 personally think they should be there. There is
3 usually someone selling things.

4 You go into the store. You are
5 greeted by guards, who are just there. They
6 don't necessarily speak to you or say hello or
7 nothing like that, so it couldn't be --

8 Q How many guards?

9 A Two. You go into the store. You
10 hopefully get -- and then, you know, sometimes
11 stuff is on the floor. Sometimes it isn't. Now,
12 the floors are clean thank goodness. And out of
13 that, it could just be a lot of things going on,
14 but I think that some of the things is beyond
15 Safeway's problems that happen. But I don't
16 think the store personnel are trained to deal
17 with those issues.

18 An example would be, you know, once I
19 was in there and a lady just made a bench out of
20 some empty boxes and, you know, I don't see store
21 personnel going over to the lady and saying Miss,
22 please, don't sit on these boxes.

1 Q Isn't that in the agreement that they
2 are not to have panhandlers in the store and
3 outside the store, in the 14 page agreement that
4 was reached in 2003?

5 A I am not too sure, but I think so.

6 Q Exhibit -- that's the original
7 agreement.

8 CHAIRPERSON ANDERSON: No. Just all
9 you have to do, Ms. Shaw, tell him what exhibit.
10 You can then show Mr. Young the --

11 BY MS. SHAW:

12 Q Mr. Young --

13 CHAIRPERSON ANDERSON: -- document,
14 ask him to identify it and if it's in the
15 agreement, ask him to -- yeah.

16 BY MS. SHAW:

17 Q Mr. Young, are you familiar with this
18 document?

19 A Yes, of course.

20 Q Could you, please --

21 A What number?

22 MR. O'BRIEN: She is reading. She is

1 showing the exhibit page 14 of the Board's April
2 3, 2003 Findings of Fact and Conclusions.

3 MS. SHAW: Thank you, Mr. O'Brien.

4 THE WITNESS: Oh, yeah, what I said --

5 MR. O'BRIEN: Which is Exhibit 34 of
6 the Investigator's report.

7 THE WITNESS: It says (B), 1(B) asking
8 loiters to move on.

9 BY MS. SHAW:

10 Q Wait, wait. Could you, please, read
11 the first four lines of that particular
12 paragraph?

13 A "The applicant shall take action
14 reasonably necessary to prohibit and prevent
15 loitering and panhandling within 100 feet of the
16 premises by:

17 (A) Posting and maintaining no
18 loitering, panhandling signs in a conspicuous
19 place on the premises within 30 days after the
20 date of this order."

21 Q So it's your testimony that
22 panhandling is quite regularly in that store?

1 A Yeah, but I'll add the signs are
2 there. But I would say (B) where it says asking
3 loiterers to move on, I have never seen that
4 happen.

5 Q So people get to stay there regularly
6 and --

7 A It says "Asking loiterers to move on
8 whenever they are observed on the premises."

9 Q When you were at the store, where did
10 you happen to see the signs? Were they against
11 the wall or were they --

12 A I believe --

13 Q -- no panhandling, were they against
14 the Safeway wall or were they on the outside
15 columns?

16 A I believe on the columns.

17 Q So anybody who entered the store, did
18 you see any signs that say no loitering, no
19 panhandle?

20 A Inside the store or outside the store?

21 Q Inside the store.

22 A Inside the store, no, but I see them

1 outside the store.

2 Q One last question. I apologize and I
3 apologize to the room also.

4 Where did you first come up with the
5 idea of shared value? Where did you first see
6 that?

7 A In talking with the people west of the
8 river.

9 CHAIRPERSON ANDERSON: Mr. --

10 THE WITNESS: Which would be Dupont
11 Circle.

12 BY MS. SHAW:

13 Q And did you happen to see a signed
14 agreement that stated that Safeway and this Board
15 entered into agreement of shared value with the
16 store west of the river?

17 A Yes, I did.

18 Q Thank you.

19 CHAIRPERSON ANDERSON: Your witness,
20 Mr. O'Brien.

21 CROSS EXAMINATION

22 BY MR. O'BRIEN:

1 Q Mr. Young, I understand you say you
2 have never seen more than two security guards --

3 A Exactly.

4 Q -- in the store. Have you ever been
5 in the back of the store, the non-public area of
6 the store where deliveries are received?

7 A No, I have not.

8 Q Okay. So for all you know, there
9 could be a security guard back there monitoring,
10 receiving deliveries, correct?

11 A There could be.

12 Q Okay. Have you always identified
13 security guards by uniform?

14 A Exactly.

15 Q Okay. If you were told that from
16 time-to-time within the store there are plain
17 clothes security guards --

18 A If they are, then the guards up front
19 they never said that to me. When I asked them
20 was there more than two security guards, they
21 have never said there was another with plain
22 clothes one there or there was one in the back.

1 Q Well, there wouldn't be any purpose in
2 -- for a guard to tell you --

3 A Well --

4 Q -- if there is somebody in plain
5 clothes, would there be?

6 A -- yes, there would be.

7 Q Okay. Thank you, sir.

8 A You want to know why they would tell
9 me that?

10 CHAIRPERSON ANDERSON: There is no
11 question. There is no pending question.

12 THE WITNESS: Okay.

13 CHAIRPERSON ANDERSON: No, no, no, Ms.
14 Shaw. You -- Ms. Shaw, no, Ms. Shaw.

15 MS. SHAW: Mr. O'Brien said --

16 CHAIRPERSON ANDERSON: No, Miss, hold
17 on. No, no, no, this is not rebuttal. Okay.
18 This is how it is. This is your witness. You
19 questioned him. Once you question him, Mr.
20 O'Brien cross-examines him. The Board now will
21 ask questions of Mr. Young. If the Board asks
22 questions of Mr. Young, Mr. O'Brien can ask Mr.

1 Young questions based on the questions that were
2 asked by the Board.

3 MS. SHAW: Okay.

4 CHAIRPERSON ANDERSON: Once that is
5 done, you will have an opportunity to question
6 Mr. Young.

7 MS. SHAW: Thank you.

8 CHAIRPERSON ANDERSON: If there are no
9 questions by the Board, then there are no further
10 questions you can ask Mr. Young.

11 MS. SHAW: Thank you.

12 CHAIRPERSON ANDERSON: So are there
13 any questions of Mr. Young by any Board Members?

14 MEMBER ALBERTI: I do.

15 CHAIRPERSON ANDERSON: Mr. Alberti.

16 MEMBER ALBERTI: So Mr. Young, you
17 testified you don't go into the store very often,
18 correct?

19 THE WITNESS: I go as few times as
20 possible.

21 MEMBER ALBERTI: Okay. When is the
22 last time you were there?

1 THE WITNESS: Probably two days ago.

2 MEMBER ALBERTI: Okay. When you say
3 as few times as possible, are you there once a
4 week? Once every two weeks? Once a month? How
5 often would you say you are there?

6 THE WITNESS: Maybe two times a week
7 and I use it more as a convenience store than a
8 shopping store.

9 MEMBER ALBERTI: Okay. All right.
10 You also said that you don't really peruse the
11 alcohol beverage aisle, because don't buy
12 alcohol.

13 THE WITNESS: Exactly.

14 MEMBER ALBERTI: When is the last time
15 you were in the alcohol beverage aisle?

16 THE WITNESS: Probably within the last
17 week.

18 MEMBER ALBERTI: Within the last week?

19 THE WITNESS: Right.

20 MEMBER ALBERTI: Do you remember what
21 you saw there?

22 THE WITNESS: Yeah, I saw a number of

1 things that -- you know, my awareness is
2 heightened now, so I saw where there were lots of
3 drinks where they were supposed to be like six-
4 packs and there might be four or three in a pack
5 or -- and I was surprised that they now sell two-
6 packs. And I know the agreement says that you
7 shouldn't sell anything less than -- that you
8 shouldn't sell single servings.

9 So my thought was oh, the company has
10 got around the issue of having to buy six-packs
11 by making two-packs. I said well, that sort of
12 defeats the purpose. And I was at the store and,
13 let's see what else, mainly if I go down the
14 aisle, it seems like no one tends to go down the
15 wine aisle there, because usually I do sort of
16 look at the wine aisle because it's near the
17 bread. And I usually go there and get bread.

18 MEMBER ALBERTI: So --

19 THE WITNESS: And so, yeah, the wine--
20 but the other aisles are just disarrayed. The
21 alcohol -- the ones that sell like the beer --
22 the wine aisle tends to be neater. The one that

1 says beer and stuff like that, they also seem to
2 be disarrayed and things are looped out, missing.

3 MEMBER ALBERTI: So I just want to
4 stay focused. So do you remember -- well, I know
5 you were sitting at the protestant's table when
6 we were talk -- when we were questioning the
7 Investigator. Did you happen to take a look at
8 the exhibits that we were talking about with the
9 Investigator?

10 THE WITNESS: I'm pretty much aware.
11 I think I seen most of them.

12 MEMBER ALBERTI: All right. Can we
13 just refresh his memory? Can we give him
14 exhibits? Do you have the protest report from
15 the Investigator, Ms. Shaw?

16 MS. SHAW: What page?

17 CHAIRPERSON ANDERSON: I don't think
18 she has a hard copy.

19 MS. SHAW: I don't have a hard copy.

20 MEMBER ALBERTI: Well, do you remember
21 Exhibit 14, 15 and 16 that we showed the
22 Investigator?

1 THE WITNESS: What is it? I might
2 remember.

3 CHAIRPERSON ANDERSON: Hold on, Mr.
4 Young.

5 MEMBER ALBERTI: Okay. Exhibit --

6 CHAIRPERSON ANDERSON: I think, you
7 can give it to him.

8 MEMBER ALBERTI: All right.

9 CHAIRPERSON ANDERSON: And I'll give
10 you -- you can use mine.

11 MEMBER ALBERTI: Fine. Yes, right.

12 MR. O'BRIEN: I can let him use my
13 copy.

14 CHAIRPERSON ANDERSON: Okay. Go
15 ahead. Okay. So, you know, Mr. Townsend has
16 them. Mr. Townsend, why don't you give him.

17 MEMBER ALBERTI: Yeah, 14, 15 and 16.

18 CHAIRPERSON ANDERSON: All right.

19 MEMBER ALBERTI: Just those three
20 exhibits.

21 CHAIRPERSON ANDERSON: You can give to
22 -- yeah.

1 MEMBER ALBERTI: In fact, these have
2 already been introduced. We have already --
3 Investigator Townsend has already described them.
4 He described where they were.

5 THE WITNESS: Yeah.

6 MEMBER ALBERTI: Have you -- yes, I
7 remember these.

8 MEMBER ALBERTI: Yes. Did you see
9 things similar to this while you were there?

10 THE WITNESS: Yeah, especially this
11 one with the -- No. 15.

12 MEMBER ALBERTI: Yeah.

13 THE WITNESS: But especially that one.
14 That one sticks in my mind.

15 MEMBER ALBERTI: Where we have two
16 cans that weren't packaged?

17 THE WITNESS: Yeah.

18 MEMBER ALBERTI: That were individual
19 and not packaged?

20 THE WITNESS: Right.

21 MEMBER ALBERTI: Okay.

22 THE WITNESS: And in disarray. They

1 are not neat.

2 MEMBER ALBERTI: Well, I don't care
3 about neatness, but I care about -- okay. I'm
4 concerned -- I'm interested in whether they are
5 on the shelf individually.

6 THE WITNESS: I know, but it says were
7 not neat as well.

8 MEMBER ALBERTI: I know. I
9 understand. I understand. But I --

10 MS. SHAW: It goes to order.

11 MEMBER ALBERTI: All right. So all
12 right. And this was just on your last visit?

13 THE WITNESS: Every time I would say.
14 I mean, because I don't walk down the aisles, so
15 I don't really buy stuff there. But I may run
16 through it.

17 MEMBER ALBERTI: Okay.

18 THE WITNESS: I can see visually in my
19 mind that, yes, it's --

20 MEMBER ALBERTI: You see things
21 separate.

22 THE WITNESS: -- chaos.

1 MEMBER ALBERTI: You still see -- so
2 I will describe these as partial packages,
3 individual cans not attached to other cans.

4 THE WITNESS: Right.

5 MEMBER ALBERTI: Is that what you are
6 saying you saw?

7 THE WITNESS: Exactly.

8 MEMBER ALBERTI: All right.

9 THE WITNESS: And then when you
10 examine more closely, when I became more aware of
11 the one can rule --

12 MEMBER ALBERTI: All right.

13 THE WITNESS: -- I saw these double
14 packs.

15 MEMBER ALBERTI: All right. Thank
16 you. I know you said something about seeing
17 shopping carts in the neighborhood, right? You
18 said everybody sees them in the neighborhood, I
19 think, something like that.

20 THE WITNESS: Yeah, I mean, people
21 have a dinner conversation and they will say
22 well, you know, there is one down on Park Road.

1 MEMBER ALBERTI: Have you seen them?

2 THE WITNESS: Yes.

3 MEMBER ALBERTI: Okay. How far away
4 from Safeway does it concern you? If you saw a
5 shopping cart, I'll say, outside of the confines
6 of the parking lot, how far would it be away
7 where it would concern you, begin to concern you?

8 (No audible answer.)

9 MEMBER ALBERTI: It's not a trick
10 question. I'm trying to get to something.

11 THE WITNESS: Well, I don't want to
12 say bad things about myself, but I'm one of those
13 people probably that say oh, well, there we go
14 again and ignore it. It would be my neighbor to
15 tell me did you see it down there and make me
16 want to be more aware.

17 MEMBER ALBERTI: Okay. So 50 feet, a
18 block, how far away do you see these?

19 THE WITNESS: The last I heard, there
20 was one on Texas and 28th Street. And I heard
21 once before there was one on Park Avenue.

22 MEMBER ALBERTI: Texas and 28th, how

1 far away is that? I know, but tell us.

2 THE WITNESS: That's about --

3 MEMBER ALBERTI: I do.

4 THE WITNESS: -- 3/4ths of a mile.

5 MEMBER ALBERTI: Yes, okay.

6 THE WITNESS: And I know Park -- I
7 think it's Park -- I don't even know the name of
8 the street. I should know it. I think it's Park
9 Road or Park Drive. It has to be like a mile
10 away maybe.

11 MEMBER ALBERTI: Park Drive is the one
12 that goes right along the park, right?

13 THE WITNESS: Exactly.

14 MEMBER ALBERTI: Yeah, okay. All
15 right. Park and what street? Park and, do you
16 know the number street there?

17 THE WITNESS: Like 30th Place.

18 MEMBER ALBERTI: Okay.

19 THE WITNESS: And I only heard through
20 hearsay that there are some down on Naylor,
21 because I know a person that lives on Naylor and
22 near Naylor and Suitland.

1 MEMBER ALBERTI: Okay.

2 THE WITNESS: And she said there is
3 always things over there.

4 MEMBER ALBERTI: Okay.

5 THE WITNESS: But you know, it's not--
6 it's just after a while you just get used to it
7 and you just ignore it.

8 MEMBER ALBERTI: I get it. I am just
9 trying to get the facts of where these things are
10 in the neighborhood.

11 THE WITNESS: Yeah.

12 MEMBER ALBERTI: All right. All
13 right. I have no further questions. Thank you.

14 THE WITNESS: Okay.

15 CHAIRPERSON ANDERSON: Mr. Short?

16 MEMBER SHORT: Good afternoon.

17 THE WITNESS: All right. Good
18 afternoon.

19 MEMBER SHORT: Turning to evening.
20 But, Mr. Young, how long have you lived in your
21 neighborhood?

22 THE WITNESS: Since at least about

1 1991.

2 MEMBER SHORT: Since '91. How far do
3 you live from the Safeway?

4 THE WITNESS: About a 10 minute walk,
5 which would be about eight blocks. And yes, I
6 was there when the -- whenever there was a Sears
7 there, so I know that.

8 MEMBER SHORT: Okay. All right. Now,
9 this is my last question for you. The
10 neighborhood is and your protest is about peace,
11 order and quiet. Can you describe for this
12 hearing what peace, order and quiet issues you
13 have with the Safeway?

14 THE WITNESS: Well, the peace, to me,
15 means that -- well, for instance, when I go to
16 the Giant on Branch, peace means, first of all,
17 I'm getting into the parking lot and there is
18 order in the parking lot, whether it is the
19 buggies being put in the right place, cars being
20 lined up correctly.

21 Peace for me when I go in the Giant on
22 Branch, I go in there. If the guard is at front,

1 there is only one guard, not like two of them
2 hanging around.

3 MEMBER SHORT: How far is that Giant
4 from you?

5 THE WITNESS: The Giant, that Giant is
6 about maybe a mile, maybe two miles.

7 MEMBER SHORT: Okay.

8 THE WITNESS: And so the Giant, that
9 means the guard there is probably going to say
10 hello and not just be looking wherever and not
11 with two of them. There is means once you get in
12 the store, things are generally in order. I
13 mean, things are stacked correctly. The floor is
14 clean. The vegetables aren't some on the floor,
15 some not on the floor.

16 It means when you get to the front,
17 people are going to speak to you, that if you
18 need help, you are going to get help. That you
19 go through the store, you're not going to have --
20 and this part is not a Safeway issue, you're
21 going to have to have people doing things like,
22 you know, one night I was in there real quickly

1 and a lady was talking so loud that I couldn't
2 even hear the music and she was on her earphone--
3 on her telephone.

4 That kind of experience you never have
5 at the other Giant. But so at the same time, you
6 know, if it does happen at the Giant, you go to
7 the -- you know, someone at the other Giant where
8 you -- someone at the Giant rather will come and
9 ask someone to, you know, turn it down or if you
10 have a problem, you just go to the manager and
11 they solve the problem. You don't get that same
12 type of -- that same level of respect or caring
13 professionalism there.

14 And that really comes from people
15 being trained on how to deal with a situation and
16 when they are confronted. And there is a big
17 difference between that Safeway and the Giant on
18 Branch.

19 MEMBER SHORT: Okay. Thank you.
20 That's all I have.

21 THE WITNESS: And the neighborhoods
22 are contiguous.

1 MEMBER SHORT: Thank you very much.
2 That's all I have, Mr. Chair.

3 CHAIRPERSON ANDERSON: Any other
4 questions by any other Board Members? Mr.
5 O'Brien, do you have any --

6 MR. O'BRIEN: No.

7 CHAIRPERSON ANDERSON: No. Ms. Shaw,
8 do you have any questions of Mr. Young, based on
9 the questions that the Board asked?

10 MS. SHAW: No.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you very much for your testimony, Mr.
13 Young. You can step down.

14 (Whereupon, the witness was excused.)

15 CHAIRPERSON ANDERSON: Do you have any
16 other witnesses, Ms. Shaw?

17 MS. SHAW: I have a letter from Ms.
18 Monica Bumbray. I was told that I -- because of
19 the weather this morning, she wasn't able to
20 attend. May I submit it and if not, it's okay.

21 CHAIRPERSON ANDERSON: Mr. O'Brien?

22 MR. O'BRIEN: I can't cross-examine a

1 letter.

2 MS. SHAW: Okay.

3 MR. O'BRIEN: So we object to that.

4 CHAIRPERSON ANDERSON: All right. Any
5 other -- any -- do you rest?

6 MS. SHAW: I rest. I apologize. What
7 else?

8 CHAIRPERSON ANDERSON: No. I'm
9 saying, do you have any other witnesses or
10 testimony that you want to bring forth?

11 MS. SHAW: Lieutenant Moss wasn't able
12 to submit his report and that would have added
13 the credibility to the loitering in the store and
14 as well as around the store, so I apologize. He
15 wasn't able to submit his report. His higher-ups
16 didn't give him permission.

17 CHAIRPERSON ANDERSON: All right.

18 MS. SHAW: May I have the permission
19 before you make a ruling to submit it soon as
20 they give him permission?

21 CHAIRPERSON ANDERSON: Unfortunately

22 --

1 MS. SHAW: Is that something you all
2 could talk about first --

3 CHAIRPERSON ANDERSON: No.

4 MS. SHAW: -- before you say no?

5 CHAIRPERSON ANDERSON: No. The record
6 is going to close at the end of this hearing, so
7 no. Unfortunately, you won't have an opportunity
8 to do that. Everything has to be brought forth
9 at this hearing.

10 So do you have anything else you want
11 to say or do you rest?

12 MS. SHAW: Are we going to give a
13 summation or --

14 CHAIRPERSON ANDERSON: Yes.

15 MS. SHAW: -- is that it?

16 CHAIRPERSON ANDERSON: Yes, you will
17 get your -- that's it?

18 MS. SHAW: That's it, sir.

19 CHAIRPERSON ANDERSON: All right. All
20 right. Do you folks need a couple of minutes to
21 do your summation or are you read to do your
22 summation?

1 MR. O'BRIEN: I was -- I had a
2 rebuttal witness.

3 CHAIRPERSON ANDERSON: Oh, I'm sorry.
4 So you do have -- well, then you need to -- well,
5 Mr. O'Brien, then you need to say to me that you
6 want to call a rebuttal witness.

7 MR. O'BRIEN: I was waiting for you to
8 invite me.

9 CHAIRPERSON ANDERSON: All right.
10 Well, I'm not going to ask. You need to tell me,
11 because it's not automatic.

12 MS. SHAW: The Board's -- I mean,
13 hearing -- Board's indulgence? Can we have a 5
14 or 10 minute break, please?

15 CHAIRPERSON ANDERSON: All right. We
16 will have -- since the folks are here for a 4:30
17 Protest Hearing, so we -- all right.

18 Let me ask you a question, Mr.
19 O'Brien. How long do you believe that your
20 witness would be? And who is it, who is your
21 witness and how long do you think it will be?

22 MR. O'BRIEN: The witness is John

1 Ignacio. And I believe his direct examination
2 will be less than 60 seconds.

3 CHAIRPERSON ANDERSON: All right.
4 Okay. So I will take a 10 minute break, so that
5 everybody should be back here at 5:15. So a 10
6 minute break.

7 And for the folks in the hall, we will
8 start our hearing -- I believe we will start it
9 at 5:45. Okay? I will --

10 MS. SHAW: Okay.

11 CHAIRPERSON ANDERSON: For the other
12 folks who are waiting. I believe we should start
13 at 5:45. I just want to give you some ideas of
14 how long you will be here. And we will be here
15 from 5:45 until you are done, okay, for the other
16 case. All right. So we are in recess until
17 5:15. Please, be back here at 5:15.

18 MS. SHAW: Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 5:05 p.m. and resumed at
21 5:18 p.m.)

22 CHAIRPERSON ANDERSON: All right. We

1 are back on the record. So we are at the stage
2 where we are going to do rebuttal. And so the
3 rebuttal testimony should be someone rebutting
4 testimony. So do you -- does the applicant wish
5 to call a rebuttal witness?

6 MR. O'BRIEN: Yes.

7 CHAIRPERSON ANDERSON: Who is that,
8 please?

9 MR. O'BRIEN: John Ignacio, I-G-N-A-C-
10 I-O.

11 CHAIRPERSON ANDERSON: Mr. Ignacio,
12 can you raise your right hand, please?
13 Whereupon,

14 JOHN VICTOR IGNACIO, JR.
15 was called as a witness by Counsel for the
16 Applicant, and having been first duly sworn,
17 assumed the witness stand and was examined and
18 testified as follows:

19 MR. IGNACIO: Yes.

20 CHAIRPERSON ANDERSON: Have a seat,
21 please. Your witness, sir.

22 DIRECT EXAMINATION

1 BY MR. O'BRIEN:

2 Q State your full name, sir.

3 A John Victor Ignacio, Jr.

4 Q And what is your position, sir?

5 A Center Store Operation Specialist in
6 Safeway.

7 Q What is a Center Store Operation
8 Specialist?

9 A Anything that's basically non-
10 perishable if -- the exterior of the store,
11 everything inside of the store and in the aisles
12 to include alcohol beverages to which we see a
13 variety and grocery.

14 Q Does your -- do your duties cover just
15 this store on Alabama Avenue?

16 A No, I'm sorry, District 86, right now
17 currently 18 stores.

18 Q Okay. You heard testimony -- you have
19 been in the room. You heard testimony regarding
20 undercover guards?

21 A Correct.

22 Q Does this store employ -- I'm sorry.

1 We heard testimony regarding the number of
2 guards, excuse me. Does this store ever employ
3 undercover guards?

4 A Yes.

5 Q Compared to other stores in District
6 86, what is -- what are the comparative shrinkage
7 -- let me start it this way.

8 Define shrinkage, please.

9 A Okay. Basically, shrinkage is from
10 our inventory, we buy the product, we sell the
11 product, we should have so much product left on
12 the shelf, because we didn't sell it. Taking
13 inventory, anything that is below or above that
14 is either positive or negative shrink. Shrink
15 could be negative.

16 Q Is that the large part of shrinkage?

17 A Yes.

18 Q At this store?

19 A Yes.

20 Q Compared to other stores in District

21 18 --

22 A That's --

1 Q -- where does this store rank as far
2 as theft goes?

3 A In District 86, this comports more
4 than half. Most of the time we have inventories
5 quarterly. I'm sorry, we are double of the
6 shrinkage that we had at that store comparatively
7 to the other stores on the District on inventory
8 process.

9 Q Okay. Speaking now strictly about
10 alcoholic beverages, can you state in a dollar
11 amount your typical weekly shrinkage?

12 A According to inventory results
13 averaged weekly, shrinkage is \$1,000 a week.

14 Q To be clear, that is alcoholic
15 beverages only?

16 A Yes.

17 Q Okay. At this store?

18 A Correct.

19 Q Okay. Explain how a shop -- how
20 Safeway tries to keep the shopping carts on the
21 reservation, so to speak.

22 A So we have what we call an anti-

1 locking system where it actually locks up. And
2 it's basically an invisible fence on our parking
3 lot. The parking lot of our area would -- if you
4 were to imagine from the front of the store and
5 go straight out to the -- until you get to the
6 sidewalk, basically.

7 Q Okay. What happens when someone with
8 a shopping cart approaches that invisible fence?

9 A They have a locking wheel. Each cart
10 has a locking wheel that automatically locks up,
11 so it's very difficult for somebody to push the
12 cart.

13 Q Okay. How then do carts wind up in
14 the neighborhood?

15 A They just pick them up and carry them.

16 Q Have you seen that?

17 A Oh, sure, yes.

18 Q Okay. When you, and by you, I'm sorry
19 I don't mean you personally, but when a store
20 becomes aware that shopping carts have
21 disappeared, gone out into the neighborhood, what
22 does the store -- what can the store do, at that

1 point?

2 A The store director is supposed to
3 notify people that can actually go pick them up.
4 The employees under contract are not allowed to
5 leave the store premise.

6 So basically, I can tell you my
7 personal experience that I would actually put
8 them in my own truck and pick them up, but we are
9 really not allowed to for liability reasons.

10 Q You heard the testimony regarding
11 singles or broken packages on the shelves?

12 A Yes.

13 Q You have to speak, sir.

14 A Yes, sorry.

15 Q Okay. When store management becomes
16 aware of a single or a broken package on the
17 shelves, what does store management do?

18 A Our protocol is to take --

19 MS. SHAW: Objection. He is not the
20 store manager.

21 CHAIRPERSON ANDERSON: Well --

22 MS. SHAW: Nor is he the person that

1 is in charge of the alcohol, that's only for them
2 to say. He can only say a protocol. He can't
3 say what they actually do.

4 CHAIRPERSON ANDERSON: It's a good
5 objection, but so right now he -- I believe he is
6 given a general overview. I don't think he is
7 talking about, at least I'm not hearing him talk
8 about, specifically what they do at this Safeway
9 store. But I think he is giving the protocol
10 about what is supposed to occur. Isn't that what
11 -- but I hear you, but if that's not the case,
12 then maybe we need to have him talk about Alabama
13 Avenue.

14 BY MR. O'BRIEN:

15 Q In your position as, help me again,
16 Center?

17 A It's a Center Store Operation
18 Specialist, yes.

19 Q Okay. Do you supervise -- you
20 supervise you said 18 stores, including Alabama?

21 A Correct.

22 Q Okay. Do store managers report to

1 you?

2 A Yes, they do as well as the grocery
3 managers and the beer and wine, we call them,
4 specialists.

5 Q Okay.

6 A That visit the store, yes.

7 Q And that includes the beer and wine
8 specialist at Alabama Avenue?

9 A Correct. The stocking crew, correct.

10 Q Okay. Then with that foundation, when
11 singles are on the shelf, found on the shelves,
12 just sitting there by themselves or you find a
13 broken package, a six-pack with one can out, what
14 is to be done with the product?

15 A The protocol is we are supposed to
16 take the can to the back room so it's not
17 purchased to alleviate that.

18 Q All right. How about a six-pack with
19 one can missing?

20 A The same thing. Then the beer vendors
21 come in and they correct that in the back room.

22 Q So I'm hearing you saying that if

1 there is a single can on the shelf of beer or a
2 broken six-pack, it's supposed to be removed from
3 the shelf?

4 A Yes.

5 Q All right. How often are the shelves
6 monitored to accomplish that?

7 A Well, recently I have instructed the
8 store direct to do it hourly. It was every other
9 hour.

10 Q Last question, sir. If a customer at
11 this store finds a single can of say Bud Ice
12 sitting on the shelf and takes it to the
13 register, what will happen at the register?

14 A At the register, it would scan, but
15 that's the same UPC as on a six-pack, so it
16 would ring up the six-pack price.

17 Q For a single can?

18 A Or if it was a 12-pack or whatever the
19 size it was, yes.

20 Q Okay.

21 A Yes.

22 Q So are the registers programmed to

1 ring up single cans of beer?

2 A No. They are not identified to ring
3 up singles, no.

4 Q Okay. What instructions have cashiers
5 received regarding singles?

6 A I questioned them myself as -- once a
7 week. I just go up and down the aisles with the
8 cashiers and ask them are you allowed to ring up
9 singles, I call it single beers, and they say no,
10 we are not allowed to and that's, basically, what
11 I do.

12 Q Okay. If I took a single can of that
13 Bud Ice off the shelf and went to the register
14 and I was willing to pay the six-pack price for
15 it, could I complete that transaction?

16 A No, no. They would still advise --
17 they would go to management at that point and ask
18 for management's advice.

19 MR. O'BRIEN: Those are my questions,
20 sir.

21 CHAIRPERSON ANDERSON: Any questions,
22 Ms. Shaw?

1 MS. SHAW: I do, but I'm going to let
2 Mr. Young answer them if you don't mind.

3 CHAIRPERSON ANDERSON: What to you
4 mean Mr. Young answer?

5 MS. SHAW: Ask.

6 MR. YOUNG: Ask the questions.

7 CHAIRPERSON ANDERSON: Go ahead, Mr.
8 Young, you can ask the questions.

9 CROSS-EXAMINATION

10 BY MR. YOUNG:

11 Q I guess my biggest question is that--

12 MEMBER SILVERSTEIN: Please, move
13 closer to the mike, sir, so I can hear you.

14 BY MR. YOUNG:

15 Q My main question is what does it say
16 about the security system if any time you go into
17 the store, there are a large number of single
18 packs of beer when you have security guards and
19 you have monitors?

20 A I can't answer to the security system.
21 I could only tell you what we instruct the store
22 employees to do.

1 Q No. I don't mean what they do, but
2 what -- how would you -- as a manager, how do you
3 evaluate your system? Is it effective,
4 ineffective or are people actually buying single
5 packs, I mean, single beers? If you have all
6 this money you're spending on security and you
7 have these machines to monitor people and yet
8 it's still going on continuously, have you called
9 anyone so that enough people have gotten called
10 now that people know now not to steal there or do
11 they do it anyway?

