COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman
Robert C. Haas, Police Chief
Gerald Mahoney, Assistant Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

AT: Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139

DATE: Tuesday, October 23, 2012

TIME: 6:08 p.m.

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INDEX OF AGENDA

AGENDA MATTERS	**PAGE**
APPLICATION: SONESTA INTERNATIONAL HOTEL CORP.	3
APPLICATION: SAMY GANDY	7
APPLICATION: FLAT TOP JOHNNY'S, INC.	17
APPLICATION: SQUEAKY BEAKER CAFE, LLC	20
APPLICATION: LE CORDON BLEU COLLEGE OF CULINARY ARTS, INC.	25
RATIFICATION/REVIEW: DICIPLES, LLC	29
DISCIPLINARY: ROUTE 2 HOTEL CO., INC.	35
APPLICATION: CDM INTERNATIONAL ENTERPRISES, LLC	134
POLICY: PILOT PROGRAM	207
POLICY: RULES AND REGULATIONS OF TAXICABS	189
RATIFICATIONS	264

P R O C E E D I N G S

ELIZABETH LINT: The chairman will be here. He's just going to be a little bit late. So, we are going to get started with some simple matters.

This is the License Commission general hearing, Tuesday, October 23, 2012 at 6:07 p.m.

We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave, basement conference room.

Before you are the Commissioners Assistant Fire Chief Gerard Mahoney and Commissioner Robert Haas.

APPLICATION: SONESTA INTERNATIONAL HOTEL CORP.

The first matter is the application for Sonesta International Hotels Corp., doing business as Royal Sonesta Hotel, Michael Medeiros, manager, holder of an all alcoholic

beverages as a hotel license at 40 Edwin Land Boulevard has applied for a change of officers/directors in a corporation holding a license governed by Massachusetts General Laws Chapter 138.

POLICE COMMISSIONER ROBERT HAAS: I assume you got your spellings, right?

So if you could just state your name and spell it.

MICHAEL MEDEIROS: Michael Medeiros, hotel manager of the Royal Sonesta. The spelling is M-E-D-E-I-R-O-S.

WILLIAM SHEEHAN: William Sheehan, CEO of Sonesta Hotels. It's S-H-E-E-H-A-N.

POLICE COMMISSIONER ROBERT HAAS: So can you give us a little bit of background in terms of the application and the purpose of the change of officers and directors?

WILLIAM SHEEHAN: Sure. We have decided

to replace two directors -- officers on the application with -- because they have left the company, and the new applicant is Richard Pearl, and he is the chief financial officer of the company.

POLICE COMMISSIONER ROBERT HAAS: So you're replacing one member or both members?

WILLIAM SHEEHAN: That's correct. The two people that are stepping down are no longer with Sonesta Hotels, or are associated with Sonesta Hotels.

POLICE COMMISSIONER ROBERT HAAS: Okay.

This is normal course of business, nothing out of the ordinary with this?

WILLIAM SHEEHAN: No. It's definitely the normal course of business, no concerning separation between the company and the former employees.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do

you have the names, Ms. Lint, of the people that are leaving the corporation?

ELIZABETH LINT: I do.

WILLIAM SHEEHAN: It's in the file. It's Peter Sonnabend and Boi Van Riel. Peter Sonnabend, S-O-N-N-A-B-E-N-D, and Boi, B-O-I, two words, V-A-N, R-I-E-L.

ROBERT HAAS: Background in order?

ELIZABETH LINT: That' what I was just looking for. I don't have that back as of yet, but we can...

WILLIAM SHEEHAN: Are you talking about the CORI?

ELIZABETH LINT: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Yes.

WILLIAM SHEEHAN: You do not have that yet?

ELIZABETH LINT: I don't have it. It's

possibly upstairs, but it's not a problem. It's always conditioned upon a satisfactory check.

POLICE COMMISSIONER ROBERT HAAS: Any public comment regarding the application?

Seeing none...

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion that the application be approved as submitted with the condition of the CORI paperwork submitted appropriately.

POLICE COMMISSIONER ROBERT HAAS: Second that motion.

All those in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

WILLIAM SHEEHAN: Thank you very much.

MICHAEL MEDEIROS: Thank you very much for your time.

APPLICATION: SAMY GANDY

ELIZABETH LINT: Application: Samy Gandy doing business as Marco's Pizza and Grill, has applied for a common victualer license to be exercised at 2445 Massachusetts Avenue. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 16. The hours of operation will be 10:00 a.m. to 12:00 a.m. seven days per week. Applicant is also applying for an entertainment license to include one TV.

POLICE COMMISSIONER ROBERT HAAS: State your name and spell it, please.

SAMY GANDY: Samy, S-A-M-Y, last name Gandy, G-as in "George"-A-N-as in "nanny"-D-Y.

POLICE COMMISSIONER ROBERT HAAS: Can you just give us a little background in terms of what you intend to do?

SAMY GANDY: I'm trying to open fast food and pizza place and subs and serving the area and surrounding areas, and right now there was a manager once at restaurant for like over three years and that was doing that business for some business for over ten years.

POLICE COMMISSIONER ROBERT HAAS: Have you ever owned a business like this before?

SAMY GANDY: No, this is my first time.

POLICE COMMISSIONER ROBERT HAAS: You said it's fast food that you're serving?

SAMY GANDY: Correct, it's pizza and fast food.

POLICE COMMISSIONER ROBERT HAAS: Ms. Lint, this it not considered fast food, right?

ELIZABETH LINT: We don't consider it fast food.

POLICE COMMISSIONER ROBERT HAAS: No,

okay. It's a different permit if you go for a fast food license. You said you have a total of 11 years experience?

SAMY GANDY: About 12 years.

POLICE COMMISSIONER ROBERT HAAS: 12 years experience.

What was there before?

SAMY GANDY: What I was doing before?

POLICE COMMISSIONER ROBERT HAAS: In the location where you're going to go.

SAMY GANDY: No. I used to manage a store in Chelsea, Mass.

POLICE COMMISSIONER ROBERT HAAS: No, no. What is in the place where you're going to open this business?

SAMY GANDY: Current pizza place, it's called Marco's Pizza & Grill.

POLICE COMMISSIONER ROBERT HAAS: You're taking over an existing business?

SAMY GANDY: Correct.

POLICE COMMISSIONER ROBERT HAAS: Are you changing the menu?

SAMY GANDY: Not right now. Maybe in the future.

POLICE COMMISSIONER ROBERT HAAS: And the hours of the business?

SAMY GANDY: I'm just going to extend the hours. It closes at 9:00 right now. Probably I will do that, but he has a license for 10:00 to 10:00 p.m., so I'm extending a couple hours just in case I need them.

ELIZABETH LINT: That doesn't work. You have to be open the hours that are on your application.

SAMY GANDY: That's what I'm applying for?

ASSISTANT FIRE CHIEF GERARD MAHONEY: You want to close at 10:00 p.m., the license should

say 10:00 p.m., but it says here in the application 10:00 to midnight, then you have to stay open until midnight.

SAMY GANDY: Till midnight. Okay. I will do that.

POLICE COMMISSIONER ROBERT HAAS: So you want to stay open until midnight?

SAMY GANDY: Yes.

POLICE COMMISSIONER ROBERT HAAS: You open at 10:00 in the morning?

SAMY GANDY: Yes.

ELIZABETH LINT: I have an unpaid property tax bill that goes back to 2006 for the current owner. Obviously, it's not his responsibility, but we need to have that somehow relayed.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do you know who the owner of the property is?

SAMY GANDY: It is Mr. Bursh in Hudson.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That will send the bill?

ELIZABETH LINT: It says Marco's Pizza & Grill. So why I don't give this to him.

And the other thing is I have a letter from Mr. Muehe regarding the fact that the entrance is not accessible, that there are three steps, and he's recommending that you get a moveable ramp.

We'll send you a letter of this and you can contact Mr. Muehe. I'm sure he'll come down and help you out with the situation.

POLICE COMMISSIONER ROBERT HAAS: Where will your deliveries and your trash pickup be? Where is that located on the property?

SAMY GANDY: Behind the property in the back, we have like a small hallway.

POLICE COMMISSIONER ROBERT HAAS: Is that where it is now?

SAMY GANDY: Yes.

POLICE COMMISSIONER ROBERT HAAS: How often are you going to have trash pickup made?

SAMY GANDY: We have a driveway between our property and the property next to us, and we can just address -- trucks can go in there and grab the trash container and just pull it out and just dump it in the container.

POLICE COMMISSIONER ROBERT HAAS: How often a week? How many times a week?

SAMY GANDY: Once a week.

POLICE COMMISSIONER ROBERT HAAS: Is that going to be enough?

SAMY GANDY: For now it's enough, yes.

POLICE COMMISSIONER ROBERT HAAS: What are they doing now in terms of trash?

SAMY GANDY: Once a week.

POLICE COMMISSIONER ROBERT HAAS: Chief?

ASSISTANT FIRE CHIEF GERARD MAHONEY: How

many employees are you going to have?

SAMY GANDY: Three.

ASSISTANT FIRE CHIEF GERARD MAHONEY: A lot of hours in the business operation for only three employees.

SAMY GANDY: The thing is I do three for now. When the business picks up, I'm going to hire more people. And do I have to inform you guys as to how many I have?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No. Just something we, you know...

SAMY GANDY: Because the business right now is kinda slow. As soon as it picks up, after I take over, everything be changed, we'll hire more people.

POLICE COMMISSIONER ROBERT HAAS: Is the current business open seven days a week?

SAMY GANDY: It's only six days.

POLICE COMMISSIONER ROBERT HAAS: It's

six days.

Which day is it closed?

SAMY GANDY: Sundays.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is there any issue with the abutters?

ELIZABETH LINT: No.

POLICE COMMISSIONER ROBERT HAAS: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

POLICE COMMISSIONER ROBERT HAAS: Any public comment? Seeing none...

ELIZABETH LINT: Do you have the green cards?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion to approve the application as submitted.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

All in favor?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye. Congratulations.

SAMY GANDY: Thank you.

POLICE COMMISSIONER ROBERT HAAS: You're going to meet with Mr. Muehe, as far as the ramp, right?

SAMY GANDY: Yes. Doing the steps. Thank you so much.

ELIZABETH LINT: We'll send you the necessary information.

SAMY GANDY: All right. Thank you.

APPLICATION: FLAT TOP JOHNNY'S, INC.

Application: Flat Top Johnny's, Inc., John Adams, manager, holder of an all alcoholic beverages as a restaurant license at One Kendall Square, Building 200, has applied for a change of officer/director and a transfer of stock.

JOHN ADAMS: Good evening. How are you doing?

POLICE COMMISSIONER ROBERT HAAS: Could you state your name and spell your name for the record, please?

