DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF:

:

Trestle Corporation

Limited :

6401 Davis Industrial : Fact-Finding

Parkway, Suite A : Hearing

Solon, OH 44139

:

(Review of Game of Skill :
Multi-Game System) :

Wednesday
August 5, 2020

The Alcoholic Beverage Control Board met via video teleconference, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson BOBBY CATO, JR., Member RAFI ALIYA CROCKETT, Member EDWARD S. GRANDIS, Member JENI HANSEN, Member JAMES SHORT, JR., Member REMA WAHABZADAH, Member

ALSO PRESENT:

THOMAS CASSIDY, Applicant's Counsel CHUCK BROOKS, Witness MATTHEW PHILLIPS, Witness

(10:33 a.m.)

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

CHAIRPERSON ANDERSON: Good morning, everyone. I would like to welcome you to the regular scheduled meeting of the District of Columbia, Alcoholic Beverage Control Board.

Today is Wednesday, August 5th, 2020 and the time is 10:33 a.m.

This meeting is being conducted pursuant to guidance made available by the District of Columbia's Office of Open Government regarding electronic meetings held by public bodies during the public health emergency. Pursuant to this guidance, notice of today's meeting was provided 48 hours in advance of the meeting on ABRA's website and on the District's central meeting calendar. The notice included the time, date, agenda, and call-in or log-in information for public participation.

This electronic meeting is being hosted by a WebEx account provided by the District of Columbia Government. Please address any questions or complaints to the OOG at opengovoffice@dc.gov.

My name is Donovan Anderson and I'm

1	the Chairman of the Board. I would like to
2	introduce the members of the Board of the ABC
3	Board who are also participating electronically
4	pursuant to Mayor's Order 2020-054. Please
5	respond when I announce your name. Mr. James
6	Short.
7	MEMBER SHORT: Mr. James Short
8	present.
9	CHAIRPERSON ANDERSON: Mr. Bobby Cato.
LO	MEMBER CATO: Bobby Cato present.
L1	CHAIRPERSON ANDERSON: Ms. Rafi
L2	Crockett.
L3	MEMBER CROCKETT: Rafi Crockett
L 4	present.
L5	CHAIRPERSON ANDERSON: Ms. Jeni
L6	Hansen.
L 7	MEMBER HANSEN: Jeni Hansen present.
L8	CHAIRPERSON ANDERSON: Mr. Ed Grandis.
L9	MEMBER GRANDIS: Ed Grandis present.
20	CHAIRPERSON ANDERSON: The Board has
21	six members in attendance for the conduct of
22	business today and that constitutes a quorum.
23	Our first order of business today is
24	our calendar. We have a fact-finding hearing,
25	Trestle. It's a request to install Trestle's

electronic game of skill at an ABC licensed premises.

Now as I said, our first order of business today is a fact-finding hearing to gather additional information on a proposal from Trestle Corporation who is a manufacturer of an entertainment device characterized as a game of skill. Trestle is represented by Mr. Thomas Patrick Cassidy, esquire.

Mr. Cassidy, please introduce yourself for the record. And please introduce your colleagues who are also here for the hearing and who I understand will be offering testimony. We can't hear you, sir. Turn your microphone on.

MR. CASSIDY: Hello, good morning.

Good morning, Chairman and the rest of the Board.

My name is Thomas Cassidy. I'm an attorney in

Washington D.C. I've practiced law in the city

for 40 years. I started out working for a

legendary Board Member, James O'Day. So

throughout my career, I've interacted with the

Agency. I also wanted to thank Simone Andrews

for doing a great job walking me through the

process to be able to do this today.

With me today is Matt Phillips and

he's a game developer for Trestle. So I think he can shed some light on the issues that you might have. I also have Chuck Brooks who's the distributor of the machines who will be working closely to develop the relationships throughout the city to make sure that the games are, you know, properly run and all of that. So those are the two that might be able to provide testimony. But Matthew from Trestle is the subject matter expert.

CHAIRPERSON ANDERSON: Okay, thank you. All right, based on information submitted by Trestle prior to today's hearing, the Board is aware that the manufacturer is seeking to install its video game terminals in ABC licensed establishments throughout the District. The manufacturer has described the game as a game of skill and not a game of chance, which would run afoul of the District and federal laws regarding gambling.

While the Board is not the primary gambling regulator, Trestle's request potentially implicates compliance with Title 25 of the DC Official Code. Specifically if the machines qualify as gambling devices, licenses may be in

violation of the District's gambling and alcohol laws.

Additionally, to qualify as a game of skill in the District, a mechanical or electronic gaming device must meet the requirements of DC Act 23.259; the Games of Skill Consumer Protection Temporary Amendment Act of 2020. Furthermore, if these devices are not gambling devices and permitted by DC Act 23.259, they still may trigger the substantial change statute which requires Board approval before the installation and use of the devices in an ABC licensed establishment.

The Board is in receipt of a one-pager from Trestle, as well as a report from Nick Farley and Associates who conducted a review and examination of the game of skill multi-game system version 12.2.6. Based on our review of the materials provided by Mr. Cassidy, we are also aware that Trestle is requesting that the Board finds these devices in compliance with District law.

With that being said, let's hear from Mr. Cassidy regarding Trestle's product and presentation they would like to make. And then

the Board will follow up with questions. So what I'll ask -- Mr. Cassidy, whatever presentation you'd like to make, you can go ahead. If someone else is speaking, prior to speaking, please identify yourself for the record please.

MR. CASSIDY: Right. I think what's going to be important to get the Board to agree with our proposition and that of our expert report, I think it's important for Matt Phillips who developed the game and has a long history developing these games of skill. I think if Matthew can pick it up from here to describe -- talk about the expert report. And then what he plans on potentially installing with your approval. Matthew?

MR. PHILLIPS: Good morning. My name is Matthew Phillips and I'm one of the founders of Trestle Corporation. Also the head game developer for these games of skill. We started this company over a decade ago. And what we do is we go around to different jurisdictions and we work with entities like yourselves and different state governments such as like the Georgia Lottery Commission down here to make sure that we're in compliance with all the regulations.

And what we've done with our games of skill for the District of Columbia is we eliminate the element of chance. Okay? The player is allowed to play our games and is directly in control of how much they can functionally win. And at any given point, they can always win back their original play. Okay? So the game technically could be in our terms, always upside down. Therefore, not making any money. It could lose money. Okay?

And basically with regards to that, there is no chance. And with the player having to physically select symbols and also physically use a timing mechanism button too, that is really based on skill. There is not a -- There is not an algorithm with regards to, you know, if you touch it here, it's going to move over to here. With the winnings, it's based on the final timing.

And also with regards to the ability to win every time, there is a secondary game where they actually have to use their brain to match certain symbols to win their initial play back. That's just where it comes in, it actually allows its interaction. The player has more

interaction with the game as opposed to just a slot machine if you will that you might see in casinos in Maryland. Okay? Where they just press a button and sit there, you know, slouching in a chair.

It provides a form of entertainment that's engaging to the patrons, especially for establishments that, you know, that serve liquor. And it keeps the players -- you know, the establishment's having fun and enjoying themselves. As opposed to just going in, having a couple of beers and then just leaving for the night. Okay?

That's essentially in a nut shell what we have and that's what we would be working with Chuck and his company and Mr. Cassidy to be able to put out and place machines -- these amusement skill games in your District.

CHAIRPERSON ANDERSON: That's the extent of your presentation? Anything else you want to bring to our attention?

MR. PHILLIPS: Well we also have a machine here that we would like to show you with regards to -- because this is a little -- our first time being on one of these --

MR. BROOKS: Not live. 1 2 MR. PHILLIPS: -- not live, in-person. 3 So we do have an amusement machine here that we 4 could show you the functionality of what is in 5 Mr. Farley's report. Okay? CHAIRPERSON ANDERSON: Well if you're 6 7 able to do that, then that would be helpful. 8 MR. PHILLIPS: Okay. 9 CHAIRPERSON ANDERSON: Because I read the report and it's -- sometimes it's difficult 10 11 to picture what this machine is by reading the 12 report. So if you're able to show the machine and the functionality -- if you're able to do 13 14 that. I'm not sure if the technology allows 15 that, but if you're able, that would work. 16 MR. PHILLIPS: We can. So what we're 17 going to do is we're going to maneuver this 18 computer here a little bit just over to the left 19 and we're going to show you what the skill game 20 looks like. And then go through the functions to 21 show you that it's not a game of chance, it's a 22 game of skill. Okay? 23 CHAIRPERSON ANDERSON: All right. 24 MR. PHILLIPS: And then we'll go with

that.

CHAIRPERSON ANDERSON: 1 All right. 2 MR. BROOKS: And look, if you don't 3 mind -- if you can't see somebody, please speak 4 up and tell us so I can adjust it. 5 MEMBER SHORT: Who's speaking, Mr. Chair? Who is speaking? 6 7 This is Chuck Brooks, I MR. BROOKS: 8 apologize. 9 CHAIRPERSON ANDERSON: All right. We 10 have a court reporter, so that's the one of the 11 reasons why when you're speaking, just identify 12 who is speaking please. Okay? 13 MR. BROOKS: Yes, sir. I apologize. 14 MR. PHILLIPS: So essentially what we 15 have here is an amusement device. Okay? And at 16 the top, we do label it games of skill. 17 So it is -- functionally we're identifying the 18 machine as a game of skill. Okay? And in the 19 report, what we have is we have two games -- two 20 games. And essentially you can insert currency 21 into -- down here. Just like any other video 22 game and you will see the currency put on here. 23 Okay? 24 We don't use any dollar signs or

anything else to try to entice people to play.

It just comes in that they're allowed to pick one of the games. It will load on the machine. It takes a couple seconds. And right here, they're allowed to play their entries or their credits. So right now, they're going to play 100 credits. Okay? And what we'll do then is we're going to play the game. And the customer -- the player has to choose a symbol to make a match. Okay?

Now on this aspect, they didn't win.

And I'll get to that in just a moment. I want to show you a winner first. All right? So what we have here is we have some cherries and some ducks. And what we're going to do is we have a flashing symbol that helps the player understand what symbol to pick. I know it's hard to see right now, but this symbol is actually flashing for the player. So the player picks it. Now it wins. So we have to -- We won 120 credits.

The player is in charge of actually getting that 120 credits. And it can actually win more than 120 -- actually another extra 10 percent or it can only win 55 percent. So the player is in 100 percent control of the credits. Now right there, I only had 95 percent and I only ended up winning 114 credits out of the 120. So

it really comes down to the physical timing -- of the skill of that individual player that's playing. Okay?

Now what we end up doing now is that we're going to still play another dollar -- well, 100 credits, okay, if you will. And we're going to show you how the player can win -- always win their money back if they don't -- if they don't make the match. Okay? So we're going to pick one here. Now (audio interference), but at the bottom it says -- if you read the report, it would say, "Touch here to follow through." And what we're going to have is a basic Simon followme feature where the player is going to match six symbols in a row. And he's going to be able to win an extra six credits. He's going to win his money back, plus an extra six credits. Okay?

So you'll see it flash. I'm going to pick right here. Okay? And it will be here two more, then a short break, and then another three. So this changes every time, so it's not the same thing. So it still has interaction where the player does have to memorize the sequence. Okay? It's going to say this one, this one, that one, and then one more.

So what we now know is that because we didn't make a match on the first initial game, we completed that game and we actually had another winner. Okay? You could call it a winner, but at least the customer always has that chance to be able to make his play back -- his credits back. And essentially that's what comes on.

And the games will -- they all function the same way. Okay? There's just different graphics. Okay? So even if it -- there are bonuses that will come in. Even if you pick the wrong one, you can still win your money back. All right? The games cannot be manipulated. The customers can't go and -- there's no pattern to always -- to cheat the games with regards to electronic devices or whatever. Essentially it's just providing entertainment for the patrons in the bars and restaurants in your District.

CHAIRPERSON ANDERSON: Okay.

MR. PHILLIPS: Do you have any questions about --

CHAIRPERSON ANDERSON: I have a lot of questions that I'm going to ask, but I'm going to ask the questions after you do the presentation.

I have a different series of questions. 1 So maybe 2 if you -- if you're done with the presentation, 3 then I can ask you --4 MR. PHILLIPS: Yeah. 5 CHAIRPERSON ANDERSON: -- the questions. Then maybe you can interact with the 6 7 Mr. Cato, I have a lot of -- with the game. 8 questions to ask. However, as you are aware, I 9 am not a video game person. So please feel free 10 if you so desire to jump in. I'm not trying to 11 pick on you, but I know that when we had the 12 fact-finding hearing the previous time because you're a little bit more familiar with video 13 14 games than I am. And I have no clue what is 15 going on. MEMBER CATO: All right, will do. 16 17 CHAIRPERSON ANDERSON: All right. All 18 right. All right, so the present -- the 19 representatives that I have today, they're here 20 representing the manufacturers. There's no 21 representative of the licensee. 22 MR. CASSIDY: Correct. 23 CHAIRPERSON ANDERSON: All right. And 24 that's Mr. Cassidy speaking. Okay. 25 MR. CASSIDY: Yes.

1	CHAIRPERSON ANDERSON: All right.
2	What other states does Trestle Corporation
3	currently operate in?
4	MR. PHILLIPS: We currently operate in
5	Do you want an entire list?
6	CHAIRPERSON ANDERSON: I'm just
7	curious where do you operate? And who is
8	speaking?
9	MR. PHILLIPS: Excuse me. I'm Matthew
10	Phillips with Trestle.
11	CHAIRPERSON ANDERSON: Okay.
12	MR. PHILLIPS: Yeah, so we operate in
13	Georgia, North Carolina, Virginia, Pennsylvania,
14	Ohio, Illinois, Wisconsin, Iowa, Nebraska,
15	Missouri, Kansas, Florida, Texas, Wyoming, also
16	Utah as well.
17	CHAIRPERSON ANDERSON: You provided
18	you currently operate in a significant portion of
19	the states.
20	MR. PHILLIPS: That's correct, yes.
21	CHAIRPERSON ANDERSON: And does this
22	Which states features this particular game of
23	skill this particular game that you that
24	you're trying to introduce in D.C.? Those same
25	states or is it different states?

1	MR. PHILLIPS: This specific game, we
2	are running in Nebraska.
3	CHAIRPERSON ANDERSON: I'm sorry,
4	where?
5	MR. PHILLIPS: The state of Nebraska.
6	CHAIRPERSON ANDERSON: In Nebraska.
7	MR. PHILLIPS: The identical games of
8	skill. We run different versions of skill based
9	on state law such as here in Georgia. But this
10	identical games of skill version that Mr. Farley
11	tested is running in Nebraska.
12	CHAIRPERSON ANDERSON: So how long has
13	the game been operating in Nebraska?
14	MR. PHILLIPS: Almost three years now.
15	CHAIRPERSON ANDERSON: Almost three
16	years now?
17	MR. PHILLIPS: Yes.
18	CHAIRPERSON ANDERSON: And so why is
19	it that only Nebraska why is it not in the
20	other states this particular game?
21	MR. PHILLIPS: Well the state of
22	Nebraska requires that just like the District
23	of Columbia requires that the skill it's
24	predominantly a game of skill. It eliminates the
25	element of chance. Okay? And so we just have to

abide by what, you know, the state government in Lincoln tells us to do. It's party of the Lottery Commission over there as well.