12 A We get a number of complaints from
13 customers because they can't buy single beers.

14 Q No. I meant the fact that you still
15 have single packs. You still have -- a question
16 again. You are telling me that you have this
17 great system in place and you are telling me this
18 beautiful story of the protocol you go through,
19 the machinery you have to catch people and to
20 keep things from happening, yet they are still
21 happening. What does that say about you and your
22 system?

1 A I'm not quite understanding that.

2 Q I'll say it again then.

3 MR. O'BRIEN: Objection.

4 CHAIRPERSON ANDERSON: Well, hold on.

5 MR. O'BRIEN: This is argumentative.

6 CHAIRPERSON ANDERSON: But hold on.

7 I mean, it's a fair question. I really don't

8 understand why he said he doesn't understand.

9 This is the question that I think was asked. The

10 question that was asked is that you have this

11 system in place to -- this system in place with

12 security, with the camera system and the

13 testimony here today is that you are having --

14 that typically when someone goes in an aisle, so

15 the testimony by Mr. Young, the testimony by Mr.

16 Townsend is that they went in the aisle and there

17 are still singles in the aisle.

18 So I guess the question is that what

19 does that tell you about the system you have in

20 place? I mean, I think that's a fair question if

21 that's what the question was.

22 MR. YOUNG: Yes, that's the question.

1 MR. O'BRIEN: Hold on. Well, Mr.
2 Chair, go ahead.

3 CHAIRPERSON ANDERSON: So if you can't
4 answer it, sir, you can't answer it, but I don't
5 understand why you say you don't understand the
6 question.

7 MR. O'BRIEN: I don't understand it.

8 THE WITNESS: I mean, I can't tell you
9 that they are being bought singly, that's the
10 whole thing. So that my only answer to that
11 would be that they are being taken off the shelf
12 on a regular basis. And I really can't tell you,
13 you know, why that happens.

14 CHAIRPERSON ANDERSON: Do you have
15 another question, Mr. Young?

16 MR. YOUNG: Yeah.

17 BY MR. YOUNG:

18 Q The other guy, the Investigator also
19 said that he asked one of the managers. I assume
20 that you monitor or that reports to you. And
21 this person said they wasn't too sure whether or
22 not a single serving could be sold or not and how

1 it would be registered.

2 Again, you tell me the system is so
3 great and yet this guy says, this person who I
4 assume you manage, doesn't know.

5 A I talked directly to the store
6 director, not the -- I'm assuming you are talking
7 about the person that you were speaking of
8 earlier, Bill Johnston. He is an assistant. I
9 don't directly talk with them. I just give them
10 here is the protocol. Here is what we have to
11 do.

12 Q Well, I'm getting to the point of
13 believing that you could tell me anything
14 yesterday and today and I don't know what to
15 believe.

16 MR. O'BRIEN: Objection.

17 CHAIRPERSON ANDERSON: Sustained. Any
18 other questions, Mr. Young?

19 MR. YOUNG: No questions.

20 CHAIRPERSON ANDERSON: All right. I
21 have a question that I want to ask then. This is
22 the testimony that I heard before. Okay.

1 Mr. Townsend testified, and I'm not
2 sure if you were here, he is an Investigator,
3 that if a person went up to the register that --
4 with a single can, the machine will -- is able to
5 charge them for a single can. However, the
6 cashiers are instructed not to sell it.

7 So is it -- so what you just stated
8 today is inconsistent, because you are saying
9 that it is going to ring up as a four-pack or a
10 six-pack. But what at least this is what Mr.
11 Townsend testified, based on the conversation he
12 had with management in the store, that it can
13 occur, but they are instructed not to do it.

14 So tell us who is correct.

15 THE WITNESS: I see. I was listening
16 to that and I could -- I understood that. What--
17 the can will still scan, but this can will scan
18 at the six-pack or 12-pack price, because there
19 is only UPC on every can, so even if you scanned
20 it, it would still ring up. Does that make
21 sense?

22 CHAIRPERSON ANDERSON: I hear what you

1 say, sir, but that's not the impression that I
2 got --

3 THE WITNESS: Right.

4 CHAIRPERSON ANDERSON: -- from it.

5 And the follow-up question to Mr. Townsend, I
6 think, from Mr. Townsend was that I think either
7 Mr. Short or someone had said to him, well, maybe
8 Albert needs to go and do an undercover to see if
9 that will actually occur, because the impression
10 that was left is that if someone goes to the cash
11 register with a single can, that the register
12 will charge them for a single can.

13 I'm just saying that is the impression
14 that was given by Mr. Townsend's testimony.

15 THE WITNESS: Yeah, yes. I was
16 listening to the same thing, but that's
17 impossible, because there is only one UPC to
18 scan.

19 CHAIRPERSON ANDERSON: All right.
20 Okay.

21 THE WITNESS: And that scans based on
22 that it is no different than scanning a six-pack

1 of sodas.

2 CHAIRPERSON ANDERSON: All right.

3 THE WITNESS: Of Coke.

4 CHAIRPERSON ANDERSON: I have one more
5 question to ask you.

6 THE WITNESS: Yep.

7 CHAIRPERSON ANDERSON: You stated that
8 you have this invisible fence, so are you saying
9 that -- you said that the folks pick the cart up.
10 So are -- so do they pick the cart up and take it
11 out of Safeway and take it out of the parking lot
12 and once they are out of the parking lot, the
13 carts would operate or are you saying that they--
14 that this person is walking down the street with
15 a cart in their hand?

16 THE WITNESS: I can testify to a
17 number of ways they do that. You can actually
18 roll the cart. In some cases I have seen that.
19 I have also seen where they pick up just the
20 front corner of the cart so the front left wheel
21 is off the ground, but all three wheels are on
22 the ground. You can actually roll the cart.

1 There is only one lock wheel.

2 And then I have seen it where they
3 have actually taken the cart and thrown it in the
4 back of a truck. I have seen a lot of different
5 ways of -- ways that that happens. You know, I
6 have seen all three ways happen, correct.

7 CHAIRPERSON ANDERSON: All right. All
8 right. Mr. Alberti?

9 MEMBER ALBERTI: Mr. Ignacio, I'm
10 going to switch gears only for a second and then
11 I'm going to come back to this whole issue.

12 You said that you -- the shrinkage on
13 alcohol is \$1,000 a week.

14 THE WITNESS: Yep, yes, based on
15 inventory results, yes.

16 MEMBER ALBERTI: Okay. Is that \$1,000
17 retail cost or wholesale cost?

18 THE WITNESS: It goes retail.

19 MEMBER ALBERTI: Retail?

20 THE WITNESS: Retail, yes.

21 MEMBER ALBERTI: So it's not \$1,000
22 cost to the company?

1 THE WITNESS: I couldn't tell you the
2 exact cost.

3 MEMBER ALBERTI: Well --

4 THE WITNESS: The percentage.

5 MEMBER ALBERTI: -- if it's retail --

6 THE WITNESS: Yeah, it's the cost
7 for --

8 MEMBER ALBERTI: -- hopefully you are
9 not paying retail. You are not selling for the
10 same price you buy it.

11 THE WITNESS: Yes, that's how it gets
12 processed through retail cost.

13 MEMBER ALBERTI: All right.

14 THE WITNESS: Retail total.

15 MEMBER ALBERTI: So it's not a \$1,000
16 loss for the company every week, correct?

17 THE WITNESS: Correct.

18 MEMBER ALBERTI: Okay. Thank you.
19 How many -- do you monitor how many shopping
20 carts you lose weekly or monthly?

21 THE WITNESS: I don't at the
22 individual stores, no. I don't. I just,

1 basically, order new ones or go through my
2 district manager to get new ones.

3 MEMBER ALBERTI: So you are telling me
4 that Safeway doesn't do an inventory of shopping
5 carts?

6 THE WITNESS: The store director knows
7 how many carts they have.

8 MEMBER ALBERTI: But he reports to
9 you, right?

10 THE WITNESS: Not on shopping carts,
11 no.

12 MEMBER ALBERTI: Oh, so that's the one
13 thing he doesn't. Okay. All right. Does he --
14 would he know how many shopping carts are lost
15 weekly or monthly?

16 THE WITNESS: I could -- they could
17 give a very close guess to it.

18 MEMBER ALBERTI: All right. I wasn't
19 -- it wasn't really clear to me your testimony
20 about shopping carts that are out in the
21 neighborhood outside of the property, who picks
22 them up? Who is allowed to pick them up? You

1 said you as an employee are not allowed to pick
2 them up. You said you do, but you are not
3 allowed, so is there anyone contracted with or
4 authorized to pick up carts in the neighborhood?

5 THE WITNESS: We would have -- I would
6 have to go through, basically, the people that
7 take care of the billing, I guess, the contracts.
8 I know in some of my old stores, I had Best
9 Choice, that's a contractor, and they would pick
10 it up. I don't know that particular store of
11 what they -- who they can call on.

12 MEMBER ALBERTI: But the protocol is
13 to hire someone, a contractor, to pick them up?
14 Would that be a fair assessment?

15 THE WITNESS: Yes, not at store level,
16 yes.

17 MEMBER ALBERTI: All right. And who
18 would do the contracting?

19 THE WITNESS: Well, we have two
20 contracts.

21 MEMBER ALBERTI: What level of -- is
22 it someone at the store?

1 THE WITNESS: No.

2 MEMBER ALBERTI: Is it someone above?
3 Who -- what position in the company would do the
4 contracting to pick it up in the neighborhood?

5 THE WITNESS: Basically, I don't know
6 his exact title, but it's construction managers.

7 MEMBER ALBERTI: Okay.

8 MR. O'BRIEN: Mr. Alberti, for
9 clarification, are you saying contracting or
10 contacting?

11 MEMBER ALBERTI: Contracting. He just
12 told me they contract with someone when they want
13 them picked up on the neighborhood. They
14 contract with someone, if I understood the
15 testimony correct.

16 THE WITNESS: Yes, but --

17 MR. O'BRIEN: Well, my sense is he is
18 talking about standing contracts for this
19 purpose.

20 MEMBER ALBERTI: I don't care whether
21 it is standing or you call up somebody and I
22 contract someone to wash my windows once or have

1 a standing contract to wash my windows. I don't
2 really care. All I care is it happens sometime.
3 Are you okay?

4 MR. O'BRIEN: I misinterpreted your
5 question.

6 MEMBER ALBERTI: All right.

7 MR. O'BRIEN: I thought you meant how
8 is it initiated for somebody to go out and a
9 particular --

10 MEMBER ALBERTI: Well, I'm going to
11 get to that. I'm going to get to that.

12 MR. O'BRIEN: Okay. All right.

13 MEMBER ALBERTI: All right.

14 MR. O'BRIEN: That's why I said
15 contract versus contact.

16 MEMBER ALBERTI: Right, right, right.
17 So who would tell the construction manager, you
18 know, I think maybe it's about time, I have lost
19 this many carts in the last six months, the last
20 three months. Who would contact the construction
21 manager and say, you know, I think we need to
22 hire someone to go pick them up?

1 THE WITNESS: That would be the store
2 director, if they know, in fact, that there is
3 enough carts to satisfy that.

4 MEMBER ALBERTI: Right, right. And
5 then they would presumably know, because they
6 would know how many carts they had to order?

7 THE WITNESS: Yes and no, because most
8 of your carts get taken for the metal. At least
9 all the stores I have worked at.

10 MEMBER ALBERTI: Okay. At this
11 particular store, do you know if there is anyone
12 who would -- because we're hearing testimony that
13 there are carts out in the neighborhood. I will
14 assume -- well, maybe it's a bad assumption.

15 Let's assume for the moment the
16 manager has been told that there is carts out in
17 the neighborhood. Do you know at this particular
18 store if they send someone out to monitor, to get
19 -- to collect anecdotes, to collect reports of
20 carts out there?

21 THE WITNESS: No, I don't know that,
22 no.

1 MEMBER ALBERTI: Okay.

2 THE WITNESS: I don't know.

3 MEMBER ALBERTI: But they do know how
4 many carts have gone missing every month or
5 quarterly or whatever when they do their
6 inventory?

7 THE WITNESS: It -- they can give a
8 pretty close figure probably, I would imagine.
9 All those store managers I have dealt with, yes.

10 MEMBER ALBERTI: That would be really
11 surprising if we could get \$100 for each of
12 these, but that's only to my surprise. They keep
13 a close eye on alcohol. I would think that they
14 would want to keep a close eye on their \$100s a
15 piece. It doesn't take many to equal \$1,000.

16 So we don't know if there is any
17 protocol on a regular basis to find out whether
18 they need to go out and pick them up in the
19 neighborhood?

20 THE WITNESS: No, I would have to
21 investigate that myself.

22 MEMBER ALBERTI: Right.

1 THE WITNESS: I would have to ask.

2 MEMBER ALBERTI: Not to --

3 THE WITNESS: You're asking me to ask?

4 MEMBER ALBERTI: Okay.

5 THE WITNESS: Okay.

6 MEMBER ALBERTI: I'm a little confused
7 as to your role. How often do you, in this
8 particular store, go in to review the condition
9 of the alcohol beverage cases? Particularly the
10 beer.

11 THE WITNESS: I walk up and down every
12 aisle, that's my job to look at the --

13 MEMBER ALBERTI: How often?

14 THE WITNESS: At that particular
15 store, once a week.

16 MEMBER ALBERTI: Once a week.

17 THE WITNESS: Minimum, yeah.

18 MEMBER ALBERTI: Have you seen -- have
19 you saw the pictures in the exhibits?

20 THE WITNESS: Yes.

21 MEMBER ALBERTI: Is that consistent
22 with what you observed?

1 THE WITNESS: It -- not on a regular
2 basis. You could go one day and there would be
3 nothing and then you go another day and there
4 would be --

5 MEMBER ALBERTI: Oh, so you are just
6 telling me that when Mr. -- I'm sorry, your --

7 MR. YOUNG: Young.

8 MEMBER ALBERTI: -- Young went and
9 when my -- our Investigator went, they just
10 happened to go on bad days?

11 THE WITNESS: I wouldn't say they were
12 bad days, but there are times where I have gone
13 and they are straight and they are clean.

14 MEMBER ALBERTI: All right. Does it
15 concern you what they -- what Mr. Young testified
16 to and what our Investigator -- just to remind
17 you, our Investigator is sort of unbiased. He
18 doesn't have a dog in this fight. All right?

19 THE WITNESS: Right.

20 MEMBER ALBERTI: So does it concern
21 you what he saw and the pictures that he has
22 shown you?

1 THE WITNESS: Yes, I just started
2 seeing these pictures as of yesterday, sure. And
3 I --

4 MEMBER ALBERTI: I'm not asking you
5 what the -- so they concern you?

6 THE WITNESS: Sure.

7 MEMBER ALBERTI: Okay.

8 THE WITNESS: Yes.

9 MEMBER ALBERTI: Thank you. I have no
10 further questions.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: Your name again is?

13 THE WITNESS: John Ignacio.

14 MEMBER SHORT: Ignacio?

15 THE WITNESS: Yes.

16 MEMBER SHORT: Okay. I didn't want to
17 butcher it too bad.

18 THE WITNESS: John is fine.

19 MEMBER SHORT: Okay. Well, Mr.
20 Ignacio, how many years have you been with
21 Safeway?

22 THE WITNESS: 39 years.

1 MEMBER SHORT: Wow. Very impressive.
2 How many years have you been this manager of
3 Region 86?

4 THE WITNESS: In this region, it has
5 been since September 1st. I was two different
6 regions before that.

7 MEMBER SHORT: So you have just been
8 in this particular region since?

9 THE WITNESS: September 1st.

10 MEMBER SHORT: September 1st of this
11 year? I mean of 2017?

12 THE WITNESS: Correct.

13 MEMBER SHORT: So you weren't -- so
14 how familiar are you with this store, since you
15 have just been --

16 THE WITNESS: I -- most of the people
17 I have trained. Most of the people they were my
18 assistant managers. And I have worked in, of all
19 of the D.C. stores, all of them except for one.

20 MEMBER SHORT: So you are very
21 familiar with the whole operation of Safeway in
22 this region?

1 THE WITNESS: Yes.

2 MEMBER SHORT: Okay. Profit-wise,
3 this -- how many stores do you have in 86, Region
4 86?

5 THE WITNESS: 18.

6 MEMBER SHORT: So out of 18, from 1 to
7 18, where does this Safeway on Alabama Avenue
8 rate with profit?

9 THE WITNESS: 18.

10 MEMBER SHORT: At the very bottom?

11 THE WITNESS: Correct.

12 MEMBER SHORT: How long has it been
13 like that?

14 THE WITNESS: As long as I have looked
15 at the books and looked at it, I would say oh,
16 geez, easy 10, 15 years.

17 MEMBER SHORT: Okay. So you are very
18 familiar that the Ward 7 Council Member was just
19 on TV several months ago talking about the
20 Safeway over on Benning Road and the one on Good
21 Hope Road. What did the one on Benning road
22 rank?

1 THE WITNESS: I would say right at 15
2 or 16.

3 MEMBER SHORT: So they are tow of the
4 worst?

5 THE WITNESS: You're talking about
6 profit?

7 MEMBER SHORT: Profit-wise.

8 THE WITNESS: Yes.

9 MEMBER SHORT: Okay. So all right.
10 Now, how familiar are you with the Good Hope
11 Shopping Center period, the whole shopping
12 center?

13 THE WITNESS: It has just changed a
14 lot over the years, but you mean right where this
15 -- the Alabama Avenue store is?

16 MEMBER SHORT: Yes, just that parking
17 lot where Safeway is.

18 THE WITNESS: I basically pay
19 attention just to the Safeway, to be honest with
20 you, when I go in.

21 MEMBER SHORT: Okay. Well, I live not
22 far from there.

1 THE WITNESS: Right.

2 MEMBER SHORT: And the only thing I
3 really use there a lot is the Post Office.

4 THE WITNESS: Okay.

5 MEMBER SHORT: A major Post Office is
6 there. I can go to the Post Office late at night
7 or early in the morning, there are always carts
8 all over their parking lot, whether it is 8:00 in
9 the morning when I'm trying to get their early
10 before the line starts at the Post Office or late
11 in the evening. There is always carts in that
12 lot. Do we have somebody who is supposed to take
13 care of that for the store?

14 I have heard some testimony that there
15 is somebody who is assigned to be the cart
16 attendant.

17 THE WITNESS: Yes, yes, they are
18 supposed to have that in our scheduling part,
19 yes.

20 MEMBER SHORT: So I'm just trying to
21 figure out how do you do the accounting on the
22 carts if you always have half of them out on the

1 lot?

2 THE WITNESS: It's --

3 MEMBER SHORT: It's all through the
4 night and all through the morning.

5 THE WITNESS: I understand your
6 question. It's pretty much you never have all
7 the carts altogether unless the store is closed.

8 MEMBER SHORT: I understand that, but
9 if I ever did decide to go back and shop there
10 again --

11 THE WITNESS: Sure.

12 MEMBER SHORT: -- then I can't get a
13 parking spot because there is carts all over the
14 place.

15 THE WITNESS: I can see that.

16 MEMBER SHORT: You think that's peace,
17 order and quiet for the community?

18 THE WITNESS: Peace, order and quiet
19 is a matter of taking shopping carts and bringing
20 them inside. That's the way I look at it.

21 MEMBER SHORT: Okay. I'll leave that
22 alone. Okay. Now, those are the two main

1 questions I had. And also, what I wanted to know
2 basically is are there any plans, since you have
3 heard this testimony today, and I have seen you
4 intently watching every witness and your answers
5 have been compelling and thank you for your 39
6 years of service, but have you heard anything
7 today that would make you want to help things
8 change for the community at this Safeway on Good
9 Hope Road and Alabama Avenue?

10 THE WITNESS: Well, actually, I have
11 already started. When I, you know, entered the
12 District early -- I mean, late of last year, the
13 first thing we had to go through was the
14 holidays. It's a little bit hectic during the
15 holidays, obviously.

16 MEMBER SHORT: I can understand.

17 THE WITNESS: Once you do that, then
18 the personnel changes made, you know, to enhance
19 the store and make sure the store stays clean on
20 the inside floors, how we merchandise, that we
21 are not, I call it, cluttered, that's what we
22 have done now. And also Benning Road, for that

1 matter, and also 4270 we're remodeling that the
2 week after next.

3 I'm sorry, 4270 is right down the
4 street, Maryland Avenue.

5 MEMBER SHORT: Well, again, I want to
6 thank you for service to the Safeway and to the
7 District of Columbia for 39 years.

8 THE WITNESS: It --

9 MEMBER SHORT: Thank you for saying
10 that you are going to make some corrections after
11 hearing.

12 THE WITNESS: I already have. We made
13 some personnel changes.

14 MEMBER SHORT: Thank you. That's all
15 I have. Thank you, Mr. Chair.

16 CHAIRPERSON ANDERSON: Mr. Silverstein?

17 MEMBER SILVERSTEIN: Thank you, Mr.
18 Ignacio. If someone in the neighborhood has a
19 complaint, is there a contact person for the
20 neighbors right now?

21 THE WITNESS: There is a number of
22 contact situations. Personally, I would use the

1 one on the receipt online, that gets escalated
2 right away. It's called -- we call it "Close the
3 Loop," that's one of the procedures that we do.

4 If it's -- it has to be answered
5 within 24 hours. The store manager has to
6 directly answer that, only if the customer leaves
7 their name and number.

8 There is another -- I believe, we have
9 -- we started before I got there was an email
10 that you could sign-on to pertaining to that Ward
11 7.

12 MEMBER SILVERSTEIN: Is --

13 THE WITNESS: And I think that was
14 posted in the front of the store, at one point.

15 MEMBER SILVERSTEIN: Is the name of
16 the person -- is there a name of a person on the
17 register receipt, you know, call John Smith --

18 THE WITNESS: Yeah.

19 MEMBER SILVERSTEIN: -- at such and
20 such or --

21 THE WITNESS: We switched out. The
22 person that they spoke of earlier had a heart

1 attack and until we could figure out that that
2 person -- the way it happened is the person has
3 to be -- remain at that store, even though they
4 are not physically in the store until we can
5 agree to move the person.

6 Spiro was a good store manager. He
7 just had a heart attack. But then we implemented
8 Keri Collins Kerineaux, that her name appears at
9 the top and she -- also along with the store
10 number.

11 MEMBER SILVERSTEIN: And it's the
12 store number, so you are saying -- it's your
13 testimony that even if the person who is listed
14 on there is not available, that the number itself
15 is a good number? It's not that individual's
16 cell phone number or anything like that?

17 THE WITNESS: No, that's the store's
18 main number, correct.

19 MEMBER SILVERSTEIN: If someone calls
20 your store and says there is a cart right across
21 the street from your store, what's your
22 procedure?

1 THE WITNESS: I can tell you what the
2 procedure should be, that we tell, we get a
3 member of management to go get it, because they
4 are not allowed to leave the store premises just
5 to be on the safe side. And really they are not
6 allowed to leave the store premises, but --

7 MEMBER SILVERSTEIN: Is that a union
8 rule or is that a company rule?

9 THE WITNESS: That's a company rule.

10 MEMBER SILVERSTEIN: A Safeway rule?

11 THE WITNESS: I can almost tell you
12 what date that happened. Years and years ago, I
13 was actually the person involved in that, but
14 anyway, it's -- you shouldn't be leaving the
15 company grounds because of liability.

16 And so if I was to take my truck, for
17 example, which I do and I'll pick up carts and I
18 get in an accident with somebody else, that's the
19 company's time. And that's why they don't do
20 that.

21 Now, what you are asking -- your
22 question asking across the street, sure, to be

1 honest with you, I'd go across the street and go
2 get it.

3 MEMBER SILVERSTEIN: Right.

4 THE WITNESS: If it was any place
5 else, then as we get the phone calls in, they are
6 supposed to notify the store director, that's how
7 it's supposed to happen. And then the store
8 director says okay, I have a number, this, this
9 and this and then call anybody available in
10 construction that could give us an answer when
11 they could do this.

12 But we have to give them exact
13 locations. It's not something that we would just
14 drive around, that doesn't happen.

15 MEMBER SILVERSTEIN: So do you call
16 your contract? You are saying you have a
17 contract card receiver, do you call that person
18 for one card or do you wait until three or four
19 for financial reason?

20 THE WITNESS: I can tell you that we
21 hard -- we don't -- it's just like you have been
22 saying, a lot of people don't call. Now, if

1 there is, you know, hey, I got a bunch of carts,
2 usually somebody will say -- when somebody calls,
3 it's usually because there is a bunch of carts,
4 not just one.

5 Well, I have a bunch of carts at the
6 bottom of this hill down Naylor Road, that's --
7 and that's when we would call somebody to see if
8 we could get somebody to go get them. There is
9 no general contractor says okay, we -- they are
10 going to pick up carts. It's not like a snowplow
11 or anything else that we contract out.

12 MEMBER SILVERSTEIN: You say there is
13 \$1,000 a week of shrinkage in alcoholic beverages
14 at the store. Do you consider that acceptable?

15 THE WITNESS: Oh, no.

16 MEMBER SILVERSTEIN: Is that a
17 reasonable cost of doing business?

18 THE WITNESS: It -- the reason we have
19 product in the store is to entice the customer to
20 come in. It's no different if we didn't have
21 peanut butter. Well, they wouldn't buy the
22 bread. I mean, that's the reason we have the

1 product in the store. Unfortunately, we do
2 suffer a loss in that. And that's pretty much
3 anything. You can account for that in anything
4 in the store.

5 MEMBER SILVERSTEIN: Are you saying
6 you are losing money on alcoholic beverages in
7 that store?

8 THE WITNESS: From inventory results,
9 yes.

10 MEMBER SILVERSTEIN: No, I mean,
11 overall. Obviously, you are losing \$1,000 a week
12 in sales.

13 THE WITNESS: I would have to figure
14 out the exact cost structure on how much they
15 sell per week, which is minimum. I can give you
16 a guess, but I can't give you the exact number.

17 MEMBER SILVERSTEIN: Give me the
18 guess.

19 THE WITNESS: Okay. They usually sell
20 about \$10,000 a week in beer and wine, which is
21 extremely low.

22 MEMBER SILVERSTEIN: Do you have

1 better than a 10 percent markup on it?

2 THE WITNESS: That goes through -- it
3 depends on the product. It really does. So if
4 the total cost, probably about I would say the
5 way you are asking, probably about a 20 percent
6 or better markup on it.

7 MEMBER SILVERSTEIN: And with all the
8 ancillary costs of electricity, rent and all
9 these other things, you are not getting rich on
10 these things, but why -- is there anything you
11 could do to cut the loss? I mean, it seems to be
12 very, you know, it's not --

13 THE WITNESS: Well --

14 MEMBER SILVERSTEIN: -- a small
15 amount.

16 THE WITNESS: -- I mean, we are
17 hearing you asking me a hypothetical question,
18 yeah, there is a lot of things I could do, but
19 not at this -- not as a Safeway --

20 MEMBER SILVERSTEIN: Oh.

21 THE WITNESS: -- person, but oh, yeah,
22 I could make a lot of suggestions. It's not

1 something that would be -- I can't. You know, I
2 can only make suggestions, take them to the front
3 and say hey, look this is what we can do. And
4 when I say take them to the front, take them to
5 the main office.

6 MEMBER SILVERSTEIN: Well, you're
7 saying this store on Alabama Avenue is 18th out
8 of 18 stores in the District in profit. How many
9 stores are there in the District of Columbia
10 itself? I mean, is that what your District is or
11 does your District include --

12 THE WITNESS: Basically, I have half
13 the District. The other half is on District 85,
14 so then you are talking -- it's so hard to
15 explain. I got -- basically, if you go from
16 Minnesota Avenue all the way down to M Street,
17 that side of town.

18 MEMBER SILVERSTEIN: Um-hum. M
19 Street?

20 THE WITNESS: Waterfront.

21 MEMBER SHORT: Southwest.

22 MEMBER SILVERSTEIN: Southwest. Okay.

1 THE WITNESS: We just -- yeah, it's a
2 brand new store, yeah.

3 MEMBER SILVERSTEIN: How many Safeway
4 stores are there in the District of Columbia?

5 THE WITNESS: It's 10, 12.

6 MEMBER SILVERSTEIN: 10 or 12. How
7 many --

8 THE WITNESS: Closing -- we are
9 closing one Saturday.

10 MEMBER SILVERSTEIN: -- did there use
11 to be? Do you have any idea how many there were?

12 THE WITNESS: I can remember one on
13 Naylor Road. I can remember one, now this is
14 dating a long time ago, I was just thinking about
15 that the other day, we had one down the street.
16 I would say there was about three to four more
17 Safeways easy, that I can remember myself.

18 MEMBER SHORT: There used to be one up
19 on Branch.

20 THE WITNESS: Yes, yeah.

21 MEMBER SILVERSTEIN: I can remember
22 two in my neighborhood that aren't there any

1 more.

2 THE WITNESS: Right.

3 MEMBER SILVERSTEIN: So there were a
4 lot more than there are today.

5 THE WITNESS: Yes.

6 MEMBER SILVERSTEIN: Time was --

7 THE WITNESS: Yes.

8 MEMBER SILVERSTEIN: It seems, sir,
9 that these folks are not being particularly well-
10 served and they may be almost between the devil
11 and the deep blue sea here that on one hand, the
12 store is not providing the ambiance that they
13 feel that they deserve and that according to all
14 reports is what would be a minimum acceptable
15 level of service and respect.

16 On the other hand, it is not making a
17 big profit that stores have been closing. What
18 can you do and what will you do, sir, in your
19 position to try to turn this around? And let's
20 start with contact with the community itself and
21 this type of outreach.

22 It does seem as though that what we

1 have here, let's use the old movie term, it's
2 failure to communicate.

3 THE WITNESS: Right.

4 MEMBER SILVERSTEIN: It's a big start
5 to begin with.

6 THE WITNESS: It is -- it really does
7 start -- Spiro was an excellent person to
8 communicate with the community. Unfortunately,
9 he had to leave for physical reasons. The person
10 we have there, she is more capable -- more than
11 capable of doing that, but I think there needs to
12 be more initiation, like you said on both sides.

13 For me personally in my job, I try to
14 make the store clean by changing people out,
15 making sure people are scheduled correctly,
16 making sure that things are done with the store
17 manager and the center of the store operations.

18 I work with other people, what we call
19 operation specialists inside the other
20 departments, were we change personnel out to make
21 sure that, okay, we want to enhance this, so to
22 speak, so it goes in a lot of different details.

1 MEMBER SILVERSTEIN: Is it a tough
2 store to stock in terms of employees?

3 THE WITNESS: Yeah, my personal
4 opinion and experience, it is the toughest.

5 MEMBER SHORT: Good.

6 THE WITNESS: I can testify, I can
7 tell you that personal experience-wise. It is
8 the toughest store to -- for employees. It's the
9 toughest store to hire. And it's the toughest
10 store to keep going. And I can tell you that all
11 130 store managers can tell you the same thing.

12 MEMBER SILVERSTEIN: How do you turn
13 that around, sir?

14 THE WITNESS: Well, it's -- I have
15 done it in a number of stores. M Street was one
16 of the examples where I ran it and it's basically
17 -- I used to -- to be honest with you, I used to
18 -- and I don't mean to take time up, because --
19 but I would have meetings with -- every Friday I
20 would have a meeting at St. Augustine's Church
21 right behind M Street. We talked it out. And
22 that only lasted a couple of months after that,

1 it was good.

2 Clinton Safeway, 1443, I had meetings
3 every Wednesday. They came in, had some coffee,
4 9:00 in the morning we're good. But you know,
5 that dissipated very rapidly because the main
6 things that we talked about, we could solve. And
7 the main things that we connected on, we could
8 take care of. And that was -- it was good doing
9 that.