JOHN ADAMS: John Adams, J-O-H-N A-D-A-M-S.

PHIL BANNATYNE: Phil Bannatyne, P-H-I-L B-A-N-N-A-T-Y-N-E.

POLICE COMMISSIONER ROBERT HAAS: Give us some background in terms of what you intend to do.

JOHN ADAMS: Certainly. My friend and 19-year-business partner at Flat Top Johnny's has decided to go in a different direction, so he offered me his stock. We're purchasing his stock and changing the corporation having me as the sole officer.

POLICE COMMISSIONER ROBERT HAAS: You're

going to keep the same name and same menu?

JOHN ADAMS: Same name, same menu, same everything. We have been there for 19 years.

POLICE COMMISSIONER ROBERT HAAS: Have you?

JOHN ADAMS: Nothing is going to change.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Make a motion to -- any public comments?

Make a motion to approve the application submitted.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

ASSISTANT FIRE CHIEF GERARD MAHONEY: All those in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

ELIZABETH LINT: I just have a little bit of housekeeping.

JOHN ADAMS: Sure.

ELIZABETH LINT: You've submitted two checks for the ABCC for $200. We need one for the ABCC and one for the License Commission. It's $175, so you save $25.

JOHN ADAMS: How about that? When does that happen?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Not often.

ELIZABETH LINT: Do you want to stop by the office tomorrow and take care of that?

JOHN ADAMS: Sure. Yeah, no problem at all.

ELIZABETH LINT: Okay.

APPLICATION: SQUEAKY BEAKER CAFE, LLC

ELIZABETH LINT: Application: Squeaky Beaker Cafe, LLC doing business as Squeaky Beaker Cafe, Anthony Miller, manager, has applied for a common victualer license to be exercised at 675

West Kendall. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 18. The hours of operation will be 7:30 a.m. to 8:30 p.m. Monday through Friday.

ANTHONY MILLER: My name is Anthony Miller, M-I-L-L-E-R.

POLICE COMMISSIONER ROBERT HAAS: So can you give us some background?

ANTHONY MILLER: On me or the place?

POLICE COMMISSIONER ROBERT HAAS: On what you plan on doing.

ANTHONY MILLER: I owned the Second Street Cafe for five years and we're doing pretty well. Before that, I worked as a research and development chef for Whole Foods on River Street, and went to Cambridge School of Culinary Arts, and I've lived in the same neighborhood as Second

Street, where this is going, for 13 years.

I have been working on this place for four and a half years or so. It's going into 675 West Kendall, which is the building where Asa Tuna and the Leisure Station is. And we're planning to do breakfast, lunch and prepared dinners to go, all made from stretch, all homemade comfort food. French and American comfort food.

POLICE COMMISSIONER ROBERT HAAS: How would the dinners work? They'd be like prepackaged and people would just come and pick them up or...?

ANTHONY MILLER: What we're planning to do is both have people just come in and order, you know, "I'd like to have braised short ribs and mashed potatoes or grilled asparagus," that kind of thing, and they can get it at a size that fits them so they can take it home and feed their

family or just themselves.

And we're also -- I have -- we have a lot of neighborhood support from Second Street, and one of the customers there is actually building me a website and an app where people can order on their phone and pay through their phone and just come pick it up.

So, it's basically people on their way home from work can get something homemade that is healthy, and feed their family without -- if they're in a jam without, you know, having to order pizza. No offense to anyone here. But there's already enough of that.

ELIZABETH LINT: Options?

ANTHONY MILLER: Yes. And it's next to a daycare center. So, you know, hopefully it will be really helpful for people picking up their kids.

POLICE COMMISSIONER ROBERT HAAS: Have

you made arrangements for trash pickup and deliveries?

ANTHONY MILLER: Actually, I'm having trash pickup everyday. Trash is in a separate room inside the restaurant of the building because there's no real dumpster there. So I'm arranging for a trash pickup everyday.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How big is that building? That's, what, an eight-story building, an office and R&D building?

ANTHONY MILLER: Six or seven, yeah.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How long is your lease?

ANTHONY MILLER: Ten years with two five-year options.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I don't have anything further.

ELIZABETH LINT: Do you have your green card?

ANTHONY MILLER: I gave them to Chris. Hopefully they're in there.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion that the application be approved as submitted.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

ASSISTANT FIRE CHIEF GERARD MAHONEY: All those in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

ANTHONY MILLER: Thank you very much. Hope everyone has a good night.

APPLICATION: LE CORDON BLEU COLLEGE OF CULINARY ARTS, INC.

ELIZABETH LINT: Application: Le Cordon Bleu College of Culinary Arts, Inc., a private two-year college, doing business as Technique,

Andrew Abelman, manager, holder of a wine and malt beverages as a restaurant license at 215 First Street has applied for a change of manager to Rafael Castaneda.

POLICE COMMISSIONER ROBERT HAAS: State your name and spell your name for the record, please.

RAFAEL CASTANEDA: Rafael Castaneda, first name R-A-F-A-E-L, last name C-A-S-T-A-N-E-D-A.

POLICE COMMISSIONER ROBERT HAAS: Can you just give us some background in terms of what your plans are?

RAFAEL CASTANEDA: Yeah. We're located in the Atheism building on First Street, and Le Cordon Bleu wholly owns Technique Restaurant and Andrew Abelman was the former chief executive officer and campus president. I'm the new chief executive officer and campus president. So we're

looking to change the manager officially from him to me.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Any changes in the operation at all or is it just strictly...?

RAFAEL CASTANEDA: None.

POLICE COMMISSIONER ROBERT HAAS: Have you held a license for that before?

RAFAEL CASTANEDA: I have not.

POLICE COMMISSIONER ROBERT HAAS: What is your prior experience?

RAFAEL CASTANEDA: Eight years I was the campus treasurer for the Le Gordon Bleu College in Sacramento, California.

POLICE COMMISSIONER ROBERT HAAS: You had a liquor license out there?

RAFAEL CASTANEDA: Yes.

POLICE COMMISSIONER ROBERT HAAS: Was it in your name?

RAFAEL CASTANEDA: It was not in my name.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ELIZABETH LINT: We're still waiting for the $175 hearing and application fee and the $10 CORI.

RAFAEL CASTANEDA: Can I turn that in now?

ELIZABETH LINT: You can.

POLICE COMMISSIONER ROBERT HAAS: Is the CORI back?

ELIZABETH LINT: Background check is fine.

POLICE COMMISSIONER ROBERT HAAS: Any public comment? Hearing none...

ASSISTANT FIRE CHIEF GERARD MAHONEY: Make a motion that the application be approved as submitted.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

ASSISTANT FIRE CHIEF GERARD MAHONEY: All those in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

RAFAEL CASTANEDA: Thank you.

RATIFICATION/REVIEW: DICIPLES, LLC

ELIZABETH LINT: We have the next one. We have a review of Diciples, LLC doing business as Bull BBQ, Peter Ahn, manager, holder of a common victualer license at 57 JFK Street, basement level, as part of the License Commission's May 15, 2012 approval.

And Diciples, LLC doing business as Bull BBQ, Peter Ahn, manager, holder of a common victualer license at 57 JFK Street, basement level, for a change of doing business to Bonchon.

POLICE COMMISSIONER ROBERT HAAS: State your name and spell your name for the record,

please.

PETER AHN: Peter Ahn, P-E-T-E-R A-H-N.

JIN KIM: Jim Kim, J-I-N K-I-M.

POLICE COMMISSIONER ROBERT HAAS: Are you open and operating now?

PETER AHN: Yes.

POLICE COMMISSIONER ROBERT HAAS: How long have you been operating for?

PETER AHN: Since May 24th.

POLICE COMMISSIONER ROBERT HAAS: Can you explain why you're changing the name?

PETER AHN: Because Bonchon is a franchise, and under the franchise agreement, they have asked us to change the sign as well as the d/b/a to Bonchon.

POLICE COMMISSIONER ROBERT HAAS: Have you sold the restaurant to the franchise or...?

PETER AHN: No.

POLICE COMMISSIONER ROBERT HAAS: This

was always a franchise?

PETER AHN: Not from the beginning, no.

POLICE COMMISSIONER ROBERT HAAS: I didn't think it was.

PETER AHN: No, it wasn't, but once we opened then we changed over. We included the Bonchon Chicken, which is a franchise-based out of New York -- well, out of Korea, but the head offices are in New York.

POLICE COMMISSIONER ROBERT HAAS: Bonchon.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What does the sign say there now?

PETER AHN: It's Bonchon now.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So Bull BBQ is gone?

PETER AHN: Right. The name itself is gone, right. We still have the signage and we still serve BBQ, a Korean menu, but the actual

sign outside says -- states Bonchon.

POLICE COMMISSIONER ROBERT HAAS: What are your hours of operation?

PETER AHN: Right now, 11:30 to 11:30.

POLICE COMMISSIONER ROBERT HAAS: Seven days a week?

PETER AHN: Yes.

POLICE COMMISSIONER ROBERT HAAS: How is business going?

PETER AHN: I mean great. I mean, well, it has its moments, but it's going.

JIN KIM: We can't complain.

POLICE COMMISSIONER ROBERT HAAS: Say again?

JIN KIM: No complaints.

PETER AHN: It could always be better.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do these have to be considered as two separate motions or...?

ELIZABETH LINT: Yep.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have nothing, Commissioner.

POLICE COMMISSIONER ROBERT HAAS: No other operational issues that you've encountered?

PETER AHN: No.

POLICE COMMISSIONER ROBERT HAAS: Any public comment?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Make a motion to approve the application for a change of d/b/a to Bonchon from Bull BBQ as submitted in the application.

POLICE COMMISSIONER ROBERT HAAS: Second.

ASSISTANT FIRE CHIEF GERARD MAHONEY: All those in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

Do you have the other on file? Do you

need a motion for that?

ELIZABETH LINT: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Motion to place the Diciples, LLC doing business as Bull BBQ, Peter Ahn, manager, holder of a common victualer license at 57 JFK Street, basement level, as part of the License Commission's May 15, 2012 approval to be placed on file.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

ASSISTANT FIRE CHIEF GERARD MAHONEY: All those in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

POLICE COMMISSIONER ROBERT HAAS: You're all set.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Thank you, gentlemen.

POLICE COMMISSIONER ROBERT HAAS: Good luck.

(Chairman Michael Gardner enters hearing.)

CHAIRMAN MICHAEL GARDNER: Good evening, everyone. My name is Michael Gardner. I'm the Chair of the Commission. I apologize for being late, but I had conflict with the School Committee I couldn't adjust for.

I hope you will make the note I didn't vote on the last two items, that portion of the testimony.

DISCIPLINARY: ROUTE 2 HOTEL CO., INC.