CHAIRPERSON ANDERSON: All right. So you're saying, this is a game -- So this game -- this particular game in Nebraska has been run by the Lottery?

MR. PHILLIPS: No. No, it's not run by the Lottery. It's run by operators. The operators have to -- for each location have to do an application and pay a stamp tax fee per device that is put into operation.

I'm asking -- the reason I'm asking whether or not -- because I know here in D.C., you're coming to the ABC Board for us to determine whether or not it's a game of skill or a game of chance.

And so I was just trying to find out in say for Nebraska -- and I'm not familiar with the way

Nebraska operates -- who did you apply to have this game -- to have this game in Nebraska?

MR. PHILLIPS: So the Revenue

Department is in charge of the Lottery Commission

and the Charitable Gaming Division and the

Amusement Device Division is all under the

Revenue Department in the state of Nebraska. So that's just the channel that we had to go. And our customers such as Chuck, they would have to go and apply -- it's just part of the channels that you have to go to in the state of Nebraska.

CHAIRPERSON ANDERSON: That's fine.

Now aren't there similar games currently on the market? And if there are, can you name them?

MR. PHILLIPS: Where?

CHAIRPERSON ANDERSON: Just are you aware of any similar games of skill to this machine? That's what I'm just saying. Do you know if there are any games similar to this one that you're trying to bring to the District?

MR. PHILLIPS: So let me clarify that.

You're asking if -- whether or not they are like

identical --

CHAIRPERSON ANDERSON: Like similar.

MR. PHILLIPS: Well yeah, there are many similar games of skill out there, but they may not truly eliminate the chance on the game. So there's many companies out there that will -- you know, that have software that is deemed compliant i.e. down here in Georgia, okay, where they don't require the complete elimination of

chance if you will. Okay? So I can give you 1 2 those names of those companies if you'd like. 3 CHAIRPERSON ANDERSON: No, no. I was 4 just trying to find out if there are similar 5 games on the market that you could let us -- All right, now based on the material submitted to the 6 7 Agency, the device you intend to introduce will 8 offer two games; the Duck Game and Diamond Dogs. 9 Can you describe the devices and the games? 10 MR. PHILLIPS: Okay, I'll describe the 11 device first. 12 CHAIRPERSON ANDERSON: All right. MR. PHILLIPS: The device first is a 13 14 wooden shell arcade cabinet that is about 6-feet 15 tall by about 27 to 30 inches wide. It weighs 16 about 150 pounds. Okay? It has a 32-inch LCD 17 touch-screen on the front -- Would you like me to 18 show you this while we talk? 19 CHAIRPERSON ANDERSON: Yeah, you can 20 do that please. Yeah. If you're able to do 21 that, yes. 22 MR. PHILLIPS: So basically you have 23 a 6-foot tall wooden arcade cabinet by 23-inch

wide cabinet, 150-pounds all together.

32-inch LCD touch-screen on it. Okay?

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It has a

All

right? Inside, what we have first here is a bill unit acceptor and a thermal ticket printer. This will print out a ticket with the name of the establishment on it and how many credits and the time. We'll be able to print out a ticket for you in just a moment. Okay?

Inside the machine, what you have here is -- this is the bill acceptor unit where the money goes in. And then you would take the money out from the bottom. Here is the roll of paper that the ticket prints out on. Inside what we have here is a power supply that drives the amusement game, basically computer if you will. Okay? But it's not a traditional computer in It specifically -- this unit right that sense. here is specifically for this machine. And then inside of it, we have different cables that hook up the peripherals i.e., the bill acceptor, the printer, the touch-screen, and the power. Okay?

Inside what we have here is that -- we have our games of skill and we have the Duck

Game. Okay? And what you already saw about how there are basically 25 lines. And then what they end up doing, is this goes back to -- you press

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play and if there isn't a winner -- there isn't 1 2 one, we can always win our initial play back, 3 which I demonstrated earlier. 4 I'm just going to -- I'm going to lose 5 on purpose, so we don't have to go through it again. 6 7 CHAIRPERSON ANDERSON: Okay. 8 MR. PHILLIPS: Okay? 9 CHAIRPERSON ANDERSON: One of things I'm asking is what's the difference between like 10 11 Duck Game and the Diamond Dogs Game? 12 MR. PHILLIPS: Right. So basically --13 Basically the difference is they're just 14 different -- Okay, we didn't make it. All right? 15 Yeah, it's just the graphics that are different. 16 So you'll see that it's a different type 17 of graphics as opposed to -- So what we have 18 here, you can see that it's different. Is just 19 looks different. 20 CHAIRPERSON ANDERSON: Okav. 21 MR. PHILLIPS: But it has the same 22 functionality. 23 CHAIRPERSON ANDERSON: Okay. 24 MR. PHILLIPS: Okay? 25 CHAIRPERSON ANDERSON: So why would I

1 play --2 (simultaneous speaking) 3 MR. PHILLIPS: I'm sorry, go ahead. CHAIRPERSON ANDERSON: Yeah. 4 Why 5 would I play one game, rather than the other? MR. PHILLIPS: Why do you drive a blue 6 7 car versus a red car? 8 CHAIRPERSON ANDERSON: Okay. 9 MR. PHILLIPS: Just some people like 10 one aspect of the game as opposed to the other 11 Okay? The functionalities of the game are 12 identical. All right. It's just that they have 13 a little bit -- They have different symbols, but 14 the game play is the same. 15 CHAIRPERSON ANDERSON: Okay, all 16 right. I'm not sure if you had answered this 17 before. But will the device be connected to the internet or of a form of mobile communication or 18 19 will they be unnetworked? 20 MR. PHILLIPS: No, they're 21 unnetworked. These are stand-alone systems. 22 Okay? There is no -- If you look right here -let's go to the back of the machine -- there is 23 24 only a power cable going into the back of the

machine.

That is it.

CHAIRPERSON ANDERSON: 1 Okay. Now if 2 it -- And you maybe answered this, I don't recall. But is it possible for the player to win 3 4 every play? 5 MR. PHILLIPS: Yes. It's possible for them to win every play no matter what. So even 6 7 if the first game -- let's say The Duck Game, 8 they have the shutters open and they make the 9 wrong nudge, they can always win i.e. the 10 matching game, always. 11 CHAIRPERSON ANDERSON: Okay. Now what 12 are the range of prices that will be offered in D.C. now and in the future? 13 14 MR. BROOKS: This is Chuck Brooks. 15 Can you ask that question again please, sir? 16 CHAIRPERSON ANDERSON: Yes, sir. 17 are the range of prices -- what are the range of 18 prices that will be offered in D.C. now and in 19 the future? What is it -- is it just cash, gift 20 cards, what is it you're offering? 21 The paperwork that we MR. BROOKS: 22 read on that from the Mayor's order was saying it 23 was cash pay-outs. 24 CHAIRPERSON ANDERSON: So you're 25 issuing cash?

1	MR. BROOKS: Yes, sir.
2	CHAIRPERSON ANDERSON: So you're
3	basically you're only issuing vouchers that
4	you can take for cash. Right?
5	MR. BROOKS: Yes, sir.
6	CHAIRPERSON ANDERSON: Okay. Now how
7	are the size of the prizes or pay-outs
8	determined? Is it random, they are subject to
9	chance, or is it consistent?
10	MR. PHILLIPS: Yes, they're actually
11	each game has a pay table on it. And it is
12	subject to that pay table on each game.
13	CHAIRPERSON ANDERSON: All right. Now
14	is there any you're saying at least for this
15	particular game, it's been operated in Nebraska.
16	So do the operators lose money? How do they make
17	money? How do the operators make money on these
18	games?
19	MR. PHILLIPS: Well the fact of the
20	matter is, is that certain people will not play
21	the second game to win their money back. Okay?
22	The follow-through function, the matching game.
23	CHAIRPERSON ANDERSON: Explain that to
24	me again please.
25	MR. PHILLIPS: So you know, what it

is, is you remember there's two games we just showed you.

CHAIRPERSON ANDERSON: Right.

MR. PHILLIPS: Okay? You've got the one and then you make the nudge. And then if you don't make the nudge, then you can play the second game to win your money back. All right? Some people just don't do it. I don't know -- I mean, we're sitting here in this conference and some people just don't -- won't do it.

MR. CASSIDY: Chairman, if I may, this is Cassidy. Some of these machines are really lost leaders. But if you're losing money on the machine, those customers there are, you know, having some appetizers and maybe having a nice expensive IPA. So it's really in the owner's interest to have this machine there so that the patrons can do something in their downtime until their friends show up at the establishment. So I've heard from numerous operators that it's a way to bring in some customers and add a little excitement. And if they're upside down, they're upside right with the martinis and the IPA that they're selling.

CHAIRPERSON ANDERSON: Okay, thank you

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Cassidy. Now all right, you're saying that this particular game operates in Nebraska. So are you aware of how much prize money that this machines gives out a month? And do you have any idea what's the average or usual part that's given? And is there like a highest that you're aware that this machine has ever given out to Nebraska?

MR. PHILLIPS: I am unaware on what our customers make because that is not Trestle's business. That is up to that operator and that's confidentiality with their business. However though, the operator is able to set --

CHAIRPERSON ANDERSON: No, not -- the customer. I mean I'm just trying to find like -- Do you know what the most amount of money someone who has ever played at this machine wins? That's what I'm trying to find out.

MR. PHILLIPS: Oh yes, yes. Okay, right. So we can show you on the machine real quick where the -- you can set the jackpot/the highest amount of win -- the location can set that. It's a range.

CHAIRPERSON ANDERSON: What's the range? What's the range and are you aware of whether or not anyone has ever won that -- the

jackpot?

MR. BROOKS: This is Chuck. We usually set our jackpots no higher than \$2,500 unless there's just somebody that, you know, begs and begs and really pushes us to do it. We try to stay no higher than \$2,500.

CHAIRPERSON ANDERSON: Okay. So has anyone ever won the jackpot?

MR. BROOKS: Yes, sir.

CHAIRPERSON ANDERSON: Okay. In the Nick Farley and Associates report, the nudge feature section indicates that after a player hits play that the reels will spin and stop automatically or the patron will hit a button to stop the reels. Please describe the reels -- what is described on the reels and their role and impact on the game.

MR. PHILLIPS: Okay. The reels actually we can see on that -- you're on Page 2 of 15. If you look at, they can be displayed as shutters as well. So we use shutter/spinning reels. We use shutters on the game for (audio interference). And what that is, is -- Let me show you again. This essentially if you can call it, this whole part of the screen right here

1	would be the shutter for reels. So when we press
2	play, there's your shutters right here. And then
3	your symbols are behind the shutter sorry,
4	it's a tongue twister. Yeah. This would be
5	this would be a reel or shutter here.
6	CHAIRPERSON ANDERSON: Okay.
7	MR. PHILLIPS: Okay?
8	CHAIRPERSON ANDERSON: All right.
9	MR. PHILLIPS: Does that make sense?
10	CHAIRPERSON ANDERSON: All right so
11	But what's the impact on the game the reels?
12	Tell me again please.
13	MR. PHILLIPS: That's just it
14	doesn't have an impact on the game. Okay, excuse
15	me. It's the next it's the play of the game
16	actually.
17	CHAIRPERSON ANDERSON: Okay.
18	MR. PHILLIPS: The functionality of
19	the game, yes.
20	CHAIRPERSON ANDERSON: Okay. All
21	right, now when automatically stopping, does the
22	reel land on different symbols randomly?
23	MR. PHILLIPS: Yeah. The symbols do
24	change, yes. You can see the symbols do change.
25	CHAIRPERSON ANDERSON: Okay.

MR. PHILLIPS: They're going to be different every time, yes. There's not a pattern. However, the winner to match the symbol is completely in the power of the player.

CHAIRPERSON ANDERSON: Okay. Now when a player hits stop, is there any control over which symbols appears on the reel?

MR. PHILLIPS: Excuse me?

CHAIRPERSON ANDERSON: When a player hits stop, is there any control over which symbol appears on the reel? If I'm playing and you hit stop, do you control what symbol appears on the reel?

MR. PHILLIPS: Not here, but you control -- No, not on this reel. You do control (audio interference) win, which we can show you here in a moment.

CHAIRPERSON ANDERSON: All right.

MR. PHILLIPS: Which we will right here. The player cannot control this screen, but they're controlling this symbol. And then what happens now is that the player is 100 percent in control of retrieving his win or not winning enough or winning more than the original win. So we're going to hit stop. I'm going to try to get

110 and I didn't get it. I only got 95 percent 1 2 out of 100. 3 CHAIRPERSON ANDERSON: All right. All 4 right, the report also indicates that --5 (Telephonic interference.) -- play will contain a possible winning outcome, which is on Page 3. 6 7 May the player skip all games where no winning 8 outcome is possible and play again without losing 9 credits or do they lose credits every time they 10 hit play? 11 MR. PHILLIPS: So the answer to your 12 question is the player can play and lose credits 13 every time. However, they can play a secondary 14 game to win that credit back every time. 15 CHAIRPERSON ANDERSON: All right. Now 16 what control, if any, does the player have to 17 avoid reels with non-winning outcomes? 18 MR. PHILLIPS: They will play the 19 secondary game to win an extra 6 percent of their 20 original play. 21 CHAIRPERSON ANDERSON: Okay. Now it 22 says that a player -- a player that fails to 23 obtain a winning outcome after spinning a reel is 24 directed to the follow-through feature. Before 25 this feature is activated, what skill can a

player use to avoid not obtaining a winning 1 2 outcome? 3 MR. PHILLIPS: They can choose the 4 wrong symbol. 5 CHAIRPERSON ANDERSON: Okay. All right, the game also indicates that the retailer 6 or manufacturer -- the retailer or manufacturer 7 8 can activate the penny features that awards one 9 cent regardless of outcome. Nevertheless, when 10 this feature is activated, the player can obtain 11 games where no winning outcome is possible and 12 the player will only be rewarded one cent credit. Is this correct? 13 14 MR. PHILLIPS: Yes, but we have that 15 turned off. 16 CHAIRPERSON ANDERSON: Okay. 17 MR. PHILLIPS: That's just a -- That 18 setting is standard on all of our games in the 19 United States. We just -- it's either on or off 20 and it's turned off here. 21 CHAIRPERSON ANDERSON: Okay. Now 22 let's talk about a little bit about The Duck The Duck Game contains a bonus feature 23 Game. 24 where six bubble icons are displayed that contain 25 a multiplier or a boom. Can the player see the

multiplier or the boom before they select the bubble or are they hidden? And if hidden, how is the selection of a multiplier or boom not random and subject to chance?

MR. PHILLIPS: Yeah, I need to -- Just a second. Can you repeat the question again please?

CHAIRPERSON ANDERSON: Now it says -This is for The Duck Game. The Duck Game
contains a bonus feature where six bubble icons
are displayed that contain a multiplier or a
boom. Can the player see the multiplier or the
boom before they select the bubble or are they
hidden? And if hidden, how is the selection of a
multiplier or boom not random and subject to
chance?

MR. PHILLIPS: So the answer is -they cannot see the six bubble icons before they
hit their bonus. However, we do have the -- So
on the preview function on our game, it allows
the player to see the upcoming value of the win.
So therefore, the player knows essentially how
much -- if he chooses to, he could find out how
much he's going to win before he enters the next
play.