10 Once we saw what other people saw, you
11 know, it's a different aspect when you are
12 running a store, rather than being a customer.
13 You are -- especially at that store. You are
14 moving. Now, I switched out the assistant
15 managers there to.

16 And Bill is actually brand new. Bill
17 Johnston he has just started there. He is one of
18 the new ones. So we had to make it advantageous
19 to be successful and set up the store and the
20 people in the store for success.

21 So that -- the first thing you see,
22 you have to make sure that you intertwine with

1 the customers and the employees. I know for a
2 fact, Tish, that works the front end, she is very
3 good with the people on the front end. So we
4 kept her there on the front end.

5 But there is a lot of things that go
6 on with the 160, 170 employees. And your
7 turnover rates are 30 percent.

8 MEMBER SILVERSTEIN: Thank you very
9 much. It is obvious in the fact that they do not
10 want the store closed. They do not want your
11 license to be taken away.

12 THE WITNESS: No.

13 MEMBER SILVERSTEIN: But there is a
14 need that the community, the people who are
15 within close distance need the store.

16 THE WITNESS: Yes.

17 MEMBER SILVERSTEIN: And it's just,
18 you know, we've got to work together with them.
19 I wish you all good luck.

20 CHAIRPERSON ANDERSON: All right.
21 Thank you. Let me bring this back to where we
22 need to be. I just have one final question for

1 you, sir, regarding the shopping carts.

2 The testimony that we had today and
3 the pictures that there are shopping carts all
4 over the neighborhood, so this particular
5 Safeway, what is it that the community is
6 supposed to do if they see these shopping carts?
7 For this particular Safeway, what is it that the
8 community needs to do to get these shopping carts
9 out of the community?

10 THE WITNESS: I can only speak from
11 experience from my own stores.

12 CHAIRPERSON ANDERSON: No, no, no.

13 THE WITNESS: But what they can do
14 is --

15 CHAIRPERSON ANDERSON: This is about
16 we have a protest on the Alabama Avenue. You are
17 the witness.

18 THE WITNESS: Right.

19 CHAIRPERSON ANDERSON: And you are
20 addressing the shopping cart issue.

21 THE WITNESS: Yep.

22 CHAIRPERSON ANDERSON: So I'm asking

1 you specifically for this. And you said that you
2 manage the Safeway. What is it that the -- we
3 have pictures of shopping carts and the community
4 is complaining about. So I'm asking you in this
5 hearing, what is it that the community is
6 supposed to do for this particular Safeway to get
7 the shopping carts out of the community?

8 THE WITNESS: A little more clarity on
9 identification of how many there are and where
10 exactly they are. If there is -- it's down, I
11 don't know, 27th Street at the corner of 27th and
12 Naylor Road, we would know to go exactly right
13 there. But to go around the neighborhood --

14 CHAIRPERSON ANDERSON: That's not the
15 question I asked you, sir.

16 THE WITNESS: The benefit --

17 CHAIRPERSON ANDERSON: Like this is
18 what I said to you, I said to you what is it that
19 the company should do to get the -- I didn't say
20 have Safeway go and drive around every block
21 looking for it.

22 So I'm asking you if you have the two

1 protestants that, of the group here, part of the
2 document and I don't know what the Board is going
3 to do or if this is even a factor, but from a
4 practical perspective, if they complain that
5 there are shopping carts in the neighborhood,
6 what, for this particular Safeway, is it that the
7 community needs to do to get Safeway to remove
8 the shopping carts from out of the community for
9 this Safeway?

10 MEMBER ALBERTI: Really the question
11 is what is Safeway willing to do to solve this
12 problem?

13 CHAIRPERSON ANDERSON: Right.

14 MEMBER ALBERTI: I mean, that's really
15 the question.

16 THE WITNESS: Okay.

17 MEMBER ALBERTI: Because I'll be
18 honest with you --

19 THE WITNESS: I --

20 MEMBER ALBERTI: Let me just finish.
21 I'll be honest with you, I have not heard you
22 tell us that you really have a system in place.

1 You know, you haven't said here we have a person
2 you contact, this person is keeping a list,
3 etcetera, etcetera.

4 It's not rocket science to come up
5 with that plan. I'm a customer. I'm not an
6 expert in the grocery business, but I have dealt
7 with businesses. I have dealt with organizations
8 and I know it's very simple to set up a protocol
9 to solve this problem, if you are willing.

10 But I'm not hearing that you have even
11 thought about it. So again, I think the question
12 is what can Safeway do to solve this problem?

13 THE WITNESS: We will set up a
14 program. Just like you said, we will set up a
15 program as long as we have the information, we
16 will be fine going forward. But I said this, I
17 did not know this was happening to this extent.
18 But that's fine. I mean, we can set up a program
19 on a weekly basis as long as we get the
20 information on a weekly basis and then we can
21 obtain the carts where necessary.

22 CHAIRPERSON ANDERSON: You know what,

1 I'm going to move on, but I'm surprised that you
2 said that, because you testified that what people
3 are doing is just -- you just testified that what
4 folks are doing is that you now figure out that
5 they are lifting up the shopping carts because --
6 around the fence. So you testified that you are
7 aware that people are leaving the Safeway with --
8 leaving the fence with the shopping carts.

9 You specified because you are very
10 specific how the people are getting out of the
11 parking lot. And then the question is what is
12 Safeway doing to stop the problem? They have no
13 answer.

14 All right. We need to keep this
15 short, because we have another protest, so Ms.
16 Shaw, you can ask some questions, based on the
17 questions that were asked by the Board, but I did
18 tell the folks that we wouldn't start at 6:15 and
19 this is going afar, so just on your questions,
20 please, keep them short and then I'll end with
21 Mr. O'Brien.

22 So if you have any questions, based on

1 the questions that we asked? But I just wanted--

2 RECROSS-EXAMINATION

3 BY MS. SHAW:

4 Q One of the Board Members asked the
5 question about security. And you testified that
6 you are over the security and they answer to you,
7 correct?

8 A No. I'm not over the security.

9 MR. O'BRIEN: Objection. That wasn't
10 the testimony.

11 THE WITNESS: I'm -- I don't --

12 MR. O'BRIEN: No.

13 THE WITNESS: -- take care of
14 security.

15 MEMBER ALBERTI: All right. So, Mr.
16 O'Brien, he just said that he is not over
17 security. I think that's his answer.

18 MR. O'BRIEN: Okay.

19 MEMBER ALBERTI: Move forward.

20 BY MS. SHAW:

21 Q Are you in charge of the security
22 contract where you know how many people are in

1 the store at all times, as far as security
2 guards?

3 A No, that's loss prevention.

4 Q That doesn't fall under operations at
5 all?

6 A No. Mine is center store operations.
7 I deal with the marketing plans.

8 Q So marketing, the store manager
9 answers to you for marketing?

10 A They give --

11 Q You're the marketing director, right?

12 A Of District 86 on center of the store.

13 Q And the store manager and everybody
14 under there answers to you for everything?

15 A If the concern is an obligation
16 according to the ad planner, that would be posed
17 for the center of the store.

18 Q So I'm going to show you this receipt.
19 Are you familiar with this receipt?

20 MR. O'BRIEN: You have got to take it
21 over for him to look at.

22 CHAIRPERSON ANDERSON: Show him.

1 THE WITNESS: Yes, yes.

2 BY MS. SHAW:

3 Q Can you tell me whose name appears at
4 the top of that receipt?

5 A That's Spiro's name.

6 Q And when did Mr. Spiro leave the
7 company?

8 A Technically, he hasn't left the
9 company.

10 Q When did he leave that particular
11 Safeway store on Good Hope Road, Alabama Avenue,
12 S.E.?

13 A I can't say the exact date. I want to
14 say his heart attack happened right after
15 Christmas.

16 Q Okay. What's the date on that
17 receipt?

18 A 2/19.

19 Q Is it safe to say he has been gone for
20 over two months, close to two months?

21 A Yes.

22 Q And you are the marketing manager, but

1 yet his name still appears on the top of the
2 receipts?

3 A Okay.

4 Q So how would the average person who
5 has issues, problems and concerns actually know
6 who is in charge to get answers or to kind of
7 deal with the situation.

8 A The number is still the store number.

9 Q Have you called it recently?

10 A No, I deal with the -- well, actually,
11 I do call the store occasionally, but I knew who
12 to talk to when I call.

13 Q Oh.

14 A I deal with grocery managers,
15 receivers, all kinds of people.

16 Q Oh. You know who to talk to, but the
17 average person who calls the store numerous times
18 to say -- the average person that calls and says
19 hey, there are several carts in the back of my
20 building. My address is blah, blah, blah. And I
21 don't know who to talk to, so who am I talking to
22 a recording or am I talking to -- who am I

1 talking to?

2 A No, it would be a live person. They
3 would identify themselves.

4 Q Are you going by what you absolutely
5 know? Because you just -- are you going by what
6 you absolutely know?

7 A Yes.

8 Q Who is the person that is identified--
9 who is the person that we should talk to as far
10 as a cart?

11 A Well, I would --

12 Q In our community?

13 A -- always ask for the store director
14 or store manager.

15 Q And currently that is who? And they
16 are able to go -- I know I'm asking questions. I
17 apologize. And they are able to go pick them up,
18 pick the carts up right away?

19 A They are not able to. They are not
20 allowed to leave the store premise under -- while
21 they are getting paid by the company.

22 MS. SHAW: Board, I rest my case on

1 that last statement.

2 CHAIRPERSON ANDERSON: Do you have any
3 more questions for him, ma'am?

4 (No audible answer.)

5 CHAIRPERSON ANDERSON: All right. Do
6 you have any more questions for this witness?
7 No?

8 MS. SHAW: No. Absolutely.

9 CHAIRPERSON ANDERSON: Mr. O'Brien?

10 REDIRECT EXAMINATION

11 BY MR. O'BRIEN:

12 Q Is there a permanent store director in
13 place yet to replace Spiro?

14 A No.

15 Q Thank you.

16 MR. O'BRIEN: That's it.

17 CHAIRPERSON ANDERSON: Thank you very
18 much, sir, for your testimony. You may step
19 down.

20 THE WITNESS: Thank you. That didn't
21 take long.

22 (Whereupon, the witness was excused.)

1 CHAIRPERSON ANDERSON: Does the -- do
2 you have -- Ms. Shaw, do you have a rebuttal
3 witness you wish to call?

4 (No audible answer.)

5 CHAIRPERSON ANDERSON: No? All right.
6 Does the --

7 MS. SHAW: Outside of the Board who
8 live in the community?

9 CHAIRPERSON ANDERSON: No.

10 MS. SHAW: No. I -- wait, yes.

11 MR. O'BRIEN: That's a very
12 problematic statement.

13 MEMBER SHORT: There is no --

14 MR. O'BRIEN: That's a very
15 problematic statement.

16 MS. SHAW: Let me say --

17 CHAIRPERSON ANDERSON: Well, I -- Ms.
18 Shaw said outside of the Board who live in the
19 community and when this hearing started --

20 MS. SHAW: Yes.

21 MR. O'BRIEN: I'm sorry?

22 CHAIRPERSON ANDERSON: -- I made it --

1 huh? I'm sorry?

2 MR. O'BRIEN: Ms. Shaw was talking
3 when you were talking.

4 CHAIRPERSON ANDERSON: I said Ms. Shaw
5 stated outside of the Board who lives in this
6 community. And when this hearing started, I made
7 it perfectly clear to all parties that I do live
8 in the community and I do know the protestants
9 and I also made it clear and Mr. Short also
10 stated that he lives in the community and he
11 lives in -- I'm sorry. I'm sorry, that he lives
12 in the community.

13 So I made it perfectly clear that I do
14 know who the protestants are and I stated that me
15 shopping at the Safeway or any other Safeway or
16 Giant or Costco, that if that were the case, I
17 could never hold a case here, because I could say
18 that I live -- I shop at that store.

19 And so I made that there and I also
20 stated that I knew who the protestants were. So
21 I have made that clear and everyone didn't have
22 an issue.

1 When we called rebuttal, you are
2 calling someone to rebut. I asked whether or not
3 the protestant had a rebuttal witness to call and
4 a statement was made "outside of the Board?"
5 First and foremost, that is not -- that could not
6 occur, but it's no surprise that, to any parties,
7 two Board Members live in close vicinity to the
8 Safeway. Yes?

9 MS. SHAW: Three. Mr. Isaac.

10 CHAIRPERSON ANDERSON: I'm sorry, I
11 don't --

12 MR. O'BRIEN: Ms. Shaw is telling me
13 actually three Members.

14 CHAIRPERSON ANDERSON: I'm sorry? Mr.
15 Cato lives in Ward 5.

16 MEMBER ALBERTI: I believe Mr. Isaac
17 does.

18 CHAIRPERSON ANDERSON: I don't know
19 where there is -- well, there --

20 MEMBER ALBERTI: But he isn't here.

21 CHAIRPERSON ANDERSON: Right. There
22 are five Members --

1 MEMBER ALBERTI: Mr. Isaac, he is not
2 hearing the case.

3 CHAIRPERSON ANDERSON: Hold on, hold
4 on, hold on. There are five --

5 MR. O'BRIEN: I'm just repeating what
6 she said.

7 CHAIRPERSON ANDERSON: No. All right.
8 Hold on, hold on, okay. Let me finish, sir.

9 MR. O'BRIEN: Sure.

10 CHAIRPERSON ANDERSON: Okay. Out of
11 the seven Board Members, there are three Board
12 Members who live in Ward 7. Mr. Short and I live
13 in close vicinity to the Safeway. Mr. Isaac
14 lives at a further distance, so I do not know and
15 he is not here, he is not participating in this
16 protest, so I don't know whether or not he shops
17 at the Safeway or is familiar with it, but he is
18 not participating in this matter, in this case.

19 MR. O'BRIEN: I did raise that.

20 CHAIRPERSON ANDERSON: No, but I'm
21 clarifying the record. I'm clarifying the
22 record. The statement that was made by the

1 protestant was that I asked, are there any
2 rebuttal and she said "Outside of the two Board
3 Members who live there," which since they are not
4 listed, they can't be called as witnesses and
5 both Board Members have already stated that they
6 are familiar with the Safeway, because they live
7 in the area.

8 MR. O'BRIEN: Mr. Chair?

9 CHAIRPERSON ANDERSON: Yes?

10 MR. O'BRIEN: You and Chief Short each
11 very correctly disclosed that you have personal
12 familiarity with the store.

13 CHAIRPERSON ANDERSON: Right.

14 MR. O'BRIEN: You gave us every
15 opportunity to move to disqualify you if we
16 wanted to so move. We chose not to.

17 CHAIRPERSON ANDERSON: Okay.

18 MR. O'BRIEN: Okay. Everything is
19 fine until you asked is there any more witnesses
20 and Ms. Shaw says none other than the Members of
21 the Board who live in the community. Saying you
22 Board Members know what is going on at this store

1 and so factor that in. That was the meaning of
2 that statement. And it was very inappropriate.

3 CHAIRPERSON ANDERSON: Well, I -- and
4 that's one of the reasons that --

5 MS. SHAW: Board's indulgence? In
6 actuality --

7 CHAIRPERSON ANDERSON: Hold on, hold
8 on, hold on.

9 MEMBER SILVERSTEIN: Excuse me.

10 CHAIRPERSON ANDERSON: Hold on, Ms.
11 Shaw. Hold on, Ms. Shaw. That's one of the
12 reasons why I -- that's why I responded the way I
13 did. I mean, I think one of the -- the issue
14 here, in this particular case, and whether or not
15 myself or Mr. Short are familiar with this
16 Safeway, it's a renewal. Okay?

17 Neither side is asking the Board not
18 to renew the license.

19 MS. SHAW: True.

20 CHAIRPERSON ANDERSON: And what we
21 stated before, the two issues that was in this
22 case, and that's one of the reasons why I tried

1 to say let's dismiss the protest earlier, because
2 one of the things that -- there are two issues
3 that the protestants were asking for.

4 They were asking for the translucent
5 bags and I told -- all parties are aware that
6 there is a Board Order and there is a settlement
7 agreement and that issue is already covered, that
8 is taken care of.

9 The other issue, at least the other
10 relief that the protestants have asked for is
11 this shared value plan that Safeway signed with
12 on Corcoran Street. I have already told the
13 protestant that that is not something that this
14 Board can offer them.

15 So the relief that they are asking, we
16 can't give them the relief. So I'm not quite
17 sure the Board -- we don't know whether --
18 Safeway's liquor license will be renewed, because
19 both sides have -- are not asking for the
20 renewal.

21 The protestants are bringing issues.
22 The Board might decide at the end of the day that

1 we are going to dismiss it, renew your license
2 and the conditions that are in place will stay or
3 based on the testimony that was -- based on the
4 testimony in particular, based on what was
5 brought up by Mr. Townsend, because since you did
6 not contest what Mr. Townsend testified to, so
7 the Board can look in Mr. Townsend's report and
8 base it's decision if we are going to impose any
9 other conditions, based on that report, because
10 you did not contest it, based on the cross-
11 examination, you did to Mr. Townsend.

12 So whether or not Mr. -- myself or Mr.
13 Short is aware of the issues with the Safeway and
14 I think there are issues -- I think the entire
15 community is -- and I'll put this on the record
16 right here, because it's public information. You
17 are aware that your client -- that this Safeway
18 was on television.

19 I mean, it's so -- so I'm sorry, Mr.
20 O'Brien, I'm -- and I'm putting that out there
21 because I don't want you to go to say that
22 because of what was said that we are aware. It

1 was on television at some point back.

2 And so we -- I take my job seriously.
3 And I take this Board's job seriously that -- and
4 if you will notice, I don't ask a whole lot of
5 questions. You know the Board Members, so for it
6 to be stated that because I'm sitting -- I'm in
7 this community. I know the issues.

8 Mr. Alberti who does not live in this
9 community, he has asked a whole lot of questions.
10 I think most -- some of the more difficult
11 questions that were asked, were asked by Mr.
12 Alberti and he doesn't live in this community.
13 And that's based on what is presented by Mr.
14 Townsend.

15 So but I wanted the record to reflect
16 and I don't want it to appear that because both
17 Mr. Short and I live in the community that we are
18 somewhat bias towards safeway and so therefore,
19 the decision would be made on the testimony and
20 whatever we are going to look for to make
21 decisions, if the Board is going to impose any
22 other conditions, if they are going to do that,

1 it's going to be based on what -- Mr. Townsend,
2 because that's basically the uncontested
3 information.

4 And so I just wanted to clarify the
5 record for that. Okay.

6 MR. O'BRIEN: I have no problem with
7 the Board. What I was objecting to was Ms.
8 Shaw's invitation to the Board.

9 CHAIRPERSON ANDERSON: And I --

10 MR. O'BRIEN: To the de facto
11 witnesses in her case. And, Mr. Chair, to be
12 frank, when we start talking about what was on
13 television, I got a problem with it.

14 CHAIRPERSON ANDERSON: Well, yeah, but

15 --

16 MR. O'BRIEN: This case should be
17 decided on the evidence presented in this
18 hearing. The four corners of the evidence.

19 CHAIRPERSON ANDERSON: And that's what
20 I -- and I'm agreeing with you. I'm agreeing
21 with you by saying -- but I just said when you
22 said because we were familiar, that's why I'm

1 saying it's in the four corners of the evidence
2 and what will guide our decision is, in this
3 particular case, more so what came out of Mr.
4 Townsend's decision, because you didn't present a
5 case.

6 And so if we are going to make a
7 decision, we're going to look at the -- what was
8 presented to the Board by that Board Order. And
9 that's -- I'm sorry, by that Board report.
10 That's what the Board will use to -- when the
11 license is renewed, if there are going to be any
12 additional conditions outside of what already
13 exists.

14 MR. O'BRIEN: Very well. Thank you,
15 sir.

16 CHAIRPERSON ANDERSON: All right.

17 MS. SHAW: Thank you.

18 CHAIRPERSON ANDERSON: With that said,
19 do you wish to make a closing argument, sir,
20 because that's where we are.

21 MR. O'BRIEN: The issues in this case
22 were, there is no evidence in this case that

1 singles have been sold. What we know is that
2 there appear to be all sorts of single bottles
3 and broken packages. You have been given the
4 explanation for theft. Safeway is a victim of
5 theft.

6 We know from the evidence that
7 shopping carts cost \$100 a piece. We know that
8 they are taken out of the parking lot and
9 apparently left at various points within the
10 neighborhood. Safeway is a victim of theft.

11 There is no evidence that Safeway's
12 operations negatively disrupt peace, order and
13 quiet or negatively disrupt the three.

14 No evidence that Safeway's operations
15 disrupt or negatively impact neighborhood peace,
16 order and quiet. Thank you.

17 CHAIRPERSON ANDERSON: Ms. Shaw, do
18 you wish to make a closing statement?

19 MS. SHAW: I do. First of all, I
20 would like to thank the Board and the people in
21 the community for sitting through this very long,
22 almost five and a half hours about our community.

1 The bottom line about this whole case
2 and why 20 people in a cold day in November stood
3 up and said we want to contest Safeway's liquor
4 license, not based on them selling liquor, but
5 because of peace, order, quiet and trash. That's
6 all that we have contend sitting here.

7 Peace, order, quiet and trash. From
8 the very first day that we sat down and started
9 talking with Safeway, we have been consistent
10 that our neighborhood has not had peace, order,
11 quite and there is much trash, whether you want
12 to call it a beer can, a bottle or a shopping
13 cart, it is still peace, order, trash and quiet.

14 We had Safeway's own very employee,
15 John Ignacio, who basically talked about that
16 there was a lot of problems with Safeway and
17 other further examination, he couldn't offer any
18 solutions whatsoever. And many times he
19 acknowledged he didn't know if he was over store
20 operations or if he was over marketing.

21 But yet, there is a receipt that is
22 clearly outdated with someone else's name on it.

1 So again, peace, order, quite and trash.

2 We have had people talk about
3 panhandling in the store, that came up several
4 times. But with three, supposedly, security
5 guards, no one could tell us how those people
6 were being removed or even being dealt with.
7 Again, that violates the order, no panhandling.

8 Peace, order, quiet and trash. And to
9 paraphrase, I'm going to say I'm paraphrasing,
10 Mr. O'Brien, where at the beginning of the
11 hearing, he clearly said "Oh, that is a
12 reflection of the neighborhood," which is what he
13 said to Investigator Townsend.

14 Peace, order, quiet and trash. We
15 have single cans that are missing daily in the
16 store. The Safeway employee told Investigator
17 Townsend something different, that they go in the
18 back and they, you know, jimmy it up and they
19 work it and they put it back in the rings.

20 But yet, Mr. Ignacio came out and she
21 said something totally different, that's not
22 supposed to happen. The buck stops with me. No,

1 I'm the one that trains them. I'm paraphrasing.

2 Peace, order, quiet and trash. I
3 submitted pictures on several -- through several
4 days. Investigator Townsend did the same thing.

5 Again, peace, order and trash. We
6 cannot get any -- if the average person can't get
7 any answers from this Safeway, and the person who
8 is our -- one of the highest -- one of the people
9 who are most influenced, a chief influencer in
10 this community had to result to going to the
11 television, the media in order to get
12 satisfaction. What are we, as an average
13 citizen, supposed to do?

14 Again, peace, order, trash and quiet.
15 Board, we are only looking for -- we live east of
16 the river. We are only looking for satisfaction
17 that we get the same affordabilities that are
18 afforded to people who live west of the river.
19 We shouldn't have to police our Safeway, our
20 local grocery store in order to get satisfaction.

21 We shouldn't have to sit here for
22 almost, it's going on six hours, and let's talk

1 about -- we can't talk about mediation, that was
2 another three hours. We can't talk about that.
3 But we have gotten nowhere from our community.

4 We need satisfaction. And right now,
5 outside of going to the media, you are our only.
6 We need them to be accountable to our community.
7 We live there. We chose to live in our
8 community. This is where we want to raise our
9 children. This is where we want to work. And we
10 are just simply asking for peace, order, quiet
11 and trash. Thank you all.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. The record is now closed.

14 Do the parties wish to file proposed
15 findings of fact and conclusions of law or waive
16 their right to do so?

17 MR. O'BRIEN: Waive.

18 CHAIRPERSON ANDERSON: What that means
19 -- I'm sorry?

20 MS. SHAW: What does that mean?

21 CHAIRPERSON ANDERSON: I was about to
22 explain that to you. What that means is that you

1 wait until the transcript is issued and then you
2 would read the transcript and you would make not
3 new -- you are not bringing in new information,
4 this is what you would say based on the facts in
5 this case, this is what you proved and this is
6 what the law says, based on the facts, or we can
7 just decide that the Board will make its
8 decision, based on the presentation here today.

9 But you would not be able to bring in
10 any new evidence. And this is something you
11 would have to formally write something up. And
12 they have elected to waive it, which you can also
13 do that, too.

14 MS. SHAW: The Court's indulgence.

15 CHAIRPERSON ANDERSON: Yes.

16 MS. SHAW: Because of what you said at
17 the very beginning about the shared value and we
18 have to go back to the ANC as well as the
19 Hillcrest Civic Association, we would like to
20 have a transcript, so that we can go back to show
21 our community exactly what Safeway --

22 CHAIRPERSON ANDERSON: You can always

1 get a -- no, I'm saying you can always get a copy
2 of the transcript.

3 What I'm saying is that for this
4 particular case, what would occur is that we
5 issue a transcript. You review the transcript
6 and this is what you would say, these -- this is
7 what I proved in this case. And then you would
8 quote the law to say based on the law, this is
9 what the findings are.

10 So but it would not be bringing up any
11 new information. And most parties, especially in
12 a Protest Hearing, they waive that issue.

13 MEMBER SILVERSTEIN: Mr. Chair?

14 CHAIRPERSON ANDERSON: Yes, Mr.
15 Silverstein?

16 MEMBER SILVERSTEIN: Ms. Shaw, would
17 you like to write a legal brief stating that
18 Title 25 301 would show such and such? Title 25
19 444 shows such and such on this evidence. It is
20 a legal brief that you have the right to write,
21 but most people choose not to do so and allow our
22 legal staff and us to make a decision based on

1 our review. It is an option that is seldom
2 taken.

3 MS. SHAW: Sorry.

4 CHAIRPERSON ANDERSON: You can always
5 get you -- a copy of the transcript is always
6 available for you to have.

7 MS. SHAW: How soon?

8 CHAIRPERSON ANDERSON: Probably within
9 the next two to three weeks. You can request a
10 copy of the transcript and get it, but that's
11 irrespective -- but that has nothing to do with
12 the writing the proposed findings of fact and
13 conclusions of law.

14 You can always get that transcript.

15 MEMBER ALBERTI: And it's available
16 online. So we know that you want it, we will
17 make sure that it is sent to you as soon as the
18 Agency gets it.

19 MS. SHAW: It's fine to waive.

20 CHAIRPERSON ANDERSON: You will waive
21 it? Yes?

22 MS. SHAW: Yes, sir.

1 CHAIRPERSON ANDERSON: I'm sorry if
2 I'm being very inarticulate in explaining what it
3 means, but you are not at a loss. It's something
4 that the lawyers decide that they want to do and
5 non-lawyers normally do not choose that option,
6 because it's asking them to be lawyers and tying
7 up a case.

8 MS. SHAW: I am not an attorney.

9 CHAIRPERSON ANDERSON: All right. So
10 all right. All right. The Board will issue its
11 decision in 90 days.

12 MR. O'BRIEN: Thank you.

13 CHAIRPERSON ANDERSON: As Chairperson
14 of the Alcoholic Beverage Control Board for the
15 District of Columbia and in accordance with DC
16 Official Code Section 2-574(b) of the Open
17 Meetings Act, I move that the ABC Board hold a
18 closed meeting for the purpose of seeking legal
19 advice from our counsel on Case No. 17-PRO-00075,
20 Safeway, pursuant to DC Official Code Section 2-
21 574(b)(4) of the Open Meetings Act and
22 deliberating upon Case No. 17-PRO-00075, Safeway,

1 for the reasons cited in DC Official Code Section
2 2-574(b)(13) of the Open Meetings Act. Is there
3 a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion. I will now take a roll call
7 vote on the motion before us now that it has been
8 seconded.

9 Mr. Cato?

10 MEMBER CATO: I agree.

11 CHAIRPERSON ANDERSON: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON ANDERSON: Mr. Short?

14 MEMBER SHORT: I agree.

15 CHAIRPERSON ANDERSON: Mr.
16 Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON ANDERSON: Mr. Anderson?
19 I agree.

20 As it appears that the motion has
21 passed, I hereby give notice that the ABC Board
22 will recess these proceedings to hold a closed

1 meeting in the ABC Board conference room pursuant
2 to Section 2-574(b) of the Open Meetings Act.