ELIZABETH LINT: Disciplinary continued from September 11, 2012. Route 2 Hotel Company, Inc., doing business as Cambridge Gateway Inn due to a police report received by the License Commission from the Cambridge Police Department.

ANTHONY GALLUCCIO: Good evening, Mr. Chair, and Mr. Martignetti is walking up now. I'm happy to start the proceeding.

I know there's at least one person that you asked to come. I think we can begin. He should be in momentarily if it pleases the Commission.

CHAIRMAN MICHAEL GARDNER: I'm okay with that, if you're prepared to go ahead.

ANTHONY GALLUCCIO: I am.

CHAIRMAN MICHAEL GARDNER: Why don't we just have everybody state and spell their names for the record, please?

ANTHONY CALLUCCIO: Through you, Mr. Chair, my name is Anthony Calluccio, I'm an attorney with Galluccio, G-A-L-L-U-C-C-I-O, and Watson at 1498 Cambridge Street.

SCOT CAMPBELL: My name is Scot Campbell, one T in Scot, C-A-M-P-B-E-L-L.

CHAIRMAN MICHAEL GARDNER: Mr. Campbell, could you describe to us your role in this matter?

SCOT CAMPBELL: I was the front desk clerk -- well, the night auditor that was working that night. I came on at 11:00, I took over the shift from the second shift clerk, who pointed out a note to me there might be a problem with a party in 138 and 139 because they were local people and there was some concern. She didn't tell me any more than that.

It was the 4th of July. So I was -- when I first got there, the proceedings -- the 4th of July celebration was running late because of a rainstorm, and so, people from the celebration hadn't come back to the hotel yet.

So around 11:30 or 12:00 people started coming back, and I started noticing people coming back. And sometime after that, maybe around

12:30, I'm not exactly sure, but around 12:30, I decided that enough people had been coming back through the front door just to rooms that I should go and check 138 and 139, which is the rooms that I had a note on from the second shift clerk.

So, around 12:30, I did go back there and it was kind've loud music and some kind of a party going on, and 139 -- 138 didn't look like there was anybody in the room.

So I knocked on 139, and one of the people from 139 came out, and I said, "You're being too loud. The music is too loud. It sounds like there's too many people in that room. We don't allow parties here. You're gonna have to quiet this down and break this up."

Usually what I do when I make that warning to people, I say "I am making this as a warning now, but if I have to come back here, I'm

going to call the police or else I'm just going to throw you out, one or the other."

So I went back to the desk and I continued my night audit duties, balancing the credit cards, making sure the cash is okay and other paperwork that I do on the overnight shift. And I might have checked in one or two people. The phone rang a little bit. It was a little busy because it was the 4th of July and there were people coming back, as I said, late from the fireworks.

I don't really remember the time exactly, but I guess it was around 1:00 that the police came in the front door and asked me what was going on.

And I was like "I don't know what's going on. I didn't call you."

And they said that they had gotten a call to come to the Gateway Inn, apparently from

someone in the hotel, and that there was a problem in the back of the hotel.

And I said, "Well, it sounds like the problem is probably coming from 138 or 139, rather, because I was down there about half an hour ago. There sounded like a party going on with music and loud voices, so I warned them to quiet down, but I didn't get any complaints from anyone."

So I never really followed up on it right away, but I was going to follow up on it, but then the police came in, and at that point, they sort've took over.

They went down there, and right away, I think it was just two cars, I don't really remember, but more police came later, and they -- I noticed they stayed for, I mean, a lot longer than normally to break up a party. It might take 15, 20 minutes, but it doesn't take longer than

that, and this time they were there for hours until like 4:00.

And I asked them a couple times what was going on. They didn't tell me exactly, but they said it was really serious, and that they had a crime scene, and that they had like to really search the room and take the room apart.

And at one point, one of the police officers said that they found three firearms. I think it was 4:00 or 4:30 they finished up everything and then they left.

CHAIRMAN MICHAEL GARDNER: I just note for the record, Mr. Martignetti appears to have joined us.

Mr. Martignetti, would you just state and spell your name for the record so we have it?

ANTHONY MARTIGNETTI: First, let me apologize for being late. I couldn't find any place to park.

CHAIRMAN MICHAEL GARDNER: It's quite all right. We had conversation with your counsel. He was able to go forward, no problem.

ANTHONY MARTIGNETTI: Thank you very much.

My name is C. Anthony Martignetti, M-A-R-T-I-G-N-E-T-T-I.

CHAIRMAN MICHAEL GARDNER: So, Mr. Campbell, when you went to the room at about 12:30, did you speak to somebody through an open door?

SCOT CAMPBELL: They came out of the room into the hallway, yes.

CHAIRMAN MICHAEL GARDNER: And you got a chance to look in the room?

SCOT CAMPBELL: The door was open a little bit, but from what I could see, it was dark in the room and I didn't really see other people.

I know there was people in there because there were people talking over each other because of the music and the loudness.

CHAIRMAN MICHAEL GARDNER: So did you form any estimate how many people were in there?

SCOT CAMPBELL: Well, based on past experience, I think there must have been probably ten or 15 people, anyways, and possibly more. That was why I told them "We don't have parties and you got to quiet down and break things up. It's a hotel. It's not an establishment to drink and party."

CHAIRMAN MICHAEL GARDNER: Did you see anything like that number of individuals come in through the front door?

SCOT CAMPBELL: No. Not through the front door. The people that were coming in through the front door were coming in ones and twos, and I don't think they were related to that

party. I think they were just guests returning to their rooms.

CHAIRMAN MICHAEL GARDNER: How were these people getting in, if you know?

SCOT CAMPBELL: I think they must've been coming in the backdoor of the hotel or the side door, one or the other. There's two other doors besides the front. And someone must've been letting them in. And I am assuming they all couldn't have keys. Only room keys can open the side and backdoors to the building.

CHAIRMAN MICHAEL GARDNER: Do you have any protocols or instructions as to what you're supposed to do if you encounter such a clearly inappropriate use of a rented room?

SCOT CAMPBELL: I'm supposed to tell them to break up the party and then either I decide to throw them out, you know, just to say, "Look, you got ten minutes to get out of here. If you're

not out of here in ten minutes, I'm going to call the police," or else I give them a warning to break up the party and to quiet down so other guests are not disturbed.

CHAIRMAN MICHAEL GARDNER: Which of those two options did you choose to use in this case?

SCOT CAMPBELL: I did the second. I just told them to quiet down and break up the party.

CHAIRMAN MICHAEL GARDNER: Did you have an intention as to how long you were going to let that warning stand before you checked to see if they had complied?

SCOT CAMPBELL: Usually I wait between 15 minutes and half an hour. I might have waited a little longer because I got busy with other things, but I usually wait 15 minutes to half an hour.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How was -- could you state again how this was brought

to your attention?

SCOT CAMPBELL: The second shift clerk, when she was leaving the shift, we always trade information, and she pointed out a note that either she wrote or Elaine, the first shift clerk, that said to watch Rooms 138 and 139 because they suspected that there might be a party or something that might occur.

ASSISTANT FIRE CHIEF GERARD MAHONEY: But you didn't get -- nobody called to report that there was noise or anything like that? You just went down on your own to check?

SCOT CAMPBELL: Right. I didn't get any complaints from other guests.

CHAIRMAN MICHAEL GARDNER: I guess I'm surprised that with the number of people in the room of that proportion of what you already thought were there, and I believe that the record will show there were a lot more than that, and

from the noise you heard, that you weren't more proactive sooner.

SCOT CAMPBELL: Especially in light of what happened, I agree. I should've either shut the party down right then, or just told them, "Look, there's too many people in this room. I don't think I can even handle the situation, I'm going to call the police."

CHAIRMAN MICHAEL GARDNER: Have you changed any procedures since this incident which is now four months plus ago?

SCOT CAMPBELL: Yes. We have actually changed several things. Well, the main thing that we did, not in the beginning of this month, but before this -- well, the main thing we did on October 1st is we went to cash or no cash at the hotel. You have to check in with a credit card or a debit card with your name on it. And if you use a debit card and it states "debit" on the

card, we also take a $50 deposit or else 50 additional dollars on the debit card.

A lot of our customers were paying cash with a deposit, and I noticed about the fourth or fifth day of the month that the amount of business on the overnight went down a lot. I mean, it went down from -- on a busy night, I would do ten or 12 people -- not really a busy night, but ten or 12 check-ins, and it went down to like three or four. And it's been that way for the most part for the whole month since then.

And a lot of our regular local people haven't -- just haven't been coming in. And I think the word's gotten out that we don't take cash any more, so a lot of the people that potentially would cause more problems aren't coming in anymore.

We also got a new camera system with a large monitor with eight screens. Each screen on

the monitor is as big as the old monitor used to be and you can see all eight screens at the same time now.

Also, you can hit a button and the screen will pop up to the full size of the monitor, and the individual screen will pop up to the full size of the monitor.

There's also like a motion detector on it that if something moves in the picture, a little "M" comes up in the corner. So, if you're just glancing at it -- and at night when I work, it's very dark, you might not see that motion, but if you see a little "M" there, you look and you can see, oh yeah, there's somebody moving in the back of the screen there.

I have noticed that couple times I have seen the "M" and I couldn't -- when I first looked at the monitor, I couldn't see any motion, but then because I saw the "M", I looked a little

harder and I could see like somebody moving around in the back. Usually it's just somebody going out for a cigarette or something. But it flags me to look at the camera a little more closely.

CHAIRMAN MICHAEL GARDNER: From anything that you know, did you see the person or persons who you understood to have rented the room to enter at all?

SCOT CAMPBELL: I never asked for an ID. I mean, I could've, but I didn't. I'm sure I didn't since I almost never do.

If they had come through the front door and there was more than just the two that were registered to the room, or the four that were registered to the two rooms, then I would be asking them who they were.

And the way we do it is we have them give their name and leave their name at the desk and

which room they're going to.

But when I knocked on the door, I didn't check for an ID with the person that spoke with me. I don't know if the person that spoke with me was the one that was registered to the room.

I assume most of the time that the responsible person is going to be the one that comes to the door, but I'm not guaranteed of that. I don't know.

CHAIRMAN MICHAEL GARDNER: Is it part of your procedure to either then or now when you have such an inquiry, to inquire as to the identity of the person you're speaking to?

SCOT CAMPBELL: I think at this point if I go to a party like that, I would do that.

CHAIRMAN MICHAEL GARDNER: Did the prior camera system give you a view of the side and backdoors to tell -- so you could monitor entry and exit?

SCOT CAMPBELL: The backdoor, which is most likely where they would have come in, there's a camera there.

There is a camera at the side door. It's not working right now. So if they did come in the side door, I might not see them.