1 CHAIRPERSON ANDERSON: Now regarding 2 3 (simultaneous speaking) MR. PHILLIPS: Therefore taking out 4 the element of chance even further. 5 CHAIRPERSON ANDERSON: Regarding the 6 7 Diamond Dogs game -- Describe the normal Diamond 8 Dogs game. Is the pattern and amount of diamonds 9 always the same? And how is the pattern and 10 amount of diamonds selected? Is there a script 11 or is it random? 12 MR. PHILLIPS: Well the diamonds that 13 will come up, there's a feature of the game that 14 when it comes up, it's going to be similar bonus 15 as before. Okay? So it's not -- it's not going to be different random diamonds all the time. 16 17 CHAIRPERSON ANDERSON: All right. 18 During the diamond bonus feature, the dog symbols 19 reveal blank spaces or diamonds. Are the number 20 of blank spaces or diamonds set by script or 21 random? And what control does the player have 22 over the appearance of blank spaces or diamonds? 23 And how is this feature not random and completely 24 by chance?

It's because of the

MR. PHILLIPS:

fact that -- how do I -- the symbols that will come up on the screen are random. However though, the ability for the player to make that choice on the winning symbol is based on skill and has nothing to do with chance. Okay? So just for instance as any video game that -- Galactica for instance, though, is -- you know, the random bugs flying across the screen. It's the same deal. It's still up to the player to be able to shoot the right bugs to be able to win the game.

CHAIRPERSON ANDERSON: Now during the double bonus feature, is it always possible to align the color bars?

MR. PHILLIPS: The answer would be not always possible.

CHAIRPERSON ANDERSON: So what determines the alignment of the bars?

MR. PHILLIPS: It's going to be based on whether or not the player picks the right symbol. So if the player picks the wrong symbol, then he will force the loss.

CHAIRPERSON ANDERSON: Then how is this portion of the game not random or completely by chance?

MR. PHILLIPS: Because at the end of the day is that when the player takes his winnings, he still has to use his skill to be able to obtain his winnings. Okay? Also, the fact that if he picks the wrong symbol, all right? He's still going to go back to the follow-through feature that allows him to always win his initial play back. Therefore it's -- there's no chance in those aspects of the game.

CHAIRPERSON ANDERSON: All right. Now the report also includes that when the skill feature is activated, the probability of the game will fluctuate as game play progresses over time. Describe how it fluctuates and what causes it to fluctuate.

MR. PHILLIPS: So what fluctuates as any game for instance though will -- this is where the -- I guess this goes into what you're saying about how does the operator make money.

And you know, Mr. Cassidy talked about this being a loss leader. Is that the game will hold X percent, okay? But by having the follow-through feature, all right, you can change that percentage to make it an upside game and be a loss leader for the establishment.

CHAIRPERSON ANDERSON: All right. The report also indicates that a source code review reveals that game play outcomes that are displayed by the game scenes are randomly selected by the device via an internal random number generator. The outcome is then displayed on the patron via the game scene display. Your report further illustrates that each play initiated on the system displays a random selected game outcome on the reels. If this is so, how does this spec not render the game one of chance and not skill?

MR. CASSIDY: That's a great question. So basically in game development, there's two forums -- two engines if you will. Okay? There's a finite engine and then there's a RNG Okay? Basically you have a diesel car engine. - diesel engine or regular unleaded combustible engine. Okay? So essentially a finite engine would be your Power Ball, your lottery type of engine where the game pulls numbers i.e. symbols in this case from a finite pool of numbers. Okay? Now you might have a million or two, well that actually, believe it or not, it's still random. Okay?

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Ours, by being -- ours being a random number generator actually implies that yeah, the symbols get pulled from a random number generator. However though, it provides entertainment to the clientele. All right? And it's just putting symbols on the screen.

It's the same thing as a finite math

engine. Okay? And therefore with a finite math engine, believe it or not, is that the players can end up manipulating the game because they end up having patterns. All right? Whereas ours, there isn't a pattern. It's fun. And then at the end of the day, by having the skill of feature and the follow-through feature, it eliminates the chance. Because the game can always pay back more money than what was inserted into the game.

CHAIRPERSON ANDERSON: Now can the player engage in any skill that overrides the random selection of the random number generator?

MR. PHILLIPS: Yes.

CHAIRPERSON ANDERSON: How can they do that, if you're aware?

MR. PHILLIPS: That is because of the fact that they can always play the follow-through

feature and always win 106 percent of its original money -- original play. And therefore if you were -- technically you could play this game, you could lose every time on the first play, and if you -- you can always win the secondary game. And if there was \$1,000 put in the machine, it actually -- would have actually paid out \$60. Okay?

CHAIRPERSON ANDERSON: All right? Now is this -- How can this be possible that -- How can this possibly be a game of skill if the device contains and uses a random number generator?

MR. PHILLIPS: So it's the same thing is that -- if you're using, again -- if you're driving a diesel engine or you're driving an unleaded car. Okay? They're both cars. Okay? So it's just the fact that this is putting symbols on the screen.

In our definition, and in my opinion, if a game can never be upside down i.e. never be profitable, then it's not a game of chance.

Okay? Because essentially, a game of chance means you're taking consideration and it's holding money. And therefore, they're taking

money away from the player. Okay? The followthrough feature always gives money back, therefore it eliminates the element of chance with the RNG.

CHAIRPERSON ANDERSON: All right. Now why do you expect this game to be legal in the District of Columbia when the reports you submitted states that the system incorporates a random number generator. Through the review of the source code, it has been revealed that the potential game outcomes for each of these game scenes are randomly selected by the random process? That's on Page 11 of the report.

MR. PHILLIPS: Right. The reason why we deem it will be legal is because of the fact that, one, the player is in charge with the skill of function. How much he will make on his winnings if you will, all right, between 55 and 110 percent of play -- First, to get to that, he has to use skill. Okay? He has to use his brain to get to that point. And even if he does not, he is able to choose the follow-through feature which therefore allows him to win 106 percent of his initial play, therefore negating any chance.

The one thing that I want to reiterate

about the difference between a random number generator and a finite math pool, okay, is the Power Ball, is that -- therefore, is that not gambling? I mean essentially because they use a finite pool. It's not any different than us using a random number generator. It's just how math engines are built. Yeah, the verbiage of the programming, if you will.

CHAIRPERSON ANDERSON: We can't hear you, Mr. Cassidy. Mr. Cassidy, we can't hear you. Go ahead, Mr. Cassidy.

MR. CASSIDY: Yeah, in light of that

-- because I've seen the random number generator
in numerous case law that I've kind of explored
in preparation for this. So I had a conversation
with the reports expert, Mr. Farley. And he
cleared it up. And his ultimate conclusion was
that it is a game of skill, so that -- and we can
supply something to the Board to make you more
comfortable around that subject.

But it's -- and we can -- if you keep the record open for a few days, we can address that in a more proper fashion with our independent expert. That was also used I believe by others approaching the Board. So if that

would be helpful. 1 2 CHAIRPERSON ANDERSON: Yeah, you can 3 provide it to us because the ultimate arbiter 4 will be the Office of Attorney General. They'll make a legal determination --5 (simultaneous speaking) 6 7 MR. CASSIDY: Right. 8 CHAIRPERSON ANDERSON: And then 9 depending on their recommendation to us, then we'll make a determination whether or not we 10 11 believe it's a game of skill or a game of chance. 12 Now going back, so do you agree that the determination of an automatic win is 13 14 completely random and by chance? That's 15 referenced on Page 12 of the report. 16 MR. PHILLIPS: Page 12, I'm sorry. 17 CHAIRPERSON ANDERSON: Yeah. 18 MR. PHILLIPS: Is it completely 19 random? No, the customer has to -- not the 20 customer -- the player has to choose the correct 21 symbol when it appears. 22 CHAIRPERSON ANDERSON: Okay. All

I'm sorry, this is a question for Mr.

Cassidy. You said you might provide some

right.

information later on --

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MR. CASSIDY: Right.

CHAIRPERSON ANDERSON: -- but off the top, are you aware of any D.C. or federal authority that would indicate your game is one of skill and legal in the District of Columbia?

MR. CASSIDY: Well yeah, based on Mr. Farley's report and how I've sized it up and I've had some conversations with Mr. James at the Attorney General's Office. But I feel rather comfortable in the analysis I've done today in relying on the experts is that this is a game of skill.

CHAIRPERSON ANDERSON: All right. And Mr. Cassidy, are you confident that the devices comply with the Federal Johnson Act, which is 15 USC Section 1171 and other federal laws regarding gambling?

MR. CASSIDY: Yes, I do. And I find it interesting that most of the case law that we look at is prior to the Home Rule Act. And they are from 1938 and 1944. And I'd like to see Mr. James and others really analyze these games of skill based on a later decision that came out of California. And that was a 1977 decision.

And there's been some good work more

recent that I think we can use in helping us try
to really analyze kind of the misnomer around the
random nature of generating (audio interference)
the numbers and more of the finite.

In the finite world, there's really the possibility of real mischief. And the random, it sounds -- the term itself leads one to draw a conclusion that's really not applicable. So I feel comfortable in the analysis. I believe that in my discussions with AG James that -- you know, I'm sure we'll have a robust discussion about some of the more recent analysis that has been done in this area.

As Mr. Cato, you know, I guess he's kind of the expert on gaming. There's so much going on in that world with E-games. I know that Events DC has made an investment in it. There's so much going on. So I know you want to get it right. I know the Board gets things right. That's why you have the analysis that you do. But I feel pretty comfortable that at the end of the day, hopefully we'll be able to you know, convince Mr. James and have him look favorably upon the game.

CHAIRPERSON ANDERSON: Now I'm not

sure who can answer this question. This is -how do you ensure that revenues actually reported
for purpose of taxation?

MEMBER SHORT: Yeah.

MR. BROOKS: This is Chuck Brooks. Excuse me. Well, we have -- the game itself will have a -- it's got certain set-ups where you can do a -- you can run like an odometer -- remember the old odometers in cars before they went digital? They had basically the little reel that just spun the numbers. All of our cabinets start out with those in them. And the game board itself has a software that logs what we call a soft reading. So you'll have the hard meter -the odometer out of the car type set-up. And you compare it to the soft meter every week. That way if one of those ever breaks, you've got the backup.

But on top of that, we also have -you know, other different ways. Like we're
talking about using a player's card in some of
these locations just as one more form to audit,
as well. So you know, once you guys start
setting the taxes, you know, that's a
conversation we could have down the road with

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certain, you know, systems that we could implement to help you guys monitor the income or the revenue of these as well to make sure you're getting paid all the money that the District is, you know, wanting the tax set at.

CHAIRPERSON ANDERSON: Okay.

MR. BROOKS: So that's a conversation that -- you know, in the regulated markets that we're in, that we could, you know, tell you guys and turn you on to people and you know, the way they do things -- what worked and what didn't. And help you with that as well.

CHAIRPERSON ANDERSON: All right. Now -- Okay. Now if these games are not categorized as gambling devices, does this mean that persons under the age of 18 can play them and win cash prizes?

MR. BROOKS: Every jurisdiction we're in, whatever the limit is -- whatever the age is to play the lottery, if you're under that age, we put signs up and tell everybody, that person is not able to play. And that's why we feel so much more comfortable in the alcohol establishments because you're supposed to be 21 to be in there anyway. So that makes --

1	(Simultaneous speaking.)
2	MEMBER SHORT: Supposed to be.
3	MR. BROOKS: Supposed to be. Yes,
4	sir. Yes, sir.
5	CHAIRPERSON ANDERSON: So you wouldn't
6	have a problem if a condition that it's only
7	available to 18 slash twenty to areas of 18
8	slash 21?
9	MR. BROOKS: I would be okay with
10	that. I would even say 21. If you were asking
11	my judgement on it, I would go ahead and set it
12	at 21.
13	CHAIRPERSON ANDERSON: Okay. Now was
14	this was this specific machine ever in
15	Charlottesville, Virginia?
16	MR. BROOKS: Not with that level of
17	skill.
18	MR. PHILLIPS: Not with that level of
19	skill. And we have probably, I think between 500
20	or 600 skill games through different operators in
21	the state of Virginia. Okay?
22	CHAIRPERSON ANDERSON: But I guess
23	what I'm trying to find out, was this game or
24	some semblance of this game asked was ordered
25	to be removed from the city of Charlottesville?

PARTICIPANT: Can't answer that. 1 2 MR. PHILLIPS: No, not to my 3 knowledge. 4 CHAIRPERSON ANDERSON: Are you aware, 5 Mr. Cassidy? MR. CASSIDY: No, I'm not aware of 6 7 that. No. 8 CHAIRPERSON ANDERSON: Okay. 9 MR. BROOKS: Okay. I can tell you, 10 I've never had to remove that game from 11 Charlottesville. I can say I have not, but I 12 don't know if anybody else has. 13 CHAIRPERSON ANDERSON: Okay, all 14 right. Thank you. Now I guess the -- you stated 15 before, I guess the licensee makes money off the 16 machine based on the people hanging around and 17 eat more, drink more. Is that how you believe --18 that's how the licensee makes money off the 19 machines? 20 MR. BROOKS: One source. 21 CHAIRPERSON ANDERSON: Now what type 22 of -- what type of compensation packages do you 23 offer -- are being offered to retailers for them 24 to have your machines if that's something you can 25 discuss.

MR. CASSIDY: For the location -- the actual location licensee?

CHAIRPERSON ANDERSON: Yes.

MR. CASSIDY: That all depends on who we're actually dealing with and what level of -you know, what do they want? You know, do they
want us to you know, bring the machines and let
them handle everything? Or do they want us to
bring the machines and supply, you know, all this
other stuff that goes with it -- this ancillary,
like ATM machines and such as that. That depends
on the location.

(Simultaneous speaking.)

MR. CASSIDY: Go ahead, sir.

CHAIRPERSON ANDERSON: No, you finish

MR. CASSIDY: I was going to say the standard answer to that would be it's a 50/50 percentage. You know, today whatever the revenue leftover is, we would make half of that and the store owner would make half of that. So whereas once the District starts doing that taxation on it, we would take the taxation off the top and us and the location would split what is left.

CHAIRPERSON ANDERSON: All right. Now

please.

explain to me -- Okay, I want this machine. 1 2 services do you provide? What services can you 3 provide? I think you're talking about, depending 4 on what they need. So what are the ranges of 5 this? MR. CASSIDY: And you know, a lot of 6 7 that's going to be whatever the customer wants. 8 You know, for example if I came into your bar. 9 Mr. Anderson, I'd like to put a couple of game 10 machines in here. And I will put this game in 11 This is how it functions. And you and I here. 12 will split the profits from it. When the 13 District starts doing the taxes, the taxes will 14 come off the top and you and I split what's left. 15 CHAIRPERSON ANDERSON: I'm sorry. 16 This is Mr. --17 This is Mr. Brooks. MR. BROOKS: I'm 18 sorry, sir. 19 CHAIRPERSON ANDERSON: -- Mr. Brooks. 20 I apologize. MR. BROOKS: 21 CHAIRPERSON ANDERSON: Yeah, remember 22 23 This is my first time. MR. BROOKS: 24 CHAIRPERSON ANDERSON: -- we have a 25 court reporter. So I'm being told that we need

to make sure that when you speak, that you please identify yourself. I appreciate that.