3 Thank you very much and thank you for
4 being here. And thank you for your presentation
5 today.

6 MS. SHAW: Thank you.

7 MR. O'BRIEN: Thank you.

8 MS. SHAW: Thank you all.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you. It is now 6:30.

11 (Whereupon, the Protest Hearing was
12 concluded at 6:32 p.m.)
13
14
15
16
17
18
19
20
21
22

A			
a.m 81:19,20	Act 69:3,7,10 70:10	203:16	46:8,15 49:9 50:2
abandoned 3:19	274:17,21 275:2	advised 43:3	50:10,16 51:3,5,7
83:19 84:1,7 87:9	276:2	advocate 32:9	53:7,22 54:15,16
92:21 118:16	acting 63:17	afar 248:19	54:19 55:4 56:17
119:5,16,18	action 170:13	affairs 2:15 5:13	57:4,6,12,16 58:6
120:18,19 121:17	activate 84:10	137:16 140:15	58:10,18 60:8,9
125:22	active 81:6	147:2	61:8 63:9 64:4
abandonment	actual 54:11	affect 81:16	68:8,11,13,14
115:20	actuality 260:6	affordabilities	71:16 72:20 75:22
ABC 69:4 70:7,8	ad 250:16	269:17	76:5,20 78:2
80:3 81:6,14 82:1	add 63:6 171:1	affordability 52:4	79:19 80:2 87:22
83:15 97:1 102:15	added 73:1,3 80:4	afforded 269:18	94:15 95:9 96:18
102:20 114:5	94:18 129:18	afternoon 5:4,5 6:2	96:21,22 97:4,8
117:15 129:9	190:12	6:3,4,7 10:2	105:7 110:15,21
274:17 275:21	addition 79:11 80:1	185:16,18	169:1,3,7,15
276:1	90:13	Agency 61:13	172:14,15 177:6
able 22:5 63:8 72:9	additional 12:22	273:18	261:7
83:6 132:20	19:7 72:22 265:12	agenda 5:4,5	agreements 57:13
189:19 190:11,15	address 31:9 32:7	Agent 56:10,11,18	ahead 31:5 36:9
209:4 253:16,17	32:10 35:20 39:7	61:15,17	37:16 40:15 47:9
253:19 271:9	47:16 61:13 85:5	ages 157:19,20	91:4 105:17 124:9
above- 88:3 151:3	120:4 142:20	ago 51:5 146:4	142:10 151:15
153:4 164:1	159:17 160:15	162:10 176:1	161:14 179:15
above-entitled	252:20	224:19 232:12	204:7 207:2
23:22 70:13	addressed 34:7	238:14	aisle 90:21 100:13
193:19	addresses 120:9	agree 23:6 29:8,9	100:14,15,18
ABRA 2:17 51:15	addressing 244:20	31:19 38:17 39:17	103:3 132:16
73:15 74:3 85:6	adds 144:10 166:17	40:14 42:8,9 43:7	148:4 176:11,15
86:2 105:21 156:3	166:20,22	46:5 49:10,11,13	177:14,15,16,22
ABRA-related 85:8	adequate 132:10	53:20 55:21 57:7	206:14,16,17
absolutely 98:17	adhered 58:20	69:18,20,22 70:3	220:12
141:22 253:4,6	adjacent 77:4	70:5 112:9 118:22	aisles 3:10,11,11
254:8	adjective 159:13	118:22 167:10	3:12,12 76:16,22
acceptable 234:14	Administration	231:5 275:10,12	78:11 82:4,22
239:14	74:7	275:14,17,19	83:2 86:16 87:4
accident 98:9	administrative	agreed 33:9 51:18	89:17 90:16,17,20
232:18	19:22 20:12	60:15 61:6	90:20 93:4 100:17
accompanied 5:11	admit 52:7,9	agreeing 38:5	101:3,12 107:21
6:5	adopt 49:12,15	264:20,20	108:3,5 146:5,7
accomplish 202:6	53:22 54:10	agreement 21:14	147:21 177:20
account 235:3	advantageous	22:7,19 24:5 26:6	181:14 195:11
accountable 52:15	242:18	26:6,9 27:19	203:7
270:6	adverse 75:18	32:14 35:22 36:11	Alabama 1:8 35:5
accounting 226:21	136:5 137:11	37:1,6,8,20 38:16	49:5 75:13 87:17
accurate 115:2	adversely 138:15	39:5,9,10,14,15	195:15 200:12,20
acknowledged	advice 69:5 203:18	39:19 40:6,16	201:8 224:7
267:19	274:19	41:3,10,13,18	225:15 228:9
	advise 24:10 56:13	42:9,19,21 43:2,5	237:7 244:16

251:11
Albert 210:8
Alberti 1:19 14:8,10
 15:21 16:1,2,10
 16:14,18,22 17:4
 30:22 31:3,6,7
 37:10,22 40:21
 41:4 43:16,22
 44:10,14 45:2,5,9
 45:13,19 46:3,6
 46:12,18 47:7,9
 47:13,17,21 48:3
 48:6,10 69:19,20
 100:3,4,7,11,17
 101:1,4,7,11,14
 101:17,20 102:6
 102:19 103:2,7,11
 103:14,17,21
 104:2,8,11,13
 105:3,10,16
 123:18,20 124:1,3
 126:3,7,12,16
 164:17,21 175:14
 175:15,16,21
 176:2,9,14,18,20
 177:18 178:3,12
 178:20 179:5,8,11
 179:17,19 180:1,6
 180:8,12,15,18,21
 181:2,8,11,17,20
 182:1,5,8,12,15
 183:1,3,9,17,22
 184:3,5,11,14,18
 185:1,4,8,12
 212:8,9,16,19,21
 213:3,5,8,13,15
 213:18 214:3,8,12
 214:18 215:12,17
 215:21 216:2,7,8
 216:11,20 217:6
 217:10,13,16
 218:4,10 219:1,3
 219:10,22 220:2,4
 220:6,13,16,18,21
 221:5,8,14,20
 222:4,7,9 246:10
 246:14,17,20
 249:15,19 257:16

257:20 258:1
 263:8,12 273:15
 275:11,12
alcohol 3:10,11,11
 3:12,12,13,14,15
 3:15,16,16 32:16
 33:6 45:7,17 82:6
 85:17 87:4 89:17
 93:5 104:21 105:4
 108:4,5 146:5,7
 146:18 147:21
 148:3,4,6 176:11
 176:12,15 177:21
 195:12 200:1
 212:13 219:13
 220:9
alcoholic 1:3,14,15
 25:12 68:22 74:6
 76:1,9,16,22
 78:11,13 82:4,11
 82:14,21 84:18
 86:17,22 90:19
 119:13 129:4
 146:17 165:10
 197:10,14 234:13
 235:6 274:14
ale 100:18
alert 61:1
alleging 104:19
alleviate 201:17
alleviated 33:13
alley 121:18 124:15
 124:18
alleys 119:3,3,4,8
 120:17
allow 66:12 93:7
 134:17 272:21
allowed 64:18
 199:4,9 203:8,10
 214:22 215:1,3
 232:4,6 253:20
altogether 227:7
ambiance 239:12
amend 27:2 31:9
 32:2 41:5,12,17
 41:19 50:12
amended 40:6
Amendment 69:3,7

69:10 70:10
amenities 62:21
amount 107:17
 147:20 197:11
 236:15
ANC 1:9 36:18,22
 40:9,15,22 41:2
 41:13,15,16 50:15
 58:8 59:9 60:5,13
 60:13 64:13 71:22
 87:22 271:18
ANC/Safeway 4:4
ancillary 236:8
and/or 76:12,21
 78:4
Anderson 1:16,19
 5:3,15,19 6:1,7
 7:21 10:16,20
 11:11,14,17 12:4
 13:10,13,18,22
 14:3,7,9,12 15:22
 16:7,21 17:5 18:3
 18:7,12,15 19:2
 21:6 22:3,8,14
 23:7,11,14 24:3,7
 24:9 25:3,7,21
 26:4 27:4,6,10,17
 28:22 29:3,8 31:1
 31:5 32:11,18,22
 34:3 36:6,9 37:13
 37:16 38:4,9 40:8
 40:10,13,20 41:7
 47:20 48:13,15
 53:15 55:10,13,15
 55:17 56:9 60:1
 60:21 61:2 66:14
 67:1 68:20 69:13
 69:19,21 70:1,4,4
 70:16 73:19,22
 74:4,8,11,16,20
 75:2,7 79:4 80:17
 85:21 88:8,10,14
 89:11,20 90:9
 91:2 99:22 100:3
 105:15 108:21
 117:6 120:3,6,12
 120:22 121:3,6,10
 121:13,19 122:2,5

122:12,18,22
 123:9,13,19 124:8
 124:20 125:5,11
 125:13,17 126:6
 126:19 127:16,19
 127:21 128:18
 129:22 130:5,19
 133:18 134:3,15
 135:2,5,10 136:13
 136:17 137:20
 138:7,10,12 139:4
 140:16 141:14
 142:1,7,15 143:1
 143:18 144:1,4,19
 145:6 147:9
 148:21 149:7,15
 150:4,8,12,14,17
 150:21 151:7,18
 152:3,14,17
 154:13,15,20
 155:6,10 156:14
 158:3 161:2,13
 162:7,11,20 163:6
 163:13 164:12,20
 165:1,12 166:2
 169:8,13 172:9,19
 174:10,13,16
 175:4,8,12,15
 178:17 179:3,6,9
 179:14,18,21
 185:15 189:3,7,11
 189:15,21 190:4,8
 190:17,21 191:3,5
 191:14,16,19
 192:3,9,15 193:3
 193:11,22 194:7
 194:11,20 199:21
 200:4 203:21
 204:3,7 206:4,6
 207:3,14 208:17
 208:20 209:22
 210:4,19 211:2,4
 211:7 212:7
 222:11 229:16
 243:20 244:12,15
 244:19,22 245:14
 245:17 246:13
 247:22 250:22

254:2,5,9,17	275:20	asked 20:12 63:15	63:16 99:18 110:2
255:1,5,9,17,22	appended 25:2	71:6,8 79:15 83:8	111:20 118:21
256:4 257:10,14	applicant 2:13 3:2	84:4 94:10 102:15	207:19 208:4
257:18,21 258:3,7	8:9,11,18,19,22	114:4 115:21	218:14,15
258:10,20 259:9	9:5,7 10:18,20	133:17,21 152:4	assumed 73:16
259:13,17 260:3,7	11:10,15 13:9,21	173:19 175:2	141:20 194:17
260:10,20 264:9	17:12,16 18:5,17	189:9 206:9,10	assuming 70:18
264:14,19 265:16	25:11 26:9 34:12	207:19 245:15	88:22 129:5 208:6
265:18 266:17	34:21 48:21 54:17	248:17 249:1,4	assumption 218:14
270:12,18,21	62:18 68:6 71:12	257:2 259:1,19	at- 167:20
271:15,22 272:14	95:8 111:15 112:6	261:10 263:9,11	attach 67:6,9,11
273:4,8,20 274:1	135:8,12 170:13	263:11	attached 88:17
274:9,13 275:5,11	194:4,16	asking 9:3,16 28:15	89:10 182:3
275:13,15,18,18	applicant's 17:10	39:17 57:10 67:5	attack 231:1,7
276:9	77:9 112:5	67:13,16 68:4,12	251:14
anecdotes 218:19	application 1:11	70:21 71:8 72:16	attempt 26:8
Anheuser-Busch	5:11 36:12,17	72:18 73:3 95:10	attempted 51:11
146:16	49:9 75:1,10,16	130:2 133:15,18	attend 189:20
annually 78:6	approach 5:8 40:21	133:19 145:7	attendance 167:17
answer 96:1 127:20	approaches 198:8	152:8 161:3 170:7	attendant 3:20
156:15 162:1	appropriateness	171:2,7 220:3	83:21 84:4 87:14
183:8 204:2,4,20	34:18 35:10 38:12	222:4 232:21,22	226:16
207:4,4,10 230:6	42:6 49:8 56:22	236:5,17 244:22	attention 153:12,21
233:10 248:13	approve 38:17	245:4,22 253:16	225:19
249:6,17 254:4	68:15	260:17 261:3,4,15	attorney 2:13 12:9
255:4	approved 37:20	261:19 270:10	12:11 14:13,13,15
answered 230:4	approximately	274:6	14:17 19:22 77:9
answers 228:4	78:19,21 79:2,13	asks 8:8 104:22	120:8 163:1,2,4
250:9,14 252:6	85:4	174:21	274:8
269:7	April 37:4 80:4	aspect 242:11	audible 183:8 254:4
anti- 197:22	95:20 96:8,9	assertion 29:4	255:4
anticipating 28:18	122:9 170:1	assessment 215:14	audience 135:14
anybody 110:4	area 29:12,13 49:3	assigned 74:22	Augustine's 241:20
156:22 160:15	49:4 77:7 83:16	78:8 83:12,21	authenticate 125:8
171:17 233:9	92:8 142:20 173:5	226:15	authority 38:15,20
anyway 34:16	198:3 259:7	assist 82:18	49:15 60:18 64:6
205:11 232:14	areas 77:3	assistance 22:5	67:22
apologize 100:11	argue 34:20 72:12	111:22	authorized 215:4
120:11 124:2,4	arguing 134:2	assistant 82:2	automatic 192:11
165:22,22 172:2,3	argument 44:18	94:10 208:8	automatically
190:6,14 253:17	48:8 50:6 119:22	223:18 242:14	198:10
apparently 266:9	120:2 129:18	Assn 2:18	available 11:4
appear 263:16	143:15 265:19	association 2:16	35:13 231:14
266:2	argumentative	36:20,21 37:2	233:9 273:6,15
appears 28:4 37:7	206:5	58:9 59:10 60:6	Avenue 1:8 35:5
70:6 109:20	arguments 38:11	60:12 64:13 72:1	49:5 75:13 87:17
124:15 231:8	42:13,14 72:7	271:19	159:22 183:21
251:3 252:1	arrogate 63:13	assume 34:15 35:3	195:15 200:13

201:8 224:7
 225:15 228:9
 229:4 237:7,16
 244:16 251:11
average 144:15,22
 162:3 252:4,17,18
 269:6,12
averaged 197:13
avoid 166:18
aware 28:15 39:7,8
 79:15 94:8,11
 95:9,12 96:16,17
 178:10 182:10
 183:16 198:20
 199:16 248:7
 261:5 262:13,17
 262:22
awareness 177:1

B

B 1:9 75:11 126:10
 170:7 171:2
back 24:4 41:15
 42:13 43:8 50:14
 51:4,11 58:14,15
 60:5 61:3 70:11
 71:22 90:5 91:7
 92:3,6,22 94:5
 97:7,7 98:8,11,16
 103:2,4,8,9 107:1
 113:19 117:1
 152:1 158:12
 166:15 167:3,5
 173:5,9,22 193:5
 193:17 194:1
 201:16,21 212:4
 212:11 227:9
 243:21 252:19
 263:1 268:18,19
 271:18,20
back-to- 103:7
back-to-back 103:5
background 135:20
bad 62:17 183:12
 218:14 221:10,12
 222:17
bag 26:1,2 27:16
 28:20 30:16 33:7

33:11,17,18 43:18
 43:19,20 44:2,8
 44:18 45:4,4,17
 45:18,21 46:21
 47:2 49:22 50:6
 50:14 77:19,22
 104:22 105:4,5
bags 25:12,20
 27:13 28:8 29:7
 30:4 31:15 32:16
 35:18 37:7 43:9
 44:15 46:17 76:2
 77:16 261:5
bans 109:7
base 140:6 160:9
 262:8
based 8:4,6 9:4
 27:2 39:19 41:19
 51:8 57:11,22
 70:19 88:22 93:16
 99:17 104:16
 109:22 111:20
 115:20 132:1
 136:9 175:1 189:8
 209:11 210:21
 212:14 248:16,22
 262:3,3,4,9,10
 263:13 264:1
 267:4 271:4,6,8
 272:8,22
basically 17:6
 24:15 29:5 136:18
 138:4 195:9 196:9
 198:2,6 199:6
 203:10 214:1
 215:6 216:5
 225:18 228:2
 237:12,15 241:16
 264:2 267:15
basis 90:8 207:12
 219:17 221:2
 247:19,20
beat 100:7
beautiful 205:18
beef 13:16
beer 77:12 90:22
 91:1 98:20 100:18
 101:2 102:1 103:3

110:7 131:6
 146:13,14,17,18
 153:15 177:21
 178:1 201:3,7,20
 202:1 203:1
 204:18 220:10
 235:20 267:12
beers 100:9 203:9
 205:5,13
beginning 164:18
 164:18 268:10
 271:17
belief 98:4
believe 6:15 9:10
 20:13 21:2 23:15
 25:1 34:5 41:4
 61:17 70:18 72:7
 72:8 86:21 90:22
 100:21 102:4
 132:4,19 135:16
 142:4 171:12,16
 192:19 193:1,8,12
 200:5 208:15
 230:8 257:16
believes 23:5
believing 208:13
bench 168:19
benefit 245:16
Benning 224:20,21
 228:22
best 126:20 215:8
better 20:19 21:3
 41:14 54:16 57:21
 73:8 143:22 144:1
 144:2 236:1,6
beverage 1:3,14,15
 69:1 74:6 82:21
 83:2 84:18 87:4
 119:13 129:4
 165:10 176:11,15
 220:9 274:14
beverages 25:12
 76:2,10,16,22
 78:11,14 82:5,11
 82:14 86:17,22
 90:19 107:17,18
 195:12 197:10,15
 234:13 235:6

beyond 63:5 64:5
 84:13 113:13
 168:14
bias 7:2 263:18
big 188:16 239:17
 240:4
bigger 65:16
biggest 204:11
Bill 82:3 208:8
 242:16,16
billing 215:7
bit 228:14
blah 252:20,20,20
blame 78:16
block 113:2 183:18
 245:20
blocks 186:5
blue 239:11
board 1:3,14 3:9
 4:4 8:2,3,5,8,16
 9:1 11:1 13:15
 15:11 17:13,17,18
 18:1,19 20:5
 21:16,21,22 23:1
 23:6 24:13,14,20
 25:1,8,13,16
 26:10,18,21 27:1
 28:6,6,7,9,12,13
 28:15 29:15,17,17
 29:19,20,22 30:5
 30:7,7,17 31:8,9
 31:12,19 32:5,7,9
 34:9 35:15,18,19
 36:1,1,11 37:4,5,8
 37:20 38:13,19
 39:6,9,13,18,22
 40:3,15 41:3,5,11
 41:11,17,19 42:2
 42:6,15,18,20
 43:1,2,4,7,10
 46:19,20,22 47:6
 47:18 48:2,17,18
 49:10,11,14,19
 50:3,5,11,12 51:1
 53:7,22 54:2,3,6,9
 54:12,22 55:1,2,5
 55:6,7 56:10,11
 57:11,13,17 58:3

58:6,10 60:17
 61:11,15,17,21
 62:11,16 64:20
 67:2,3,21 68:7,13
 68:15,16 69:1,4
 70:7,8,22 71:5,9
 71:12,15,19,20
 72:16,21 73:3,6
 73:15 75:8 78:20
 80:3,3,6,9 81:14
 81:14 86:9 88:1
 91:4 94:16,17,20
 95:10,16,17 96:10
 96:17 105:6,17
 110:17 111:9
 116:3 117:15
 124:17 127:13
 130:3 134:19
 136:20 137:7
 139:8 152:1
 154:17 157:20
 160:22 161:19
 172:14 174:20,21
 175:2,9,13 189:4
 189:9 246:2
 248:17 249:4
 253:22 255:7,18
 256:5 257:4,7
 258:11,11 259:2,5
 259:21,22 260:17
 261:6,14,17,22
 262:7 263:5,21
 264:7,8 265:8,8,9
 265:10 266:20
 269:15 271:7
 274:10,14,17
 275:21 276:1
Board's 8:3,4,9,10
 8:12,14 9:4 11:9
 22:6 59:12 136:8
 136:19 137:4,5
 170:1 192:12,13
 260:5 263:3
BOBBY 1:20
body 128:2
book 98:9
books 224:15
bottle 45:22 102:22

132:13 267:12
bottles 76:11 78:13
 82:7 84:19 90:3
 90:15 102:18
 131:18 134:7
 148:10 266:2
bottom 52:10
 160:19 165:8
 224:10 234:6
 267:1
bought 207:9
bounds 112:17,20
 113:7
boxes 168:20,22
Branch 159:22
 186:16,22 188:18
 238:19
brand 238:2 242:16
bread 177:17,17
 234:22
break 192:14 193:4
 193:6
brief 100:12 272:17
 272:20
bring 10:12 12:22
 14:19 16:5,8
 33:22 43:19 58:14
 58:15 62:5 115:18
 120:21 138:9
 140:5,10 141:10
 141:11 143:20
 190:10 243:21
 271:9
bringing 45:3
 227:19 261:21
 271:3 272:10
broken 103:12
 104:5 199:11,16
 201:13 202:2
 266:3
brought 20:4 28:3
 34:10 45:16 59:19
 102:8 137:7 191:8
 262:5
buck 268:22
Bud 3:14 76:7
 88:16,17 109:14
 110:5,10 165:10

202:11 203:13
Budweiser 131:12
buggies 186:19
building 1:15
 252:20
built 7:11
Bumbray 189:18
bunch 134:18
 135:13 139:14
 141:8 234:1,3,5
burden 13:8,20
bus 3:20 87:16
bushes 113:6
business 51:10,22
 53:6 58:19 234:17
 247:6
businesses 247:7
butcher 222:17
butter 234:21
buy 29:7 33:11,18
 148:4 176:11
 177:10 181:15
 196:10 205:13
 213:10 234:21
buying 205:4
bypass 84:13

C

c 112:4,12
C-O-N-T-E-N-T-S
 3:1 4:1
call 8:2,20 12:6,14
 12:16 13:1 17:14
 17:18,19 18:5,11
 18:18,19,22 41:2
 59:9 69:14 73:6
 90:10 109:13
 112:19 127:1,8
 128:7 137:1,22
 139:12,15,16,19
 139:20 140:10,14
 140:17,20,20,21
 141:4,5,12 142:10
 157:9,13 160:20
 161:22 165:8
 166:22 192:6
 194:5 197:22
 201:3 203:9

215:11 216:21
 228:21 230:2,17
 233:9,15,17,22
 234:7 240:18
 252:11,12 255:3
 257:3 267:12
 275:6
called 8:16 73:15
 94:20 95:6 111:21
 140:21 141:19
 156:22 194:15
 205:8,9 230:2
 252:9 257:1 259:4
calling 20:11 112:4
 145:2 257:2
calls 4:3 18:2,17
 79:17 84:21 85:2
 85:2,5,6 87:20
 111:17,18,19
 112:7,9,10 141:2
 231:19 233:5
 234:2 252:17,18
camera 3:17 76:15
 82:17 83:1,4,6
 87:3 132:17
 206:12
cameras 58:21 87:7
 132:22 133:12
 148:12,15 155:15
can't-- 93:16
cans 76:10 78:13
 82:7 84:18 89:7,9
 89:12,13,15 90:3
 90:12,15 91:16,16
 93:5,8,12 98:20
 109:14 129:15
 134:7 146:13
 148:8,9,9 180:16
 182:3,3 203:1
 268:15
canvas 104:5
 113:17
canvased 92:8
canvasing 83:16
 84:15
capability 83:7 87:8
capable 240:10,11
capture 133:2

cards 5:14,22
care 99:11 181:2,3
 215:7 216:20
 217:2,2 226:13
 242:8 249:13
 261:8
cared 158:8
caring 188:12
carries 162:9
carry 47:3 198:15
cars 186:19
cart 3:19,20 78:18
 79:3 83:21 84:3,9
 87:13 128:12
 183:5 198:8,9,12
 211:9,10,15,18,20
 211:22 212:3
 226:15 231:20
 233:17,18 244:20
 253:10 267:13
cards 77:2,5 79:6,9
 79:11,12 83:17,20
 84:2,5,7,8,13,19
 87:9,9,14 92:2,3
 92:11,12,15,21
 98:16 112:14
 113:12 115:7,11
 115:15,21 116:18
 118:9 119:12,17
 120:19,19 121:17
 124:14 125:21
 126:13,14 156:11
 156:18 157:1
 182:17 197:20
 198:13,20 211:13
 213:20 214:5,7,10
 214:14,20 215:4
 217:19 218:3,6,8
 218:13,16,20
 219:4 226:7,11,22
 227:7,13,19
 232:17 234:1,3,5
 234:10 244:1,3,6
 244:8 245:3,7
 246:5,8 247:21
 248:5,8 252:19
 253:18 266:7
case 1:10 5:6 6:21

7:3,17 8:18,19 9:8
 9:9,11,12,18,22
 10:3,10,19 11:10
 11:13 13:12 15:3
 17:10,10,11 22:1
 27:18,18,21 28:1
 28:19 37:21 40:9
 50:7 62:13 69:6,8
 71:14 72:12,13
 85:15 113:12
 125:9 126:8 127:7
 128:8 131:12
 135:12 136:2,10
 137:3 139:7 140:6
 162:13 193:16
 200:11 253:22
 256:16,17 258:2
 258:18 260:14,22
 264:11,16 265:3,5
 265:21,22 267:1
 271:5 272:4,7
 274:7,19,22
cases 211:18 220:9
cash 128:22 210:10
cashier 76:6 129:3
 129:11
cashiers 89:5 203:4
 203:8 209:6
catch 148:15,16
 205:19
Cato 1:20 69:17,18
 257:15 275:9,10
cause 20:6,7 43:10
 80:14,21 144:7
cell 231:16
cent 33:11
center 2:11 7:10
 83:19 84:16
 112:18,20 159:3
 195:5,7 200:16,17
 225:11,12 240:17
 250:6,12,17
centers 81:10,10
cents 26:2 77:18
certain 20:3 21:14
 21:16 49:16 65:21
 65:21,22 66:1
 158:11 163:3

certainly 22:13
 131:1
Chair 10:14 12:1
 18:20 22:4 30:12
 58:12 99:21
 108:20 117:15
 123:6 154:17
 161:9 163:10
 164:9 189:2 207:2
 229:15 259:8
 264:11 272:13
Chairman 119:21
 125:3 135:7
 141:12 142:3
Chairperson 1:16
 1:19 5:3,15,19 6:1
 6:7 7:21 10:16,20
 11:11,14,17 12:4
 13:10,13,18,22
 14:3,7,9,12 15:22
 16:7,21 17:5 18:3
 18:7,12,15 19:2
 21:6 22:3,8,14
 23:7,11,14 24:3,7
 24:9 25:3,7,21
 26:4 27:4,6,10,17
 28:22 29:3,8 31:1
 31:5 32:11,18,22
 34:3 36:6,9 37:13
 37:16 38:4,9 40:8
 40:10,13,20 41:7
 47:20 48:13,15
 53:15 55:10,13,15
 55:17 56:9 60:1
 60:21 61:2 66:14
 67:1 68:20,22
 69:13,19,21 70:1
 70:4,16 73:19,22
 74:4,8,11,16,20
 75:2,7 79:4 80:17
 85:21 88:8,10,14
 89:11,20 90:9
 91:2 99:22 100:3
 105:15 108:21
 117:6 120:3,6,12
 120:22 121:3,6,10
 121:13,19 122:2,5
 122:12,18,22

123:9,13,19 124:8
 124:20 125:5,11
 125:13,17 126:6
 126:19 127:16,19
 127:21 128:18
 129:22 130:5,19
 133:18 134:3,15
 135:2,5,10 136:13
 136:17 137:20
 138:7,10,12 139:4
 140:16 141:14
 142:1,7,15 143:1
 143:18 144:1,4,19
 145:6 147:9
 148:21 149:7,15
 150:4,8,12,14,17
 150:21 151:7,18
 152:3,14,17
 154:13,15,20
 155:6,10 156:14
 158:3 161:2,13
 162:7,11,20 163:6
 163:13 164:12,20
 165:1,12 166:2
 169:8,13 172:9,19
 174:10,13,16
 175:4,8,12,15
 178:17 179:3,6,9
 179:14,18,21
 185:15 189:3,7,11
 189:15,21 190:4,8
 190:17,21 191:3,5
 191:14,16,19
 192:3,9,15 193:3
 193:11,22 194:7
 194:11,20 199:21
 200:4 203:21
 204:3,7 206:4,6
 207:3,14 208:17
 208:20 209:22
 210:4,19 211:2,4
 211:7 212:7
 222:11 229:16
 243:20 244:12,15
 244:19,22 245:14
 245:17 246:13
 247:22 250:22
 254:2,5,9,17

255:1,5,9,17,22 256:4 257:10,14 257:18,21 258:3,7 258:10,20 259:9 259:13,17 260:3,7 260:10,20 264:9 264:14,19 265:16 265:18 266:17 270:12,18,21 271:15,22 272:14 273:4,8,20 274:1 274:9,13,13 275:5 275:11,13,15,18 276:9 challenging 80:13 80:20 chance 59:8 127:14 139:1 change 20:22 21:4 28:14 29:19,20 30:18 40:15 43:13 58:10 61:8 77:20 158:18 228:8 240:20 changed 27:2,9 33:10 37:10 43:5 99:12 156:2 225:13 changes 20:5,13 30:7 36:2 42:1 60:22 68:8 228:18 229:13 changing 240:14 Channel 52:19,19 chaos 181:22 charge 26:2 44:7 77:18 200:1 209:5 210:12 249:21 252:6 charging 44:19 chat 23:20 cheat 19:10,15 check 98:8 100:22 107:2,12 checked 96:18 checking 108:4 chief 9:8 17:10,11 109:4 259:10	269:9 children 270:9 Choice 215:9 choose 272:21 274:5 chose 77:22 259:16 270:7 Christmas 251:15 Church 241:20 Circle 34:14,15,17 35:1,6 37:21 48:22 49:3 51:5 52:12 53:8 62:7 172:11 circumstances 27:3,9 cite 96:13 97:21 cited 69:9 95:2 275:1 citizen 59:4,5 269:13 city 6:17 64:20 109:10 civic 2:16,18 36:20 36:20 58:8 59:10 60:6,12 64:13 71:22 271:19 clarification 10:15 51:2 65:10 110:12 133:8 137:6 216:9 clarified 41:9 clarify 9:6 143:10 264:4 clarifying 258:21 258:21 clarity 62:5 245:8 Class 75:11 clean 168:12 187:14 221:13 228:19 240:14 clear 36:16 44:3,8 44:11 66:4 72:19 197:14 214:19 256:7,9,13,21 clearly 15:8 55:20 267:22 268:11 clerk 102:10 client 15:8 262:17	Clinton 242:2 close 21:12 99:2 107:21 191:6 214:17 219:8,13 219:14 230:2 243:15 251:20 257:7 258:13 closed 69:4 70:8 227:7 243:10 270:13 274:18 275:22 closely 182:10 closer 32:19 83:18 204:13 closest 6:11 closing 3:2,2 124:21 238:8,9 239:17 265:19 266:18 cloth 43:20 45:3 clothes 108:16 173:17,22 174:5 club 109:19 clue 144:14,16 145:2 155:19 cluttered 228:21 coat 46:11 Code 274:16,20 275:1 coffee 242:3 Coke 211:3 cold 267:2 collect 218:19,19 Collins 231:8 Columbia 1:1 69:2 74:15 81:4 229:7 237:9 238:4 274:15 columns 171:15,16 come 41:17 42:9 43:8 51:11 52:21 54:10,19 75:5 89:1 93:7 103:8 108:4 132:6 172:4 188:8 201:21 212:11 234:20 247:4 comes 17:15 40:18	47:11 68:14 137:16 157:10 188:14 comfortable 103:15 104:6 coming 35:4 42:13 62:3 64:4 132:14 comments 137:9 committee 158:1,9 common 82:15 communicate 240:2,8 Communications 85:1 communities 51:22 58:1,22 59:11 60:16 61:7 159:16 community 2:16,18 7:9 36:20,20 51:10,18 53:4 57:14 58:20 61:3 61:4 62:22 63:8 64:1 93:1 119:1 137:12 138:14 156:10,20 159:6 227:17 228:8 239:20 240:8 243:14 244:5,8,9 245:3,5,7 246:7,8 253:12 255:8,19 256:6,8,10,12 259:21 262:15 263:7,9,12,17 266:21,22 269:10 270:3,6,8 271:21 community's 51:8 community-orient... 33:14 company 177:9 212:22 213:16 216:3 232:8,9,15 245:19 251:7,9 253:21 company's 232:19 comparative 196:6 comparatively 197:6 Compared 196:5
--	--	--	--

196:20
compelling 228:5
complain 28:19
 157:2 246:4
complained 157:5
complaining 245:4
complaint 30:15
 229:19
complaints 205:12
complete 72:9
 203:15
compliance 107:2
 107:12
complicated 36:5
 37:12
complied 27:14
 28:21 30:17 76:4
 139:3
complying 25:19
 26:20 42:22
comports 197:3
compound 133:19
computer 83:5
concept 65:12
concern 65:2,16
 77:15 162:4 183:4
 183:7,7 221:15,20
 222:5 250:15
concerned 34:1
 71:12 181:4
concerns 32:13
 65:16 75:20 118:6
 252:5
concluded 276:12
conclusion 30:14
 30:20 83:14
conclusions 170:2
 270:15 273:13
condition 73:2
 220:8
conditions 37:5
 57:7 73:1 262:2,9
 263:22 265:12
conduct 74:13
conducted 81:21
 86:20
conducting 78:10
conference 70:9

276:1
confines 183:5
confronted 145:17
 188:16
confused 146:14
 220:6
confusion 16:3
 144:9 166:17,21
 166:22
conjunction 122:1
connected 242:7
consider 118:16
 119:16 234:14
considered 113:6
 116:1 119:18
consistent 220:21
 267:9
conspicuous
 170:18
constitutes 79:6
 116:5
constraint 10:5
construction 216:6
 217:17,20 233:10
consult 19:20 34:4
Cont'd 4:1,2
contact 161:6
 217:15,20 229:19
 229:22 239:20
 247:2
contacted 39:16
 84:3 97:7,10
contacting 216:10
contain 110:22
containers 102:9
 102:10 119:13
contend 267:6
content 62:12
contents 8:6,12,15
contest 29:1
 117:16 262:6,10
 267:3
contested 113:12
context 115:5
contiguous 188:22
continually 158:17
continue 37:15
continued 79:10