ANTHONY GALLUCCIO: It wasn't working at the time or it's not working now?

SCOT CAMPBELL: Well, it wasn't working at the time.

CHAIRMAN MICHAEL GARDNER: Your understanding is it's still not working?

SCOT CAMPBELL: It is still working now. I haven't seen it working. I haven't seen it working.

CHAIRMAN MICHAEL GARDNER: Commissioner, questions?

POLICE COMMISSIONER ROBERT HAAS: Just to clarify in terms of your procedural changes.

When you accept a credit card or debit card, do you now ask for identification?

SCOT CAMPBELL: I always ask for identification, but with the credit and debit, I have the card with their name on it, it has to match the ID, and then I put in the ID number and also the birth date of the person, which helps to know how old they are, into the history of the system and we can look that up.

POLICE COMMISSIONER ROBERT HAAS: Aside from the motion notice on the cameras, you don't know if anybody opened a side or rear door late in the evening, right?

SCOT CAMPBELL: At this point, no, I don't know.

POLICE COMMISSIONER ROBERT HAAS: You get an audio signal or just visual signal that there's motion in the hallways?

SCOT CAMPBELL: It's just a video signal.

POLICE COMMISSIONER ROBERT HAAS: You're not looking at the monitor? You don't know if --

SCOT CAMPBELL: I have to be looking at the monitor, and then the signal would just indicate to me that there was something going on that maybe I didn't see. It just indicates motion.

POLICE COMMISSIONER ROBERT HAAS: You indicated that at the time you thought there were probably ten or 15 people, maybe more in the room. I mean, clearly you knew those people weren't supposed to be in that room at that point.

I'm just curious as to why you didn't decide to tell them to leave the room at that point in time, or shut the party down at that moment as opposed to giving them 15 or 20 or 30 minutes to vacate the room.

SCOT CAMPBELL: I should've. I

definitely should've either gave them like five or ten minutes, or told them, "Look, I'm shutting this down," but I didn't. I should've.

POLICE COMMISSIONER ROBERT HAAS: Why did they rent two rooms and they only winded up using one? Do you know why that was the case?

SCOT CAMPBELL: Well, I wasn't there when they checked in, but I assume that they wanted to have at least four people being recognized as guests of the hotel, two in each room, that could legitimately come in and out without any question.

So that would account for more people if they had two rooms unless they were planning on using the two rooms to have a party in across the hall from each other, I don't know.

POLICE COMMISSIONER ROBERT HAAS: Since July 4th, have you experienced any other parties taking place in your hotel while you were

working?

SCOT CAMPBELL: I have broken up some parties. I recall one in the first floor in Room 112 that basically I got a call from my manager -- the property manager, Freeman Poindexter, that there was noise across the hall and said to -- well, he said to call the police. But what I did was I knocked on the door and I says "The police are coming in ten minutes," and they basically vacated before --

POLICE COMMISSIONER ROBERT HAAS: You didn't call the police then?

SCOT CAMPBELL: So that night, I didn't have to, they did leave the room. It was right on the first call.

POLICE COMMISSIONER ROBERT HAAS: Was it normally two people working on any given shift or is just one sole person?

SCOT CAMPBELL: Well, during the day, of

course, there's managers and housekeepers and stuff.

POLICE COMMISSIONER ROBERT HAAS: What about overnight?

SCOT CAMPBELL: Overnight it would ordinarily be me that's up and working, and then the on-site manager, Freeman Poindexter, he's about halfway up the first hall.

POLICE COMMISSIONER ROBERT HAAS: Do you make rounds around the hotel, or do you just simply watch the monitor during the course of the night?

SCOT CAMPBELL: Well, now, I'm trying to do rounds once an hour to just walk around the building. And then I have to, of course, lock up the desk in the front -- well, the front door is already locked. Then it takes me about three minutes to do a search of the building, just walking through. It would take me a little bit

longer if I had to deal with a party, of course, but, yeah, I can do that like once an hour. I wasn't doing it then. I think I was just checking the cameras then.

POLICE COMMISSIONER ROBERT HAAS: You said you had one other incident. Has it been more than that in terms of parties at the hotel?

SCOT CAMPBELL: Well, certainly more than that in terms of the noise complaints. Sometimes people describe it as a party, and it will just be the people that were registered to the room, like there will be four people registered to the room, and when I go in, there's four people. I just have to tell them, "Look, you have to quiet down." And it can get kinda loud.

But I haven't really had parties that were like -- anything like that, that I recall since then.

I can tell you it's a lot worse on the

4th of July and New Year's Eve than it is other nights. And sometimes like St. Patrick's Day or like party nights, it does tend to be a little worse.

POLICE COMMISSIONER ROBERT HAAS: Has there ever been an occasion where you called the police after the July 4th incident?

SCOT CAMPBELL: Yeah. I don't really remember individual incidents, but I have called the police since then, I'm pretty sure.

POLICE COMMISSIONER ROBERT HAAS: What types of incidents have you called them for?

SCOT CAMPBELL: Usually it's a case where there's a party that's not tremendously out of hand, but a party, and I go there and talk to them once, and they say "We're gonna quiet down," and they quiet down, and then I come back later and they're loud again.

So it's like -- I can't just hang out

down there. I will tell them "You gotta break this up."

And sometimes if they're drunk, they don't do it. So I just -- I have called the police, yeah.

POLICE COMMISSIONER ROBERT HAAS: In those incidents, have there been more than four people in the room?

SCOT CAMPBELL: Oh, yeah, yeah. I mean, I'm sure there was like incidents of, you know, 15 people in the room that, you know, like -- like I say, they come in the side or the backdoor and I don't necessarily see them as they're coming in.

POLICE COMMISSIONER ROBERT HAAS: When Mr. Martignetti gave his testimony, he basically told us that typically it's the responsibility of the clerk to notify people coming into the hotel: A, there's no parties; B, there's a limit in

terms of the number of people coming into the rooms.

So, I'm just trying to figure out how did -- how does that continue if that's the policy of the hotel?

SCOT CAMPBELL: Well, I don't have any excuses for that night, but what I should do is -- and what I will do is when it's more than four people, I'll just knock on the door and say "There's four people registered to this room, anybody beyond those four people have to leave now."

And usually, if they know that they're doing something bad, they're just gonna do it. I mean, I assume if I put it that way, that they'll do it, and if they don't, then I might have to call the police.

POLICE COMMISSIONER ROBERT HAAS: What I think we're trying to get at here is if something

goes on for too long, the risk that's presented to you and the staff members and the officers responding heightens over time. So if you let something go too long, there's a likelihood somebody can get hurt in the process, which was clear on the 4th of July, as the officer described it, it was a serious situation, they recovered narcotics and weapons out of the room and things like that, and there were way more people than four in the room.

I'm still getting a sense that there's some hesitance on your part to take a firm action to stop something before it goes too far.

So, I'm looking for some reassurances here that there is some rules that you're following, that you're adhering to the rules continuously so that you don't find yourself in a situation where you're trying to grapple the situation that gets beyond your control.

If you can't get back to the phone to call the police, then there's a problem, right?

So I'm trying to figure out if you're going to establish rules, are you going to follow the rules? And understand, the rules are there for a purpose, for your safety and the safety of the guests in the hotel.

SCOT CAMPBELL: There's a panic button, portable, that you can carry around with you.

POLICE COMMISSIONER ROBERT HAAS: Where does that go, the panic button?

SCOT CAMPBELL: I think it's like the bar that you -- it goes to the Police Department.

POLICE COMMISSIONER ROBERT HAAS: It's an alarm?

SCOT CAMPBELL: Yeah, it's an alarm, yeah. I haven't been carrying that with me, but, yeah, it would be a good idea if I just carried that with me in case something happened to me

while I'm away from the desk, because, obviously, I have no communication ability to communicate otherwise, I mean, if something serious happened.

POLICE COMMISSIONER ROBERT HAAS: Any questions from the Chair?

ASSISTANT FIRE CHIEF GERARD MAHONEY: You stated earlier when you were talking about the change in business since this particular incident and since the hotel has instituted the different policy with respect to the renting of rooms, you stated that "our regular locals haven't been coming back."

Can you expand on that a little bit?

SCOT CAMPBELL: Basically, the people that didn't have credit cards aren't able to come anymore, and so, our business has gone down on the overnight shift a fair amount. I'm not saying those are necessarily bad people, but --

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Well, neither am I.

SCOT CAMPBELL: Yeah. But I think most of our problems tend to be related to people that are just cash customers and that don't have credit cards or debit cards, other than debit cards that they can buy at CVS. I mean, you know, cards that actually have their name on it to indicate they've actually applied for something and gotten it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: When you talk about "regular locals," what do you mean by "regular locals"?

SCOT CAMPBELL: Just people that have a local address like Cambridge, Arlington, Belmont, you know, the towns around the area that pay cash and that do come back, and some of them a couple times a week, some of them three or four times a week they might come back.

So they are a part of our regular

customer base, or at least they were a part of our regular customer base.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You spoke a little bit about the change in policies and the enhancement of the camera security system.

SCOT CAMPBELL: Right.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Are the policies with respect to what to do in an emergency, are they posted anywhere?

SCOT CAMPBELL: I mean, other than there's a book for what you do in case of an emergency, but it's not like posted next to the time clock or something like that. Yeah, I wouldn't say they were posted. I wouldn't say that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: When you speak about -- you mentioned this panic button, a portable --

SCOT CAMPBELL: A portable panic button. It's a little button that has a remote access to the -- I don't really know how it works -- to the telephone lines or something, it sends out a signal or to the --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Mr. Martignetti, maybe you can expand on how that works.

ANTHONY MARTIGNETTI: It works by remote on our alarm system.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That goes to an alarm monitoring company?

ANTHONY MARTIGNETTI: It goes to an alarm monitoring company and goes to the Police Department.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do they -- when an alarm is activated, do they call you people first or do they call ECC, Emergency Communications, in Cambridge?

ANTHONY MARTIGNETTI: It goes out at the same time.

ASSISTANT FIRE CHIEF GERARD MAHONEY: They do call the hotel back?

ANTHONY MARTIGNETTI: They will call the hotel, but -- actually, no, excuse me. We have had times when it was accidentally set, it also has a kick plate.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Like in the event of an armed robbery or something?

ANTHONY MARTIGNETTI: You hit it with your toe. And we have had the police show up without the alarm company calling us first. So the police have gotten a call first.

And sometimes it happens inadvertently, so that whoever trips it, might not even be aware of it.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Right. I would be curious what your -- with respect to once you found out on the night of July 4th or the early morning of July 5th when the police officers told you that as part of what they found in the room were firearms --

SCOT CAMPBELL: Right.