All right, no because you're saying -so what type -- I know you're talking about ATMs
and so who provides that? Because that's what
I'm saying. When the machines have been -- yeah.

MR. BROOKS: Yeah. So you know, when -- if, by for example --

CHAIRPERSON ANDERSON: I'm sorry. Who's speaking again?

MR. BROOKS: This is Chuck Brooks. I apologize again. This is Chuck Brooks. I'm sorry.

CHAIRPERSON ANDERSON: All right.

MR. BROOKS: So for example, you might say well Mr. Brooks, since you're going to bring me two of these games of skill, I might want you to go ahead and put me a pool table or jukebox or a basketball machine or a boxing machine or whatever that amount of equipment you request.

And at that point, you might say but if you're going to get all of my business, I want 55 percent of the revenue and you keep 45 percent.

Well that's a conversation you and I have at that time.

CHAIRPERSON ANDERSON: All right. 1 2 what control, if any, over the device does the 3 retailer have? MR. BROOKS: What type of control does 4 the retailer have as far as --5 CHAIRPERSON ANDERSON: Win percentage, 6 7 difficulty, I mean, yeah --8 MR. BROOKS: No, we don't allow them 9 access to the settings because that could create 10 a whirlwind. As Cassidy's report said earlier, 11 mischief. 12 MR. CASSIDY: This is Cassidy 13 speaking, Chairman Anderson. Chuck's company 14 provides a lot of ancillary services. They 15 service it. They have round the clock 16 technicians. He was prepared to move people 17 I've tried to make introductions to him to 18 local disadvantaged businesses in the cities. 19 I think it is an opportunity if this 20 is a new burgeoning industry. I would like to 21

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So from the day I met Brooks, that is what I've talked about to him. And this could be an opportunity for technician jobs, for us to work with some of the schools. There's numerous things that could be an off road from this. So that is what I've been talking about and not just talking about trying to move on that.

There's opportunities. There's some security aspect. But that's -- there's too many jobs just in that space. But I met with a local DC businessman who got an E-gaming program with some of the schools.

so I think that if this does grow out as an industry, as the Mayor has been supportive of, and some of the Councilmembers, I do believe there's an opportunity if people's feet are held to the fire, that some good can come out of this. And we can see -- and I'll think a lot better if at the next meeting I go into, nobody looks like me in the room. I'll feel that my job was done.

CHAIRPERSON ANDERSON: Okay, thank you. Now what are the retailers supposed to do if they're in a dispute over a repair or technical problem or other issues regarding the machines?

MR. BROOKS: For any kind of technical 1 2 problems, they'll have a service line to call. 3 They'll call and we'll have somebody there --4 Johnny on the spot. We have a maximum 24-hour 5 turnaround on service. CHAIRPERSON ANDERSON: And who's 6 7 speaking again? 8 MR. BROOKS: I apologize again. This 9 is Mr. Brooks. I apologize again, sir. 10 CHAIRPERSON ANDERSON: Don't worry, 11 Mr. Brooks. I'll make sure that you -- I have 12 been told that I need to make sure that everyone identifies themselves. 13 14 No, I apologize once MR. BROOKS: 15 This Zoom -- I call it all Zoom. It's a again. little awkward. 16 17 CHAIRPERSON ANDERSON: Okay. 18 MR. CASSIDY: Chairman Anderson, this 19 is Cassidy again. And it is confusing the way I 20 mangle the English language and then we have Mr. 21 So hopefully your interpreter is Brooks. 22 multilingual. 23 CHAIRPERSON ANDERSON: Well I have not 24 been -- I have not been informed that there has 25 been a problem as of yet. All I've been told is

that we need to identify ourselves. 1 So that's 2 I just have probably two more questions --3 (Simultaneous speaking.) MEMBER SHORT: Mr. Chair? 4 5 CHAIRPERSON ANDERSON: Yes, Mr. Short? MEMBER SHORT: Maybe if Mr. Brooks 6 7 took the gum out of his mouth, we could understand him better. We could hear his name 8 9 better. This is Mr. Brooks. 10 MR. BROOKS: And 11 I think Mr. Short is actually telling me that I'm 12 smacking. I apologize. 13 CHAIRPERSON ANDERSON: What type of 14 inducements, discounts, or other payments are 15 generally offered to retailers to have your machines? 16 17 MR. BROOKS: We have offered none of 18 We usually don't offer inducements to do that. 19 business with people. If I have to pay you to do 20 business with me, I'd rather not do business 21 together. 22 CHAIRPERSON ANDERSON: All right. Мy 23 last question is you indicated in the materials 24 that the game operates on a set script. Is there

only one script that sets the pattern of the

1	dragons, color, et cetera or does the machine
2	contain multiple scripts that change the game
3	from play sessions to play sessions? And if so,
4	how is that selected? And how many (audio
5	interference) the multiplier?
6	MR. BROOKS: This is Mr. Brooks and
7	you're talking about the wrong game, Chairman.
8	CHAIRPERSON ANDERSON: So this game
9	doesn't have any outside scripts?
10	MR. BROOKS: This is not the Dragons
11	Game, sir.
12	CHAIRPERSON ANDERSON: All right.
13	Well thank you for thank you for
14	distinguishing your game from Dragons of Descent.
15	All right.
16	MR. BROOKS: Yes, sir.
17	CHAIRPERSON ANDERSON: I don't have
18	any other questions.
19	I'm sorry. Are there any specific
20	questions by any of the Board Members?
21	No? You know, every time I'm the one
22	asking all the questions. And I'm relying on the
23	Board Members to help me. Oh by the way, we
24	actually have seven Board Members. So Ms. Rema
25	Wahabzadah, she has joined our meeting. Welcome,

Ms. Wahabzadah.

MEMBER WAHABZADAH: Good morning, everyone.

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes, Mr.

Grandis?

MEMBER GRANDIS: I would like to offer Mr. Cato to maybe help me be more enlightened if he had some thoughts during this presentation.

Not to put you on the spot, Mr. Cato, but I understand you may have more experience with this than some of us.

CHAIRPERSON ANDERSON: I think this is quite -- when we had the Dragons, basically the game came in -- they did a presentation similar to this, but they actually brought the game in and gave us an opportunity to play the game. And I'm -- since I'm not a video game player, I didn't have any experience with that. Mr. Cato, he enjoys these type of games. So that was where -- but we're not trying to put Mr. Cato on the spot. I don't believe he has any questions, so he doesn't have to speak if he doesn't want to.

CHAIRPERSON ANDERSON: Yes?

This is Mr. Brooks.

MR. BROOKS:

MR. CATO: I think Chairman Anderson 1 2 asked some great questions. 3 CHAIRPERSON ANDERSON: That was Mr. 4 Cato. Go ahead, Mr. Brooks. 5 MR. BROOKS: This is Mr. Brooks again. I was going to say, one thing that we didn't add 6 7 being the time's weighing, this game of skill is 8 a single player game. And we can set it, you 9 know, to six to 10 foot or whatever that 10 requirement is for the social distancing. 11 CHAIRPERSON ANDERSON: All right, let 12 me just -- I didn't ask a question -- I didn't 13 ask a question before. How many games -- how 14 many machines -- typically how many machines 15 would you put in an establishment? 16 MR. BROOKS: That would depend -- This 17 is Chuck Brooks again, I apologize. That would 18 depend on the establishment. You know, I've got 19 the locations that have already applied for the 20 games of skill to be installed, who was wanting 21 six in each location. 22 CHAIRPERSON ANDERSON: Okav. MR. BROOKS: But you know, the 23 24 District has yet to give us a number album. But 25 these are single player games and there are some

machines out there in the market that -- or actually one machine, but can have multiple players on it. These do not have that. These are single player games. So one machine is one machine.

CHAIRPERSON ANDERSON: All right. It doesn't appear that there are any other questions by any of the Board Members. Are there any final comments that any of the parties wish to make?

MR. CASSIDY: No. This is Cassidy,
Chairman. No, it was a pleasure to present
today. We hope to provide you -- we will provide
you with some additional information that we
think might be pertinent. I don't know if that
should be directed to your General Counsel

Jenkins or to the Board. But we look forward to
doing that. And hopefully you know, get a -- get
a good decision. And basically hopefully be able
to add to the city and particularly now where
some of these establishments need a shot in the
arm, this might do it for them.

So I think the idea that the Mayor had prior to COVID, people, you know, are wondering about it. But it really looks like a great idea now with a lot of these businesses really

suffering. So we look forward to hopefully 1 2 getting engaged and being a part of the city. 3 CHAIRPERSON ANDERSON: Right. You can 4 provide -- you can provide the information to our 5 General Counsel. But when -- approximately what timeline do you believe that you can provide us 6 7 this information? 8 MR. CASSIDY: Oh, this is going to be 9 back to you by I would imagine the end of the 10 week or by Monday. I know this is, you know, 11 your timeline is rather tight. So we'll provide 12 that to you as quickly as possible. 13 CHAIRPERSON ANDERSON: All right, 14 that's fine. Any other comments by anyone prior 15 to me closing this hearing? 16 MR. CASSIDY: Now is Ms. Hansen still 17 on? 18 CHAIRPERSON ANDERSON: Yes. All the 19 Board Members are on. 20 MR. CASSIDY: Oh, all the Board 21 Members -- Yeah, I'd be remiss if I didn't 22 mention, her grandmother is just -- I've read a 23 little bit about it and just an absolutely 24 amazing story of a business woman here in the

city who some of her work is over at the African

1	American Museum. So I wanted to it's
2	surprising I have never run into her in my 40
3	years. But just an amazing background. Not that
4	the rest of you don't have an amazing background.
5	But I just wanted to personally say hello to Ms.
6	Hansen and say hi to her Grandma from me.
7	MEMBER HANSEN: Hi. Thank you so
8	much.
9	MR. CASSIDY: Yes. And I'll forgive
10	you that you went to Boston College.
11	CHAIRPERSON ANDERSON: That was Ms.
12	Hansen responding to Mr. Cassidy's comment. Well
13	if there's nothing further, then Mr. Brooks, Mr.
14	Cassidy, and Mr. Phillips, I want to thank you
15	for your presentation. The Board will take this
16	matter under advisement. And we'll issue a
17	determination accordingly. So thank you very
18	much for your
19	MR. BROOKS: Great. Thank you.
20	MR. PHILLIPS: Have a good day. Bye-
21	bye.
22	(Whereupon, the above-entitled matter
23	was concluded at 11:46 a.m.)
24	
25	

l —
<u>A</u>
a.m 2:2,8 61:23
ABC 3:2 4:1 5:15 6:12
18:16
abide 18:1
ability 8:20 35:3
able 4:24 5:8 9:16 10:7
10:12,13,15 13:15
14:6 20:20 21:5 27:12
35:10,10 36:4 40:22
44:22 46:22 59:18
above-entitled 61:22
ABRA's 2:16
absolutely 60:23
acceptor 21:2,8,19
access 52:9
account 2:21
Act 6:6,7,9 43:15,20
activate 32:8
activated 31:25 32:10
36:12
actual 49:2
add 26:21 58:6 59:19
additional 4:5 59:13
Additionally 6:3
address 2:22 41:22
adjust 11:4
advance 2:15
advance 2.15 advisement 61:16
afoul 5:19
African 60:25
AG 44:10
age 46:16,19,20
Agency 4:22 20:7
agenda 2:18
ago 7:20
agree 7:7 42:12
ahead 7:3 23:3 41:11
47:11 49:14 51:18
58:4
album 58:24
alcohol 6:1 46:23
Alcoholic 1:2,13 2:6
algorithm 8:16
align 35:14
alignment 35:18
ALIYA 1:17
allow 52:8
allowed 8:4 12:1,4
allows 8:25 10:14 33:20
36:7 40:23
amazing 60:24 61:3,4
Amendment 6:7
American 61:1
amount 27:15,21 34:8
34:10 51:20
amusement 9:17 10:3
11:15 18:25 21:13
II

analysis 43:10 44:9,12 44:20 **analyze** 43:22 44:2 ancillary 49:10 52:14 Andrews 4:22 announce 3:5 answer 31:11 33:17 35:15 45:1 48:1 49:18 answered 23:16 24:2 anybody 48:12 anyway 46:25 apologize 11:8,13 50:20 51:12 54:8,9,14 55:12 58:17 appear 59:7 appearance 34:22 appears 30:7,11,12 42:21 appetizers 26:15 applicable 44:8 Applicant's 1:21 application 18:11 **applied** 58:19 apply 18:20 19:4 appreciate 51:2 approaching 41:25 **approval** 6:11 7:15 approximately 60:5 arbiter 42:3 arcade 20:14,23 area 44:13 areas 47:7 arm 59:21 asked 47:24 58:2 asking 18:14,14 19:16 22:10 47:10 56:22 aspect 12:9 23:10 53:9 aspects 36:9 **Associates** 6:16 28:11 **ATM** 49:11 ATMs 51:4 attendance 3:21 attention 9:21 attorney 4:17 42:4 43:9 audio 13:10 28:22 30:16 44:3 56:4 audit 45:22 **August** 1:11 2:7 authority 43:4 automatic 42:13 automatically 28:14 29:21 available 2:10 47:7 average 27:5 avoid 31:17 32:1 **awards** 32:8 aware 5:14 6:20 15:8 19:11 27:3,6,24 38:23

43:3 48:4,6 awkward 54:16

В

back 8:7,24 13:8,17 14:6,7,13 21:25 22:2 23:23,24 25:21 26:7 31:14 36:6,8 38:16 40:2 42:12 60:9 background 61:3,4 **backup** 45:18 Ball 37:20 41:3 bar 50:8 bars 14:18 35:14,18 based 5:12 6:18 8:15 8:18 17:8 20:6 35:4 35:19 43:6,23 48:16 **basic** 13:13 **basically** 8:11 20:22 21:13,24 22:12,13 25:3 37:14,17 45:10 57:14 59:18 basketball 51:19 **beers** 9:12 **begs** 28:4,5 believe 37:24 38:9 41:24 42:11 44:9 48:17 53:15 57:22 60:6 **better** 53:18 55:8.9 **Beverage** 1:2,13 2:6 **bill** 21:1,8,18 **bit** 10:18 15:13 23:13 32:22 60:23 blank 34:19,20,22 **blue** 23:6 **board** 1:2,13 2:6 3:1,2,3 3:20 4:16,20 5:13,21 6:11,14,21 7:1,7 18:16 41:19,25 44:19 45:12 56:20,23,24 59:8,16 60:19,20 61:15 **Bobby** 1:17 3:9,10 **bodies** 2:13 **bonus** 32:23 33:10,19 34:14,18 35:13 **bonuses** 14:11 **boom** 32:25 33:1,3,12 33:13,15 **Boston** 61:10 **bottom** 13:11 21:10 **boxing** 51:19 brain 8:22 40:20 **break** 13:20 **breaks** 45:17 **bring** 9:21 19:14 26:21