154:8
continuously 205:8
contract 199:4
 216:12,14,22
 217:1,15 233:16
 233:17 234:11
 249:22
contracted 215:3
contracting 215:18
 216:4,9,11
contractor 215:9
 215:13 234:9
contracts 215:7,20
 216:18
contradict 15:12
 16:19
contradicted 27:15
contrary 13:3 19:12
Control 1:3,14,15
 69:1 274:14
convenience 176:7
conversation
 110:13 115:12
 157:6 158:16
 182:21 209:11
conversations
 147:12
cooperation 40:7
copy 3:17 79:19
 80:6,8 86:2,4,19
 86:21 87:2,20,21
 88:1 97:12 152:12
 178:18,19 179:13
 272:1 273:5,10
Corcoran 261:12
corner 113:3,8
 211:20 245:11
corners 264:18
 265:1
corporation 52:1
correct 10:19 15:1
 21:9 31:8 40:20
 42:5 46:13 50:4
 92:1 93:8,9 98:9
 98:10 100:16
 101:13 103:10
 109:10 110:16,18
 111:2,5,8 113:22

114:19 116:7,9
 118:12,18 119:20
 119:20 130:12,16
 131:5,7,9,10,13
 132:12 137:19
 138:6 160:12
 173:10 175:18
 195:21 197:18
 200:21 201:9,9,21
 209:14 212:6
 213:16,17 216:15
 223:12 224:11
 231:18 249:7
corrections 229:10
correctly 186:20
 187:13 240:15
 259:11
cost 53:5 118:9
 154:4 212:17,17
 212:22 213:2,6,12
 234:17 235:14
 236:4 266:7
Costco 6:18 256:16
costs 110:8 236:8
Council 224:18
counsel 19:7,20
 20:16 28:11 34:5
 38:3 66:16 69:5
 155:7 194:15
 274:19
count 156:8,8
couple 21:12,20
 137:15 191:20
 241:22
course 13:9 40:17
 156:13,21 169:19
COURT 165:20
Court's 271:14
cover 195:14
covered 261:7
covers 25:11
crafted 51:3 53:8
credibility 190:13
credit 47:6
crew 201:9
CROSS 3:3 117:11
 172:21
cross- 8:21 140:6

262:10
cross-examination
 109:1 139:10
 140:2 204:9
cross-examine
 140:22 189:22
cross-examines
 174:20
cross-examining
 9:14
current 39:4 68:8
 75:22 76:19
currently 20:19
 50:1,2 74:5
 195:17 253:15
cursing 145:12
customer 44:7 45:3
 45:12,16,21 76:7
 202:10 230:6
 234:19 242:12
 247:5
customers 52:22
 53:2 77:21 82:12
 84:11,12 89:1
 205:13 243:1
cut 44:20 236:11

D

D.C 1:16 77:18 81:3
 81:8 105:20
 223:19
daily 81:20 90:7
 268:15
date 35:2 49:1
 79:17 95:14 96:7
 111:16 112:7
 164:6 165:15
 170:20 232:12
 251:13,16
dates 93:21
dating 238:14
day 20:10 108:8
 114:17 221:2,3
 238:15 261:22
 267:2,8
daycare 81:10
days 20:9 58:14,15
 85:17,18 118:15

119:19,19 146:4
 170:19 176:1
 221:10,12 269:4
 274:11
DC 274:15,20 275:1
de 264:10
dead 100:8
deal 47:11 72:2
 153:14 168:16
 188:15 250:7
 252:7,10,14
dealing 157:21
dealt 219:9 247:6,7
 268:6
deception 154:9,16
 154:22 155:8
decide 227:9
 261:22 271:7
 274:4
decided 264:17
decision 26:17 34:8
 41:22 72:14 136:8
 136:21 262:8
 263:19 265:2,4,7
 271:8 272:22
 274:11
decisions 48:12
 263:21
deep 239:11
defeats 177:12
defend 43:11 139:6
define 100:13
 166:15 196:8
defined 51:7 52:6
definitely 107:10
definition 3:7 86:3
deliberating 69:8
 274:22
deliveries 173:6,10
department 7:13
 79:18
departments
 240:20
depends 236:3
depicts 109:13
describe 127:2
 182:2 186:11
described 180:3,4

description 153:1
deserve 239:13
desktop 3:17,18,18
 83:5 87:6
detach 89:2
detached 89:19
 90:3 107:17
detachments 90:1
detailing 79:16
 94:18 111:16
 112:7
details 240:22
deter 84:10
determined 80:1
determines 54:9
detract 63:7
developed 110:13
devil 239:10
died 157:21
difference 40:5
 41:2 68:18 188:17
different 34:7 56:18
 90:13 101:11
 114:17 130:6
 160:2 210:22
 212:4 223:5
 234:20 240:22
 242:11 268:17,21
differently 138:5
difficult 132:7
 198:11 263:10
dinner 182:21
direct 3:3 56:20
 73:21 128:4
 142:17 193:1
 194:22 202:8
directly 61:14
 87:11,16 95:6
 119:7 162:22
 208:5,9 230:6
director 2:14 5:12
 56:14 61:12,14
 82:3 94:10 199:2
 208:6 214:6 218:2
 233:6,8 250:11
 253:13 254:12
disagree 18:21
 31:13 116:4

disagreeing 44:6
 53:16 154:21
disagreement
 145:21
disappeared
 198:21
disarray 180:22
disarrayed 177:20
 178:2
discarded 120:19
 156:19
disclosed 121:4
 150:10,16 259:11
disclosures 7:19
 24:12
disconnected
 91:17
discount 109:18
discovered 33:8
 84:12
discrepancy 97:16
discuss 66:16
discussed 33:20
discussion 154:3
 159:3
discussions
 147:14
dismiss 39:1 42:15
 48:18 49:19 58:3
 58:13 60:2,3 68:2
 70:19 261:1 262:1
dismissed 35:12
dismissing 48:19
displayed 76:17
 78:11 82:5
displays 100:9
disposable 26:1
 27:16 45:17 77:19
dispose 22:1 23:1
 39:13
disposed 8:17
disposes 21:17
disqualify 259:15
disrupt 266:12,13
 266:15
dissipated 242:5
distance 113:1,2
 243:15 258:14

distillery 132:14
distinction 51:21
distribute 34:13,22
 48:21 62:8,15,20
 63:11
distributed 43:10
district 1:1 69:1
 74:15 81:4 195:16
 196:5,20 197:3,7
 214:2 228:12
 229:7 237:8,9,10
 237:11,13,13
 238:4 250:12
 274:15
document 51:15
 110:22 124:10
 151:4 153:5 164:2
 164:13,14 165:2,5
 169:13,18 246:2
documents 20:9
 88:4 139:17 141:9
 141:10,11
dog 221:18
doing 19:19,21
 20:1,6,7 51:22
 52:16 53:6 58:19
 63:21,21 80:11
 94:22 96:15 99:16
 106:21 107:8,11
 107:22 116:6
 127:6 137:18
 155:16 156:3
 167:20 187:21
 234:17 240:11
 242:8 248:3,4,12
dollar 197:10
Donovan 1:16,19
door 46:1,10 156:1
 156:6
double 182:13
 197:5
drinks 177:3
drive 184:9,11
 233:14 245:20
driveway 124:15
driveways 119:8
due 30:18
duly 73:16 141:20

194:16
dumped 119:11
Dupont 34:14,14,17
 35:1,6 37:21
 48:22 49:2 51:5
 52:12 53:8 62:7
 172:10
duties 74:12 195:14
duty 144:13,17
 154:18

E

earlier 32:21 146:9
 208:8 230:22
 261:1
earliest 135:16
early 226:7,9
 228:12
earphone-- 188:2
easily 132:13
east 51:18,21 52:3
 59:4,5,17 65:19
 83:17 269:15
Eastern 1:7 75:12
easy 131:16,18,20
 132:1,3 224:16
 238:17
editorial 63:10
editorialize 62:17
effect 26:18 29:18
 30:1,6 34:9 58:7,7
 93:1,3 136:6
effective 50:3,19
 205:3
effects 86:10
efficient 20:18
 82:18
effort 104:5
eight 186:5
either 10:12 34:19
 40:6 100:21 114:1
 129:5 139:16
 148:14 196:14
 210:6
elect 140:6
elected 137:21
 271:12
electricity 236:8

electronic 76:13,21
 78:4 79:12 82:19
Elementary 3:8
 81:12,17 86:7,12
else's 119:16
 267:22
email 117:14
 160:18 230:9
emailed 80:6
employ 195:22
 196:2
employed 74:5,9
employee 215:1
 267:14 268:16
employees 199:4
 204:22 241:2,8
 243:1,6
empty 168:20
enforce 33:18 66:2
 66:11,12 112:4
enforceable 41:21
 42:19,22 54:8,10
enforced 30:19
enforcement 47:11
enforcing 64:22
engrafted 37:6
enhance 228:18
 240:21
ensure 80:9
entered 171:17
 172:15 228:11
entering 92:9,10
entertain 40:1 42:3
 42:7 147:10
entice 234:19
entire 82:19 83:4
 262:14
entitled 10:18
 11:16 14:5 18:5
entry 112:10
envision 30:13
equal 219:15
equally 65:12,18,20
error 35:3
escalate 162:4
escalated 230:1
escorted 82:3
especially 39:10

180:10,13 242:13
 272:11
essential 47:16
establishes 25:10
establishment
 74:17 75:4,17
 76:3,14 77:4 78:8
 81:6,11,13,19,22
 82:15,21 83:10
 85:11 86:5,11,15
 86:18 87:2 92:9
 92:11 111:22
 162:17
establishment's
 75:22 76:19 77:2
 82:17 86:9
establishments
 74:14
estimation 131:15
etcetera 247:3,3
evaluate 205:3
evaluating 13:15
evening 185:19
 226:11
event 130:4
everybody 47:3
 182:18 193:5
 250:13
evidence 12:22
 15:11 16:5,8,20
 25:18 27:13 81:15
 136:3,7 264:17,18
 265:1,22 266:6,11
 266:14 271:10
 272:19
exact 36:19 88:18
 213:2 216:6
 233:12 235:14,16
 251:13
exactly 15:5 33:7
 116:5 133:14
 147:6 173:3,14
 176:13 182:7
 184:13 245:10,12
 271:21
examination 73:21
 117:11 140:7
 142:17 172:21

193:1 194:22
 254:10 262:11
 267:17
examine 8:22
 182:10
examined 73:17
 141:21 194:17
example 20:6 52:12
 52:12 54:21
 168:18 232:17
examples 241:16
excellent 100:5
 240:7
exception 24:19
 55:7
exceptions 46:16
exchange 20:8
excuse 114:9 196:2
 260:9
excused 135:6
 189:14 254:22
executed 80:2
exhibit 86:1,3,4,6,8
 86:13,14,15,19,20
 87:2,5,8,10,12,15
 87:18,20,21 88:1
 88:5,12,13 101:5
 101:5 102:7,8
 109:12 111:11
 117:18,19 121:6
 122:19 132:5
 148:20 150:8
 151:1,5,8,11,13
 153:6 163:11,14
 163:17 164:3
 169:6,9 170:1,5
 178:21 179:5
exhibits 3:6 82:8
 85:20,22 100:19
 100:22 122:13
 150:9,15 152:11
 178:8,14 179:20
 220:19
exist 51:14 53:11
 53:11,12,13 55:21
 55:22 56:1,2,2,3,4
 56:13 57:11 59:21
existed 51:15 56:16

exists 53:17 56:4
 265:13
exit 113:3
expectations
 166:16
expeditious 125:4
experience 99:17
 110:3 132:1 188:4
 199:7 241:4
 244:11
experience-wise
 241:7
experienced 136:5
expert 247:6
explain 29:5 88:11
 197:19 237:15
 270:22
explained 12:2
explaining 274:2
explanation 29:6
 266:4
expressed 167:19
expressing 65:6
extent 247:17
exterior 195:10
extra 11:20
extremely 235:21
eye 219:13,14
eyes 107:11

F

face 13:6 100:13
faces 100:15,18
 103:3
fact 30:14,20 46:6
 70:19 170:2 180:1
 205:14 218:2
 243:2,9 270:15
 273:12
facto 264:10
factor 246:3 260:1
facts 185:9 271:4,6
factual 29:4
failure 240:2
fair 102:7 104:2
 121:20 122:3
 206:7,20 215:14
fairies 59:21

faith 63:17
fall 35:9 38:22
 49:17 56:22
 115:16 250:4
familiar 6:11,14,16
 7:4,5 74:17,21
 169:17 223:14,21
 224:18 225:10
 250:19 258:17
 259:6 260:15
 264:22
familiarity 259:12
far 71:11 91:14
 137:18 138:14,19
 160:17 183:3,6,18
 184:1 186:2 187:3
 197:1 225:22
 250:1 253:9
fault 44:1,4
February 53:13
 75:19 77:8 81:5
 81:21 85:3,3,14
 86:20 94:2 165:16
fee 31:15
feel 22:17 73:10
 239:13
feels 22:12
feet 3:8 81:7,11,13
 86:6,8,12 170:15
 183:17
fence 198:2,8 211:8
 248:6,8
fight 221:18
figure 40:2 141:9
 219:8 226:21
 231:1 235:13
 248:4
file 270:14
filed 36:17 121:21
files 97:9
final 9:5 243:22
financial 233:19
find 51:2 163:17
 164:13,14 201:12
 219:17
finding 30:14,20
 31:18
findings 170:2

270:15 272:9
 273:12
finds 202:11
fine 40:5 42:10 43:4
 43:18 46:14 124:3
 142:8 179:11
 222:18 247:16,18
 259:19 273:19
fined 26:21
finish 16:12 246:20
 258:8
finished 11:9
first 5:4 8:2 13:21
 14:6 16:20 17:12
 17:16 33:15 49:2
 62:7 73:6,16 94:1
 95:9 98:11 141:20
 146:15 156:15
 167:8,8 170:11
 172:4,5 186:16
 191:2 194:16
 228:13 242:21
 257:5 266:19
 267:8
five 22:20 23:6 35:1
 55:22 90:14
 142:21 257:22
 258:4 266:22
floor 168:11 187:13
 187:14,15
floors 168:12
 228:20
focused 178:4
folks 10:4 12:20
 20:11 135:18,20
 191:20 192:16
 193:7,12 211:9
 239:9 248:4,18
follow 19:17 163:3
follow- 105:13
follow-up 210:5
following 19:5,18
 75:20 77:15
follows 73:17
 141:21 194:18
food 44:5
footage 133:13
footing 66:18

force 26:3 33:11
49:15 77:21
foremost 49:2
257:5
forever 18:14
form 120:7
formally 271:11
former 162:10
forth 10:13 28:3
190:10 191:8
forum 19:22 34:6,7
39:6 41:6 61:11
forums 17:21 20:12
forward 21:3 29:17
135:12 247:16
249:19
found 75:9 84:8
201:11
foundation 164:10
201:10
four 74:10 85:17
90:13,17,19 93:16
93:16,18 99:16
102:9 106:2
107:15 113:21
116:6 154:7
162:10 170:11
177:4 233:18
238:16 264:18
265:1
four-pack 101:22
102:5 209:9
four-packs 76:9
82:6 87:1 89:18
fourth 94:4
frank 157:12
264:12
Frankly 148:3
free 44:13
free-standing
109:14
Friday 241:19
friendly 159:19,21
160:18
front 3:10,19,20
46:1,10 82:1
86:15 87:11,15,17
104:20 122:13

167:22 173:18
186:22 187:16
198:4 211:20,20
230:14 237:2,4
243:2,3,4
fruitful 23:17
frustrated 158:18
full 37:3 102:12
195:2
fully 132:6
further 105:11
175:9 185:13
222:10 258:14
267:17

G

gears 212:10
geez 224:16
general 15:18 19:7
19:20 20:15 28:11
34:5 140:15 144:9
200:6 234:9
generally 145:16
187:12
Geographic 81:4,8
George's 159:1
getting 49:22 65:21
91:7 94:5 186:17
208:12 236:9
248:10 253:21
Giant 6:18 159:1,21
160:1,5 186:16,21
187:3,5,5,8 188:5
188:6,7,8,17
256:16
GIS 3:8 86:4
give 9:21 10:2,8
11:20 20:5 23:15
23:18 47:5,18
53:2 57:2 67:18
70:7 71:3 72:4,11
93:21 115:4 134:1
134:4 135:17
153:1 162:12
163:3 178:13
179:7,9,16,21
190:16,20 191:12
193:13 208:9

214:17 219:7
233:10,12 235:15
235:16,17 250:10
261:16 275:21
given 9:10 17:7
19:4,6,7,9,12,15
29:5 61:20 136:20
137:8 138:18
200:6 210:14
266:3
giving 12:21 47:14
200:9
glad 22:13
glasses 164:7,10
go 13:21 17:9 23:19
31:5 36:9 37:16
40:15 41:15 46:10
47:9 50:14 52:22
59:9 60:5 61:3
63:7 64:5,18
67:20 75:8 85:19
85:21 91:4 98:8
98:10 103:8
105:17 106:4
107:1,2 112:21
117:1 119:2 124:8
134:8 142:10
143:7,13,17 144:6
145:16 148:3
151:14 153:13
159:2,18,21
160:20 161:11,14
161:15 162:13
164:21 166:14,15
167:21 168:4,9
175:17,19 177:13
177:14,17 179:14
183:13 186:15,21
186:22 187:19
188:6,10 198:5
199:3 203:7,17
204:7,16 205:18
207:2 210:8 214:1
215:6 217:8,22
219:18 220:8
221:2,3,10 225:20
226:6 227:9
228:13 232:3

233:1,1 234:8
237:15 243:5
245:12,13,20
253:16,17 262:21
268:17 271:18,20
goes 17:12,13,16
17:17 26:13,19
51:3 62:13 71:21
78:20 98:14
158:12 181:10
184:12 197:2
206:14 210:10
212:18 236:2
240:22
going 11:6,19
12:16 13:15 14:2
14:16,22 15:2,8
16:13 17:1 20:20
23:2 37:14 41:8
42:1 44:17 50:12
53:21 58:2 60:3
61:7 62:4,4,11,16
63:12 67:20 71:1
71:2 72:11 85:19
93:13 96:4 100:7
100:13,22 101:17
103:2,17 112:22
113:19 119:17
122:19,20 123:3
128:13 134:16,16
134:17 137:9
138:15 139:7
140:8 147:7
150:22 151:1,10
163:2 168:13,21
187:9,17,18,19,21
191:6,12 192:10
194:2 204:1 205:8
209:9 212:10,11
217:10,11 229:10
234:10 241:10
246:2 247:16
248:1,19 250:18
253:4,5 259:22
262:1,8 263:20,21
263:22 264:1
265:6,7,11 268:9
269:10,22 270:5

good 6:1,3,4,7 59:3
 59:5 62:17 63:17
 65:11 66:17
 102:14 106:3,4
 185:16,17 200:4
 224:20 225:10
 228:8 231:6,15
 241:5 242:1,4,8
 243:3,19 251:11
goodness 168:12
goods 82:13
Google 146:15,16
gotten 205:9 270:3
Government 2:14
 3:6 4:2 5:13 64:20
 88:5 137:15
 140:15 147:2
grant 67:16,22 71:5
 71:10,20
granted 70:21
grants 71:20
Gray 155:15
great 144:3 205:17
 208:3
greeted 168:5
grocery 76:16
 78:10 82:4 107:16
 158:19 195:13
 201:2 247:6
 252:14 269:20
ground 43:11
 211:21,22
grounds 75:17
 232:15
group 64:1 75:14
 167:11,18 246:1
guard 108:2 132:15
 173:9 174:2
 186:22 187:1,9
guards 78:8 108:7
 108:18 114:2
 132:9 138:17
 148:14 153:17
 154:1 155:2,13,16
 168:5,8 173:2,13
 173:17,18,20
 195:20 196:2,3
 204:18 250:2

268:5
guess 6:20 49:4
 92:19 98:13 99:1
 106:14 129:6
 133:16 204:11
 206:18 214:17
 215:7 235:16,18
guide 47:21 265:2
guy 207:18 208:3
guys 23:19 24:10
 38:16

H

half 9:11,20 113:2
 197:4 226:22
 237:12,13 266:22
hall 193:7
hand 46:1 73:11
 141:16 163:9
 194:12 211:15
 239:11,16
Handbook 81:3
handicap 79:12
handles 156:20
hanging 110:19
 111:6 187:2
haphazardly
 156:19
happen 12:5 43:14
 64:21 93:7 119:1
 120:18 147:20
 157:18 166:16
 168:15 171:4,10
 172:13 178:7
 188:6 202:13
 212:6 233:7,14
 268:22
happened 36:11,16
 132:22 133:11
 147:11,15 221:10
 231:2 232:12
 251:14
happening 138:22
 205:20,21 247:17
happens 99:10
 157:17 198:7
 207:13 212:5
 217:2

hard 131:22 178:18
 178:19 233:21
 237:14
Harris 158:22
hear 5:16,20 6:21
 15:2 54:1,2 66:3
 66:10 138:8
 143:21 147:11
 188:2 200:11
 204:13 209:22
heard 13:2 15:11
 16:20 71:4 72:5
 73:10 183:19,20
 184:19 195:18,19
 196:1 199:10
 208:22 226:14
 228:3,6 246:21
hearing 1:9,15 5:6
 6:8 8:1 10:6 14:6
 19:14,20 20:6,7
 20:20 21:1,10,11
 26:13,16,22 28:5
 28:16 32:10 35:15
 35:20,21 37:3
 38:6,13 40:2
 48:12 53:18 54:11
 54:20 65:14 71:3
 78:21,22 115:19
 135:15,15,21
 162:16,16 166:5
 186:12 191:6,9
 192:13,17 193:8
 200:7 201:22
 218:12 229:11
 236:17 245:5
 247:10 255:19
 256:6 258:2
 264:18 268:11
 272:12 276:11
hearings 19:9 20:4
 147:5 156:2,3
hearsay 184:20
heart 230:22 231:7
 251:14
hectic 228:14
heightened 156:7,7
 177:2
hello 168:6 187:10

help 41:8 43:17
 50:20 63:18 64:19
 187:18,18 200:15
 228:7
helpful 62:4 64:6,7
 64:8 126:4
hey 64:19 234:1
 237:3 252:19
Hi 122:11
higher-ups 190:15
highest 269:8
hill 234:6
Hillcrest 2:16,18
 33:3 36:19 37:1
 50:15 59:10 60:6
 64:13 71:22
 271:19
hire 215:13 217:22
 241:9
historical 36:15
historically 106:8
history 85:10 93:17
 98:22
hold 14:9,9,10 69:4
 70:8 88:20 105:15
 105:15 149:7
 150:18,18,18
 161:13 174:16
 179:3 206:4,6
 207:1 256:17
 258:3,3,4,8,8
 260:7,7,8,10,11
 274:17 275:22
holding 46:1
holidays 228:14,15
honest 99:15
 225:19 233:1
 241:17 246:18,21
Honor 142:14
hope 10:6 15:16
 64:6 224:21
 225:10 228:9
 251:11
hopefully 47:5
 168:10 213:8
hoping 15:19
horse 100:8
hour 9:11,20 22:5

91:12,13 104:10
104:12 135:17,19
202:9
hourly 202:8
hours 78:6 81:18
157:11 230:5
266:22 269:22
270:2
house 6:11
huh 24:7 256:1
human 76:12,21
78:3,10 132:15
hypothetical
104:16,16,20
236:17

I

I' 129:5
I-G-N-A-C- 194:9
I-O 194:10
i.e 58:20
Ice 3:14 88:16,17
110:5,10 202:11
203:13
idea 126:17 158:6
172:5 238:11
ideas 193:13
identifiable 162:1
identification 88:7
151:6 153:7 164:4
245:9
identified 108:17
161:21 163:18
173:12 203:2
identified-- 253:8
identify 5:8 106:7
124:9,12,22
125:14,18,20
127:2,9 128:9
139:17,21 146:19
148:22 149:3,20
149:21 150:1
151:10,19,21
152:7,20 163:15
163:20 165:2,4
169:14 253:3
identifying 84:1
Ignacio 2:11 3:5

193:1 194:9,11,14
194:19 195:3
212:9 222:13,14
222:20 229:18
267:15 268:20
ignore 183:14
185:7
imagine 198:4
219:8
immediate 157:4,5
impact 75:18 77:12
137:12 162:17
266:15
impacted 138:16
impediment 65:14
implemented 231:7
implements 31:14
imploring 53:6
important 61:6 62:9
impose 262:8
263:21
impossible 210:17
impressed 146:8
impression 104:3
210:1,9,13
impressive 223:1
inappropriate
260:2
inarticulate 274:2
incident 94:11
incidents 85:8
include 78:9 79:20
119:8 195:12
237:11
included 51:7,20
51:20 121:16
122:8 163:11
includes 201:7
including 84:16
200:20
inconsistent 209:8
incorrect 56:12,19
61:16,17,19
160:17
indication 47:14,18
individual 89:7
90:20 180:18
182:3 213:22

individual's 231:15
individually 181:5
indulgence 51:1
58:12 127:13
137:4,5 192:13
260:5 271:14
ineffective 205:4
infer 130:3
influenced 56:6
269:9
influencer 269:9
information 12:15
12:17 19:8,11,13
31:20 56:12,19
61:14,16,18,19
75:3 81:5,9 95:18
121:15 133:4
154:7 162:5
247:15,20 262:16
264:3 271:3
272:11
informed 79:18
83:11,15 115:14
142:8
Initially 102:16
initiate 43:10
initiated 217:8
initiation 240:12
initiative 68:16
inoperable 76:17
inquiry 134:19
inside 77:3 86:17
87:1,3 134:8
171:20,21,22
195:11 227:20
228:20 240:19
inspected 105:20
106:1 110:20
inspection 3:13
81:22 83:15 86:20
91:11 96:16
106:21,22 107:9
inspections 74:13
installed 79:9
instance 159:17
186:15
instruct 204:21
instructed 202:7

209:6,13
instructions 19:3,6
203:4
intently 228:4
interest 156:6
interested 181:4
interpret 46:19,20
112:13
intertwine 242:22
intervening 30:18
77:20
Introduce 32:22
introduced 180:2
inventories 197:4
inventory 196:10
196:13 197:7,12
212:15 214:4
219:6 235:8
investigate 219:21
investigation 75:1
75:3 115:13
investigations
74:14
investigative 85:10
investigator 2:17
26:19 43:3,8
73:14 74:3 96:5
96:13 99:8,18
100:2,4 109:3
110:4 114:21
117:13 126:17
128:21 136:5
138:4 178:7,9,15
178:22 180:3
207:18 209:2
221:9,16,17
268:13,16 269:4
Investigator's
170:6
investment 159:15
invisible 198:2,8
211:8
invitation 264:8
invite 192:8
involve 62:12
involved 63:10 64:2
64:21 93:18 167:9
232:13

involves 63:1
irrelevant 50:8,8
irrespective 26:12
 26:17 35:7 273:11
Isaac 257:9,16
 258:1,13
issue 12:1 18:1
 21:16,22 25:15
 26:22 27:12,18,18
 27:20 28:6 29:21
 29:22 34:6,11,20
 34:21 35:7,11,12
 35:13 37:19 38:19
 39:2,3 42:7,11
 47:16 48:20 49:20
 50:5,9 55:11
 56:21 58:4 59:1,2
 65:11 71:11 77:6
 90:7 91:7 99:3
 115:11,17 116:2
 140:3 153:15
 160:6 162:2
 177:10 187:20
 212:11 244:20
 256:22 260:13
 261:7,9 272:5,12
 274:10
issued 24:21 41:22
 80:3 86:9 88:2
 94:17 271:1
issues 21:14,21
 22:17,22,22 24:20
 28:2 33:21 35:17
 41:11 49:21 50:1
 54:22 72:6 78:17
 114:22 115:9
 116:16 117:16
 137:11 143:12,12
 145:18 162:14
 163:8 168:17
 186:12 252:5
 260:21 261:2,21
 262:13,14 263:7
 265:21
items 133:2

J

JAMES 1:21

January 85:12 94:3
jimmy 268:18
jitneys 168:1
job 220:12 240:13
 263:2,3
John 2:11 3:5
 192:22 194:9,14
 195:3 222:13,18
 230:17 267:15
Johnston 82:3,3,9
 82:13,16 83:3,9
 89:5 94:9 102:16
 102:16 208:8
 242:17
jointly 41:17
Jr 1:20 194:14
 195:3
judgment 7:2,16,16
July 85:14 94:2
junction 137:21
juncture 22:20
 39:22 141:3
jurisdiction 35:16

K

keep 48:2 94:19
 95:18 107:11
 152:9 154:5
 197:20 205:20
 219:12,14 241:10
 248:14,20
keeping 247:2
kept 83:10 243:4
Keri 231:8
Kerineaux 231:8
kind 10:7 64:4
 111:19 158:9
 188:4 252:6
kinds 252:15
knew 95:12 97:17
 167:7,7,8 252:11
 256:20
know 10:4 12:8,12
 12:20 14:1,14,16
 14:17,18,21 15:3
 15:7,14,17 20:3
 21:3 26:5 27:21
 27:22 31:11 33:7

42:17 47:7 53:10
 55:4 63:2,21
 64:14,19 72:6
 75:9 95:11 98:22
 102:10 103:4
 105:5 110:6,10
 113:10,21 115:22
 119:13 120:8
 122:6 123:1
 125:12,15 126:10
 126:13 127:10,22
 128:13,14 129:7
 129:12 133:10
 135:13,22 137:20
 137:22 140:7
 145:16,20 146:14
 149:10,19 153:14
 155:20 156:22
 157:7,13,16,17,19
 158:2,12 159:6,18
 160:4,5,16 161:6
 163:1 167:10,21
 168:10,18,20
 173:8 174:8 177:1
 177:6 178:4
 179:15 181:6,8
 182:16,22 184:1,6
 184:7,8,16,21
 185:5 186:7
 187:22 188:6,7,9
 205:10 207:13
 208:4,14 212:5
 214:14 215:8,10
 216:5 217:18,21
 218:2,5,6,11,17
 218:21 219:2,3,16
 228:1,11,18
 230:17 234:1
 236:12 237:1
 242:4,11 243:1,18
 245:11,12 246:2
 247:1,8,17,22
 249:22 252:5,16
 252:21 253:5,6,16
 256:8,14 257:18
 258:14,16 259:22
 261:17 263:5,7
 266:1,6,7 267:19

268:18 273:16
knowing 6:22 7:1
 48:1 140:1 159:16
knowledge 36:16
 95:1 125:7 128:4
 156:7
knows 123:14
 214:6

L

lack 145:12 159:15
lady 146:21 158:15
 168:19,21 188:1
language 62:7
large 147:20 148:7
 167:21 196:16
 204:17
larger 39:3,10
 65:20
lasted 241:22
late 226:6,10
 228:12
laugh 159:1
law 30:8,14,19,21
 31:14 33:10 36:3
 39:19 41:20 43:13
 46:3 62:21 66:11
 77:18,20 270:15
 271:6 272:8,8
 273:13
lawyers 274:4,6
laying 156:19
learn 148:5
leave 72:1 199:5
 227:21 232:4,6
 240:9 251:6,10
 253:20
leaves 230:6
leaving 232:14
 248:7,8
leeway 162:12
 163:4
left 77:5 90:22
 92:15 119:5
 146:22 162:10
 196:11 210:10
 211:20 251:8
 266:9

legal 63:14 66:17
69:5 272:17,20,22
274:18
legally 64:16 67:16
legislation 26:1
27:8,16
length 93:14
let's 43:14 63:22
98:7 177:13
218:15 239:19
240:1 261:1
269:22
letter 3:7 56:14
86:2 189:17 190:1
level 188:12 215:15
215:21 239:15
liability 199:9
232:15
libraries 81:10
license 1:9,11 5:6
24:16,22 25:16
26:14 28:17 29:16
36:2 42:16 57:1
57:22 67:5,7,9,10
67:12,14 68:3,4,5
72:17 73:1,3
75:11,11 81:19
96:19 97:1,5
243:11 260:18
261:18 262:1
265:11 267:4
licensed 74:14 81:6
86:5
licensee 54:17 76:1
76:20 77:21 78:5
79:16 80:8,9
85:16 89:3
licensee-- 95:13
Lieutenant 190:11
lifting 248:5
Light 76:7 109:14
165:11
limitations 24:15
24:22
limits 10:17
Lincoln 63:6
line 16:6 52:10
97:11 98:14