ASSISTANT FIRE CHIEF GERARD MAHONEY: -- what are your thoughts on that with respect to what your responsibilities are now for investigating complaints within the building overnight shifts?

SCOT CAMPBELL: Well, I just think -- I mean, I have been doing this for like 20 years doing overnight shifts. At least I never have seen a policeman that was breaking up a party here at my last property that said anything about firearms. So, that was quite a surprise to me.

And it definitely makes me feel like I got a lot more responsibility than I felt like I

had just breaking up parties. Before I always thought the worse thing that can happen here is that boyfriend and girlfriend can -- there can be a boyfriend beating up a girlfriend or something like that. And I didn't really take that seriously, the possibility that, yeah, there could be guns in the room and it could be a real dangerous situation.

ASSISTANT FIRE CHIEF GERARD MAHONEY: When you went to that room, when you made your additional contact with the occupants of that room, did you get sense -- did you get a -- detect or smell any odors such as alcohol, marijuana, anything like that?

SCOT CAMPBELL: I think I probably smelled marijuana. I don't really remember alcohol. There could've been.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You didn't think when you smelled marijuana that it

was prudent to contact the Police Department at that point?

SCOT CAMPBELL: I guess I didn't. I don't know what to say. I didn't. But I would now.

ASSISTANT FIRE CHIEF GERARD MAHONEY: With respect to people that are properly registered guests of the hotel letting other people that are not properly registered guests into the hotel, present day, for example, let's say tonight on the overnight shift, if somebody is renting a room and they decide to start letting people in through other entrances of the hotel, would you have any knowledge of them doing it?

SCOT CAMPBELL: If they came in the back entrance, definitely, I could see it on the monitor.

And if I saw it, I would investigate as

soon as I could get away from the desk. And I can follow them on the monitor to see what room they go to. That's usually what I do. I would see which room they went to.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So all the interior hallways, corridors are one hundred percent covered by the security camera system?

SCOT CAMPBELL: There's four hallways, two on the upstairs and two on the downstairs, those are covered by the cameras.

There's blind spots like right underneath the cameras for one or two rooms.

The back lobby is covered. The front lobby is covered. And the side lobby, as I said, I didn't see -- I didn't see the camera working there.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Stairways -- are the stairways covered?

SCOT CAMPBELL: No, I don't think there's any in the stairways.

CHAIRMAN MICHAEL GARDNER: The police said when they got there, there was the smell of alcohol and marijuana and 35 to 40 people in the room. I guess it potentially got a lot worse in a half-hour between when you were there and when the police got there, but I am wondering if you just saw nothing sort've out of the ordinary here, kind've run-of-the-mill, too many guests in the room?

SCOT CAMPBELL: That's what I thought the situation was, but...

CHAIRMAN MICHAEL GARDNER: Even though you had a notice from the prior clerk to be watch this?

SCOT CAMPBELL: Right, right. But like I say, I didn't -- I don't think I really started watching it seriously until after the guests

started coming back into the hotel from the 4th of July festivities.

CHAIRMAN MICHAEL GARDNER: Was it so far away from where the front desk is that you could not hear any of the activity?

SCOT CAMPBELL: No, I couldn't hear it. It would be too far away.

POLICE COMMISSIONER ROBERT HAAS: Mr. Martignetti, I don't want -- I appreciate the candor of the clerk and forthrightness in which he's testifying, but listening to what he has to say with respect to your security measures, I'm just trying to figure out -- I know when we talked last time, the thing you were gonna do is impose this credit card and debit card restriction after October 1st. And at that time you didn't really indicate or elaborate what other measures you were going to take.

It sounds like now you upgraded your

camera system, it has the ability to detect motion, but it also sounds to me that with respect to your policies, they're not being uniformly applied, and you have a situation where on occasion, especially after July 4th, that people have been able to get into the hotel, have parties. You have a single person working who is now approaching the room who may or may not have the panic device in their possession.

So, I'm just trying to figure out what measures you're gonna take so that we can be assured that we're not gonna -- I mean, you got July -- or December 31st coming up now, and we just heard testimony now that that's going to be another problem here.

So I'm just trying to figure out what are you going to do systematically in a way that's going to ensure that your employees are being safe, that you're not putting yourself in a

situation where the police respond similar to July 4th and going forward, so...

ANTHONY GALLUCCIO: Through you, Mr. Chair, and Commissioner Hass, if you would, and then I would go to Mr. Martignetti.

But Mr. Martignetti asked me to take a fresh look at this, not only for purposes of representation before the Commission, but also to have me take a look at the transcript and check off with him some of the things that he has been working on to improve security, and also give him some input from me as to whether I thought they were reasonable and as far reaching as the Commission would like.

He did express to me deep concern about the situation. I wasn't representing him at the last hearing. But I do want to indicate that he is extremely concerned about this incident, understands the severity of it, understands the

risk to both his employees and public safety officials, and we really have spent time trying to figure out both protocols and physical ways in which he could prevent a security breach in the future, and appreciates the fact that the Commission has identified such a breach which it obviously is. And there's no real excuse for it and I think Mr. Campbell has indicated that.

I have a number of security measures that we were prepared to bring forward tonight and I -- with the assistance of the Commission, I have added a couple because some of the information being conveyed is also somewhat new to me. And then I'll turn it over to Mr. Martignetti.

But the first was basically an overhaul of the security surveillance equipment.

Mr. Martignetti has indicated to me that the cost of that is approximately $3,000.

The big difference that I can understand

in layman's terms is that the surveillance equipment in the past was a view-by-view system, so that you couldn't look at all of the views at one time.

This allows the person at the desk or other employees or personnel to see all of the views at one time.

This equipment also has immediate playback possibilities, so if there were only one person in that position and they turned around to do something, came back and noticed the motion was on, they could replay that particular screen and not disturb the surveillance of -- the ongoing surveillance.

The item that has already been discussed pretty fully is no longer accepting credit cards -- excuse me -- cash. There's also some landscaping and just exterior cleanup to prevent people from loitering and entering in those

non-main entrances just to make it less attractive to do so. And in the case that if they did, it would be more visible from different angles.

The other item that -- this is a protocol item and I'll address the written protocol and training at the end.

But all desk persons would be required to make a complete walk-through of the building each hour from 9:00 p.m. to 6:00 a.m., checking all exits as they proceed. Any loud noise or disturbances of any kind are to be reported to the resident manager and/or the police immediately.

One -- couple facts, and forgive me if they're facts that have been repeated at the prior hearing, but in this case, the outcome clearly is one to be extremely alarmed about.

Mr. Martignetti and Mr. Poindexter were

on site that night sleeping, which is not uncommon.

The noise, as Mr. Campbell indicated -- the report that was indicated in the transcript was a report by the desk clerk to keep an aye on those rooms because of the -- from what I understand, because of the age and the way the payment was made, but the level of noise, for whatever reason, was maybe one that was not detected at least by the two folks sleeping on the front desk.

This would require a walk-through every hour by the hotel personnel to try to detect noise that may be not audible from the front desk.

The other item that we discussed, and certainly looking for the Commission's input, Mr. Campbell indicated that 4th of July, New Year's Eve and other holidays or times that

are particularly vulnerable to more transient crowd, folks who pursue hotel rooms for maybe reasons that are questionable, additional staff would be placed on at the hotel, so that the front desk could be manned well.

Someone could also monitor different -- could also walk around and detect.

In this case, and again, there are no excuses for what happened on July 5th, but Mr. Campbell did, in my conversations with him, continued to stress because of the fireworks were late that night, the time in which typically you begin to really become -- try to become more aware of what could be going on got pushed back.

So people were coming into the hotel around midnight, returning from where the fireworks were, and he didn't get to that room till about 12:30. That's a little bit unusual because of the time, but we do want to pay

particular attention to those holidays.

Through your questioning also through you, Mr. Chair, and through Mr. Campbell's responses, I think it's pretty clear that a written protocol for both check-in and also when a red flag situation would arise, noise, an additional guest, nonregistered guest is visiting a room, the indicia of any elicit activity, any of those things would be considered a red flag, and Mr. Martignetti would submit that written protocol to the Commission, also with a supporting affidavit that all personnel that are in a position of management would have read and taken that into consideration and agreed to follow that protocol.

The last item I would suggest, given -- it appears that the surveillance equipment was installed in the last two weeks, but even Mr. Campbell doesn't appear to be completely

familiar with it.

I would suggest that there would be a confirmation that each employee has gone through a thorough training of the new equipment so they understand exactly how to use it, utilize playback, understand what motion detection means, and that Mr. Martignetti would submit to the Board, within a reasonable period of time, that each employee in a management or supervisory capacity would have gone through that process and understood the equipment.

And, obviously, we would submit an invoice that the equipment has been installed and at what cost so that could be ascertained by the Commission.

I think the goal would be if a situation arose in the future, upon questioning of either Mr. Martignetti or the site manager or individual personnel, you would no longer have any question

of what written protocol was in place, and whether there was any question of what protocol should've been followed for a particular situation.

I can submit this and obviously we're open to other suggestions. There's far more expertise certainly by the public safety officials that we benefit from having on the Commission, but also the chairman to get any additional suggestions that you may have.

CHAIRMAN MICHAEL GARDNER: I would like to hear from you and/or Mr. Martignetti and also my fellow Commissioners with respect to the issue of the stairwells not being covered and whether or not that's a substantial flaw in the current system.

ANTHONY MARTIGNETTI: I can understand how someone may want to see the entire building covered, and for the most part, it is 95 percent

covered. The only blind spots are the stairwells. And, quite honestly, I cannot think, in over 20 years of running the hotel, any incident or problem we've had that we -- that would precipitate us to get the cameras in the stairwells.

The hotel is a very long building with a clear front, back and middle lobby, and those areas are all covered very well.

Basically, the stairwell will just run from one floor to the other without any real spot where people could congregate or hide or create any reason that I can think of, for surveillance. It's a very short -- it's a low building, it's not a high stairwell, and it goes directly from one hallway to the other. And they're pretty much out in the open, they're not closed in, and you leave one camera basically and catch the other camera down at the bottom of the stairs

where you're basically out of sight for a matter of 15 steps.

POLICE COMMISSIONER ROBERT HAAS: Unless you choose to stay in the stairway for some elicit activity.

ANTHONY MARTIGNETTI: Perhaps. But like I said, you're out in the open and clear sight of other people who might be coming by.

And I would think if someone were looking to hide or hide their actions, I think it's a particularly bad spot for them because they would be out in the open, even though they're not directly on camera.

CHAIRMAN MICHAEL GARDNER: Are the cameras at the back and side doors inside with no view of the outside, or outside with no view of the inside or both?

ANTHONY MARTIGNETTI: They're inside covering the lobby itself and the doors, so you

could actually see someone standing at the door on the outside.