Brooks 1:22 5:3 10:1 11:2,7,7,13 24:14,14 24:21 25:1,5 28:2,9 45:5,5 46:7,18 47:3,9 47:16 48:9,20 50:17 50:17,19,20,23 51:7 51:11,11,12,15,16 52:4,8 53:1 54:1,8,9 54:11,14,21 55:6,10 55:10,17 56:6,6,10,16 57:24,24 58:4,5,5,16 58:17,23 61:13,19 brought 57:16 **bubble** 32:24 33:2,10 33:13,18 **bugs** 35:8,10 **built** 41:7 burgeoning 52:20 business 3:22,23 4:4 27:10,11 51:22 55:19 55:20,20 60:24 businesses 52:18 59:25 businessman 53:11 **button** 8:14 9:4 28:14 **bve** 61:21 **Bve-** 61:20 **bypass** 52:24

C cabinet 20:14.23.24 cabinets 45:11 **cable** 23:24 **cables** 21:17 calendar 2:17 3:24 California 43:24 **call** 14:4 28:24 45:13 54:2,3,15 call-in 2:18 car 23:7,7 37:17 39:17 45:15 card 45:21 cards 24:20 career 4:21 Carolina 16:13 cars 39:17 45:9 case 37:22 41:14 43:19 cash 24:19,23,25 25:4 46:16 casinos 9:3 Cassidy 1:21 4:9,10,15 4:17 6:19,24 7:2,6 9:16 15:22,24,25 26:11,12 27:1 36:20 37:13 41:10,10,11,12 42:7,24 43:1,6,14,18 48:5,6 49:1,4,14,17 50:6 52:12,12 54:18

49:7,9 51:16

54:19 59:10.10 60:8 60:16,20 61:9,14 Cassidy's 52:10 61:12 categorized 46:14 **Cato** 1:17 3:9,10,10 15:7,16 44:14 57:8,10 57:19,21 58:1,4 **causes** 36:14 cent 32:9.12 central 2:17 certain 8:23 25:20 45:7 46:1 cetera 56:1 chair 9:5 11:6 55:4 **Chairman** 3:1 4:16 26:11 52:13 54:18 56:7 57:4 58:1 59:11 chance 5:18 8:3,12 10:21 14:5 17:25 18:17 19:21 20:1 25:9 33:4,16 34:5,24 35:5 35:25 36:9 37:12 38:15 39:22,23 40:3 40:24 42:11,14 change 6:10 29:24,24 36:23 56:2 **changes** 13:21 channel 19:2 channels 19:4 characterized 4:7 **charge** 12:19 18:23 40:16 Charitable 18:24 Charlottesville 47:15 47:25 48:11 **cheat** 14:15 cherries 12:12 choice 35:4 **choose** 12:8 32:3 40:22 42:20 **chooses** 33:23 Chuck 1:22 5:3 9:16 11:7 19:3 24:14 28:2 45:5 51:11,12 58:17 Chuck's 52:13 **cities** 52:18 city 4:18 5:6 47:25 52:24,25 59:19 60:2 60:25 clarify 19:15 cleared 41:17 clerk 52:22 clientele 38:5 **clock** 52:15 closely 5:5 **closing** 60:15 **clue** 15:14 code 5:24 37:2 40:10

colleagues 4:12 **College** 61:10 color 35:14 56:1 **Columbia** 1:1 2:6,22 8:2 17:23 40:7 43:5 Columbia's 2:11 combustible 37:18 come 14:11 34:13 35:2 50:14 53:17 comes 8:24 12:1 13:1 14:7 34:14 comfortable 41:20 43:10 44:9,21 46:23 **coming** 18:15 comment 61:12 comments 59:9 60:14 **Commission** 7:24 18:3 18:23 communication 23:18 companies 19:22 20:2 **company** 7:20 9:16 52:13 **compare** 45:16 compensation 48:22 complaints 2:23 complete 19:25 completed 14:3 **completely** 30:4 34:23 35:24 42:14,18 **compliance** 5:23 6:21 7:25 compliant 19:24 **comply** 43:15 computer 10:18 21:13 21:14 concluded 61:23 conclusion 41:17 44:8 condition 47:6 conduct 3:21 **conducted** 2:9 6:16 conference 26:9 confident 43:14 confidentiality 27:11 confusing 54:19 connected 23:17 consideration 39:24 consistent 25:9 constitutes 3:22 Consumer 6:6 contain 31:5 32:24 33:11 56:2 contains 32:23 33:10 39:12 control 1:2,13 2:6 8:5

12:23 30:6,10,12,15

30:15,20,23 31:16

34:21 52:2,4

controlling 30:21

conversation 41:15 45:25 46:7 51:24 conversations 43:8 convince 44:23 Corporation 1:6 4:6 7:18 16:2 correct 15:22 16:20 32:13 42:20 Councilmembers 53:15 Counsel 1:21 59:15 60:5 couple 9:12 12:3 50:9 court 11:10 50:25 52:23 **COVID** 59:23 create 52:9 credit 31:14 32:12 **credits** 12:4,5,18,20,23 12:25 13:6,16,17 14:6 21:4 31:9,9,12 Crockett 1:17 3:12,13 3:13 curious 16:7 currency 11:20,22 **currently** 16:3,4,18 19:7 customer 12:7 14:5 27:14 42:19.20 50:7 **customers** 14:14 19:3 26:14,21 27:9

D **D.C** 4:18 16:24 18:15 24:13,18 43:3 date 2:18 Davis 1:7 day 36:2 38:13 44:22 53:1 61:20 days 41:22 **DC** 5:23 6:5,9 44:17 52:21,22 53:11 deal 35:9 dealing 49:5 decade 7:20 decision 43:23.24 59:18 deem 40:15 **deemed** 19:23 definition 39:20 demonstrated 22:3 **Department** 18:23 19:1 depend 58:16,18 **depending** 42:9 50:3 depends 49:4,11 **Descent** 56:14 **describe** 7:12 20:9,10 28:15 34:7 36:14 described 5:17 28:16 **desire** 15:10

determination 42:5.10 42:13 61:17 determine 18:16 determined 25:8 determines 35:18 develop 5:5 developed 7:10 **developer** 5:1 7:19 developing 7:11 development 37:14 **device** 4:7 6:5 11:15 18:11,25 20:7,11,13 23:17 37:5 39:12 52:2 devices 5:25 6:8,9,12 6:21 14:16 20:9 43:14 46:15 diamond 20:8 22:11 34:7,7,18 diamonds 34:8,10,12 34:16,19,20,22 diesel 37:17,18 39:16 **difference** 22:10,13 41:1 different 7:21,22 14:10 15:1 16:25 17:8 21:17 22:14.15.16.18.19 23:13 29:22 30:2 34:16 41:5 45:20 47:20 difficult 10:10 difficulty 52:7 digital 45:10 directed 31:24 59:15 directly 8:5 disadvantaged 52:18 discounts 55:14 discuss 48:25 discussion 44:11 discussions 44:10 display 37:7 displayed 28:20 32:24 33:11 37:4,6 displays 37:9 **dispute** 53:23 distancing 58:10 distinguishing 56:14 distributor 5:4 **District** 1:1 2:5,11,22 5:16,19 6:4,22 8:2 9:18 14:19 17:22 19:14 40:7 43:5 46:4 49:22 50:13 58:24 **District's** 2:16 6:1 **Division** 18:24,25 dog 34:18 **Dogs** 20:8 22:11 34:7,8 doing 4:23 13:4 21:25 49:22 50:13 59:17

dollar 11:24 13:5
Donovan 1:13,16 2:25
double 35:13
downtime 26:18
dragons 56:1,10,14
57:14
draw 44:8
drink 48:17
drive 23:6
drives 21:12
driving 39:16,16
Duck 20:8 21:22 22:11
24:7 32:22,23 33:9,9
ducks 12:13

Ε

E-games 44:16

E-gaming 53:11 earlier 22:3 52:10 eat 48:17 **Ed** 3:18,19 **EDWARD** 1:18 either 32:19 **electronic** 2:12,20 4:1 6:4 14:16 electronically 3:3 element 8:3 17:25 34:5 40:3 eliminate 8:3 19:21 eliminates 17:24 38:15 40.3 elimination 19:25 emergency 2:13 ended 12:25 **engage** 38:19 engaged 60:2 engaging 9:7 **engine** 37:16,17,18,19 37:19,21 38:8,9 39:16 engines 37:15 41:7 English 54:20 enjoying 9:10 **enjoys** 57:20 enlightened 57:8 ensure 45:2 **enters** 33:24 entertainment 4:7 9:6 14:18 38:5 entice 11:25 **entire** 16:5 entities 7:22 entries 12:4 equipment 51:20 especially 9:7 esquire 4:9 **essentially** 9:14 11:14 11:20 14:7,17 28:24 33:22 37:19 39:23

41:4 establishment 6:13 21:4 26:19 36:25 58:15,18 establishment's 9:10 establishments 5:16 9:8 46:23 59:20 et 56:1 **Events** 44:17 everybody 46:21 examination 6:17 **example** 50:8 51:8,15 excitement 26:22 excuse 16:9 29:14 30:8 expect 40:6 expensive 26:16 **experience** 57:11,19 **expert** 5:10 7:8,13 41:16,24 44:15 experts 43:11 explain 25:23 50:1 explored 41:14 extent 9:20 extra 12:21 13:16.17

F

31:19

fact 25:19 35:1 36:5 38:25 39:18 40:15 fact-finding 1:7 3:24 4:4 15:12 fails 31:22 familiar 15:13 18:19 far 52:5 Farley 6:16 17:10 28:11 41:16 Farley's 10:5 43:7 fashion 41:23 favorably 44:23 feature 13:14 28:12 31:24,25 32:10,23 33:10 34:13,18,23 35:13 36:7,12,23 38:14,14 39:1 40:2,22 features 16:22 32:8 federal 5:19 43:3,15,16 fee 18:11 feel 15:9 43:9 44:9,21 46:22 53:20 feet 53:16 final 8:18 59:8 find 18:18 20:4 27:14 27:17 33:23 43:18 47:23 finds 6:21 fine 19:6 55:2 60:14 finish 49:15

finite 37:16.19.22 38:7 38:8 41:2,5 44:4,5 fire 53:17 first 3:23 4:3 9:25 12:11 14:2 20:11,13 21:1 24:7 39:4 40:19 50:23 flash 13:18 **flashing** 12:14,16 **Florida** 16:15 **fluctuate** 36:13,15 **fluctuates** 36:14,16 **flying** 35:8 **follow** 7:1 13:12 **follow-** 13:13 40:1 follow-through 25:22 31:24 36:7,22 38:14 38:25 40:22 foot 58:9 force 35:22 forgive 61:9 **form** 9:6 23:18 45:22 **forums** 37:15 forward 59:16 60:1 founders 7:17 free 15:9 **friends** 26:19 front 20:17 fun 9:10 38:12 function 14:9 25:22 33:20 40:17 functionalities 23:11 functionality 10:4,13 22:22 29:18 functionally 8:6 11:17 functions 10:20 50:11 further 34:5 37:8 61:13 Furthermore 6:8 **future** 24:13,19

G

Galactica 35:7

General's 43:9

gambling 5:20,22,25 6:1,8 41:4 43:17 46:15 games 5:6 6:6 7:11,19 8:1,4 9:18 11:16,19 11:20 12:2 14:8,13,16 15:14 17:7,10 19:7,11 19:13,20 20:5,8,9 21:22 25:18 26:1 31:7 32:11,18 43:22 46:14 47:20 51:17 57:20 58:13,20,25 59:4 gaming 6:5 18:24 44:15 gather 4:5 General 42:4 59:15 60:5

generally 55:15 generating 44:3 generator 37:6 38:2,4 38:20 39:13 40:9 41:2 41:6.13 Georgia 7:23 16:13 17:9 19:24 getting 12:20 46:4 60:2 gift 24:19 give 20:1 58:24 given 8:6 27:5,7 gives 27:4 40:2 government 2:11,22 18:1 governments 7:23 graduate 52:22 **Grandis** 1:18 3:18,19 3:19 57:4,6,7 Grandma 61:6 grandmother 60:22 graphics 14:10 22:15 22:17 **grow** 53:13 guess 36:18 44:14 47:22 48:14.15 quidance 2:10.14 gum 55:7

Н half 49:20.21 handle 49:8 **hanging** 48:16 Hansen 1:18 3:16,17,17 60:16 61:6,7,12 **happens** 30:22 hard 12:15 45:14 **head** 7:18 health 2:13 hear 4:14 6:23 41:9,10 55:8 heard 26:20 hearing 1:7 3:24 4:4,12 5:13 15:12 60:15 held 2:12 53:16 hello 4:15 61:5 help 46:2,12 56:23 57:8 helpful 10:7 42:1 helping 44:1 helps 12:14 hi 61:6,7 hidden 33:2,2,14,14 higher 28:3,6 highest 27:6,21 history 7:10 **hit** 28:14 30:11,25 31:10 33:19 hits 28:13 30:6,10 hold 36:21