113:11 134:13
226:10 267:1
lined 186:20
lines 107:7 170:11
liquor 68:2 261:18
267:3,4
Lisa 2:16 6:5 75:15
list 85:2,7 118:5
165:15 247:2
listed 81:19 85:6,8
140:17,19 142:4,5
142:9 146:17
165:14 231:13
259:4
listen 42:13,14 48:7
48:8,11 72:13
73:4
listening 209:15
210:16
listserv 168:1
little 132:7 163:4
220:6 228:14
245:8
live 7:9 27:22
138:15 142:20
186:3 225:21
253:2 255:8,18
256:7,18 257:7
258:12,12 259:3,6
259:21 263:8,12
263:17 269:15,18
270:7,7
lived 185:20
lives 184:21 256:5
256:10,11,11
257:15 258:14
LLC 1:7 75:12
local 269:20
located 49:6 75:13
81:2,10,12,13
86:14,17
location 3:9 84:6
84:10
locations 233:13
lock 84:13 212:1
locking 198:1,9,10
locks 79:8 84:9
198:1,10

log 95:19
logbook 79:16,21
80:5,10 83:9,11
94:7,11,13,16,18
95:12 97:6,11,13
111:1,4,10,16
112:7,10 113:19
114:3
loiterers 171:3,7
loitering 80:14,21
112:5,11 170:15
170:18 171:18
190:13
loiters 170:8
long 63:9 64:5,8,8
74:8 91:7,9,14
92:5 104:8 185:20
192:19,21 193:14
224:12,14 238:14
247:15,19 254:21
266:21
longer 29:12 30:19
39:11 41:20 161:8
look 13:6 24:11
98:12 109:12
111:10 125:22
128:11 177:16
178:7 220:12
227:20 237:3
250:21 262:7
263:20 265:7
looked 15:14 97:8
224:14,15
looking 24:17 65:4
93:17 119:12
122:15 123:21
126:8,9 164:13
187:10 245:21
269:15,16
looks 23:16 124:16
Loop 230:3
looped 178:2
lose 213:20
losing 235:6,11
loss 79:7 94:6
213:16 235:2
236:11 250:3
274:3

lost 214:14 217:18
lot 3:10,19 7:11,13
77:3 83:22 86:14
87:11,13,15 89:18
89:21 90:10,10
92:22 129:14
130:10 156:11
168:13 183:6
186:17,18 198:3,3
211:11,12 212:4
225:14,17 226:3,8
226:12 227:1
233:22 236:18,22
239:4 240:22
243:5 248:11
263:4,9 266:8
267:16
lots 177:2
loud 66:3 188:1
love 64:14
low 235:21
luck 243:19

M

M 237:16,18 241:15
241:21
ma'am 118:11,13
118:19 120:20
133:7 134:11,11
142:2 254:3
machine 209:4
machinery 205:19
machines 205:7
main 48:19 99:3
204:15 227:22
231:18 237:5
242:5,7
maintain 76:21
80:10 111:15
112:6 158:11
maintained 78:5
79:16
maintaining 79:21
80:5 97:6 170:17
maintenance 114:3
major 99:3 226:5
majority 9:13 88:15
88:17 119:3

making 48:17,17
 49:18 64:21 65:19
 70:17 78:1 104:4
 177:11 239:16
 240:15,16
manage 208:4
 245:2
management 89:22
 145:1,13 199:15
 199:17 203:17
 209:12 232:3
management's
 203:18
manager 82:1,1
 83:15 87:6 89:1
 89:12 102:15,21
 104:1 113:20,20
 114:4,5 129:10
 144:13 160:17
 162:10 165:8,18
 166:11 188:10
 199:20 205:2
 214:2 217:17,21
 218:16 223:2
 230:5 231:6
 240:17 250:8,13
 251:22 253:14
manager's 83:5
 132:18 134:8
managers 160:1
 200:22 201:3
 207:19 216:6
 219:9 223:18
 241:11 242:15
 252:14
mandatory 11:5
 18:16
manner 160:9
map 3:8,9 86:4,13
March 1:13 85:10
 85:15 94:4,4
 121:15
Margarita 76:7
margaritas 146:9
mark 150:20,22
 151:1 152:10
 163:16,17
Mark'd 3:6 4:2

marked 88:5 151:5
 153:6 164:3
marketing 250:7,8
 250:9,11 251:22
 267:20
markup 236:1,6
Maryland 229:4
matter 1:6 5:5 7:6
 7:16 23:22 26:13
 70:13,19 127:17
 193:19 227:19
 229:1 258:18
matters 3:1 10:12
mean 22:15 34:19
 34:20 38:9 42:12
 55:5,6,6,21 66:19
 89:12,17 99:15
 107:9 118:18
 120:19 126:13
 129:13 145:15
 162:13 181:14
 182:20 187:13
 192:12 198:19
 204:4 205:1,5
 206:7,20 207:8
 223:11 225:14
 228:12 234:22
 235:10 236:11,16
 237:10 241:18
 246:14 247:18
 260:13 262:19
 270:20
meaning 13:20
 145:1 260:1
means 12:20 13:14
 52:13 62:15
 111:21 116:8,12
 148:14 186:15,16
 187:9,11,16
 270:18,22 274:3
meant 205:14 217:7
media 269:11 270:5
mediation 22:5,9
 51:12 56:11,15
 61:15,18 147:5,11
 147:13,15 270:1
Mediator 22:6
 59:13

meet 122:11
meeting 1:5 64:3
 69:4 70:8 167:17
 241:20 274:18
 276:1
meetings 69:3,7,10
 70:9 241:19 242:2
 274:17,21 275:2
 276:2
member 1:19,20,20
 1:21 7:8 14:8
 15:21 16:2,10,14
 16:18,22 17:4
 30:22 31:3,7
 37:10,22 40:21
 43:16,22 44:10,14
 45:5,9,13,19 46:3
 46:6,12,18 47:9
 47:13,17,21 48:3
 48:6,10 62:2
 63:20 64:9,15,18
 65:3,7,13 66:3,7
 66:10 69:12,18,20
 69:22 70:3 90:16
 91:6,10,14,19
 92:2,5,14,17 93:4
 93:10,20 94:5,12
 94:21 95:2,14,17
 95:22 96:3,9,12
 97:14,18,21 98:2
 98:7,13,19,22
 99:7,15,20 100:1
 100:4,7,11,17
 101:1,4,7,11,14
 101:17,20 102:6
 102:19 103:2,7,11
 103:14,17,21
 104:2,8,11,13
 105:3,10,13,19
 106:3,10,14 107:4
 107:13,20 108:6
 108:11,14,19
 123:6,18,20 124:1
 124:3 126:3,7,12
 126:16 128:22
 135:7 164:17,21
 175:14,16,21
 176:2,9,14,18,20

177:18 178:3,12
 178:20 179:5,8,11
 179:17,19 180:1,6
 180:8,12,15,18,21
 181:2,8,11,17,20
 182:1,5,8,12,15
 183:1,3,9,17,22
 184:3,5,11,14,18
 185:1,4,8,12,16
 185:19 186:2,8
 187:3,7 188:19
 189:1 204:12
 212:9,16,19,21
 213:3,5,8,13,15
 213:18 214:3,8,12
 214:18 215:12,17
 215:21 216:2,7,11
 216:20 217:6,10
 217:13,16 218:4
 218:10 219:1,3,10
 219:22 220:2,4,6
 220:13,16,18,21
 221:5,8,14,20
 222:4,7,9,12,14
 222:16,19 223:1,7
 223:10,13,20
 224:2,6,10,12,17
 224:18 225:3,7,9
 225:16,21 226:2,5
 226:20 227:3,8,12
 227:16,21 228:16
 229:5,9,14,17
 230:12,15,19
 231:11,19 232:3,7
 232:10 233:3,15
 234:12,16 235:5
 235:10,17,22
 236:7,14,20 237:6
 237:18,21,22
 238:3,6,10,18,21
 239:3,6,8 240:4
 241:1,5,12 243:8
 243:13,17 246:10
 246:14,17,20
 249:15,19 255:13
 257:16,20 258:1
 260:9 272:13,16
 273:15 275:4,10

275:12,14,17
Member's 47:19
members 32:9 48:2
 61:5 91:4 105:17
 116:4 175:13
 189:4 249:4 257:7
 257:13,22 258:11
 258:12 259:3,5,20
 259:22 263:5
Memorandum
 63:22
memorialize 21:15
 22:22
memorializing
 21:22
memory 101:18
 178:13
mention 94:16
 115:18
mentioned 12:3
 33:4 78:17,22
 90:2 94:20 115:9
 115:10
merchandise
 228:20
met 1:15 53:13 82:1
metal 218:8
metaphorically
 119:15
Metropolitan 79:17
microphone 32:19
 143:2,19 165:21
middle 21:1
mike 1:20 204:13
mile 184:4,9 187:6
miles 187:6
mind 48:2 99:8
 165:10 180:14
 181:19 204:2
mindful 9:16
mine 25:6 179:10
 250:6
minimum 139:13
 220:17 235:15
 239:14
Minnesota 237:16
minor 85:11,13
minors 93:10,13

99:2
minute 150:18
 186:4 192:14
 193:4,6
minutes 21:13,20
 22:21,21 23:6,15
 91:13,18 92:10,13
 104:12 135:8
 142:21,22 143:5
 191:20
misinterpreted
 217:4
missing 65:11,17
 76:11 82:7,11
 86:22 90:12,14
 102:9 107:17
 129:15 134:8
 148:9,10,13,19
 178:2 201:19
 219:4 268:15
Mixed-Use 3:7 81:2
 86:3
moment 22:12
 83:20 138:18
 218:15
moments 78:22
money 138:18
 205:6 235:6
Monica 189:18
monitor 3:17,17,18
 3:18 4:6,6 76:15
 83:1 87:3,6
 132:11 150:6,7
 151:8,12 153:3,10
 153:19 205:7
 207:20 213:19
 218:18
monitored 202:6
monitoring 84:1
 132:17 173:9
monitors 82:21
 132:10 151:17,17
 204:19
month 93:21 176:4
 219:4
monthly 213:20
 214:15
months 35:2 49:1

51:5 64:12 113:21
 162:10 217:19,20
 224:19 241:22
 251:20,20
morning 189:19
 226:7,9 227:4
 242:4
Moss 190:11
motion 7:20 35:12
 42:12,15 48:16,17
 49:18 64:11 66:15
 66:16 69:14,15
 70:6,18 71:1
 275:6,7,20
motions 21:9
move 5:4 10:8 69:3
 125:1 134:5
 139:17,22 157:8
 170:8 171:3,7
 204:12 231:5
 248:1 249:19
 259:15,16 274:17
moved 130:15
moves 29:17
movie 240:1
moving 21:3
 135:12 242:14
MPD 4:3 84:21
 94:19 111:17,21
 112:4,8,10,10
MU- 81:2
multiple 76:9 136:7
music 188:2

N

N.W 1:15
NAI 1:7 75:12
name 5:18 6:4 33:2
 36:19 74:1 160:14
 160:17 161:7
 162:9 165:7,14
 167:9 184:7 195:2
 222:12 230:7,15
 230:16 231:8
 251:3,5 252:1
 267:22
nature 130:1
 144:20

Naylor 184:20,21
 184:22 234:6
 238:13 245:12
near 177:16 184:22
neat 181:1,7
neater 177:22
neatness 181:3
necessarily 11:6
 115:16 130:20
 155:11 159:20
 168:6
necessary 170:14
 247:21
need 9:6 10:9 19:16
 21:10,12 22:18,18
 23:16 33:16 35:14
 38:7 41:15 60:14
 63:18 72:12 123:1
 127:4 140:9,12
 141:9 151:9,19
 152:10,14 162:3
 187:18 191:20
 192:4,5,10 200:12
 217:21 219:18
 243:14,15,22
 248:14 270:4,6
needed 95:18 121:8
 149:13
needs 33:8 51:8
 60:9,14 111:21
 123:1 142:14
 149:10 210:8
 240:11 244:8
 246:7
negates 31:15
negative 86:10 93:1
 93:3 196:14,15
negatively 77:12
 81:16 266:12,13
 266:15
negotiate 39:16
 51:17 54:5 68:9
negotiated 32:14
negotiation 53:20
 54:5 56:15 57:2
 60:11 61:10
negotiations 55:20
 56:8

negotiator 51:13
53:9,10 55:19,19
59:20
negotiators 33:6
neighbor 183:14
neighborhood 3:21
3:21,22 4:3 6:13
7:1 27:22 33:3
77:4 80:13,20
84:17,19 87:19
92:12 98:15
113:13,18 119:7
158:20 182:17,18
185:10,21 186:10
198:14,21 214:21
215:4 216:4,13
218:13,17 219:19
229:18 238:22
244:4 245:13
246:5 266:10,15
267:10 268:12
neighborhoods
188:21
neighbors 157:2,3
157:4,5,20 158:9
158:21 167:22
229:20
neither 36:15
260:17
never 6:20 12:10
22:10,11 125:6
140:7 153:12
154:5 171:3 173:2
173:19,21 188:4
227:6 256:17
new 12:15,22 15:1
16:5,6,8,11 29:13
31:14 36:12 55:7
214:1,2 238:2
242:16,18 271:3,3
271:10 272:11
newby 166:1
nice 7:13 122:11
NICK 1:19
night 187:22 226:6
227:4
non- 105:4 195:9
non-lawyers 274:5

non-public 173:5
non-single 106:17
nonsensical 47:1,4
normal 96:21
109:21
normally 12:5 93:6
156:4,5 274:5
not-- 103:20 185:5
note 142:3
noted 85:9 101:15
notes 79:1
notice 70:7 83:1
91:15 132:20
263:4 275:21
noticed 92:11 97:9
154:1
notify 199:3 233:6
November 83:12
85:13 117:14,22
118:1 167:12
267:2
null 44:19
number 121:9
148:7 149:12,14
149:17 160:15
161:22 169:21
176:22 184:16
196:1 204:17
205:12 211:17
229:21 230:7
231:10,12,14,15
231:16,18 233:8
235:16 241:15
252:8,8
numbered 123:8,8
123:11,18,21
149:11,16 151:10
numbers 79:1
numerous 91:16
252:17

O

O'Brien 2:13 5:10
5:10,16,17,21
7:18 10:14,17
11:8,12,15,22
12:8 13:5,7,11,14
13:19 14:1,4,10

14:11 16:4,9,12
16:15,19 17:1,22
18:4,9,13,20 19:3
21:5 22:3,4,10
23:4 24:6,8 25:1,5
25:17,22 26:5
27:1,5,8,12 28:18
29:1,4,10 30:12
31:8,13,21 36:4,8
36:10 37:11,14,18
38:1,8 40:4,9,11
40:14 41:1,8 43:7
43:17,21 44:6,11
45:1,7,11,15,20
46:5,10,14 47:5,7
47:10,15 48:1,4,8
48:14 50:4 65:3,5
65:9 77:10,10,15
77:16,19 78:4,7
78:12,15,18,22
79:8,15,18 80:1,7
80:7,12,19 95:5
95:20 96:1,2,6,8
96:10 97:10 98:6
108:22 109:2
117:4,22 118:2
119:21 121:20
122:3,14 123:1,3
123:14,16 124:5
125:3,6,12 129:21
130:2,17 136:1,3
142:3,8,13 144:18
144:21 146:22
147:7 149:4,10,10
149:18 150:20
151:20,22 152:12
152:18 154:11
161:9,14,15
162:12 163:1
164:9,15 169:22
170:3,5 172:20,22
174:15,20,22
179:12 189:5,6,21
189:22 190:3
192:1,5,7,19,22
194:6,9 195:1
200:14 203:19
206:3,5 207:1,7

208:16 216:8,17
217:4,7,12,14
248:21 249:9,12
249:16,18 250:20
254:9,11,16
255:11,14,21
256:2 257:12
258:5,9,19 259:8
259:10,14,18
262:20 264:6,10
264:16 265:14,21
268:10 270:17
274:12 276:7
O'Brien's 16:3
126:4
O-F 3:1 4:1
object 119:21 147:8
161:10 190:3
objecting 120:9
142:5,6,10 155:7
264:7
objection 124:6
129:21 130:1,7,17
144:18,20 154:11
161:9 199:19
200:5 206:3
208:16 249:9
obligation 250:15
observation 101:21
observations 145:4
observe 82:6 84:18
90:3 108:7,15
114:22 129:1
146:6 148:2,5
observed 41:4 76:6
76:8,15 82:11
83:16,19 84:7
87:10 92:6 93:5
101:21 134:7
136:6 171:8
220:22
observing 103:18
104:21 132:16
obtain 247:21
obvious 243:9
obviously 228:15
235:11
occasion 167:16

occasionally

252:11

occasions 145:10**occur** 35:8 60:14

200:10 209:13

210:9 257:6 272:4

occurred 147:13**offer** 261:14 267:17**offered** 152:2**office** 84:22 85:1

132:18,21 134:9

226:3,5,6,10

237:5

official 152:10

274:16,20 275:1

officially 97:18**oh** 5:21 17:4 25:5

44:12 47:1 98:10

104:14 112:3

125:2 128:11

146:10 155:22

164:20 170:4

177:9 183:13

192:3 198:17

214:12 221:5

224:15 234:15

236:20,21 252:13

252:16 268:11

okay 5:3 6:1 7:6

11:8 13:8,13,18

14:3 17:8,22

23:18 25:17 38:8

45:1,11,20,21

46:2,14 48:14

53:5 57:20 61:21

64:17 65:7 66:6,9

68:18 75:10 79:4

89:21 92:14,17

93:4,20 94:1,5,12

94:21 96:2,3,6,6

96:12 97:14 98:7

100:10 101:4,7,14

101:17,19 102:6

103:2 104:13,14

105:10,19 106:3

106:12,14 107:4

107:13 108:19

109:9 110:1,12,19

111:18 112:14

113:10 114:6,8,17

114:20 116:21

117:3,21 118:2,8

122:10 123:5

124:1,8 125:15,16

126:5,11 127:18

128:17 134:12

135:19 140:14

143:22 144:3,15

147:7,15,17 151:7

151:11,12 155:5,9

157:7 160:16

162:8 164:20

165:6,12 166:8

173:8,12,15 174:7

174:12,17 175:3

175:21 176:2,9

179:5,14,15

180:21 181:3,17

183:3,17 184:5,14

184:18 185:1,4,14

186:8 187:7

188:19 189:20

190:2 193:4,9,10

193:15 195:18

196:9 197:9,17,19

198:7,13,18

199:15 200:19,22

201:5,10 202:20

203:4,12 208:22

210:20 212:16

213:18 214:13

216:7 217:3,12

218:10 219:1

220:4,5 222:7,16

222:19 224:2,17

225:9,21 226:4

227:21,22 233:8

234:9 235:19

237:22 240:21

246:16 249:18

251:16 252:3

258:8,10 259:17

259:18 260:16

264:5

old 215:8 240:1**old-** 7:11**older** 39:15 158:15

158:16

once 8:4,11,16,18

8:22 9:7 38:2 68:9

89:11 106:2

123:15 140:1

157:9 163:16,18

164:9 168:18

174:19 175:4

176:3,4,4 183:21

187:11 203:6

211:12 216:22

220:15,16 228:17

242:10

ones 177:21 214:1

214:2 242:18

online 230:1 273:16**opaque** 105:4**open** 16:5 18:10

19:13 20:19 22:1

22:2 48:2 69:3,7

69:10 70:9 78:7

131:13,16,17,18

134:18 274:16,21

275:2 276:2

opening 17:9 137:1**operable** 3:17 83:2

87:3

operate 9:20 17:21

19:11 20:4,11,20

211:13

operates 19:5,16**operating** 81:7**operation** 30:8

39:19 41:20 81:16

81:18 86:11 195:5

195:7 200:17

223:21 240:19

operations 2:11

240:17 250:4,6

266:12,14 267:20

opinion 32:4,8

33:15 45:13 93:2

115:15 116:20

132:19 144:22

145:3 241:4

opinions 145:5**opportunities**

65:22 66:1

opportunity 8:10

8:14,21 9:3,5,9,21

10:2,21,22 11:1

11:19 12:6,21

40:17 71:4 72:5

134:4 136:22

139:5 175:5 191:7

259:15

opposite 101:8

139:3 159:22

option 41:14 44:17

44:21 273:1 274:5

order 3:9 4:4 21:17

21:22 22:18 23:1

24:14,14,20 25:2

25:8,13,16 26:18

26:21 27:2 28:6,7

28:9,12 29:16,17

29:18,20,21,22

30:6,7,17 31:9,16

32:3 34:9,16 35:5

35:8,16,18 36:1

36:11 37:4,5,9

38:5,13,18,20

39:9 41:3,5,11,11

41:12,19 42:2,18

42:21 43:1,4

46:15 50:3,12

53:19 54:4,20,22

55:1 57:11,14,17

58:6 60:22 62:21

63:1 67:3,4 68:17

71:15,20 72:21

73:4 75:18 77:13

80:3,6,9 81:14

86:9 88:1 92:20

94:17,20 95:10,16

95:17 96:11,17

98:15 105:6 109:4

110:17 111:3,6,9

114:22 115:9,13

115:16 116:1,5,12

116:16 118:7

136:6 137:7 139:2

139:8 161:16,19

161:19 162:17

166:14 170:20

181:10 186:11,12
 186:18 187:12
 214:1 218:6
 227:17,18 261:6
 265:8 266:12,16
 267:5,7,10,13
 268:1,7,8,14
 269:2,5,11,14,20
 270:10
ordered 55:2
organization 63:8
organizations
 247:7
original 32:14 33:5
 39:16 167:3,11
 169:6
originally 118:9
 121:14 137:7
 153:9
outcome 22:6
outdated 267:22
outreach 239:21
outside 23:20
 35:21 158:19
 169:3 171:14,20
 172:1 183:5
 214:21 255:7,18
 256:5 257:4 259:2
 265:12 270:5
outstanding 22:17
 39:2 48:20 58:4
overall 235:11
overview 200:6

P

P-R-O-C-E-E-D-I-...
 5:1
p.m 5:2 24:1,2
 70:14,15 193:20
 193:21 276:12
pack 132:6 177:4
package 25:11 76:1
 102:12 131:12
 164:16 199:16
 201:13
packaged 132:4,5
 180:16,19
packages 90:14

103:12 104:5
 182:2 199:11
 266:3
packaging 102:2
 104:21 131:9
 132:14
packet 122:9
packs 76:11 177:4
 177:6 182:14
 204:18 205:5,15
page 3:9 37:1 86:8
 111:12 114:12,13
 114:14,20 164:15
 169:3 170:1
 178:16
paid 137:19 153:12
 253:21
panhandle 171:19
panhandlers 169:2
panhandling 80:14
 80:22 112:6,11
 170:15,18,22
 171:13 268:3,7
paragraph 94:18
 170:12
paraphrase 268:9
paraphrasing
 268:9 269:1
park 182:22 183:21
 184:6,7,8,9,11,12
 184:15,15
parking 3:10,19
 63:2 77:3 83:22
 86:14 87:11,13,15
 183:6 186:17,18
 198:2,3 211:11,12
 225:16 226:8
 227:13 248:11
 266:8
part 26:14 27:19
 28:6 38:6 58:9
 61:9 62:22 66:2
 67:13 68:4 99:3
 120:22 121:9
 155:6 167:11
 187:20 196:16
 226:18 246:1
partial 182:2

participate 22:13
 40:17
participating
 258:15,18
particular 51:8
 56:16 62:13 65:16
 71:14 82:14 89:15
 94:9 106:6 107:5
 109:4 139:1
 153:15 160:20
 161:6 165:18
 170:11 215:10
 217:9 218:11,17
 220:8,14 223:8
 244:4,7 245:6
 246:6 251:10
 260:14 262:4
 265:3 272:4
particularly 83:8
 220:9 239:9
particulate 50:7
parties 5:8 21:12
 24:10 42:8,17
 44:22 49:10,11,12
 49:15 53:20 54:5
 57:2 61:20 63:17
 68:10 71:3 72:4
 73:10 256:7 257:6
 261:5 270:14
 272:11
party 40:7,11 57:5
passed 70:7 77:18
 275:21
patrols 82:20
patron 26:3
patrons 26:2
pattern 154:8
pay 26:3 44:12
 110:4 203:14
 225:18
paying 153:21
 213:9
peace 63:1 75:18
 77:12 92:20 98:15
 114:22 115:9,13
 115:16 116:1,5,12
 116:16 118:7
 136:6 137:7 139:2

145:13 161:16
 162:17 166:14
 186:10,12,14,16
 186:21 227:16,18
 266:12,15 267:5,7
 267:10,13 268:1,8
 268:14 269:2,5,14
 270:10
peaks 144:10
peanut 234:21
pedestrian 63:3
pending 174:11
people 22:17 29:7
 32:14 55:8 135:13
 137:12 138:9
 140:8,17,19
 145:11,15,16,19
 145:22 157:16,18
 159:18,20 167:20
 167:22 171:5
 172:7 182:20
 183:13 187:17,21
 188:14 199:3
 205:4,7,9,10,19
 215:6 223:16,17
 233:22 240:14,15
 240:18 242:10,20
 243:3,14 248:2,7
 248:10 249:22
 252:15 266:20
 267:2 268:2,5
 269:8,18 272:21
percent 236:1,5
 243:7
percentage 213:4
perfect 20:5
perfectly 16:16
 256:7,13
period 72:10
 225:11
perishable 195:10
permanent 254:12
permission 190:16
 190:18,20
person 44:17 59:12
 137:16 138:1
 147:2,16 157:12
 158:16,17 161:21

161:22 162:3
 167:1 184:21
 199:22 207:21
 208:3,7 209:3
 211:14 229:19
 230:16,16,22
 231:2,2,5,13
 232:13 233:17
 236:21 240:7,9
 247:1,2 252:4,17
 252:18 253:2,8,9
 269:6,7
person's 9:14
 161:7
personal 32:3
 145:14 199:7
 241:3,7 259:11
personally 31:22
 76:6 168:2 198:19
 229:22 240:13
personnel 168:16
 168:21 228:18
 229:13 240:20
perspective 246:4
pertaining 230:10
pertinent 72:8
peruse 176:10
petition 26:8,10
 32:5 36:1 39:12
 58:10 71:17 72:15
petitioner 70:20
 71:8
petitions 28:13
 30:6 68:7
phone 110:14
 231:16 233:5
photo 3:10,11,11
 3:12,12,17,18,18
 3:19,20 4:6,7,7
 87:8,12,13,15
photographs
 121:22 125:7
photos 86:22 87:5
 87:18 125:9
 163:12
phrase 112:2
 154:12
physical 240:9

physically 132:16
 231:4
pick 133:12 198:15
 199:3,8 211:9,10
 211:19 214:22
 215:1,4,9,13
 216:4 217:22
 219:18 232:17
 234:10 253:17,18
picked 216:13
picking 63:19 157:1
picks 214:21
picture 88:16 89:8
 90:11 109:22
 124:13,18 128:6
 128:14 131:12
 149:21 150:2
 151:20 152:6,6,22
 153:2
pictures 86:16
 121:9,16 126:21
 126:22,22 127:3
 127:15 128:9
 131:11 139:15,21
 151:14,17 220:19
 221:21 222:2
 244:3 245:3 269:3
piece 219:15 266:7
PIF 15:14,15 24:11
 24:12 25:2 44:9
 121:21 122:1
 140:18,19 142:6
PIFs 138:3
PIP 25:9 121:1,11
place 24:21 72:21
 130:4 146:15
 170:19 184:17
 186:19 205:17
 206:11,11,20
 227:14 233:4
 246:22 254:13
 262:2
placed 68:13
plain 108:15 173:16
 173:21 174:4
plan 24:19 34:13,22
 38:21 42:4 48:21
 66:21 71:7 247:5

261:11
planner 250:16
plans 228:2 250:7
plastic 88:17,19,20
 131:7 132:2,6
 148:7,8
playback 83:7 87:7
pleasant 143:14
 159:12,13
please 5:9 47:8
 74:1 85:21 88:12
 95:22 109:13
 120:13 141:15,16
 143:2,2,10,19
 146:20 149:3,4
 150:2 151:21
 163:20 164:8
 165:2,4,21 168:22
 169:20 170:10
 192:14 193:17
 194:8,12,21 196:8
 204:12 248:20
pneumonia 52:8
point 13:16 40:5
 43:2 84:14 100:12
 104:14 199:1
 203:17 208:12
 230:14 263:1
pointed 50:9
 160:16
points 137:6 140:5
 266:9
police 79:18 269:19
policy 63:11 112:5
poor 63:6
pop-up 52:19
portion 25:16 28:8
 76:4 119:6 154:16
posed 250:16
position 22:19
 36:14 57:21 58:2
 139:6 195:4
 200:15 216:3
 239:19
positive 63:5 93:1
 196:14
possession 117:14
possibility 21:19

possible 23:10
 175:20 176:3
Post 226:3,5,6,10
posted 97:4 230:14
Posting 170:17
poured 138:19
power 63:5,6,14
powers 101:20
practical 246:4
practicing 19:22
 29:12
preliminary 3:1
 10:11 21:9
premise 199:5
 253:20
premises 170:16
 170:19 171:8
 232:4,6
presence 77:11
 84:5 107:21 114:5
present 1:18 2:9
 8:18 9:9,11,18,21
 10:3,18 11:12
 12:15,22 125:9
 126:7 136:1,2
 137:2 139:5
 162:12 265:4
presentation 9:12
 10:9 271:8 276:4
presented 9:7
 12:10 263:13
 264:17 265:8
presenting 127:7
 128:8
presents 8:19
 11:10
presiding 1:16
press 131:17
 143:20
presumably 102:6
 218:5
presume 145:2
pretty 92:18 178:10
 219:8 227:6 235:2
prevent 170:14
prevention 250:3
previous 38:3
 56:17 58:9 112:2

price 109:15,16,18
109:19,21 110:10
129:5,11 202:16
203:14 209:18
213:10
priced 101:22
102:1,3
Prince 159:1
prior 6:8 19:19
78:21 92:10
103:22 135:11
153:9 155:15,17
priority 119:12
prism 66:8
proactively 32:4
probably 57:14
106:1 107:1
135:16,21 176:1
176:16 183:13
187:9 219:8 236:4
236:5 273:8
problem 33:12 34:2
65:19 90:6 126:15
137:13 143:11
145:3 160:6,9,19
188:10,11 246:12
247:9,12 248:12
264:6,13
problematic 255:12
255:15
problems 33:3
139:13 159:16
167:19 168:15
252:5 267:16
procedure 18:21
231:22 232:2
procedures 96:22
163:3 230:3
proceeding 43:11
53:19 125:4
proceedings
275:22
process 8:1 17:7,8
20:19 21:1 39:21
63:1 67:21 72:9
163:7 197:8
processed 213:12
processes 19:16

produced 131:11
product 82:12
100:14 196:10,11
196:11 201:14
234:19 235:1
236:3
professional
160:10
professionalism
188:13
professionally
160:7
profit 224:8 225:6
237:8 239:17
Profit-wise 224:2
225:7
profitable 23:5
program 247:14,15
247:18
programmed 84:10
202:22
progression 11:8
12:2
prohibit 170:14
proof 13:9,20
138:20
proper 18:21 32:6
34:6 39:6
property 63:3 94:6
113:11 214:21
proposed 270:14
273:12
protect 21:15
protest 1:8 3:7 5:5
6:8,10 7:22 10:6
21:11,18 23:2,3
28:16 35:14,20,21
37:3 38:6,13 39:1
42:12,16 48:18,19
49:8,19 54:20
58:4,15 60:4 63:1
66:20 67:18 68:2
71:2 72:8 75:1
86:2 92:20 106:22
135:14,15,21
162:16 167:12
178:14 186:10
192:17 244:16