CHAIRMAN MICHAEL GARDNER: But you don't have any coverage to see if people are congregating outside of the door?

ANTHONY MARTIGNETTI: Yes, we do. We have -- well, those cameras will cover people who are within the proximity of the outside door. And you have a camera that's outside that shoots the parking lot.

And that's one of the reasons why I had all of the bushes -- we had high arborvitaes, but I had them all chopped to a lower height so that the parking lot lights can more easily illuminate the parking lot area itself, and they can be picked up on camera because the lighting is better.

CHAIRMAN MICHAEL GARDNER: Thank you for clarifying. Your counsel referenced the

landscaping which I understand better.

Commissioner, anything?

POLICE COMMISSIONER ROBERT HAAS: So, I mean, I think you recognize that without -- the human factor is critical here. I think we're also trying to recognize the fact there's got to be a balance so it's not too cumbersome, and at the same time there' got to be some safeguard measures to eliminate the problem from even occurring, so, namely, you know, more than four people getting into a room, and having the opportunity to make sure that your clerks are consistently enforcing the rules.

And if they're only going to enforce them periodically, then that's going to be a breakdown in your security measures.

So I guess my one question is: How long do you keep the recordings on the cameras?

ANTHONY MARTIGNETTI: These are very high

tech, and from what I've been told, the recording is on chips and it stays there for a year. It's not something that -- before we used to have the videotape that we put in, and we would have to change the videotape and put in a new one and save that one, but generally, we didn't save them very long because nothing really happened and there was no reason to save them unless we had a problem to look at.

But this is a very, very advanced system. It's much better than anything we ever had, and from what I have been told, at least, these are memory chips that will stay there for a year with all the cameras.

POLICE COMMISSIONER ROBERT HAAS: So I know Mr. Galluccio made mention of the fact that you're going to now make sure that -- I guess you're suggesting you're going to put some protocols in place and that you're going to

orientate all your employees on those protocols. I'm just trying figure out how you're going to make sure that they religiously follow those protocols.

You already experienced some evidence by just the credit card now cutting back, I guess on your business, unless I'm assuming that's part of the problem, according to Mr. Campbell's testimony, that people now understand they can't come in and pay cash, they can't get into the hotel without identifying themselves. And so, you know, I'm just trying to make sure that there's sufficient safeguards so you can offset a problem from even occurring, so you don't have your situation where you're having people getting into the hotel. There's no hesitancy on part of your clerks not to take affirmative action, not putting themselves in harm's way.

I mean, there's a couple of instances

where Mr. Campbell could wander down a hallway and not have the panic device with him, something could happen to him or one of your other employees.

I just want to make sure that there's prudent safeguards in place that are rigorously followed without making it too cumbersome that it interferes with your business practice, but at the same time is prudent enough to make sure that you can't have a situation like this developing again.

And, again, we're coming into the holiday period. I know you've indicated you're going to put additional staff on, but I just want to make sure your staff understands how critically important it is for their safety, the safety of your guests and the safety of responding hotel safety officials that these measures have to be followed all the time. They can't be done

occasionally or when they think there might be a problem.

I think routinely getting identification, you need to do that anyway with a credit card to make sure someone's not passing you a stolen credit card, right, but that does offset the fact that people just can't come and go as they please without being identified.

And you made some great strides with the cameras, but I'm a little bit worried again, if they don't see the motion indicator on the TV, somebody can get into that hotel without being noticed.

So I'm just trying to figure out what steps you're going to take to make sure that the written protocols are being followed.

My view is, quite honestly, I think the Commissioner should have the opportunity, if we have another complaint, we could see those tapes

to make sure you are following the protocols because one of the things I'm not going to be very tolerant about is to find out that you've had another situation and the protocols weren't followed after this situation, right. It just tells me that either your employees are not taking it seriously or understands the significance of those following those protocols.

ANTHONY GALLUCCIO: Can I make a suggestion, Commissioner? One of the things I would suggest is the written protocol that we would obviously submit to the Commission that each employee sign that.

Mr. Martignetti will hold that on file so that in the event that there's an incident, Mr. Campbell, in this case, would come forward and Mr. Martignetti would bring a confirmation that he did read and sign that.

I think that would be helpful. There may

be -- within that protocol, I would suggest to Mr. Martignetti, that there be some specific -- I don't want to say warnings because I think these issues don't just relate to this hotel. But some cautionary words of rules that the hotel has and to convey those to each guest.

Again, not in a way that treats Gateway different from the Hyatt or anyone else, but that those be contained within the protocol, and that way you could confirm, through someone like Mr. Campbell, "Did you let them know what the rules were in terms of additional guests, use of elicit drugs, noise and that we reserve the right to call the police and ask you to leave upon violation of any of those rules?"

But I think we could potentially contain that within the protocol.

CHAIRMAN MICHAEL GARDNER: Is there signage to that effect on any of the items that

Mr. Galluccio spoke about here, or is there any value to some signage with respect to reminders, no parties, no excess noise, no non-guest in room?

ANTHONY MARTIGNETTI: No, we don't have any signs, and I think the way we handled it was on a case-by-case basis where we saw younger people, where we had an indication that there would be maybe more people in a room than we required, then we would give them a verbal on that.

But I hope everyone understands that our hotel is frequented by people from Harvard University, MIT, people who are going to Mass General for medical treatment.

We had this weekend, a woman who is 73 years old from Seattle, Washington who won a gold medal at the Regatta.

And the fact that we do have some local

traffic, I don't want to give anyone an idea that this is our only source of business.

We have many, many legitimate travelers and fully established folks that come to our hotel.

I have a soldier from Germany who is here studying at MIT over the weekend and we have just -- it's a wonderful mix.

Unfortunately, an incident like this really makes us open our eyes, and I'm very, very, willing to make any changes I can in order to ensure that this never happens again, but I just want to -- I don't want to subject 90 percent of our -- maybe 95 percent of our guests who are legitimate travelers, for one reason or another, to subjugate them to questioning or signage that would make them think that maybe they're not staying in the right place and I don't want to treat them like that.

CHAIRMAN MICHAEL GARDNER: I wonder, Commission, whether or not you think there's any value to arranging staff from the Police Department to make a site visit and review the security arrangements, and in particular, in advance of December 31st, for whatever technical advice your staff might have, and also to address any concerns that your organization might have.

POLICE COMMISSIONER ROBERT HAAS: I certainly have officers that trained in this area and I would definitely make those officers available just to kind've review security policy and procedures, and again, to really kinda walk through the hotel and understand you've really taken sufficient steps, both equipment-wise and written protocols.

I understand what you're saying, Mr. Martignetti, you need to strike a balance, but you don't want to scare your guests off, but

I think there are some measures you can take that are not going to be offensive to your guests, but at the same time, it seems it already has some impact that you're not going to have people going there solely so they can go party or use this for a place that's gonna cause a disruption or cause safety issues for your employees and your other guests at the hotel.

CHAIRMAN MICHAEL GARDNER: So, Mr. Galluccio, I think what we have here is probably the most serious police-related incident that has occurred in a licensed establishment in the city at least in the last couple years.

I think you said you reviewed the transcript of the last hearing. It's very clear that our police officers were put at risk by the circumstances that they faced in the room. And it at least appears to me that the hotel had plenty of notice of possible concerns, they took

the steps of communicating those concerns to staff, we kind've had the situation where, you know, marijuana in an overcrowded partying room, "Guys, you've got to knock it off," and then, you know, back to registering additional guests and not getting back to it.

But, you know, with enough knowledge about Room 138, when the police walked in the door, Mr. Campbell knew where they were most likely going.

Well, my question in terms of all of that is, I would like to hear from you in addition to whatever proactive measures ought to take place in the future, the appropriateness of any punitive action on the part on the Commission with respect to making clear that this cannot stand.

This is not okay for this to happen to put both guests and public safety personnel and

staff at such risk, it won't be tolerated, and what sort've message we need to send to make sure that's clearly understood.

ANTHONY GALLUCCIO: I appreciate that and I would ask a little bit of deference because my druthers would be to speak forwardly and perspectively because anything that -- anything that is said to describe the situation may be viewed as in any way diminishing the severity of it.

So please forgive me if anything I say has that effect. It's not my intention. I thought a decent amount about this situation. There is some good news. The good news is that the desk clerk -- the guest checked in, there was nothing extraordinary that should've prevented them from being given a room. Mr. Martignetti was present at the time. At the same time the desk clerk did indicated sort've watch "Keep an

eye on this room."

Additional confusion was probably the fact that it was the 4th of July, and there was more activity coming in and out of the hotel around midnight than would have taken place on another night.

I'm hopeful that had that not been on the 4th of July and that room were on a watch list, it would've been an earlier walkthrough, as Mr. Campbell indicated.

In his view, it would've been difficult to discern who was coming and going in relation to those rooms until about the time when he visited them because at that time the traffic had stopped in the hotel.

We have tried to look at every potential weak spot in surveillance and in the entrance surveillance of the hotel.

I would indicate the concern we have, I

think, from the time Mr. Campbell goes to the room, as he testified, smells marijuana, he has acknowledged to me he should've put himself in a better position to view who was in the room.

I think as he indicated to me that, yeah, maybe now looking back, they may have tried to block me from seeing more by coming to the door. He acknowledged that to me, and I would acknowledge that to the Commission. So I think that could've happened differently.

Obviously, to Assistant Chief Mahoney's question upon smelling marijuana, he should've called the police.

So that time frame, whether the police could have gotten there earlier, I would say yes, we all would agree the call should've been made at 12:30.

We do recognize that in all the hotels across the city, whether it's through a parking

garage -- which I can think of probably two or three hotels that have parking garage access to the lobby of the hotel, not in plain view of the desk -- don't have to come through the front desk to enter the hotel, but can come in through a garage, guests are able to enter hotels without coming through a front desk at all hours in many hotels across the city.

This is a very scary situation. It's probably not the only time that a firearm has been brought into a hotel room in Cambridge.

In this situation, the police were called because a guest had the sense to call, and it was investigated and found.

There are blind spots across hotels in the city in which folks are able to enter. And in the case where someone brings a firearm, it is extremely concerning, and we all look for then better ways to monitor security.

But, in my mind, because the 4th of July, because of the amount of traffic in and out of the hotel, I'm not sure Mr. Campbell should've visited the room earlier.

I think, again, the good news is they were on a watch list, which indicates that they have some sense of what's going on and picked the right room to monitor.

For me, the real failure here is not to have called the police immediately. There's no glaring indication.

I appreciate Mr. Campbell's testimony. I appreciate the fact that Mr. Martignetti was sleeping in the hotel as was the site manager. There's no glaring reason to believe that the noise was so loud and that the behavior was so out of line in terms of people coming and going that they should've realized it earlier.