instance 35:6,7 36:17 **holding** 39:25 LCD 20:16.25 48:16 50:1 51:19.19 **Home** 43:20 intend 20:7 leader 36:21,25 56:1 59:2,4,5 hook 21:18 interact 15:6 **leaders** 26:13 machines 5:4,24 9:17 interacted 4:21 **hope** 59:12 **leads** 44:7 26:12 27:3 48:19,24 hopefully 44:22 54:21 interaction 8:25 9:1 leaving 9:12 49:7,9,11 50:10 51:6 59:17,18 60:1 13:22 **left** 10:18 49:24 50:14 53:25 55:16 58:14,14 hosted 2:21 interest 26:17 leftover 49:20 59:1 hours 2:15 interesting 43:19 legal 40:6,15 42:5 43:5 making 8:9 Howard 52:21 maneuver 10:17 interference 13:10 legendary 4:20 28:23 30:16 31:5 44:3 let's 6:23 23:23 24:7 mangle 54:20 56:5 32:22 manipulated 14:14 internal 37:5 level 47:16,18 49:5 **i.e** 19:24 21:18 24:9 manipulating 38:10 internet 23:18 licensed 4:1 5:15 6:13 manufacturer 4:6 5:14 37:21 39:21 icons 32:24 33:10,18 interpreter 54:21 licensee 15:21 48:15,18 5:17 32:7,7 idea 27:4 59:22,24 manufacturers 15:20 introduce 3:2 4:10,11 49:2 16:24 20:7 market 19:8 20:5 59:1 identical 17:7,10 19:17 licenses 5:25 23:12 introductions 52:17 **light** 5:2 41:12 markets 46:8 identifies 54:13 investment 44:17 limit 46:19 martinis 26:23 identify 7:5 11:11 51:2 lowa 16:14 Limited 1:6 Maryland 9:3 **IPA** 26:16,23 Lincoln 18:2 match 8:23 12:8 13:9 55:1 identifying 11:17 **issue** 61:16 line 54:2 13:14 14:2 30:3 **Illinois** 16:14 issues 5:2 53:24 lines 21:24 matching 24:10 25:22 illustrates 37:8 **issuing** 24:25 25:3 liquor 9:8 material 20:6 list 16:5 materials 6:19 55:23 imagine 60:9 impact 28:17 29:11,14 little 9:24 10:18 15:13 math 38:7.8 41:2.7 implement 46:2 **jackpot** 28:1,8 23:13 26:21 32:22 Matt 4:25 7:9 implicates 5:23 jackpot/the 27:20 45:10 54:16 60:23 matter 1:5 5:9 24:6 **implies** 38:2 jackpots 28:3 live 10:1.2 25:20 61:16,22 important 7:7,9 load 12:2 Matthew 1:22 5:9 7:12 **James** 1:19 3:5,7 4:20 in-person 10:2 43:8.22 44:10.23 **local** 52:18 53:10 7:15,17 16:9 inches 20:15 Jeni 1:18 3:15,17 location 18:10 27:21 maximum 54:4 included 2:17 **Jenkins** 59:16 49:1.2.12.24 58:21 Mayor 53:14 59:22 includes 36:11 **job** 4:23 53:20 locations 45:22 58:19 **Mayor's** 3:4 24:22 **income** 46:2 **iobs** 53:3,10 log-in 2:18 mean 26:9 27:14 41:4 incorporates 40:8 **Johnny** 54:4 logs 45:13 46:15 52:7 independent 41:24 **Johnson** 43:15 long 7:10 17:12 means 39:24 mechanical 6:4 indicate 43:4 joined 56:25 look 11:2 23:22 28:20 43:20 44:23 59:16 indicated 55:23 **JR** 1:17,19 mechanism 8:14 indicates 28:12 31:4 judgement 47:11 60:1 meet 6:5 32:6 37:2 jukebox 51:18 looks 10:20 22:19 meeting 1:3 2:5,9,15,16 2:17,20 53:19 56:25 individual 13:2 jump 15:10 53:19 59:24 jurisdiction 46:18 lose 8:10 22:4 25:16 inducements 55:14,18 meetings 2:12 Industrial 1:7 jurisdictions 7:21 31:9,12 39:4 Member 1:17,17,18,18 industry 52:20 53:14 losing 26:13 31:8 1:19,19 3:7,10,13,17 information 2:19 4:5 loss 35:22 36:21,25 3:19 4:20 11:5 15:16 5:12 42:25 59:13 60:4 **Kansas** 16:15 lost 26:13 45:4 47:2 55:4,6 57:2 57:4,7 61:7 60:7 keep 41:21 51:23 **lot** 14:23 15:7 50:6 informed 54:24 52:14 53:18 59:25 members 3:2,21 56:20 **keeps** 9:9 **lottery** 7:24 18:3,7,9,23 56:23,24 59:8 60:19 initial 8:23 14:2 22:2 knowledge 48:3 knows 33:22 37:20 46:20 60:21 36:8 40:24 **Luke** 52:22 initiated 37:9 memorize 13:23 insert 11:20 mention 60:22 M met 1:13 53:1,10 inserted 38:16 label 11:16 machine 9:2,23 10:3,11 meter 45:14,16 inside 21:1,7,11,17,21 land 29:22 microphone 4:14 install 3:25 5:14 10:12 11:18 12:2 language 54:20 **million** 37:23 installation 6:12 law 4:18 6:22 17:9 19:12 21:7,16 23:23 installed 58:20 23:25 26:14,17 27:7 mind 11:3 41:14 43:19 52:21 installing 7:14 27:16,19 39:7 47:14 mischief 44:6 52:11 laws 5:19 6:2 43:16

misnomer 44:2 **Missouri** 16:15 **mobile** 23:18 moment 12:10 21:6 30:17 **Monday** 60:10 money 8:10,10 13:8,17 14:12 21:9,9 25:16,17 25:17,21 26:7,13 27:3 27:15 36:19 38:16 39:2,25 40:1,2 46:4 48:15,18 monitor 46:2 month 27:4 Moore 52:22 morning 2:3 4:15,16 7:16 57:2 mouth 55:7 move 8:17 52:16 53:7 multi-game 1:9 6:17 multilingual 54:22 multiple 56:2 59:2 multiplier 32:25 33:1,3 33:11,12,15 56:5 **Museum** 61:1

Ν

name 2:25 3:5 4:17 7:16 19:8 21:3 55:8 **names** 20:2 nature 44:3 **Nebraska** 16:14 17:2,5 17:6,11,13,19,22 18:6 18:19,20,21 19:1,5 25:15 27:2.7 need 33:5 50:4,25 54:12 55:1 59:20 negating 40:24 **never** 39:21,21 48:10 61.2 Nevertheless 32:9 new 52:20 nice 26:15 Nick 6:15 28:11 **night** 9:13 non-winning 31:17 normal 34:7 **North** 16:13 notice 2:14,17 nudge 24:9 26:5,6 28:11 number 34:19 37:6 38:2 38:3,20 39:12 40:9 41:1,6,13 58:24 **numbers** 37:21,22 44:4 45:11 numerous 26:20 41:14 53:4

nut 9:14

0 **O'Day** 4:20 obtain 31:23 32:10 36:4 obtaining 32:1 **odometer** 45:8,15 odometers 45:9 offer 20:8 48:23 55:18 57:7 offered 24:12,18 48:23 55:15,17 offering 4:13 24:20 **Office** 2:11 42:4 43:9 Official 5:24 **Ohio** 16:14 old 45:9 once 45:23 49:22 54:14 one-pager 6:14 **OOG** 2:23 open 2:11 24:8 41:22 opengovoffice@dc.g... 2:24 operate 16:3,4,7,12,18 operated 25:15 operates 18:20 27:2 55:24 operating 17:13 operation 18:12 operator 27:10,12 36:19 **operators** 18:9,10 25:16,17 26:20 47:20 **opinion** 39:20 opportunities 52:24 53:8 **opportunity** 52:19 53:3 53:16 57:17 opposed 9:1,11 22:17 23:10 order 3:4,23 4:3 24:22 ordered 47:24 original 8:7 30:24 31:20 39:2.2 outcome 31:6,8,23 32:2

Р

32:9,11 37:6,10

40:11

outside 56:9

owner 49:21

owner's 26:16

overrides 38:19

outcomes 31:17 37:3

P-R-O-C-E-E-D-I-N-G-S packages 48:22

Page 28:19 31:6 40:13

42:15.16 paid 39:8 46:4 paper 21:10 paperwork 24:21 Parkway 1:7 part 19:4 27:5 28:25 60:2 **PARTICIPANT** 48:1

participating 3:3 participation 2:19 particular 16:22,23 17:20 18:6 25:15 27:2 particularly 59:19

parties 59:9 **party** 18:2 Patrick 4:9 patron 28:14 37:7

patrons 9:7 14:18 26:18 pattern 14:15 30:3 34:8 34:9 38:12 55:25 patterns 38:11

pay 18:11 25:11,12 38:16 55:19 pay-outs 24:23 25:7 payments 55:14 Pennsylvania 16:13

penny 32:8 people 11:25 23:9 25:20 26:8,10 46:10 48:16 52:16,24 55:19 59:23

people's 53:16 percent 12:22,22,23,24 30:22 31:1,19 36:22 39:1 40:19,23 51:23 51:23

percentage 36:24 49:19 52:6

peripherals 21:18

person 15:9 46:21

permitted 6:9

personally 61:5 **persons** 46:15 pertinent 59:14 Phillips 1:22 4:25 7:9 7:16,17 9:22 10:2,8 10:16,24 11:14 14:21 15:4 16:4,9,10,12,20

17:1,5,7,14,17,21

18:8,22 19:9,15,19

20:10,13,22 22:8,12 22:21,24 23:3,6,9,20 24:5 25:10,19,25 26:4 27:8,18 28:18 29:7,9 29:13,18,23 30:1,8,14 30:19 31:11,18 32:3

32:14,17 33:5,17 34:4 34:12,25 35:15,19

36:1.16 38:21.24 39:14 40:14 42:16,18 47:18 48:2 61:14,20 physical 13:1 physically 8:13,13 pick 7:12 12:1,15 13:9 13:19 14:12 15:11 picks 12:17 35:20,21 36:5 picture 10:11 **place** 9:17 **plans** 7:14 play 8:4,7,23 11:25 12:4 12:5,7 13:5 14:6 22:1 22:2 23:1,5,14 24:4,6

25:20 26:6 28:13 29:2 29:15 31:5,8,10,12,13 31:18,20 33:25 36:8 36:13 37:3,8 38:25 39:2,3,5 40:19,24 46:16,20,22 56:3,3 57:17 **played** 27:16

player 8:4,12,25 12:7 12:14,17,17,19,23 13:2,7,14,23 24:3 28:12 30:4,6,9,20,22 31:7,12,16,22,22 32:1 32:10,12,25 33:12,21 33:22 34:21 35:3,9,20 35:21 36:2 38:19 40:1 40:16 42:20 57:18 58:8,25 59:4 player's 45:21 **players** 9:9 38:9 59:3 playing 13:3 30:11

please 2:22 3:4 4:10,11 7:4,5 11:3,12 15:9 20:20 24:15 25:24 28:15 29:12 33:7 49:16 51:1 pleasure 59:11

plus 13:17 point 8:6 40:21 51:21 **pool** 37:22 41:2,5 51:18 portion 16:18 35:24 possibility 44:6 possible 24:3,5 31:6,8

32:11 35:13,16 39:10 60:12 possibly 39:11

potential 40:11 potentially 5:22 7:14 pounds 20:16 power 21:12,20 23:24 30:4 37:20 41:3 practiced 4:18

predominantly 17:24

premises 4:2 remember 26:1 45:8 **S** 1:18 Q preparation 41:15 50:21 saw 21:23 qualify 5:25 6:3 remiss 60:21 prepared 52:16 **saying** 18:5 19:12 question 24:15 31:12 present 1:15,20 3:8,10 24:22 25:14 27:1 **remove** 48:10 33:6 37:13 42:23 45:1 3:14,17,19 15:18 removed 47:25 36:19 51:3,6 55:23 58:12.13 59:11 render 37:11 says 13:11 31:22 33:8 questions 2:23 7:1 presentation 6:25 7:2 repair 53:23 **scene** 37:7 14:22,24,25 15:1,6,8 scenes 37:4 40:12 9:20 14:25 15:2 57:9 repeat 33:6 55:2 56:18,20,22 57:15 61:15 report 6:15 7:9,13 10:5 scheduled 2:5 57:22 58:2 59:7 10:10,12 11:19 13:11 schools 53:4,12 presiding 1:14 quick 27:20 press 9:4 21:25 29:1 screen 28:25 30:20 28:11 31:4 36:11 37:2 quickly 60:12 37:8 40:13 42:15 43:7 **pretty** 44:21 35:2,8 38:6 39:19 quite 57:14 52:10 script 34:10,20 55:24 preview 33:20 quorum 3:22 previous 15:12 reported 45:2 55:25 reporter 11:10 50:25 prices 24:12,17,18 scripts 56:2,9 R primary 5:21 reports 40:7 41:16 second 25:21 26:7 33:6 **Rafi** 1:17 3:11.13 **print** 21:3,5 representative 15:21 **secondary** 8:21 31:13 random 25:8 33:3.15 printer 21:2,19 31:19 39:6 representatives 15:19 34:11,16,21,23 35:2,8 **prints** 21:11 seconds 12:3 represented 4:8 35:24 37:5,9,25 38:1 **prior** 5:13 7:4 43:20 section 28:12 43:16 representing 15:20 38:3,20,20 39:12 40:9 request 3:25 5:22 51:20 59:23 60:14 security 53:9 40:12 41:1,6,13 42:14 **prize** 27:3 seeking 5:14 requesting 6:20 42:19 44:3,7 prizes 25:7 46:17 require 19:25 seen 41:13 52:23 randomly 29:22 37:4 probability 36:12 requirement 58:10 **select** 8:13 33:1,13 40:12 **probably** 47:19 55:2 selected 34:10 37:5.10 requirements 6:5 range 24:12,17,17 **problem** 47:6 53:24 requires 6:11 17:22.23 40:12 56:4 27:22,24,24 54:25 resident 52:21 selection 33:3,14 38:20 ranges 50:4 problems 54:2 respond 3:5 selling 26:24 read 10:9 13:11 24:22 process 4:24 40:13 responding 61:12 semblance 47:24 product 6:24 rest 4:16 61:4 **sense** 21:15 29:9 reading 10:11 45:14 profitable 39:22 restaurants 14:19 sequence 13:23 real 27:19 44:6 profits 50:12 retailer 32:6,7 52:3,5 **series** 15:1 reason 18:13,14 40:14 program 53:11 retailers 48:23 53:22 serve 9:8 reasons 11:11 programming 41:8 55:15 served 52:25 recall 24:3 progresses 36:13 retrieving 30:23 **service** 52:15 54:2.5 receipt 6:14 **proper** 41:23 **reveal** 34:19 services 50:2,2 52:14 recommendation 42:9 revealed 40:10 properly 5:7 **sessions** 56:3,3 record 4:11 7:5 41:22 proposal 4:5 reveals 37:3 **set** 27:12,20,21 28:3 red 23:7 proposition 7:8 revenue 18:22 19:1 34:20 46:5 47:11 reel 29:5,22 30:7,11,13 Protection 6:7 46:3 49:19 51:23 55:24 58:8 30:15 31:23 45:10 provide 5:8 42:3,24 revenues 45:2 set-up 45:15 reels 28:13,15,15,16,18 50:2,3 59:12,12 60:4 review 1:9 6:16,18 37:2 **set-ups** 45:7 28:22 29:1.11 31:17 60:4,6,11 40:9 sets 55:25 37:10 rewarded 32:12 setting 32:18 45:24 provided 2:15,21 6:19 referenced 42:15 **RNG** 37:16 40:4 settings 52:9 16:17 regarding 2:12 5:19 provides 9:6 38:4 51:5 road 45:25 53:5 seven 56:24 6:24 34:1,6 43:16 52:14 robust 44:11 **shed** 5:2 53:24 providing 14:17 role 28:16 shell 9:14 20:14 regardless 32:9 **public** 2:12,13,19 **roll** 21:10 **shoot** 35:10 regards 8:11,16,20 9:24 room 53:20 pulled 38:3 **short** 1:19 3:6,7,7 11:5 14:16 round 52:15 13:20 45:4 47:2 55:4 **pulls** 37:21 regular 2:5 37:18 purpose 22:5 45:3 row 13:15 55:5,6,11 regulated 46:8 pursuant 2:10,14 3:4 **shot** 59:20 **Rule** 43:20 regulations 7:25 **pushes** 28:5 run 5:7,18 17:8 18:6,8,9 **show** 9:23 10:4,12,19 regulator 5:22 10:21 12:11 13:7 **put** 9:17 11:22 18:12 45:8 61:2 reiterate 40:25 39:6 46:21 50:9,10 running 17:2,11 20:18 26:19 27:19 relationships 5:5 51:18 57:10,21 58:15 28:24 30:16 relying 43:11 56:22 S **putting** 38:6 39:18 showed 26:2 **Rema** 1:19 56:24