248:15 258:16
261:1 272:12
276:11
protestant 3:2 4:5
8:13,21 9:2,8
10:22 17:13,17
18:18 24:13,18
70:21 71:8 72:16
135:8 141:19
151:5,11,13 153:6
164:3 257:3 259:1
261:13
protestant's 17:10
25:9 30:15 77:14
152:13 178:5
protestants 6:14
7:1,5 11:12 13:17
18:11,22 28:3,19
36:18 54:14,15
62:18 66:20 72:22
78:17 246:1 256:8
256:14,20 261:3
261:10,21
protested 74:18
75:14,16
protestors 167:3
protocol 199:18
200:2,9 201:15
205:18 208:10
215:12 219:17
247:8
prove 140:12
proved 271:5 272:7
provide 10:21
19:12 62:21 80:8
provided 56:11
75:20 83:3,5
providing 44:2
46:21 82:18
239:12
provision 25:19
26:11,13 28:12,16
28:20 30:16 31:16
31:16 35:8 38:2
38:14 39:14 41:9
41:12,16,20 42:18
42:20 43:12 44:19
49:7 50:13,16,17

56:16 60:7,8 67:6
67:10,15 68:15
71:13 72:3,20
73:4 76:19
provisions 30:5
34:18 39:5,18
43:1 54:18 58:11
60:7 68:3
public 59:16 262:16
pull 32:19 132:2
143:2,19,19
purchase 44:16
77:21 89:4,6
107:3 110:9
165:15
purchased 133:3
133:10,12 134:10
201:17
purpose 62:16 69:5
70:17 103:21
162:15 174:1
177:12 216:19
274:18
purposefully 156:8
pursuant 70:9
274:20 276:1
push 198:11
put 24:15 33:17
44:4 45:17 46:11
47:2 62:15 90:4
105:4 115:19
186:19 199:7
262:15 268:19
putting 40:4 45:7
59:17 262:20

Q

quarterly 197:5
219:5
question 8:10,14
17:22 48:16 88:11
92:19 102:14,15
115:22 120:7,15
129:7 130:6,20
133:8,19,20,22
134:4 137:14
139:1 141:3
144:21 145:7

148:11 156:16
 159:10 161:10,17
 166:6 172:2
 174:11,11,19
 175:5 183:10
 186:9 192:18
 202:10 204:11,15
 205:15 206:7,9,10
 206:18,20,21,22
 207:6,15 208:21
 210:5 211:5 217:5
 227:6 232:22
 236:17 243:22
 245:15 246:10,15
 247:11 248:11
 249:5
questioned 8:11
 95:7 174:19 203:6
questioning 16:6
 98:14 119:22
 134:14 178:6
questions 8:6,8 9:1
 9:3,4,6,16 10:7
 42:3 91:4 105:11
 105:17 109:5
 117:4,7,9 120:14
 127:5,11 128:3
 133:21 134:18,20
 140:4,10 142:11
 147:14 156:15
 161:3 162:2,21
 174:21,22 175:1,1
 175:9,10,13
 185:13 189:4,8,9
 203:19,21 204:6,8
 208:18,19 222:10
 228:1 248:16,17
 248:19,22 249:1
 253:16 254:3,6
 263:5,9,11
quick 88:11
quick-- 14:8
quickly 31:4 187:22
quiet 63:2 75:18
 77:13 92:20 98:15
 115:1,10,14,16
 116:1,5,12,16
 118:7 136:6 137:8

161:16 162:18
 166:14 186:11,12
 227:17,18 266:13
 266:16 267:5,7,13
 268:8,14 269:2,14
 270:10
quite 25:14 106:19
 170:22 206:1
 261:16 267:11
 268:1
quote 272:8

R

R-I-D-O-R-E 5:12
raise 73:11 141:16
 194:12 258:19
 270:8
raised 162:14
ran 241:16
Randall 122:9,11
random 77:3
range 110:11
rank 197:1 224:22
rapidly 242:5
rate 7:15 224:8
rates 243:7
reach 22:7
reached 169:4
read 79:1 170:10
 191:21 271:2
readily 162:5
reading 169:22
real 187:22
really 13:14 31:3
 33:14 34:1 35:4
 35:14 47:15 67:17
 71:13 102:11
 145:20 153:20
 176:10 181:15
 188:14 199:9
 206:7 207:12
 214:19 217:2
 219:10 226:3
 232:5 236:3 240:6
 246:10,14,22
rear 83:18,18
 122:21,21
reason 27:14 32:15

33:5,7 34:10 35:4
 48:19 49:18 50:8
 55:2 59:2 67:17
 96:5 122:22 152:8
 166:18 233:19
 234:18,22
reasonable 102:13
 234:17
reasonably 170:14
reasons 68:1 69:9
 199:9 240:9 260:4
 260:12,22 275:1
rebut 12:17 13:4
 14:5,19 15:4
 17:18 257:2
rebuttal 10:18,21
 11:7,16 12:2,6,12
 12:14,16,18,20
 14:5,15,18,19
 15:5 16:4,16
 17:11,14,16 18:2
 18:5,11,16,17,18
 18:19,22 136:12
 141:2 174:17
 192:2,6 194:2,3,5
 255:2 257:1,3
 259:2
rebutting 194:3
Rec'd 3:6 4:2
recall 106:12
receipt 4:7 160:12
 160:14 161:7
 162:6 163:22
 164:6,11 165:6,15
 230:1,17 250:18
 250:19 251:4,17
 267:21
receipts 252:2
receive 152:4
received 77:8 85:1
 86:2 173:6 203:5
receiver 233:17
receivers 252:15
receiving 173:10
recess 23:19 70:11
 70:17 193:16
 275:22
recite 114:21

recites 30:15
recognize 102:17
 156:5
recommend 58:3
 60:3
record 5:9 6:8 7:3
 14:20 24:1,4 59:5
 59:6 70:14 74:1
 115:19 136:4
 138:16 139:18,22
 141:10 147:1
 150:19 152:10,11
 163:16 166:6
 191:5 193:20
 194:1 258:21,22
 262:15 263:15
 264:5 270:13
recording 166:3,4
 252:22
recourse 55:19
 56:7 58:13 59:7
 60:4,19 63:16,16
recreation 81:9
RECROSS 3:3
RECROSS-EXAM...
 249:2
rectify 33:16
recuse 6:19
REDIRECT 3:3
 254:10
redundant 10:7
Reeves 1:15
refer 100:19
reference 77:1,16
 78:3 84:21
referencing 86:10
referred 88:4 151:4
 153:5 164:2
referring 111:19
 112:12 119:10
reflect 6:9 7:4
 263:15
reflection 268:12
refresh 178:13
regard 73:5
regarding 25:19
 35:18 42:3 50:5
 57:15 75:3,21

109:5 112:11 114:2 117:15 157:1 195:19 196:1 199:10 203:5 244:1 regardless 52:5,13 regards 37:19 region 223:3,4,8,22 224:3 regions 223:6 register 129:1,15 202:13,13,14 203:13 209:3 210:11,11 230:17 registered 208:1 registers 202:22 regular 106:21 207:12 219:17 221:1 regularly 143:8 170:22 171:5 Regulation 74:7 regulatory 3:13 81:22 83:14 86:19 96:16 112:15 reiterating 53:10 related 80:5 162:22 relates 76:12 78:15 97:16 112:2 115:1 115:7 relief 66:20 67:3,4 67:11,12,18,21 70:20 71:6,7,9,20 261:10,15,16 relying 136:18 remain 34:9 58:7 68:5,6 231:3 remaining 136:11 remains 26:14 30:1 58:6 remember 7:10,12 100:18 101:21 176:20 178:4,20 179:2 180:7 238:12,13,17,21 remind 221:16 remodeling 229:1 remove 28:16	71:13,15 90:4 246:7 removed 26:15 28:13 60:9 89:14 89:15 92:15 202:2 268:6 removing 40:1 103:18 renegotiate 26:9 renew 1:11 29:16 40:3 42:16 67:9 68:2 72:16 260:18 262:1 renewal 5:11 13:11 29:22 39:8,12,21 40:18 57:1 72:18 74:18 75:1,11,12 260:16 261:20 renewed 67:6 261:18 265:11 rent 236:8 Repeat 80:17 repeating 258:5 repetitive 90:8 rephrase 120:14,15 130:6,19 145:7 replace 254:13 report 8:4,5,7,11,13 8:15 43:9 75:5,8 78:19,20 93:11 100:5 104:19 105:8 114:8,10,13 114:15,21 115:2 127:5,11,12 128:2 128:3,5 136:19 139:8 164:18,19 170:6 178:14 190:12,15 200:22 262:7,9 265:9 reporter 5:13,22 165:20 reports 207:20 214:8 218:19 239:14 represent 125:10 representation 36:13 representative	117:8 represented 75:14 request 273:9 requested 11:5 24:18 56:15 84:22 85:5 require 111:9 112:10 requirement 79:20 111:1,4 requires 26:1 76:20 reservation 197:21 reserve 136:11 residences 119:9 residential 63:2,3 124:16 respect 30:12 111:10 115:3 188:12 239:15 respond 31:2 120:12 134:5 responded 260:12 response 32:12 77:14 120:10 responsibilities 74:12 78:9 responsible 83:22 responsive 157:10 rest 32:9 63:2 89:10 89:17 136:10 139:7 141:7 190:5 190:6 191:11 253:22 restrictions 57:22 restrictive 57:17 result 75:2 82:12 85:15 86:11 269:10 resulted 37:3 85:16 results 197:12 212:15 235:8 resumed 24:1 70:14 193:20 retail 212:17,18,19 212:20 213:5,9,12 213:14 Retailer 1:9 retrieve 84:4 132:7	retrieving 87:14 reusable 45:4 review 35:22 54:6 97:2 220:8 272:5 273:1 reviewed 79:20 96:20 97:3 reviewing 28:2 revisit 20:16 50:5 50:16 rhetorical 161:16 rich 236:9 rid 41:15 Ridore 2:14 5:12 6:3 33:20 36:14 137:16 146:10,19 147:2 right 7:18,21,22 10:11 13:19,22 16:14,18,21,22 17:6 19:19 21:5,6 21:7 22:14 23:7 23:21 24:3,9 28:22 29:3 31:10 31:20 32:11 34:3 36:6 37:13,22 43:18 47:13,20 48:13 52:8 55:13 55:15 58:18 66:5 66:14 70:16 73:11 86:1 91:2,6 93:7 98:13 99:9,19 102:19 103:8,9,14 104:19,22 105:1 105:10 108:19,21 116:11 120:5,13 121:19 122:2,5 124:3,17 125:11 125:13 126:2 134:15 135:5,10 135:11 136:1,13 139:4 141:14,16 142:7,8 144:10 146:22 147:10 149:8 150:12,17 150:19,22 151:12 153:18,18 157:10 159:21 162:7,11
---	---	---	--

163:13,14 165:1
 166:22 176:9,19
 178:12 179:8,11
 179:18 180:20
 181:11,12 182:4,8
 182:12,15,17
 184:12,12,15
 185:12,13,17
 186:8,19 189:11
 190:4,17 191:19
 191:20 192:9,15
 192:17 193:3,16
 193:22 194:12
 195:16 200:5
 201:18 202:5
 208:20 210:3,19
 211:2 212:7,8
 213:13 214:9,13
 214:18 215:17
 217:6,12,13,16,16
 217:16 218:4,4
 219:22 221:14,18
 221:19 225:1,9,14
 226:1 229:3,20
 230:2 231:20
 233:3 239:2 240:3
 241:21 243:20
 244:18 245:12
 246:13 248:14
 249:15 250:11
 251:14 253:18
 254:5 255:5
 257:21 258:7
 259:13 262:16
 265:16 270:4,12
 270:16 272:20
 274:9,10,10 276:9
ring 102:10,11,21
 129:5,10 132:2
 202:16 203:1,2,8
 209:9,20
ringing 102:17
rings 131:6,7,17,19
 132:3 268:19
risk 40:4
river 51:19,20,21
 52:3,3,17 53:2
 59:4,6,17,18

158:22 172:8,16
 269:16,18
road 47:12 182:22
 184:9 224:20,21
 224:21 228:9,22
 234:6 238:13
 245:12 251:11
roaming 108:2
rocket 247:4
Roebuck 7:13
role 220:7
roll 69:14 211:18,22
 275:6
room 1:15 61:13
 70:9 172:3 195:19
 201:16,21 276:1
round 17:2 18:10
rows 90:18,19
rule 31:20 50:11,19
 182:11 232:8,8,9
 232:10
ruled 81:15
ruling 32:1 190:19
run 181:15
rung 129:4,9
running 242:12

S

S-E-N-D 74:3
S.E 1:8 75:13
 124:19 143:4
 251:12
SA 94:12
sadly 66:8
safe 73:9 90:12
 91:19 105:22
 144:12 232:5
 251:19
safer 72:13 73:8
safety 63:3 137:18
safeway 1:8 2:12
 2:15 3:9,10,10,11
 3:11,12,12,13,14
 3:15,15,16,16,19
 3:20,21,21,22 4:3
 4:7 5:6 6:9,10,12
 6:16,17 7:4,11
 25:18 26:7,8,20
 28:15 30:6 32:2
 33:14 35:5,16,20
 36:22 38:14,21
 39:4,7,20 41:16
 42:22 43:19 44:1
 44:2,7,12,14 49:5
 49:5,6 51:9,9,12
 51:13 52:2,15
 53:12,19 54:4
 56:18 57:3,3,5,18
 58:8,21 59:3,5
 60:5,21 61:3,6
 64:1 69:6,9 71:21
 71:21 74:18 75:12
 75:21 77:11 78:12
 78:16 79:7 80:13
 80:20 81:2,7,15
 83:17 84:16,17,20
 85:4 86:6,13
 87:11,16,17,19,22
 99:13 106:6,8,11
 107:6,12,19 113:4
 113:7 115:1 119:7
 122:21 128:16
 137:8 145:11
 147:2,19 153:10
 155:18 157:1,10
 157:10,18,21
 158:1,11 159:2,11
 160:3,3,11,13,20
 161:6 162:6
 163:22 165:6,18
 166:11 171:14
 172:14 183:4
 186:3,13 187:20
 188:17 195:6
 197:20 200:8
 211:11 214:4
 222:21 223:21
 224:7,20 225:17
 225:19 228:8
 229:6 232:10
 236:19 238:3
 242:2 244:5,7
 245:2,6,20 246:6
 246:7,9,11 247:12
 248:7,12 251:11
 256:15,15 257:8

258:13,17 259:6
 260:16 261:11
 262:13,17 263:18
 266:4,10 267:9,16
 268:16 269:7,19
 271:21 274:20,22
Safeway's 5:12
 26:14 36:12
 168:15 261:18
 266:11,14 267:3
 267:14
safeway.com 165:9
Safeways 6:18
 105:20 106:5
 238:17
sake 137:6 143:15
sale 77:11 85:11,12
 93:10,13,18 129:1
 146:11
sales 30:3 78:3
 82:10 93:20 99:2
 106:16,17 107:2
 109:7 146:12
 148:6 235:12
Sams 82:2 83:15,20
 84:3,6,11
sat 51:12 267:8
satisfaction 269:12
 269:16,20 270:4
satisfy 218:3
Saturday 81:20
 238:9
Saturn 1:7 75:12
save 111:11 137:9
saw 89:10,12 92:2
 92:12 97:10 98:17
 98:19 102:4
 103:11 106:6
 108:9,14 112:14
 113:14 118:14
 129:20 146:16
 153:16 176:21,22
 177:2 182:6,13
 183:4 220:19
 221:21 242:10,10
saying 9:19 11:18
 11:21 18:1,4,8,9
 21:16,17 23:9

25:4,6,8 28:7 30:2 32:20 38:11 44:17 51:2 53:16,18 54:1 57:9,19,20 59:7,18 60:2,18 67:8 72:22 73:2 94:13 103:15 104:6 135:19 137:8,13 138:21 149:16 157:16 158:7 160:19 168:21 182:6 190:9 201:22 209:8 210:13 211:8,13 216:9 229:9 231:12 233:16,22 235:5 237:7 259:21 264:21 265:1 272:1,3 says 23:4 34:17 35:1 43:9 48:22 49:2 62:10 78:20 97:1 111:15,18 136:14,15 170:7 171:2,7 177:6 178:1 181:6 208:3 231:20 233:8 234:9 252:18 259:20 271:6 scan 202:14 209:17 209:17 210:18 scanned 209:19 scanning 210:22 scans 210:21 scheduled 240:15 scheduling 226:18 School 81:12 science 247:4 scope 115:13 screen 150:3 sea 239:11 Sears 7:12 186:6 seat 73:20 194:20 second 17:13,17 69:11,12 94:2 137:5 152:6,6,22 212:10 275:3,4	seconded 69:14,16 275:6,8 seconds 193:2 section 30:16 69:2 69:6,9 148:12 274:16,20 275:1 276:2 security 78:5,8 80:10 82:20 107:21 108:1,6,18 114:2 132:9,10,15 132:18,22 137:18 138:14,17,20 148:12 150:7 153:2,16 154:1 155:2,13,16,20 173:2,9,13,17,20 204:16,18,20 205:6 206:12 249:5,6,8,14,17 249:21 250:1 268:4 see 13:5 15:15 24:11,13 30:20 33:21 34:11,21 46:14 53:3,3,4 54:7 59:22 83:6 97:5 103:18 106:5 106:17,18 107:20 108:1,4 114:8,10 114:18 116:15 119:1,3,11,14,15 120:18 122:7 124:14 126:12 127:15 129:16 130:7 132:22 134:9,9 145:11,15 147:20,22 148:1,1 148:6 149:4 150:19 153:2,14 153:19 156:9,11 156:11,18 158:21 164:7 168:20 171:10,18,22 172:5,13 177:13 180:8 181:18,20 182:1 183:15,18 195:12 209:15	210:8 227:15 234:7 242:21 244:6 seeing 14:13 129:19 182:16 222:2 seeking 66:21 67:4 67:12,19 69:5 274:18 seen 82:7 90:14 106:9,16,20 107:16,18,19 109:6,7,9 125:7 130:11 132:11 144:7 153:10 154:1,5 155:13 171:3 173:2 178:11 183:1 198:16 211:18,19 212:2,4,6 220:18 228:3 sees 182:18 seldom 273:1 sell 30:3 46:16 76:6 78:13 82:10 88:19 89:6 103:1 146:11 146:12 177:5,7,8 177:21 196:10,12 209:6 235:15,19 selling 168:3 213:9 267:4 send 20:15 56:13 146:12 218:18 sending 43:8 sense 49:21 57:18 71:14 110:7 116:8 209:21 216:17 sent 97:12 117:15 121:21,22 273:17 sentence 97:5 111:20 separate 151:17 181:21 September 223:5,9 223:10 seriously 263:2,3 served 239:10 service 4:3 84:21	85:2,2,5,6,17 87:21 92:3 228:6 229:6 239:15 serving 207:22 servings 177:8 set 64:11 242:19 247:8,13,14,18 settle 37:2 settled 36:22 settlement 22:18 26:5,6 27:19 35:22 36:10 37:1 37:6,8,20 38:16 39:4,9,10,13,19 40:6,16 41:3,10 41:13,18 42:9,19 42:21 43:2,4 46:8 46:15 49:9 50:2 50:10,16 54:15,16 54:19 55:3 56:17 57:4,6,9,12,13,16 58:5,10 60:8,9 61:8 63:9 68:8,11 68:13,14 71:16 72:20 75:22 76:4 76:20 78:1 79:19 80:2 94:15 95:8 96:18,20,22 97:4 97:8 105:6 110:21 147:12,13 261:6 settling 40:7 seven 20:9 23:15 258:11 share 15:9 shared 24:19 34:13 34:22 37:19 38:21 42:4 48:22 51:4,6 51:16,19 52:2,5 52:11 53:7 55:12 57:10,20 58:5,17 58:19 59:11 63:4 66:21,22 67:1 71:7 172:5,15 261:11 271:17 Shaw 2:16 6:4,5 12:10 22:2,11 23:4,9,13 42:14 50:1,22 51:1
--	---	--	---

53:16 55:5,12,14
 55:16,18 56:7
 58:12 59:14 60:2
 60:20 61:1 62:3
 63:19 64:7,11,17
 66:6,22 68:19
 75:15,19 76:5,8
 76:13,18 77:1,5
 115:8,21 116:3
 117:6,8,12 118:1
 118:4 120:1,3,5
 120:11,16,21
 121:2,5,8,12,14
 121:20 122:8,17
 122:20 123:5,11
 123:22 124:2,4,6
 124:9,11 125:2,9
 125:16,19 126:3,5
 126:11,15,20
 127:13,18,20
 128:17,20 130:8,9
 130:20,22 133:20
 134:2,6,13 135:1
 136:16,16,17
 137:4 138:3,8,11
 138:13 140:14
 141:12 142:18
 143:6 144:5 145:8
 145:9 147:1,3,18
 149:2,5,8,13,22
 150:11,13,15
 151:15,16 152:9
 152:16,21 153:8
 154:14,17 155:5,9
 155:14 156:17
 159:9 161:2,4,12
 161:14,18 162:9
 162:15,19 163:5
 163:10,19 164:5
 165:3,13,20,22
 166:3,8,9 169:9
 169:11,16 170:3,9
 172:12 174:14,14
 174:14,15 175:3,7
 175:11 178:15,16
 178:19 181:10
 189:7,10,16,17
 190:2,6,11,18

191:1,4,12,15,18
 192:12 193:10,18
 199:19,22 203:22
 204:1,5 248:16
 249:3,20 251:2
 253:22 254:8
 255:2,7,10,16,18
 255:20 256:2,4
 257:9,12 259:20
 260:5,11,11,19
 265:17 266:17,19
 270:20 271:14,16
 272:16 273:3,7,19
 273:22 274:8
 276:6,8
Shaw's 25:2 164:16
 264:8
Shawn 2:17 3:4
 73:7,14 74:2
sheet 19:10,15
shelf 89:15 90:4
 99:10 106:18
 109:8,15,15 131:3
 181:5 196:12
 201:11 202:1,3,12
 203:13 207:11
shelves 76:10
 98:20 99:19 104:5
 106:5 131:5
 199:11,17 201:11
 202:5
shocked 148:18
shop 6:12,16,17,17
 6:18,18,20 116:21
 145:22 147:20
 158:19 197:19
 227:9 256:18
shopped 7:9
 116:22
shopper 144:15,22
shopping 3:19,20
 7:10 77:2,5 78:18
 79:3,9,11 83:17
 83:19,20,21 84:1
 84:3,4,7,8,9,16,19
 87:9,9,13,14
 112:14,18,20
 113:12 115:7,11

115:15,21 116:17
 118:8 119:12,17
 120:19 121:17
 124:14 125:21
 128:12 145:11
 156:11,18 159:11
 161:20 176:8
 182:17 183:5
 197:20 198:8,20
 213:19 214:4,10
 214:14,20 225:11
 225:11 227:19
 244:1,3,6,8,20
 245:3,7 246:5,8
 248:5,8 256:15
 266:7 267:12
shops 258:16
short 1:21 7:7,8
 69:12,13,21,22
 72:10 90:16 91:5
 91:6,10,14,19
 92:2,5,14,17 93:4
 93:10,20 94:5,12
 94:21 95:2,14,17
 95:22 96:3,9,12
 97:14,18,21 98:2
 98:7,13,19,22
 99:7,15,20 100:1
 105:13,16,18,19
 106:3,10,14 107:4
 107:13,20 108:6
 108:11,14,19
 123:6 185:15,16
 185:19 186:2,8
 187:3,7 188:19
 189:1 210:7
 222:11,12,14,16
 222:19 223:1,7,10
 223:13,20 224:2,6
 224:10,12,17
 225:3,7,9,16,21
 226:2,5,20 227:3
 227:8,12,16,21
 228:16 229:5,9,14
 237:21 238:18
 241:5 248:15,20
 255:13 256:9
 258:12 259:10

260:15 262:13
 263:17 275:4,5,13
 275:14
Short's 109:4
shortly 70:12
shot 87:10
show 20:6,7 25:18
 27:13 43:10
 122:19,20 123:2,3
 123:4,14,15,15,17
 128:7,8 129:11
 133:1,4 148:22
 149:9,9,17,18
 150:21 151:9,20
 152:6,17,18
 163:15 169:10
 250:18,22 271:20
 272:18
showed 178:21
showing 58:21 86:7
 87:7 123:2 124:6
 128:7 163:11,14
 170:1
shown 149:20
 221:22
shows 89:8 272:19
shrink 196:14,14
shrinkage 196:6,8
 196:9,16 197:6,11
 197:13 212:12
 234:13
side 9:10,21 10:12
 21:15 34:19 83:17
 90:22 100:13
 103:8 141:5 232:5
 237:17 260:17
sides 12:8 15:19
 21:9 24:12 65:20
 72:15,17,19
 100:14 240:12
 261:19
sidewalk 63:21
 113:5 198:6
sign 57:4 167:9
sign-on 230:10
signed 51:4,15
 52:10 53:9 55:8
 55:14 59:19

137:13 167:12,18
 172:13 261:11
signers 39:17
significant 79:7
signing 54:16
signs 170:18 171:1
 171:10,18
Silverstein 1:20
 61:22 62:2 63:20
 64:9,15,18 65:3,7
 65:13 66:3,7,10
 70:2,3 135:7
 204:12 229:16,17
 230:12,15,19
 231:11,19 232:7
 232:10 233:3,15
 234:12,16 235:5
 235:10,17,22
 236:7,14,20 237:6
 237:18,22 238:3,6
 238:10,21 239:3,6
 239:8 240:4 241:1
 241:12 243:8,13
 243:17 260:9
 272:13,15,16
 275:16,17
similar 20:1 180:9
simple 247:8
simply 59:18 62:19
 270:10
single 30:2 76:6
 78:3,13 82:10
 89:4,6,7,9,12 93:5
 93:12,19 102:22
 106:16 107:2
 109:7 110:4 129:1
 129:4,6,9,10,12
 132:8 146:11,12
 146:12 177:8
 199:16 202:1,11
 202:17 203:1,9,12
 204:17 205:4,5,13
 205:15 207:22
 209:4,5 210:11,12
 266:2 268:15
singles 3:14 88:16
 89:9 98:20 99:9
 99:19 103:1 106:6

106:17,18 109:8
 129:16,19 130:11
 199:11 201:11
 203:3,5,9 206:17
 266:1
singly 207:9
sir 10:16 13:10
 14:11 24:6,8 36:9
 37:17 65:5,9
 73:20 74:12,19
 75:6 88:9 92:4,16
 95:4 97:20 98:18
 98:21 99:6 100:6
 101:6,16 103:20
 108:13 125:5
 144:20 164:6
 174:7 191:18
 194:21 195:2,4
 199:13 202:10
 203:20 204:13
 207:4 210:1 239:8
 239:18 241:13
 244:1 245:15
 254:18 258:8
 265:15,19 273:22
sit 7:17 23:20
 168:22 269:21
sits 84:17 87:17,19
sitting 20:10 57:19
 58:17 89:9 118:15
 119:19 135:14
 146:21 178:5
 201:12 202:12
 263:6 266:21
 267:6
situation 33:16
 104:18 139:2
 161:5 188:15
 252:7
situations 229:22
six 49:1 85:18
 90:11,13,18,18
 114:11 116:15
 146:6 148:8
 217:19 269:22
six- 177:3
six-pack 45:22
 102:1,9 201:13,18

202:2,15,16
 203:14 209:10,18
 210:22
six-packs 177:10
size 202:19
skip 159:8
small 236:14
Smith 230:17
snowplow 234:10
sodas 211:1
sold 76:22 129:13
 129:13,16,16,19
 131:6 207:22
 266:1
solutions 267:18
solve 16:15 188:11
 242:6 246:11
 247:9,12
solved 160:6
solving 34:1
somebody 64:19
 119:16 160:21
 165:7,19 174:4
 198:11 216:21
 217:8 226:12,15
 232:18 234:2,2,7
 234:8
someone,if 216:14
someplace 143:13
somewhat 263:18
soon 155:22 190:19
 273:7,17
sorry 5:15,17 10:1
 13:8 18:20 25:5
 29:21 35:22 65:5
 65:13 70:20 73:9
 85:7,14 114:13
 119:20 126:2
 139:8 150:4
 164:12 192:3
 195:16,22 197:5
 198:18 199:14
 221:6 229:3
 255:21 256:1,11
 256:11 257:10,14
 262:19 265:9
 270:19 273:3
 274:1

sort 36:21 65:1
 102:7 103:4
 124:16 177:11,15
 221:17
sorts 266:2
Southwest 237:21
 237:22
speak 37:15 61:4
 114:1 143:3,21
 161:18,19 168:6
 187:17 197:21
 199:13 240:22
 244:10
speaking 28:11
 60:11,12 106:10
 197:9 208:7
specialist 2:11
 195:5,8 200:18
 201:8
specialists 201:4
 240:19
specific 12:17
 49:18 67:21 71:6
 248:10
specifically 200:8
 245:1
specified 248:9
speculate 130:3
speed 73:8
spend 9:13
spending 205:6
spirit 46:8
Spiro 165:7,17
 166:10 231:6
 240:7 251:6
 254:13
Spiro's 251:5
spoke 75:19 95:5
 113:20 230:22
spot 97:2 227:13
St 241:20
stacked 187:13
staff 82:9 83:8 94:8
 102:22 128:22
 272:22
stage 194:1
stand 73:17 137:17
 140:15 141:15,21

194:17
standard 34:19
 35:10 38:12 42:6
standards 38:22
 49:8,16,17 56:22
 158:11
standing 108:3
 132:16 216:18,21
 217:1
Stanton 3:8 81:12
 81:16 86:7,12
start 135:15,17,21
 193:8,8,12 196:7
 239:20 240:4,7
 248:18 264:12
started 95:10 222:1
 228:11 230:9
 242:17 255:19
 256:6 267:8
starts 226:10
state 26:10 33:1
 36:3 38:20 61:15
 73:22 115:22
 138:16 195:2
 197:10
stated 15:4 20:7
 38:18 42:4 72:6
 75:21 76:3,5,8,13
 76:18 77:1,5,10
 77:15,16,19 78:5
 78:7,12,16,18
 79:5,8,10 80:7,12
 80:19 82:9,13,16
 82:20 83:9 84:6
 84:12 95:7,13
 97:13 102:16,21
 115:8 129:10
 140:11 147:16
 154:18 172:14
 209:7 211:7 256:5
 256:10,14,20
 259:5 260:21
 263:6
statement 3:2,2
 77:9 115:8 129:3
 137:1 254:1
 255:12,15 257:4
 258:22 260:2

266:18
states 76:1 86:5
 94:17
stating 67:2 98:16
 272:17
statute 44:8,11
stay 29:18 144:8
 171:5 178:4 262:2
stayed 85:18
stays 228:19
steal 84:13 89:3
 205:10
stealing 82:12
 84:11
step 135:2 189:13
 254:18
Stephanie 2:14
 5:12
Stephen 2:13 5:10
 77:10
sticker 109:15
sticking 96:14
sticklers 58:16
sticks 165:9 180:14
stipulate 95:20
stipulates 96:19
stipulation 78:1
 80:4
stock 241:2
stocking 201:9
stolen 79:10,11,13
 133:3,9,11 134:10
stood 267:2
stop 64:3 87:16
 248:12
Stop/Lot 3:20
stops 268:22
store 2:11 7:14
 52:15,16,22 53:1
 59:1 77:11 78:6,9
 79:6 80:16 81:1
 82:2,19 83:4,12
 87:6 89:1,12 90:6
 91:8 92:22 93:14
 94:10 95:11
 106:13 107:16,22
 110:20 111:7
 114:4,12 116:16