For whatever reason, there were no other

hotel guest complaints. Had there been guest complaints, I would be in a difficult position to make this argument.

It appears that a guest called at some time -- I'm assuming close to the time the police visited -- to say there was noise at the hotel, and at that point, they went into the room. But I can't on the face see any obvious neglect by either the innkeeper or the employees.

I think there were a couple of mistakes in response to what was seen and smelled at the room. I'm not sure that would -- I'm not sure that could change what was in the room at that time.

I think what we're focused on is how can we put additional security measures in case, so that in the future, Mr. Campbell would've seen people coming in and out of that backdoor and would've called the police at that point, or he

would have called at the time he smelled the marijuana.

I think we all recognize that the 4th of July, New Year's Eve, those are holidays in which have to be watched very carefully.

I suggested additional staffing to Mr. Martignetti before we came tonight. He was amenable to that.

I think it's obvious on those nights you need more than one person at the desk. So we've -- Mr. Martignetti is amenable to that.

But I wouldn't want the Commission to see this as a sign of obvious neglect because I don't think it is.

I think, again, this situation could've happened in a number hotels. It happened to happen at the Gateway, and thankfully, a guest called and the police were called.

But I wouldn't want this to be viewed as

this particular hotel being neglectful of its responsibility. I think Mr. Campbell proves himself to be an able and responsible person.

I think the Gateway has learned something from this, and I'm hoping that it's also a lesson for other hotels across the city, not just the Gateway.

Now, that being said, the affordability of the Gateway, that could be a factor. I'm not sure it is. The fact that cash was -- you were able to transact with cash, it seems to be a factor. I'm not sure that it is.

I think the fact that the age of the folks renting the room and the fact that it was the 4th of July made them put the room on a watch list, which, again, that to me is the good news; the end result and what was in the room is the bad news.

But there are some indications that staff

handled this in some ways appropriately. And I also take solace in the fact that Mr. Martignetti and the site manager were sleeping at the hotel, which to me is a good sign that this hotel is managed aggressively, although the noise didn't rise to a level for other guests to hear it and call or to wake up Mr. Martignetti or the site manager or for Mr. Campbell to hear it from the desk. If it had risen to that level, I think this would've been handled -- I'm quite certain it would have been handled differently by Mr. Martignetti who was on site.

CHAIRMAN MICHAEL GARDNER: Well, to the extent that your remarks seem to hold the hotel harmless, I reject them.

ANTHONY GALLUCCIO: I conceded that mistakes were made, Mr. Chairman.

CHAIRMAN MICHAEL GARDNER: The potentially, although it is speculative,

potentially to the officers's safety issue had the desk clerk made -- taken the responsible action of calling the police to alert them that there was drug use by ten, 15, you know, turns out more than double that number of people in the room, the police response might've been different than a run-of-the-mill noise complaint, which is apparently the information that came to the Police Department.

I'm glad, of course, that the hotel recognized some warning signs and communicated those warning signs, but in the end that was all for not.

ANTHONY GALLUCCIO: I want to say on behalf of Gateway, we completely recognize the information as to Mr. Campbell detecting marijuana, that's a new fact to me. It's clear, and I think Mr. Campbell recognizes now, that that would have put the police in a better

position in responding to the hotel. It would've given them more information, when they did get the call, and I'm quite sure the Cambridge Police would have responded immediately, which would have been prior to the guest complaint.

There's no excuse for that, we make none and that was a mistake that is an obvious one.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have a couple questions.

CHAIRMAN MICHAEL GARDNER: Why don't you go ahead, Assistant Chief.

ASSISTANT FIRE CHIEF GERARD MAHONEY: As part of your -- Mr. Martignetti, you've obviously made an investment, Counselor Galluccio -- Attorney Galluccio stated an expenditure of approximately $3,000 to overhaul the security

system, which, I assume, included the enhancements to the camera system, is that correct?

ANTHONY MARTIGNETTI: That's correct.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Did you have anybody come in and give you any type of security analysis or anything, or was this you just -- how did you go about enhancing the camera coverage?

ANTHONY MARTIGNETTI: I have some experience with this. My son is in business in New York City, and they have very advanced security and video surveillance in their establishments, and I spent some time with them seeing what they did, and the equipment that they bought, and I tried to -- I spoke to my security company that does my fire and theft alarm and my smoke detectors, my heat detectors, the kick box, which we explained earlier, I had him come down.

I told him that I thought our system needed some upgrading. He went through the system. He made a suggestion to me as to what he thought would be a good way to approach it, and I pretty much gave him full rein.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Something that has occurred to me and I'm not intimately familiar with the property, except to drive by it. I think I've responded there for a couple emergencies several years ago. Something I think you might look into or look into the feasibility of doing it, is -- and I appreciate the ability of the camera system to detect motion in all -- I understand that all frames of the camera system there's a sensor to detect motion.

That being said, I think you might look into some type of audible and visual system that would indicate any of those outlying doors that go to the exterior of the building, say, from

6:00 p.m. at night to 6:00 a.m., any time those doors are opened, whether it's a guest leaving or a guest with -- I assume you probably have like swipe cards for room keys -- a guest is coming in, when one of those doors opens, there's some sort of device at your front desk, it could be an LED, could be anything that, you know -- rear door, door is open signal. That way the person at the desk can then focus on that camera frame to see if there's something, you know. I'm sure there's a way to do it.

The other item that is of concern to me stemming back to the testimony of the officers back in September was the issue of the -- of their radios not working, and while that is not a responsibility of you per se, there are steps that many property owners have taken in this city because of the -- what we have experienced in public safety as a result of the tremendous

amount of increased electronic communications that's going on in our day and age with Nextels and everything else imaginable, is that you can enhance the infrastructure within your property to assist in the relaying of radio signals.

I would submit to you that the property out behind you, the old Arthur D. Little property, I'm sure those buildings have added newer construction. It's something to consider looking into it.

I couldn't begin to tell you what the cost factor would be, but I think it's something to consider, again, prospectively as a safeguard.

ANTHONY MARTIGNETTI: Commissioner, I have a question for you. When I heard about their inability to be able to call, I heard a couple of things -- and don't even ask me where -- but one thing I heard was that they were on the wrong channel. Now, I don't know if

that's true or not.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I don't know.

ANTHONY MARTIGNETTI: But I do know the next day the Cambridge police officer came in and walked up and down our halls, and he had absolutely no problem communicating, and I was present for that, and I remember him even saying "Jeez, I don't know what the problem is so I'm good."

So, I can't imagine it being our building because our building is a wood frame building, it's not a metal structure that might interfere, and it's only two stories.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Right. No, I understand that.

ANTHONY MARTIGNETTI: I was very confused by that whole aspect of the --

POLICE COMMISSIONER ROBERT HAAS: Let me

make three observations, Mr. Martignetti.

First of all, the officers were on the proper channel, they're on our number one channel, our primary channel. The problem is because of proximity of your hotel, the structure of your building, they're required to switch to another channel. In this situation, this thing unfolded so quickly, and we only had two officers on the scene, they didn't have the opportunity to make those channel switches because they were trying to make sure -- you've got 35, 40 people in a hotel room, they've got to make sure what's going on and didn't have the opportunity, and plus they were separated. So if one switched and the other didn't switch, they would have lost contact with each other right then and there. I want to put that issue aside.

ANTHONY MARTIGNETTI: I'm not aware of how --

POLICE COMMISSIONER ROBERT HAAS: The other thing I'm concerned about is -- and I'm getting a sense there's still reluctance, you have had instances since July 4th where you have had parties in the hotel, there's reluctance on the part of the staff to take appropriate affirmative action to stop something from occurring, namely, calling the police or warning people that this behavior can't be tolerated. You're violating our rules about parties, about smoking in the hotel, whatever the activity is, and stopping the activity before it has an opportunity to escalate.

And lastly, what I suggest to you is that, you know, I just -- I'm really troubled by the fact that I've got to be reassured that we're not going to find us in this situation. It seems to me some of the simple steps that we're recommending are not going to be too burdensome

on your customers, but at the same time, I think by being prudent and wise in terms of protecting your staff and hotel guests will help you in not finding yourself in this situation again.

I think what the fire chief is suggesting, I think are appropriate with respect to making sure that you do have sufficient safeguards so people can't get in and out of the hotel without going undetected.

The other last thing I would say to you is, Mr. Campbell had much more information in terms of intelligence that would have changed our response to that hotel as opposed to one woman or one guest saying "I hear a woman screaming."

If he said, "I've got 20, 30 people in a hotel room, I smell marijuana," you would have gotten a whole different response that he had information that because he didn't call, it changed or basically it altered the response to

the number of officers that responded to the hotel.

So, I think the burden -- and, again, I don't want to put too much blame on Mr. Campbell's part, because I think he's been forthright and honest, and he's answered our questions in a truthful manner and has not been evasive, but I need -- your staff needs to understand how important it is that they have information that's critical to how we dictate our response, okay?

In this situation all they're operating on is they heard a woman screaming, they sent two officers. If they knew they had 15 or 20 people in the hotel room, there was presence of elicit substances, I think the response would have been entirely different.

Mr. Campbell had that information, and because he didn't call, it changed the scenario.

So I think that's, you know, going back to Mr. Gardner's observation that I think there are more mistakes than simply some misjudgment along the way.

Your staff had so much more information that it would have changed the response to that situation, and I think, it would've been an entirely different event taking place.

But I also want to make sure you understand that officers were operating on proper channels at that time. It was just because of the proximity of the hotel and what was transpiring, they didn't have an opportunity to switch to another channel in order to communicate back, they couldn't coordinate because they were separated because there were only two of them.

ANTHONY MARTIGNETTI: I apologize if I gave any indication that the officers were not acting properly.

It was a question that I was asking rather than a making a comment because I know nothing of police radios.

As far as -- Commissioner, I am very, very willing to look into your idea about a system that would buzz or give a light when one of the doors was open. I think that's an excellent suggestion. And I see no reason why we couldn't look into facilitating something like that, especially late at night.

ASSISTANT FIRE CHIEF GERARD MAHONEY: With all due respect to you, I think you said, relying on your son or sons and their experience, I really think that, you know, cases like this, and I know Commissioner Haas has mentioned the ability of members of the Cambridge Police Department to come and take a look at the property, but I really think, and my recollection was we discussed this in September, and I thought

you had stated and I don't have the transcript in front of me, that you were amenable to this, and I apologize if that's not the case, but to have someone come in and do, if you will, an independent, thorough security analysis of the property.

You know, Attorney Galluccio made mention about other properties in the city that have the ability for guests to enter the hotel through parking garages, and whatnot, and I agree with him wholeheartedly. And as he was speaking, I was sitting here and I'm thinking through my mind of those properties, and one thing that comes to mind, I think, with all of them, the common denominator is there are security personnel on site 24-7. You don't have that.