shutter 29:1,3,5 shutter/spinning 28:21 shutters/spinning 28:21 shutters/spinning 28:21 shutters/spinning 28:21 shutters/spinning 28:21 shutters/spinning 28:21 shutters/spinning 28:21 significant 16:18 signs 11:24 46:21 significant 16:18 signs 11:24 46:21 similar 19:7,111,13,18 19:20 20:04 34:14 56:19 Simon 13:13 Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 48:18 19:20 20:04 34:14 56:19 Simon 13:13 Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 44:14 56:19 Simon 13:13 Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 44:14 56:19 Simon 13:13 Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 44:14 56:19 Simon 13:13 Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 44:14 56:19 Simon 13:13 spin 28:13 spin 28:13 spin 28:13 spin 28:13 spin 28:13 spin 39:14 spin 49:14 50:12,14 spot 54:4 57:10,22 spin 49:14 spot 54:4 57:10,22 spin 49:14 start 49:17:12 start 48:11,23 start 49:17:12 start 49:12.3 start 49:17:12 start 49:12.3 start 49:17:12 start 49:12.3 start 49:17:13 start 49:12.3 start 49:17:12 start 49:12.3 start 49:17:12 start 49:12 start 49:17:13 start 49:12.3 start 49:17:12 start 49:12 start 49:12:13 start 49	II.			00
shutter/spinning 28:21 shutter/spinning 28:21 shutter/spinning 28:21 shutter/spinning 28:21 significant 16:18 signs 11:24 46:21 similar 19:7,11.13,18 19:20 20:4 94:14 57:15 Simon 13:13 Simone 4:22 similar 19:7,11.13,18 19:20 20:4 94:14 57:15 Simon 13:13 Simone 4:22 similar 19:7,11.13,18 spinning 31:23 spi	shutter 20:1 3 5	23.2 34.3 42.6 47.1	table 25:11 12 51:18	Troctlo's 3:25 5:22 6:24
shutters 248.9 287.1,22 significant 16:18 spec ifficit 17:1 47:14 spec ifficit 17:1 47:1				
significant 16:18 signs 11:24 46:21 similar 19:7,11,13,18 19:20 20:4 94:14 57:15 simon 4:22 significant 95:23 43:3 simon 64:22 significant 95:23 43:3 splining 31:23 splini				
signs 1124 de:21 similar 197.711,13.18	-			
Signs 11:24 46:21 Specifically 5:24 21:15 Specifically 5:24 21:14 Specifically 5:24 21:14 Specifically 5:24 21:14 Specifically 5:24 21:15 Specifically 5:24 21:15 Specifically 5:24 21:14 Specifically 5:24 21:14 Specifically 5:24 21:14 Specifically 5:25 25:1	-			
similar 19.7.11,13,18 19.20 24 34:14 57:15 19.20 20.4 34:14 57:15 19.20 20.4 34:14 57:15 19.20 23:13 19.20 13.3 19.	•	· •	_	
19:20 20:4 34:14 57:16 5pin 28:13 5pin 28:14 5p			*	
Simon 13:13 Simon 4:22 simultaneous 23:2 34:3 42:6 47:1 49:13 55:3 single 58:8,25 59:4 sir 4:14 11:113 24:15,16 25:1,5 28:9 47:4,4 49:14 50:18 54:9 56:11,16 sit 9:4 sitting 26:9 size 25:7 size 25:7 size 43:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,1 98:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:5,9,21 11:18 13:2 16:23 17:5,9,21 18:11 19:1,5 47:21 stated 48:14 states 16:2,19,22,25,25 statute 6:10 statute 6:				
Simon 13:13 Simone 13:23 spilt 49:24 50:12,144 spot 54:44 50:12,144 spot 54:45:14,162,164 spot 54:45:14,144 spot 5				
Simone 4:22 simultaneous 23:2 34:3 42:6 47:1 49:13 55:3 single 58:8,25 594 sif 4:14 11:13 24:15,16 25:1,5 28:9 47:4,4 49:14 50:18 54:9 56:11,16 sit 9:4 stards 49:22 50:13 starts 49:13 50:13 starts 49:22 50:13 starts 49:22 50:13 starts 49:13				
simultaneous 23: 2 34:3			•	•
single 58:8,25 59:4 stamp 18:11 stamd-alone 23:21 stamp 18:11 stand-alone 23:21 stand 49:14 50:18 54:9 56:11,16 started 4:19 7:19 started 4:19 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 7:20 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 7:20 19:1, 5 7:20 19:1, 5 6:19 19:1, 5 6:19 19:1, 5 7:20 19:1, 5 7:20 19:1, 5 7:20 19:1, 5 7:20 19:1, 5 7:20 19:1, 5 6:1, 5				
single 58:8,25 59:4 sir 414 11:13 24:15,16 25:15,28:9 47:4,4 49:14 50:18 54:9 56:11,16 sit 9:4 sitting 26:9 sit 9:4 58:22 13:14,16,17 32:24 33:10,18 58:9 58:21 size 25:7 size 24:7 size 43:7 size 43:7 size 43:7 size 43:7 size 43:7 19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 staff 46:10 substantial 6:10 substantial 7:4, 22:11 48:9 tetlint14: 29:12 46:9,21 telliln 55:11 tells 18:2 Temporary 6:7 terminals 5::15 terms 8:8 texas 16:15 thank 4:22 5:11 26:25		-	_	
sir 4:44 11:13 24:15;16		-		
25:1,5 28:9 47:4,4 49:14 50:18 54:9 56:11,16 56:1		-		
49:14 50:18 54:9 start 45:11;23 started 4:19 7:19 started 4:19 1:10 started 4:19 7:19 started 4:19 7:10 started				_
siting 26:9 sit 9:4 siting 26:9 sit 32:4 33:10,18 58:9 58:21 size 25:7 sized 43:7 sized 43:7 sizel 43:1 state 43:19 7:19 states 7:23 17:5,9,21 telling 55::11 tells 18:2 Temporary 6:7 term 44:7 termials 5:15 terms 8:8 sizestimoy 4:13 5:8 term 8:2 Temporary 6:7 termials 5:15 terms 8:8 sizel 47:11 testimony 4:13 5:8 term 8:2 Temporary 6:7 termials 7:10 tested 17:11 testimony 4:13 5:8 term 8:2 Temporary 6:7 termials 7:10 testimory 4:13 5:8 term 8:2 Temporary 6:7 termials 5:15 terms 8:8 sizel 17:11 testimony 4:13 5:8 term 8:2 Temporary 6:7 termials 5:15 terms 8:8 sizel 47:21 states 16:2, 19,22,25,25 term 44:7 termials 5:15 terms 8:8 sizel 47:21 states 16:2, 19,22,25,25 term 44:7 termials 5:15 terms 8:8 sizel 7:21 testimony 4:13 5:8 tested 17:11 testimony 4:13 5:8 tested 17:11 testimony 4:13 5:8 term 8:8 sizel 7:21 termials 5:15 term 8:2 Temporary 6:7 termid-4:7				
sit 9:4 sitting 26:9 six 3:21 13:14,16,17 32:24 33:10,18 58:9 58:21 58:25:7 size 25:7 size 25:7 size 24 3:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 stopping 29:21 story 60:24 story 69:24 33:13,15 30:6,10 33:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slore 19:23 45:13 Solon 1:8 somebody 11:3 28:4 56:33 Solon 1:8 somebody 11:3 28:4 56:30 sony 17:3 23:3 29:3 42:16,23 50:15,18 5ounds 44:7 source 37:2 40:10 spaces 34:19,20,22 speak 11:3 51:15 7:23 speaking 7:4,4 11:5,6				* · · · · · · · · · · · · · · · · · · ·
sitting 26:9 six 3:21 13:14,16,17 32:24 33:10,18 58:9 58:21 size 25:7 sized 43:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 9:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 somebody 11:3 28:4 somebody 11:3 28:4 54:3 somebody 11:3 28:4 55:3 somebody 12:4 somebody 13:4 somebody 13:4 somebody 13:4 somebody 13:4 some	III			
Six 3.21 13:14,16,17 32:24 33:10,18 58:9 58:21 stated 48:14 states 16:2,19,22,25,25 17:20 32:19 40:8 states 16:2,19,22,25,25 term 44:7 terminals 5:15 terms 8:8 tested 17:11 testimony 4:13 5:8 Texas 16:15 17:40:3 uniterated 4:13 12:14 states 16:15 states 16:2,19,22,25,25 term 44:7 terminals 5:15 terms 8:8 tested 17:11 testimony 4:13 5:8 Texas 16:15 17:40:3 uniterated 4:13 12:14 states 16:12 3:1 17:40:3 uniterated 4:13 12:14 states 16:12 3:1 18:40:10 states 16:10 s			1010	
Size 4 33:10,18 58:9 Stated 48:14 States 16:2,19,22,25,25 17:20 32:19 40:8 Statute 6:10 Statute 6:10 Statute 6:15 17:21 32:19 40:8 Statute 6:10 Statute				,
S8:21 size 25:7 size 43:7 sizet 43:7 sizet 43:7 sizet 43:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19.22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 21:22 31:25 store 49:21 stuff 49:10 subject 5:9 25:8,12 submitted 5:12 20:6 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 suffering 60:1 soft 45:14,16 sof		-		
size 25:7 sized 43:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 21:22 31:25 35:4 36:3,1 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 skip 31:7 slash 47:7,8 slot 9:2 skip 31:7 slouching 9:4 slot 9:2 slouching 9:4 smacking 55:12 somebody 11:3 28:4 somebody 12:4 somebody 12:4 somebody 12:4 somebody 12:4 somebody 12:4 somebody 12:4 somebody 12	-			
sized 43:7 skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 somebody 11:3 28:4 soft 45:13 somebody 11:3 28:4 54:3 somebody 11:3 28:4 55:3 somebody 11:3 28:4 55:3 somebody 11:3 28:4 55:3 somebody 11:3 28:4 55:3 source 37:2 40:10 48:20 space 53:10 spaces 34:19,20,22 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 statute 6:10 stay 28:6 stop 28:13,15 30:6,10 stay 28:16 stop 28:13,15 30:6,10 stay 28:6 stop 28:13,15 30:6,10 stay 28:6 stop 28:13,15 30:6,10 stay 28:16 stop 28:11 store 49:21 stop 49:10 submitted 5:12 20:6 40:8 submitted 5:12 20:6 40:8 submitted 5:12 20:6 40:8 substantial 6:10 suffering 60:1 Suite 1:7 supering 60:1 substantial 6:10 suffering 60:1 substantial 6:10 suffering 60:1 supportive 53:14 supportive 53:14 supportive 53:14 supposed 46:24 47:2,3 53:22 supportive 53:14 supposed 46:24 47:2,3 53:22 supposed 46:24 47:2,3 53:4,15,16 supportive 53:14 supposed 46:24 47:2,3 53:4,21,21 36:5 42:21 supposed 46:24 47:2,3 53:4,22,1 36:3 supply 36:14,36 supposed 46:24 47:2,3 53:				typically 58:14
skill 1:9 4:1,8 5:18 6:4,6 6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 2:22 31:25 story 60:24 stuff 49:10 subject 5:9 25:8,12 33:4,15 41:20 submitted 5:12 20:6 40:8 viffering 60:1 substantial 6:10 suffering 60:1 slash 47:7,8 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 social 58:10 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 sorry 17:3 23:3 29:3 42:16,23 50:15,18 sounds 44:7 source 37:2 40:10 spaces 34:19, 20, 22 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6				
6:17 7:11,19 8:2,15 9:18 10:19,22 11:16 11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 sloth 9:2 slouching 9:4 smacking 95:12 social 58:10 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 supposed 46:24 47:2,3 sorry 17:3 23:3 29:3 42:16,23 50:14 suppoming 33:21 unit 21:2,8,15 United 32:19 unleaded 37:18 39:17 unnetworked 23:19,21 upside 8:9 26:22,23 36:24 29:24 4:19 46:11 stight 60:11 stoket 21:2,3,5,11 time's 58:7 today 2:7 3:22,23 4:4 4:24,25 15:19 43:10 49:19 version 6:18 tota 7:4, 14:15 tota 1:2, 15:2 tota 1:2, 15:2 tota 1:2, 15:2 tota 1:				
9:18 10:19,22 11:16				
11:18 13:2 16:23 17:8 17:8,10,23,24 18:17 19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slothing 9:4 slothing 9:4 smacking 55:12 sofid 45:14,16 soft 45:14,16 soft 45:14,16 soft 45:14,16 soft 45:13 Solon 1:8 somebody 11:3 28:4 54:3 somebody 11:3 28:4 55:9 somebody 11:3 28:4 55:9 somebody 11:3 28:4 55:9 somebody 11:3 28:4 56:19 sorry 17:3 23:3 29:3 42:16,23 50:15,18 51:9,13 56:19 sounds 44:7 sounds 44:7 source 37:2 40:10 48:20 space 53:10 spaces 34:19,20,22 speak 11:3 51: 57:23 speaking 7:4, 4 11:5,6			_	
17:8,10,23,24 18:17 19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 sloth 49:2 slouching 9:4 smacking 55:12 social 58:10 soft 45:14,16 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 51:9,13 56:19 sounds 44:7 sounds 44:7 source 37:2 40:10 48:20 space 53:10 spaces 34:19,20,22 speak ing 7:4,4 11:5,6 17:40:24 stuff 49:10 subject 5:9 25:8,12 33:4,15 41:20 submitted 5:12 20:6 40:8 substantial 6:10 substantial 6:10 substantial 6:10 ticket 21:2,3,5,11 tight 60:11 time's 58:7 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 supplication 60:1 time's 58:7 timeline 60:6,11 time's 58:7 susually 28:3 55:18 Utah 16:16 Value 33:21 verbiage 41:7 version 6:18 17:10 versions 17:8 version 6:18 17:10 versions 17:8 versus 23:7 video 1:13 5:15 11:21 15:9,13 35:6 57:18 violation 6:1 Virginia 16:13 47:15,21 vouchers 25:3		•		
19:11,20 21:22 31:25 35:4 36:3,11 37:12 38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 social 58:10 soft 45:14,16 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 sorry 17:3 23:3 29:3 42:16,23 50:15,18 sounds 44:7 sounds 44:7 source 37:2 40:10 48:20 speak ing 7:4,4 11:5,6 speaking 7:4,4 11:5,6 speaking 7:4,4 11:5,6 speaking 7:4,4 11:5,6 suspeaking 7:4,4 11:5,6 suspeaking 7:4,4 11:5,6 story 60:24 stuff 49:10 s				
35:4 36:3,11 37:12 stuff 49:10 thermal 21:2 unleaded 37:18 39:17 38:13,19 39:11 40:16 40:20 41:18 42:11 33:4,15 41:20 33:4,15 41:20 submitted 5:12 20:6 40:20 41:18 42:11 43:5,12,23 47:17,19 submitted 5:12 20:6 40:8 thoughts 57:9 unleaded 37:18 39:17 unnetworked 23:19,21 upcoming 33:21 upcoming 32:4 upcoming 32:4 upcoming 32:4 upcoming 32:4			•	
38:13,19 39:11 40:16 40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 social 58:10 soft 45:14,16 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 source 37:2 40:10 48:20 speak ing 7:4,4 11:5,6 speaking 7:4,4 11:5,6 speaking 7:4,4 11:5,6 subject 5:9 25:8,12 33:4,15 41:20 submitted 5:12 20:6 40:8 submitted 5:12 20:6 submitted 5:12 0:6 submitted 5:12 20:6 thoughts 57:9 three 13:20 17:14,15 ticket 21:2,3,5,11 tight 60:11 time's 58:7 timeline 60:6,11 time's 58:7 timeline 60:6,11 timing 8:14,19 13:1 time's 58:7 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 53:22 symbol 12:8,14,15,16 30:3,10,12,21 32:4 42:16,23 50:15,18 source 37:2 40:10 48:20 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6				
40:20 41:18 42:11 43:5,12,23 47:17,19 47:20 51:17 58:7,20 skip 31:7 slash 47:7,8 slot 9:2 slouching 9:4 smacking 55:12 social 58:10 soft 45:14,16 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 sourds 44:7 source 37:2 40:10 48:20 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 40:8 submitted 5:12 20:6 40:8 substantial 6:10 suffering 60:1 supprior 52:23 supply 21:12 41:19 49:9 supportive 53:14 supposed 46:24 47:2,3 timeline 60:6,11 timing 8:14,19 13:1 Title 5:23 susually 28:3 55:18 Utah 16:16 V value 33:21 verbiage 41:7 version 6:18 17:10 version 6:13 5:15 11:9,13 35:6 57:18 violation 6:1 Virginia 16:13 47:15,21 vouchers 25:3				
43:5,12,23 47:17,19	III		_	-
47:20 51:17 58:7,20 40:8 thoughts 57:9 36:24 39:21 skip 31:7 slash 47:7,8 suffering 60:1 ticket 21:2,3,5,11 USC 43:16 use 6:12 8:14,22 11:24 slouching 9:4 sumerior 52:23 supply 21:12 41:19 ticket 21:2,3,5,11 28:21,22 32:1 36:3 40:20,20 41:4 44:1 44:1 44:1 uses 6:12 8:14,22 11:24 28:21,22 32:1 36:3 40:20,20 41:4 44:1 uses 39:12 usual 27:5 usual 27:5 usually 28:3 55:18 Utah 16:16 V sorpy 17:3 23:3 29:3 30:3,10,12,21 32:4 49:19 59:12 value 33:21 verbiage 41:7 verbiage 41:7 version 6:18 17:10 version 6:18 17:10 versions 17:8 versus 23:7 versus 23:7 vide 0:13 5:15 11:21 15:9,13 35:6 57:18 vide 0:13 5:15 11:21 15:9,13 35:6 57:18 violational 21:14 17:estle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18 vouchers 25:3				
skip 31:7 substantial 6:10 suffering 60:1 three 13:20 17:14,15 USC 43:16 use 6:12 8:14,22 11:24 use 6:12 8:14,12 11:14 <td></td> <td></td> <td>· ·</td> <td></td>			· ·	
slash 47:7,8 suffering 60:1 ticket 21:2,3,5,11 use 6:12 8:14,22 11:24 slot 9:2 Suite 1:7 Superior 52:23 tight 60:11 description of the stand of the stan				
slot 9:2 Suite 1:7 Superior 52:23 tight 60:11 28:21,22 32:1 36:3 40:20,20 41:4 44:1 28:21,22 32:1 36:3 40:20,20 41:4 44:1 4	11 -			
Slouching 9:4 smacking 55:12 supply 21:12 41:19 49:9 soft 45:14,16 software 19:23 45:13 Solon 1:8 somebody 11:3 28:4 54:3 sorry 17:3 23:3 29:3 42:16,23 50:15,18 51:9,13 56:19 sounds 44:7 source 37:2 40:10 48:20 space 53:10 spaces 34:19,20,22 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 speaking 7:4,4 11:5,6 supportive 52:23 time's 58:7 timeline 60:6,11 timing 8:14,19 13:1 Title 5:23 today 2:7 3:22,23 4:4 4:24,25 15:19 43:10 49:19 59:12 today's 2:14 5:13 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 49:23 50:14 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 49:23 50:14 top 11:16 43:3 45:10 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 49:23 50:14 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 49:23 50:14 top 11:16 43:3 45:10 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 49:23 50:14 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 11:16 43:3 45:19 top 11:16 43:3 45:19 top 11:16 43:3 45:19 told 50:25 54:12,25 tongue 29:4 top 11:16 43:3 45:19 top 1				
smacking 55:12 supply 21:12 41:19 timeline 60:6,11 uses 39:12 soft 45:14,16 supportive 53:14 timing 8:14,19 13:1 usual 27:5 software 19:23 45:13 supposed 46:24 47:2,3 today 2:7 3:22,23 4:4 Utah 16:16 somebody 11:3 28:4 surprising 61:2 symbol 12:8,14,15,16 49:19 59:12 value 33:21 sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 42:16,23 50:15,18 35:4,21,21 36:5 42:21 verbiage 41:7 51:9,13 56:19 symbols 8:13,23 13:15 top 11:16 43:3 45:19 version 6:18 17:10 sounds 44:7 23:13 29:3,22,23,24 49:23 50:14 versus 23:7 source 37:2 40:10 30:7 34:18 35:1 37:21 48:20 38:3,6 39:19 video 1:13 5:15 11:21 space 53:10 system 1:9 6:18 37:9 21:19 video 1:13 5:15 11:21 spaces 34:19,20,22 40:8 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 violation 6:1 Virginia 16:13 47:15,21 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18			_	
social 58:10 49:9 timing 8:14,19 13:1 usual 27:5 soft 45:14,16 supportive 53:14 timing 8:14,19 13:1 usual 27:5 software 19:23 45:13 supposed 46:24 47:2,3 today 2:7 3:22,23 4:4 Utah 16:16 somebody 11:3 28:4 surprising 61:2 ymbol 12:8,14,15,16 49:19 59:12 value 33:21 sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 today's 2:14 5:13 verbiage 41:7 42:16,23 50:15,18 35:4,21,21 36:5 42:21 symbols 8:13,23 13:15 top 11:16 43:3 45:19 version 6:18 17:10 sounds 44:7 23:13 29:3,22,23,24 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 source 37:2 40:10 30:7 34:18 35:1 37:21 40:8 touch-screen 20:17,25 15:9,13 35:6 57:18 space 53:10 spaces 34:19,20,22 40:8 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 violation 6:1 Virginia 16:13 47:15,21 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18				
soft 45:14,16 supportive 53:14 Title 5:23 usually 28:3 55:18 Solon 1:8 53:22 4:24,25 15:19 43:10 somebody 11:3 28:4 supposed 46:24 47:2,3 4:24,25 15:19 43:10 54:3 symbol 12:8,14,15,16 49:19 59:12 sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 today's 2:14 5:13 42:16,23 50:15,18 30:3,10,12,21 32:4 today's 2:14 5:13 51:9,13 56:19 symbols 8:13,23 13:15 tongue 29:4 version 6:18 17:10 sounds 44:7 23:13 29:3,22,23,24 49:23 50:14 versions 17:8 source 37:2 40:10 30:7 34:18 35:1 37:21 40:8 touch-screen 20:17,25 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18			•	
software 19:23 45:13 supposed 46:24 47:2,3 today 2:7 3:22,23 4:4 Utah 16:16 somebody 11:3 28:4 53:22 4:24,25 15:19 43:10 V 54:3 sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 49:19 59:12 Value 33:21 42:16,23 50:15,18 30:3,10,12,21 32:4 told 50:25 54:12,25 verbiage 41:7 51:9,13 56:19 symbols 8:13,23 13:15 top 11:16 43:3 45:19 version 6:18 17:10 source 37:2 40:10 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 48:20 38:3,6 39:19 40:8 21:19 violation 6:1 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18				
Solon 1:8 53:22 4:24,25 15:19 43:10 V somebody 11:3 28:4 53:22 4:24,25 15:19 43:10 V 54:3 sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 told 50:25 54:12,25 verbiage 41:7 42:16,23 50:15,18 35:4,21,21 36:5 42:21 tongue 29:4 version 6:18 17:10 51:9,13 56:19 symbols 8:13,23 13:15 49:23 50:14 version 6:18 17:10 sounds 44:7 30:7 34:18 35:1 37:21 49:23 50:14 version 6:18 17:10 source 37:2 40:10 38:3,6 39:19 40:8 touch 8:17 13:12 video 1:13 5:15 11:21 spaces 34:19,20,22 speak 11:3 51:1 57:23 system 1:9 6:18 37:9 21:19 violation 6:1 Virginia 16:13 47:15,21 speaking 7:4,4 11:5,6 53:22 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18	•			
somebody 11:3 28:4 surprising 61:2 49:19 59:12 value 33:21 54:3 30:3,10,12,21 32:4 told 50:25 54:12,25 verbiage 41:7 42:16,23 50:15,18 35:4,21,21 36:5 42:21 tongue 29:4 version 6:18 17:10 51:9,13 56:19 30:3,10,12,21 32:4 tongue 29:4 version 6:18 17:10 sounds 44:7 23:13 29:3,22,23,24 49:23 50:14 version 6:18 17:10 source 37:2 40:10 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 48:20 38:3,6 39:19 touch-screen 20:17,25 15:9,13 35:6 57:18 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18				Utan 16:16
54:3 symbol 12:8,14,15,16 today's 2:14 5:13 value 33:21 42:16,23 50:15,18 30:3,10,12,21 32:4 today's 2:14 5:13 verbiage 41:7 51:9,13 56:19 35:4,21,21 36:5 42:21 tongue 29:4 version 6:18 17:10 sounds 44:7 23:13 29:3,22,23,24 49:23 50:14 version 5:18 17:8 source 37:2 40:10 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 spaces 34:19,20,22 40:8 traditional 21:14 Virginia 16:13 47:15,21 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18			1	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
sorry 17:3 23:3 29:3 30:3,10,12,21 32:4 told 50:25 54:12,25 verbiage 41:7 42:16,23 50:15,18 35:4,21,21 36:5 42:21 tongue 29:4 version 6:18 17:10 51:9,13 56:19 52:13 29:3,22,23,24 49:23 50:14 version 6:18 17:10 source 37:2 40:10 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 48:20 38:3,6 39:19 touch 8:17 13:12 video 1:13 5:15 11:21 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18	- 11			<u> </u>
42:16,23 50:15,18 35:4,21,21 36:5 42:21 tongue 29:4 version 6:18 17:10 51:9,13 56:19 23:13 29:3,22,23,24 49:23 50:14 version 6:18 17:10 source 37:2 40:10 30:7 34:18 35:1 37:21 48:20 38:3,6 39:19 touch 8:17 13:12 video 1:13 5:15 11:21 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 violation 6:1 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18			1	
51:9,13 56:19 symbols 8:13,23 13:15 top 11:16 43:3 45:19 versions 17:8 sounds 44:7 30:7 34:18 35:1 37:21 49:23 50:14 versus 23:7 source 37:2 40:10 30:7 34:18 35:1 37:21 touch 8:17 13:12 video 1:13 5:15 11:21 48:20 38:3,6 39:19 21:19 violation 6:1 space 53:10 40:8 traditional 21:14 Virginia 16:13 47:15,21 speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18				
sounds 44:7 23:13 29:3,22,23,24 49:23 50:14 versus 23:7 source 37:2 40:10 30:7 34:18 35:1 37:21 touch 8:17 13:12 video 1:13 5:15 11:21 48:20 38:3,6 39:19 21:19 violation 6:1 space 53:10 40:8 traditional 21:14 Virginia 16:13 47:15,21 speak 11:3 51:1 57:23 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 vouchers 25:3			_	
source 37:2 40:10 30:7 34:18 35:1 37:21 touch 8:17 13:12 video 1:13 5:15 11:21 48:20 38:3,6 39:19 touch-screen 20:17,25 15:9,13 35:6 57:18 space 53:10 40:8 21:19 violation 6:1 speak 11:3 51:1 57:23 40:8 traditional 21:14 Virginia 16:13 47:15,21 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18	- III	, ,		
48:20 38:3,6 39:19 touch-screen 20:17,25 15:9,13 35:6 57:18 space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 spaces 34:19,20,22 40:8 traditional 21:14 Virginia 16:13 47:15,21 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18				
space 53:10 system 1:9 6:18 37:9 21:19 violation 6:1 spaces 34:19,20,22 40:8 traditional 21:14 Virginia 16:13 47:15,21 speaking 7:4,4 11:5,6 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 5:1,9,13 6:15,20 7:18				
spaces 34:19,20,22 40:8 traditional 21:14 Virginia 16:13 47:15,21 speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 vouchers 25:3 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18 5:1,9,13 6:15,20 7:18				*
speak 11:3 51:1 57:23 systems 23:21 46:1 Trestle 1:6 3:25 4:6,8 vouchers 25:3 speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18	II -	_		
speaking 7:4,4 11:5,6 5:1,9,13 6:15,20 7:18				
		Systems 23:21 40:1		voucners 25:3
11.11,12 13.24 10.0 10.2,10 W		т		\ <u>\\\</u>
	11.11,12 15.24 16.8		10.2,10	
		ı	I	ı