116:21,22 130:12
 138:6,14,19
 142:22 143:5,8,11
 143:12,16,17
 144:6,8,17 145:1
 145:13,17,18,19
 145:22 146:3
 153:19,22 154:2
 154:19 155:17,21
 159:18,20 161:20
 165:7 166:11,19
 166:21 167:21
 168:4,9,16,20
 169:2,3 170:22
 171:9,17,20,20,21
 171:22 172:1,16
 173:4,5,6,16
 175:17 176:7,8
 177:12 187:12,19
 190:13,14 195:5,7
 195:10,11,15,22
 196:2,18 197:1,6
 197:17 198:4,19
 198:22,22 199:2,5
 199:15,17,20
 200:9,17,22 201:6
 202:8,11 204:17
 204:21 208:5
 209:12 214:6
 215:10,15,22
 218:1,11,18 219:9
 220:8,15 223:14
 225:15 226:13
 227:7 228:19,19
 230:5,14 231:3,4
 231:6,9,12,20,21
 232:4,6 233:6,7
 234:14,19 235:1,4
 235:7 237:7 238:2
 239:12 240:14,16
 240:17 241:2,8,9
 241:10,11 242:12
 242:13,19,20
 243:10,15 250:1,6
 250:8,12,13,17
 251:11 252:8,11
 252:17 253:13,14
 253:20 254:12

256:18 259:12,22
 267:19 268:3,16
 269:20
store's 231:17
storefront 112:21
 113:8,9
stores 52:3,4 53:1
 106:15,20 109:5
 118:6 158:22
 195:17 196:5,20
 197:7 200:20
 213:22 215:8
 218:9 223:19
 224:3 237:8,9
 238:4 239:17
 241:15 244:11
story 205:18
straight 198:5
 221:13
Strawberita 165:11
stray 163:8
street 1:15 124:19
 126:10 142:21
 143:4 183:20
 184:8,15,16
 211:14 229:4
 231:21 232:22
 233:1 237:16,19
 238:15 241:15,21
 245:11 261:12
strictly 197:9
strike 154:12
strong 58:18
strongest 57:13
structure 235:14
stuff 43:20 53:3
 153:15 157:17
 167:9 168:11
 178:1 181:15
subject 6:9 109:7
 140:2
submit 27:1 41:4
 189:20 190:12,15
 190:19
submitted 121:14
 124:17 127:15
 269:3
subsequent 77:17

77:17
substantial 136:7
success 242:20
successful 61:19
 242:19
suffer 235:2
suffering 52:7
suggest 20:14 32:3
 112:1 125:3
suggesting 45:2
 68:1
suggestion 123:7
 126:4
suggestions
 236:22 237:2
Suite 1:16
Suitland 184:22
summation 137:11
 191:13,21,22
Sunday 81:20
supermarket 6:19
 57:15
supervise 200:19
 200:20
supporting 58:22
suppose 102:7
supposed 19:10
 97:17,19 129:12
 177:3 199:2
 200:10 201:15
 202:2 226:12,18
 233:6,7 244:6
 245:6 268:22
 269:13
supposedly 146:10
 268:4
supposition 102:13
sure 9:13 12:19
 25:14 26:22 28:5
 31:10,18 48:4
 52:6 64:12 65:8
 66:17 73:9 88:18
 93:17 112:19
 113:6 115:6 119:9
 122:14 123:14
 131:4 133:14,14
 145:8 162:21
 163:2,7 169:5

198:17 207:21
 209:2 222:2,6
 227:11 228:19
 232:22 240:15,16
 240:21 242:22
 258:9 261:17
 273:17
surprise 58:20
 155:16,17 219:12
 257:6
surprised 177:5
 248:1
surprising 219:11
surrebuttal 17:2
 19:1
surrounding 77:7
surveillance 76:13
 76:21 78:4,10
 82:19
suspect 158:13
suspended 85:16
 85:17
Sustained 208:17
switch 212:10
switched 230:21
 242:14
sworn 73:16 141:20
 142:14 194:16
system 81:5 82:17
 83:4,6 84:13
 102:17 129:8
 132:18 198:1
 204:16,20 205:3
 205:17,22 206:11
 206:11,12,19
 208:2 246:22

Systems 81:9

T

T-A-B-L-E 3:1 4:1
T-O-W-N- 74:2
t/a 1:8 75:12
tab 131:17
table 34:12 48:16
 51:12 52:21 54:5
 59:3,20 146:21
 178:5
take 11:3,6,19

22:20 23:6,17
 41:12 50:13,15,17
 57:2 62:1 69:14
 89:2 93:8 105:3
 109:12 128:14
 130:4 131:18
 132:13 141:15
 146:10 152:19
 170:13 178:7
 193:4 199:18
 201:16 211:10,11
 215:7 219:15
 226:12 232:16
 237:2,4,4 241:18
 242:8 249:13
 250:20 254:21
 263:2,3 275:6
taken 9:15 131:2,5
 157:13 207:11
 212:3 218:8
 243:11 261:8
 266:8 273:2
takes 202:12
talk 21:13,20 22:12
 22:15,16,21 23:13
 52:21 138:5
 147:12,16 157:22
 166:13 178:6
 191:2 200:7,12
 208:9 252:12,16
 252:21 253:9
 268:2 269:22
 270:1,2
talked 93:11 146:9
 208:5 241:21
 242:6 267:15
talking 40:19 52:20
 55:8,11 58:17
 116:17 172:7
 178:8 188:1 200:7
 208:6 216:18
 224:19 225:5
 237:14 252:21,22
 253:1 256:2,3
 264:12 267:9
tape 129:15
technically 31:7
 251:8

Teeter 158:22
telegraphing 13:8
telephone 160:15
 161:22 188:3
television 262:18
 263:1 264:13
 269:11
tell 21:13 25:17
 27:20 37:18 38:10
 57:3,5 60:13
 104:17 111:11
 123:16 125:10
 126:8,9,14,16
 128:9,10 142:19
 148:1 149:11,16
 158:14 169:9
 174:2,8 183:15
 184:1 192:10
 199:6 204:21
 206:19 207:8,12
 208:2,13 209:14
 213:1 217:17
 232:1,2,11 233:20
 241:7,10,11
 246:22 248:18
 251:3 268:5
telling 135:18
 205:16,17 214:3
 221:6 257:12
tend 160:5
tends 177:14,22
term 49:16 88:18
 240:1
terms 49:10 51:18
 54:6,7,11 57:6,11
 68:10,17 107:11
 112:22 113:1
 241:2
test 101:18
testified 8:5 13:2
 73:17 114:9 118:8
 130:10,18 138:1
 141:1,21 175:17
 194:18 209:1,11
 221:15 248:2,3,6
 249:5 262:6
testify 8:3 15:10
 114:11 128:1

137:17 139:12,12
 140:3,5 144:7
 211:16 241:6
testifying 145:4
testimony 12:18
 13:3,4 14:15,18
 14:20 15:11,18
 96:4 128:1 130:21
 136:4,10,19 138:9
 139:9 142:10
 154:22 155:3,11
 155:11 170:21
 189:12 190:10
 194:3,4 195:18,19
 196:1 199:10
 206:13,15,15
 208:22 210:14
 214:19 216:15
 218:12 226:14
 228:3 231:13
 244:2 249:10
 254:18 262:3,4
 263:19
Texas 183:20,22
thank 7:17,18,22
 21:7 23:18 62:2
 70:12 91:3 96:3
 100:1,5 104:13
 105:11,12 108:20
 108:22 117:5,13
 122:10 123:12
 127:18 134:16,20
 134:21,22 135:1,4
 135:11 136:14
 144:4 148:17
 163:5,10 168:12
 170:3 172:18
 174:7 175:7,11
 182:15 185:13
 188:19 189:1,12
 193:18 213:18
 222:9 228:5 229:6
 229:9,14,15,17
 243:8,21 254:15
 254:17,20 265:14
 265:17 266:16,20
 270:11,13 274:12
 276:3,3,4,6,7,8,10

Thanks 21:5 118:2
that-- 204:11
theft 79:6 82:13
 90:6 91:7 94:6
 197:2 266:4,5,10
themselves 12:11
thereof 35:2 49:1
they-- 211:13
thing 5:16,20,21
 53:1 54:2 57:8
 61:12 63:5 98:12
 104:15 165:9
 167:20 201:20
 207:10 210:16
 214:13 226:2
 228:13 241:11
 242:21 269:4
things 19:10 21:16
 54:13 60:10 62:22
 99:12 101:22
 119:14 122:16
 158:14,18 166:16
 166:20 167:19
 168:3,13,14 177:1
 178:2 180:9
 181:20 183:12
 185:3,9 187:12,13
 187:21 205:20
 228:7 236:9,10,18
 240:16 242:6,7
 243:5 261:2
think 7:2 11:3 12:9
 16:2,15 19:19
 24:21 28:14 30:13
 31:1,22 32:6
 33:22 41:14 46:18
 46:20,22 50:18
 59:15 62:8,14
 65:1,11,15 66:4
 72:5,13,14,17,21
 90:12 92:17,21
 99:8,11 104:14,18
 105:22 107:7
 111:12 113:5,13
 114:12 119:11
 120:14 122:3
 125:8 126:3 127:3
 142:13 146:4

156:5 162:13
 168:2,14,16 169:5
 178:11,17 179:6
 182:19 184:7,8
 192:21 200:6,9
 206:9,20 210:6,6
 217:18,21 219:13
 227:16 230:13
 240:11 247:11
 249:17 260:13
 262:14,14 263:10
thinking 47:22
 238:14
third 94:3
thought 25:5 33:15
 44:5 73:7 134:2
 177:9 217:7
 247:11
three 64:12 78:8
 90:20 100:22
 108:12 132:9
 133:21 154:4,5,18
 155:1 177:4
 179:19 211:21
 212:6 217:20
 233:18 238:16
 257:9,13 258:11
 266:13 268:4
 270:2 273:9
three- 132:5
three-pack 132:4
three-packs 132:8
thrown 212:3
thrust 15:18
time 6:12,13 9:14
 9:15,17,18 10:1,5
 10:8,17 11:4,7,20
 11:20 12:1 14:6
 15:13 16:20 23:16
 23:17 31:8,10,21
 40:18,22 41:5,18
 45:6,10 50:19
 64:10 68:6 72:10
 72:12 75:5 79:17
 79:22 80:7 82:5
 85:4 91:15 93:14
 95:9 98:3 99:10
 111:11,16 112:7

118:15 121:21
 133:21 136:11
 138:18 146:2
 148:5 153:13,16
 155:2,12 157:13
 160:11 163:7
 175:22 176:14
 181:13 188:5
 197:4 204:16
 217:18 232:19
 238:14 239:6
 241:18
time-to-time 173:16
timers 7:12
times 55:22 114:17
 145:19 154:7
 157:6 158:19
 175:19 176:3,6
 221:12 250:1
 252:17 267:18
 268:4
Tish 243:2
Tishana 82:2
title 216:6 272:18
 272:18
to-- 155:4
today 6:10 7:3,6
 13:2 20:21 25:15
 26:13,16,18 27:11
 28:5,9 29:22
 30:10,11,13 34:8
 34:21 35:8 38:6
 40:12 41:22 47:16
 50:7,12,20 54:22
 55:1 56:10 74:18
 141:2 166:1
 206:13 208:14
 209:8 228:3,7
 239:4 244:2 271:8
 276:5
told 17:20 19:4,14
 20:18,21 30:10
 52:14 54:13 56:18
 59:11 83:20 89:1
 93:6 121:8 122:9
 128:22 149:13
 155:1 159:4
 173:15 189:18

216:12 218:16
 261:5,12 268:16
tomorrow 26:20
top 114:20 161:7
 231:9 251:4 252:1
torn 131:13
total 9:18 114:11
 159:22 213:14
 236:4
totally 118:22 160:2
 268:21
tough 241:1
toughest 241:4,8,9
 241:9
tow 225:3
town 99:3 109:6
 237:17
Townsend 2:17 3:4
 73:7,12,14 74:2
 91:3 100:5 109:3
 114:21 117:10,13
 127:4,11,14
 128:11,21 134:21
 136:5 139:10
 179:15,16 180:3
 206:16 209:1,11
 210:5,6 262:5,6
 262:11 263:14
 264:1 268:13,17
 269:4
Townsend's 139:9
 210:14 262:7
 265:4
track 94:19
traditionally 158:8
trained 82:10 89:5
 102:22 129:12
 159:20 168:16
 188:15 223:17
trains 269:1
transaction 203:15
transcribed 158:5
transcriber 158:5
transcript 166:5
 271:1,2,20 272:2
 272:5,5 273:5,10
 273:14
translucent 25:12

25:20 27:13 28:8
 28:20 30:4,16
 32:16 33:6,17
 37:7 43:9 44:3,15
 46:17,22 47:2
 49:22 50:6,13
 60:7 76:2 77:16
 77:22 105:5 261:4
transpired 80:15,22
trash 77:1 78:15,16
 84:18 115:10,11
 115:17 118:7,18
 118:21 119:4,10
 119:17,18 137:8
 139:2 162:19
 267:5,7,11,13
 268:1,8,14 269:2
 269:5,14 270:11
treat 65:20
treated 65:12,18
trial 37:2
trick 183:9
tried 39:15 161:10
 260:22
tries 197:20
trigger 104:18
 105:7 107:5,6
 129:1
triggered 107:1
 129:8
trips 159:11
truck 199:8 212:4
 232:16
true 15:9 40:8,10
 40:13 260:19
try 62:3 100:12
 107:3 143:9
 158:10 159:6
 239:19 240:13
trying 47:17 127:17
 140:12 159:16
 160:22 183:10
 185:9 226:9,20
turn 32:18 113:3
 188:9 239:19
 241:12
Turning 185:19
turnover 243:7

turns 110:14
 151:22
TV 224:19
two 33:21,21 36:14
 36:18 51:18,22
 55:7 76:10 88:16
 89:8,12,13,15
 91:16 97:9 100:15
 100:22 101:2,11
 101:15 102:4,9
 103:3 108:10,15
 108:17 109:13
 110:19 124:14
 125:21 126:14
 138:9 146:4 148:8
 151:16,17,17
 153:16 154:6,6
 155:3,13 156:1,5
 156:9 168:9 173:2
 173:20 176:1,4,6
 180:15 187:1,6,11
 215:19 223:5
 227:22 238:22
 245:22 251:20,20
 257:7 259:2
 260:21 261:2
 273:9
two- 36:22 177:5
two-pack 110:11
 129:6
two-packs 76:9
 82:6 87:1 88:19
 88:21 89:2,18
 110:9 177:11
two-sided 90:21
tying 274:6
type 44:16 188:12
 239:21
typical 197:11
typically 84:8
 206:14
typo 52:6,7,8

U

UFOs 55:9
uh-oh 65:4
ultimate 136:8
Um 99:14 117:17

131:21
Um-hum 68:19
 105:2 116:19
 134:22 237:18
unattended 77:6
 92:7
unaware 83:10
 114:7
unbiased 221:17
uncontested 264:2
undercover 107:3
 195:20 196:3
 210:8
understand 16:3,16
 45:15 62:14
 127:14 152:16
 173:1 181:9,9
 206:8,8 207:5,5,7
 227:5,8 228:16
understanding
 28:10 29:14,15
 63:22 165:17
 166:10,13 206:1
understood 45:16
 65:2,15 66:2,13
 209:16 216:14
unenforceable
 26:11 29:6 30:9
 31:17 43:12 78:2
unfortunate 14:16
Unfortunately 65:2
 190:21 191:7
 235:1 240:8
unicorns 55:9
 59:21
Unified 85:1
uniform 173:13
union 232:7
unpeaceful 166:18
unusual 145:21
 146:1
UPC 202:15 209:19
 210:17
update 133:1
upgraded 82:18
upset 145:12
use 44:18 50:19
 122:4 143:16

159:7,7,14 165:21
176:7 179:10,12
226:3 229:22
238:10 240:1
265:10
uses 62:7
usually 145:20
147:22 156:1
168:3 177:15,17
234:2,3 235:19

V

VA 4:4
value 24:19 34:13
35:1 38:21 42:4
48:22 51:4,6,16
51:19 52:2,5,11
53:7 55:12 57:10
57:21 58:5,17,19
59:11 66:22 67:1
71:7 172:5,15
261:11 271:17
valued 78:18 79:12
values 37:19 63:3,4
variety 195:13
various 266:9
vegetables 187:14
vehicles 120:18
vendors 201:20
venue 31:22 32:6
verbiage 51:6,14
53:14 55:22 56:1
56:1,2,3,3 59:18
65:21,22
versus 217:15
viable 44:21
vicinity 80:15 81:1
84:2,15 108:2
128:15 257:7
258:13
victim 266:4,10
Victor 194:14 195:3
view 13:16 47:19
61:20 66:19 83:4
viewed 66:8 114:2
violate 46:7,7
violates 268:7
violation 85:11,13

104:19
visible 46:9 47:3
visit 76:14 83:3
91:15 95:6 99:12
112:15 113:14
155:16,17 181:12
201:6
visits 52:19 114:12
116:15 136:7
153:10,22
visually 156:8
181:18
vocalize 158:4,6
void 44:20
voluntary 87:21
110:14
vote 62:1,1 66:15
69:15 275:7

W

W 1:16,19 142:21
143:4
wait 43:14 170:10
170:10 233:18
255:10 271:1
waiting 192:7
193:12
waive 270:15,17
271:12 272:12
273:19,20
walk 143:5 146:5
155:22 156:6
181:14 186:4
220:11
walked 43:17 89:16
119:6
walking 46:1 52:8
104:1 142:22
145:12 211:14
walkthroughs
58:22
wall 110:20 111:7
171:11,14
want 6:8 9:12 21:21
22:15,20 24:10
29:19 31:2,10
34:2 36:2 41:17
41:19 42:8,8 44:4

44:12 45:21 46:9
50:21 52:20,22
53:1,7,13 59:15
62:3,5 66:16 68:7
72:14,22 73:9
88:10 92:19
100:20 104:15,15
104:17 117:16
122:14 123:13
126:21 137:2
138:16 139:11
142:11 145:17
147:10 150:20
163:7 174:8 178:3
183:11,16 190:10
191:10 192:6
193:13 208:21
216:12 219:14
222:16 228:7
229:5 240:21
243:10,10 251:13
262:21 263:16
267:3,11 270:8,9
273:16 274:4
wanted 7:3 12:7,19
33:6,9 52:14,15
65:8 96:4 135:22
228:1 259:16
263:15 264:4
wanted-- 249:1
wanting 32:15
wants 10:12 17:17
32:2 51:9
Ward 64:14 99:5
109:10,10 224:18
230:10 257:15
258:12
was-- 112:20
wash 216:22 217:1
Washington 1:16
105:20
wasn't 28:14 37:11
94:8 121:8 142:9
149:13 153:20
160:18 167:8
189:19 190:11,15
207:21 214:18,19
249:9

watching 63:20
99:1 132:17 228:4
Waterfront 237:20
way 7:22 8:1 9:20
14:14 17:6,7,8,20
19:5,21 20:11,14
21:3 33:13 35:5
36:13 40:5 46:19
46:20 113:13
125:4 130:7
140:20 141:11
196:7 227:20
231:2 236:5
237:16 260:12
Wayne 2:18 3:4 6:6
33:2 141:12,18
ways 20:3 211:17
212:5,5,6
we're 24:4 218:12
229:1 242:4 265:7
we've 243:18
we-- 64:8
weather 189:19
wedded 20:17
Wednesday 1:13
242:3
week 157:11 176:4
176:6,17,18
197:13 203:7
212:13 213:16
220:15,16 229:2
234:13 235:11,15
235:20
weekly 197:11,13
213:20 214:15
247:19,20
weeks 176:4 273:9
welcome 115:18
well- 239:9
went 24:1 37:2
70:14 92:12 95:11
99:9 119:1 120:17
132:21 153:13,18
155:18 160:11
193:20 203:13
206:16 209:3
221:8,9
weren't 94:21

180:16 223:13
west 51:20 52:3,16
 53:2 59:17 65:19
 172:7,16 269:18
What-- 209:16
whatsoever 267:18
wheel 84:9 198:9
 198:10 211:20
 212:1
wheeled 119:4
wheels 211:21
wholesale 212:17
willing 21:18 23:2
 48:5,6,10 51:17
 203:14 246:11
 247:9
wind 198:13
windows 216:22
 217:1
wine 77:12 177:15
 177:16,22 201:3,7
 235:20
wine-- 177:19
wiring 88:20
wish 136:1,2 194:4
 243:19 255:3
 265:19 266:18
 270:14
withdraw 71:1
witness 3:3 8:2,3,3
 8:4,6,9,10,12,14
 8:16,17 9:2,3,14
 10:21 11:9 12:14
 12:16,16,18 13:1
 13:3 14:19 15:4,6
 17:14,18,19 18:2
 18:6,17,18,19,22
 73:7,15,16,18
 74:2,6,10,13,19
 74:22 75:6,10
 79:5 80:19 86:1
 88:9,13,15 89:14
 90:2,11,17 91:9
 91:12,18 92:1,4,8
 92:16 93:2,9,15
 94:1,8,15 95:1,4
 95:16 96:15 97:15
 97:20 98:1,3,10

98:18,21 99:5,14
 99:17 100:6,10,16
 100:21 101:2,6,9
 101:13,16,19
 102:3,14,20 103:6
 103:10,13,15,20
 103:22 104:6,10
 104:12 105:2,9,12
 105:22 106:7,12
 106:19 107:8,15
 108:1,9,13,17
 118:3 123:17
 124:7 125:6 126:9
 127:1,1,8,8,10
 128:7,9,10 134:22
 135:4,6 139:11,12
 139:15,17,18,19
 140:22 141:2,5,6
 141:19,20 142:1,5
 142:9,13 143:4,22
 144:3 149:17
 152:19 158:7
 170:4,7 172:10,19
 174:12,18 175:19
 176:1,6,13,16,19
 176:22 177:19
 178:10 179:1
 180:5,10,13,17,20
 180:22 181:6,13
 181:18,22 182:4,7
 182:9,13,20 183:2
 183:11,19 184:2,4
 184:6,13,17,19
 185:2,5,11,14,17
 185:22 186:4,14
 187:5,8 188:21
 189:14 192:2,6,20
 192:21,22 194:5
 194:15,17,21
 207:8 209:15
 210:3,15,21 211:3
 211:6,16 212:14
 212:18,20 213:1,4
 213:6,11,14,17,21
 214:6,10,16 215:5
 215:15,19 216:1,5
 216:16 218:1,7,21
 219:2,7,20 220:1

220:3,5,11,14,17
 220:20 221:1,11
 221:19 222:1,6,8
 222:13,15,18,22
 223:4,9,12,16
 224:1,5,9,11,14
 225:1,5,8,13,18
 226:1,4,17 227:2
 227:5,11,15,18
 228:4,10,17 229:8
 229:12,21 230:13
 230:18,21 231:17
 232:1,9,11 233:4
 233:20 234:15,18
 235:8,13,19 236:2
 236:13,16,21
 237:12,20 238:1,5
 238:8,12,20 239:2
 239:5,7 240:3,6
 241:3,6,14 243:12
 243:16 244:10,13
 244:17,18,21
 245:8,16 246:16
 246:19 247:13
 249:11,13 251:1
 254:6,20,22 255:3
 257:3
witness' 20:8
witnesses 8:20,20
 8:22 12:7 15:15
 15:17,19 20:9
 137:2,15,22 139:5
 140:10,18 141:4
 141:13 189:16
 190:9 259:4,19
 264:11
word 62:8,15 112:1
 155:18 159:7
words 16:17
work 8:1 63:22
 131:22 158:1,10
 240:18 243:18
 268:19 270:9
worked 158:10
 161:8 218:9
 223:18
working 4:6,6
 150:3,7,7 153:3

works 243:2
world 66:8
worried 11:22
worst 225:4
wouldn't 7:15 33:22
 102:10 110:10
 174:1 221:11
 234:21 248:18
Wow 223:1
wrap 148:7,8
wrapped 132:6
write 28:7 104:19
 271:11 272:17,20
writing 28:9 273:12
written 19:3
wrong 36:19 45:3
 79:1
wrote 75:5

X

Y

yeah 5:19 22:9 33:1
 42:13 45:5,9,19
 46:3 47:13 48:3
 63:11 103:13,17
 104:11,14 114:19
 143:11 144:11
 146:8 147:9 152:4
 155:22 160:13
 169:15 170:4
 171:1 176:22
 177:19 179:17,22
 180:5,10,12,17
 182:20 184:14
 185:11 207:16
 210:15 213:6
 220:17 230:18
 236:18,21 238:1,2
 238:20 241:3
 264:14
year 36:13,14 37:7
 85:18 93:22
 167:13,13,14
 223:11 228:12
years 20:2 36:15
 39:11,15 74:10
 99:16 106:2

107:16 116:6
158:12,13,13
222:20,22 223:2
224:16 225:14
228:6 229:7
232:12,12

years-old 26:7

Yep 211:6 212:14
244:21

yesterday 208:14
222:2

Young 2:18 3:4 6:6
6:6 12:10 32:13
32:20 33:2,2 56:5
56:8 59:13 65:1
65:10,15 66:5,9
66:13 141:13,15
141:16,18,22
142:4,19 143:1,18
145:3,10 149:20
150:6 156:14
158:4 159:10
163:15,18,20
165:2,4 169:10,12
169:17 173:1
174:21,22 175:1,6
175:10,13,16
179:4 185:20
189:8,13 204:2,4
204:6,8,10,14
206:15,22 207:15
207:16,17 208:18
208:19 221:7,7,8
221:15

younger 158:17

Z

Zone 3:7 81:3 86:4

Zoning 81:3

0

00075 69:9

1

1 3:7 4:6 85:3 86:1
88:6 117:18,19
151:2,6,8,11,13
224:6
1-800 165:9

1(B) 170:7
1,000 78:21 79:3
118:9 197:13
212:13,16,21
213:15 219:15
234:13 235:11

1:45 5:2

10 3:11 22:21 86:15
90:13 103:12,16

142:21 143:5
186:4 192:14

193:4,5 224:16
236:1 238:5,6

10,000 235:20

100 79:2 118:10,14
170:15 219:11

266:7

100s 219:14

109,117 3:4

11 3:12 86:16

12 3:12 86:16 238:5
238:6

12-pack 102:1

202:18 209:18

12:00 81:20

1200 81:7 86:6

13 3:9,13 86:8,19

130 241:11

14 3:13 82:8 86:21
102:8 111:13,14

135:8 169:3 170:1

178:21 179:17

142 3:4

1443 242:2

14th 1:15

15 3:14 75:14 88:12
88:13 102:7

109:13 135:9

137:12 178:21

179:17 180:11

224:16 225:1

151 4:6

153 4:7

15th 53:13

16 3:15 80:2,4

121:9 163:12

178:21 179:17

225:2

160 243:6

163 4:7

17 3:15

17-PRO- 69:8

17-PRO-00075 1:10

5:6 69:6 274:19

274:22

170 243:6

172 3:4

18 3:16 195:17

196:21 200:20

224:5,6,7,9 237:8

18th 237:7

19 3:16 82:8 86:21

86:21 165:16

194 3:5

1991 186:1

1st 126:10 223:5,9

223:10

2

2 3:7,14 4:6 85:14

86:3 152:13 153:7

2- 22:4 274:20

2-574(b) 274:16

276:2

2-574(b)(13) 275:2

2.69 109:17

2/19 251:18

2/19/1018 165:16

2/28/18 3:13

2:03 23:8,11 24:1

2:10 23:12,14,18

2:16 24:2

20 3:17 87:2 91:18

117:22 118:1

137:12 158:12,13

236:5 267:2

2000 1:15

20009 1:16

2002 36:18 80:3

110:14,21

2003 24:21 25:13

30:1,17 37:4

77:17 80:4 95:21

96:8,10 110:17

111:3,6,9 167:3

169:4 170:2

2003-36 80:3 81:14

2007 85:14 93:15

94:2

2010 25:22 27:8,15

69:3,8,11 70:10

2015 26:6 85:13,14

94:3

2016 85:12 94:3

2017 83:13 85:3,10

85:15 94:4 167:5

223:11

2018 1:13 75:20

77:8 81:5,21 85:3

2020 40:19

204 3:5

20th 117:14 167:12

21 3:1,17 77:8 87:5

87:5

22 3:18 85:14 87:5

23 3:18 87:5

24 3:19 87:8 157:11

230:5

24/7 138:15

249 3:5

25 3:19 20:2 87:10

272:18,18

254 3:5

26 3:20 87:12

265 3:2

266 3:2

27 3:20 87:15

27th 245:11,11

28 3:21 75:19 81:21

85:3 87:18

2845 1:8 75:13

28th 86:20 107:9

183:20,22

29 3:21 87:18

29th 124:19

2nd 4:6

3

3 3:8 4:7 37:4 85:13

86:4 95:20 96:8

96:10 163:17

164:4 170:2

3/4ths 184:4

3:03 70:14

3:10 70:15
30 3:22 58:14,15
85:10,15 87:18
92:10,13 158:12
158:12 170:19
243:7
301 272:18
30th 94:4 124:18
184:17
31 4:3 87:18
32 4:3 87:20
3215 142:21 143:4
33 4:4 87:21
34 4:4 88:1,6
111:11 170:5
39 222:22 228:5
229:7

4

4 3:8 39:11,15 86:6
4-Packs/2-Packs
3:13,15,15,16,16
4,000 79:13
4.99 109:21 110:4
4:13 135:14,16
4:19 135:13
4:30 10:6 135:20
192:16
400 3:8 81:11,13
85:4 86:7,12
400S 1:16
405 69:2
405(b)(13) 69:10
405(b)(4) 69:7
4270 229:1,3
444 272:19
45 91:12 92:10
104:12
48 157:11

5

5 3:9 26:2 33:11
77:18 86:8 114:13
114:14 143:5
192:13 257:15
5-year 34:13,22
48:21
5:00 81:19

5:05 193:20
5:15 193:5,17,17
5:18 193:21
5:30 135:22
5:45 193:9,13,15
50 183:17
500,000 78:6 154:5
574(b)(4) 274:21

6

6 3:9 86:13 114:12
6:15 248:18
6:30 276:10
6:32 276:12
60 193:2

7

7 1:13 3:10 52:19
64:14 81:3 86:14
99:5 109:10
114:20 224:18
230:11 258:12
72 157:11
73 3:4
7B 1:9
7th 121:15

8

8 3:10 81:5 85:12
86:15 99:5 101:5
109:10
8:00 226:8
85 237:13
86 195:16 196:6
197:3 223:3 224:3
224:4 250:12
88 3:7,7,7,7,8,8,8,8
3:9,9,9,9,10,10,10
3:10,11,11,11,11
3:12,12,12,12,13
3:13,13,13,14,14
3:15,15,15,15,16
3:16,16,16,17,17
3:17,17,18,18,18
3:18,19,19,19,19
3:20,20,20,20,21
3:21,21,21,22,22
4:3,3,3,3,4,4,4,4

9

9 3:11 52:19 86:15
101:5
9:00 242:4
90 274:11
91 186:2
97704 1:9 5:7

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: NAI Saturn Eastern, LLC

Before: DC ABRA

Date: 03-07-18

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com