W 1:14,16	Υ Υ	5 1:11
Wahabzadah 1:19	years 4:19 17:14,16	50/50 49:18
56:25 57:1,2	61:3	500 47:19
walking 4:23	01.0	55 12:22 40:18 51:22
wanted 4:22 61:1,5		5th 2:7
wanting 46:5 58:20	Zoom 54:15,15	
wants 50:7	20011 54. 15, 15	6
Washington 4:18	0	6 31:19
way 14:9 18:19 26:21		6-feet 20:14
45:17 46:10 54:19	1	6-foot 20:23
56:23		60 39:8
ways 45:20	1,000 39:6	600 47:20
WebEx 2:21	10 12:21 58:9	6401 1:7
website 2:16	10:33 2:2,8	0-101 1.7
Wednesday 1:11 2:7	100 12:5,23 13:6 30:22	7
week 45:16 60:10	31:2	
weighing 58:7	106 39:1 40:23	8
weighs 20:15	11 40:13	
welgns 20.13 welcome 2:4 56:25	11:46 61:23	9
went 45:9 61:10	110 31:1 40:19	
wein 43.9 61.10 whirlwind 52:10	114 12:25	95 12:24 31:1
	1171 43:16	
wide 20:15,24	12 42:15,16	
win 8:6,7,21,23 12:9,21	12.2.6 6:18	
12:22 13:7,7,16,16	120 12:18,20,21,25	
14:12 22:2 24:3,6,9	15 28:20 43:15	
25:21 26:7 27:21	150 20:16	
30:16,23,24 31:14,19	150-pounds 20:24	
33:21,24 35:10 36:8	18 46:16 47:7,7	
39:1,5 40:23 42:13	1938 43:21	
46:16 52:6	1944 43:21	
winner 12:11 14:4,4	1977 43:24	
22:1 30:3		
winning 12:25 30:23,24	2	
31:6,7,23 32:1,11	2 28:19	
35:4	2,500 28:3,6	
winnings 8:18 36:3,4	2020 1:11 2:7 6:7	
40:18	2020-054 3:4	
wins 12:18 27:16	21 46:24 47:8,10,12	
Wisconsin 16:14	23-inch 20:23	
wish 59:9	23.259 6:6,9	
Witness 1:22,22	24-hour 54:4	
woman 60:24	25 5:23 21:24	
won 12:18 27:25 28:8	27 20:15	
wondering 59:23	21 20.13	
wooden 20:14,23	3	
work 7:22 10:15 43:25		
53:4 60:25	3 31:6 30 20:15	
worked 46:11		
working 4:19 5:4 9:15	32-inch 20:16,25	
world 44:5,16		
worry 54:10	4	
wouldn't 47:5	40 4:19 61:2	
wrong 14:12 24:9 32:4	40-year 52:21	
35:21 36:5 56:7	44139 1:8	
Wyoming 16:15	45 51:23	
11 y 0 11 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1	48 2:15	
X		
X X 3 6:21	5	

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This is to certify that the foregoing transcript

In the matter of: Trestle Corporation, Ltd.

Before: DCABRA

Date: 08-05-20

Place: teleconference

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

Court Reporter

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