You have this gentleman holding down the fort, for lack of a better term, by himself on the overnight shift. And granted, some nights

you're there and you're sleeping in one of the rooms, and the other gentleman, Mr. Poindexter, is sleeping in one of the rooms, but you don't have security personnel.

And I think some your policies have made a good effort with respect to no cash transactions, and so forth, but I agree with the Commissioner that I just think the possibility of the situation is ripe, if you will, for something like this to happen again. It's just unfortunate.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard? Okay. I think we have a City Councilor here?

If you would, please step forward and state and spell your name for the record.

MINKA VAN BEUZEKOM: Okay. My first name is Minka, M-I-N-K-A, my last name is VanBeuzekom, V-A-N B-E-U-Z-E-K-O-M.

So thank you very much for your diligence in making sure that the staff of the city of the Police Departments are safe, visitors of the city are safe and employees of this hotel are safe.

All that I heard here is really wonderfully reassuring that you're going to treat this situation with the -- I don't know if severity is the right word.

CHAIRMAN MICHAEL GARDNER: Seriousness.

MINKA VANBEUZEKOM: The seriousness that it really be heard. When I heard about this back in, whenever it was, I was really flabbergasted, and I think that, you know, the elephant in the room might be that the Gateway Hotel is different from all the other hotels in the city, not only because there's no security on staff, but because it's until the housing complex next to it is finished, it's fairly isolated, the prices are lower. It has such easy access to Route 2.

It's just a very different hotel than all the rest of the hotels in the city.

So, thank you for keeping that in mind as well.

CHAIRMAN MICHAEL GARDNER: Thank you, ma'am.

Sergeant, come forward and state and spell your name for the record again.

SERGEANT JOSEPH KEOUGH: I'm Sergeant Joseph Keough, K-E-O-U-G-H. I just want to reinforce what the Commissioner said that the officers were on the right channel that night. They were on Channel 1, and what happened was, I was working the following night, and ECC sent an officer up to the Gateway to transmit on Channel 1, which was not -- he could not do.

And they asked the officer to go over to Channel 16, which is a special channel that we use when we go down the subway to transmit over

Channel 16, and they were able to transmit over Channel 16.

But the officers did not know that the night before that they -- they knew the following day when ECC sent somebody up to do that.

That's just all I wanted to add.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard?

ANTHONY GALLUCCIO: Mr. Chairman, if I could?

CHAIRMAN MICHAEL GARDNER: Please.

ANTHONY GALLUCCIO: I did want to add I submitted a list of items. Tonight's conversation was very helpful. I think we've all learned some things.

I do want to stress how important it is and appreciate the Commissioners' comments that

the concept of information and how helpful it would have been to responding officers is very well taken. That has to be part of protocol. Not only that each employee would recognize that, but that they'd be a sign, you know, at the desk that would say "Better to call the police and share all information."

I just think it sounds common sense, but, certainly, Mr. Campbell is a very responsible employee, but probably wasn't thinking as detailed that that's a different call if he indicates those things.

I also have asked Mr. Martignetti if he would consider Assistant Fire Chief's recommendation of an independent security review. I would add that to the list of conditions that that be conducted.

Obviously, a scope that you're comfortable with and a timeline that you're

comfortable with, but I think that's appropriate as well, along with the other items that I had submitted coming into the hearing.

CHAIRMAN MICHAEL GARDNER: Thank you, Mr. Galluccio.

So, I will offer a motion and ask the other Commissioners if you have any concerns or issues, additions, or changes, please feel free because this is my rough draft.

So I would move that a strong letter of warning be sent to the licensee that such letter includes reference to the fact that there was danger to public safety personnel, as well as danger to staff and guests out of the events of the evening, and that the failure of hotel staff to take appropriate action contributed to increasing that danger.

I would include notice that any further incidents, similar to this, that have as a

component of their development, an insufficient response by staff would result in much more serious discipline.

The motion would further require that the hotel report back to the Commission with a comprehensive report as to the policy, infrastructure, training and procedural changes that they have, or are implementing to address these problems.

Obviously, much of that has been discussed tonight. But that report to include the items specifically committed to by counsel this evening, and to also address the other suggestions made by the Commissioners, and that this report be submitted after the consultation with the Police Department's security staff or such staff as are assigned by the Police Commissioner.

So that's the motion so far.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Just as a point of information, I would request that your personnel also contact the Fire Prevention Bureau and a representative from their company come in to look at security and the overall complete picture.

CHAIRMAN MICHAEL GARDNER: I'll accept a friendly amendment that the report come only after there's been the consultation with both police and fire safety staff.

POLICE COMMISSIONER ROBERT HAAS: Do we need a second before we discuss it?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I second the motion.

POLICE COMMISSIONER ROBERT HAAS: It was fortunate that nobody got hurt. I think we all acknowledge this was an extremely dangerous situation.

I need some reassurances that you fully

understand what potentially could have happened that night. We can't afford to have something like this happen again.

I, for one, if I find there's another breach in security measures that results in either putting your guests in danger, staff in danger or put a public safety person in danger, my response is going to be, I think it's going to be really harsh sanctions, and I'm not going to be reluctant to do that because I think this is a fair and adequate warning that this situation got way out of hand, and it was a rescue for disaster.

Fortunately, for the way the officers handled the situation, making decisions that they had to make with respect to just getting people out of the area was the only reason why this thing didn't get more out of hand.

So I credit the officers with inciting

extremely good judgment, despite the fact they had limited information, and despite the fact that they were faced with some critical communication challenges that were beyond their control.

I am willing to vote on that, Mr. Chair.

CHAIRMAN MICHAEL GARDNER: The motion having been made and seconded, any further discussion?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Seeing none, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So, Mr. Martignetti, the Commission has taken its action here. I hope that you

understand the seriousness with which all of us feel this matter needs to be addressed. Had there been a prior disciplinary history, I certainly would have voted for economic sanctions of a substantial nature.

But seeing that there were none, I think we wanted to give you the benefit of the opportunity to make both the capital and managerial investments to make sure what can be a challenging environment is one where you have responded in a way that meets those challenges.

ANTHONY MARTIGNETTI: Gentlemen, I thank you for your time, and I thank you for your concern and your trying to point me in the right direction, and I can assure you that tomorrow morning at 7:00, I'll be on this.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Is there anything else on this, Ms. Lint?

ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: Thank you.

Mr. Campbell, I particularly thank you for coming in and speaking so cogently.

SCOT CAMPBELL: Thank you.

ELIZABETH LINT: May I suggest that we take the agenda item before we go into the policy matters?

CHAIRMAN MICHAEL GARDNER: Yes.

APPLICATION: CDM INTERNATIONAL ENTERPRISES, LLC

ELIZABETH LINT: CDM International Enterprises, LLC doing business as Osushi, Derek Brady, manager, holder of an all alcoholic beverages as a restaurant license at 104 Mount Auburn Street has applied for a change of manager to Timoleon Panagopoulos.

TIMOLEON PANAGOPOULOS: Hi, I'm Timoleon Panagopoulos, T-I-M-O-L-E-O-N, last name P-A-N-A-G-O-P-O-U-L-O-S.

SEAN HOPE: Good evening, Mr. Chairman and Members of the Commission.

For the record, Attorney Sean Hope, Law Office in Cambridge. Mr. Panagopoulos has already introduced himself. We also have Mr. Derek Brady here as well.

We're here for two reasons: The first is a change of manager. This is a restaurant that was formerly condos, and then we had to apply for a change d/b/a to Osushi Cambridge.

The proposed new manager is Mr. Panagopoulos. He's a seasoned operator. And I would like to discuss that, but the second reason why we're here is we have a petition nunc pro tunc, and this is a doctrine that allows a commission or a quasi-judicial body, such as this, to be able to retroactively look at and rule on a petition.

The petition that we submitted to the

Commission was one of a disclosure of facts that were left off the application due to the private nature of these.

I submitted the petition to the Commission to review. As much as it's appropriate, we would like to respond, but it's also to be able to keep that private information private.

I want to move forward with that. I don't know how the Commission would like to do it. If you want to discuss the change of manager...

They're somewhat interrelated only because the proposed petitioner nunc pro tunc has a disclosure of past history which also has to do with a curative application because there was a failure to disclose in the application.

In dealing with the ABCC, they recommended that we file a disclosure to this

Cambridge License Board to make sure that all the information that wasn't disclosed was filed as well as to remove the present manager from managing the alcohol license and have Mr. Timoleon [sic|"Panagopoulos"].

If you remember about a month and a half ago there was a petition submitted to this Board to have a change of manager, Mr. Panagopoulos to have him the manager. He's been working as a consultant and operations manager while this build-out was taking place. The build-out, as the Commission may remember, they didn't have gas as well as several other extensive renovations that needed to make this site ready for a restaurant. The previous licensee used it for a nightclub/restaurant and there were issues associated with that. This was an effort to turn this into a first class restaurant consistent with the other restaurants along Winthrop Street.

So that has been achieved.

Mr. Panagopoulos can tell you about his prior experience, but he's going to be the day-to-day manager.

At the time when we actually applied for this about a month half ago, we had removed this portion of the application from the Commission because we were trying to see what resolution the ABCC would require of us.

So that's why we applied for this in anticipation, as it says in the petition on September 16th, we found out information that actually led us to what the ABCC wanted as a curative remedy for the failure to disclose, and so we reapplied then for Mr. Panagopoulos to become manager. I do see those --

CHAIRMAN MICHAEL GARDNER: So I think I would like to take the petition first because the issue of petition runs to me as to the validity

of the license.

My understanding of the components of the petition and the concerns of the ABCC related to both issues in the background check and also, at least from our point of view, disciplinary history with respect to Mr. Brady's involvement with other establishments.

I'm reasonably satisfied, at least from my point of view, the background check information, as described in the petition, is less troubling to me.

We did have some substantial conversations back in, I think, June of 2011 --

ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: -- regarding some pending issues, and I think we knew about those, and we had extensive discussion when we talked about it.

The thing I learned in reviewing the

materials most recently submitted, however, is that the prior application included the representation that there had been no disciplinary action taken with respect to Mr. Brady's management of other establishments.

And although much of the most recent disciplinary action that I reviewed in the record postdated June of 2011, there was a two-day suspension in 2010 that you say was not disclosed or characterized it as not disclosed. I think if you say no discipline, it isn't that you didn't disclose it, is that you lied about the disciplinary history.

And when we interview or when we screen candidates for police officer and firefighter jobs, we ask them a lot of questions about their employment history, we ask about the criminal histories as well.

But if you lie on the application about

any salient facts, it's automatic grounds for disqualifying the candidate.

I don't understand how somebody can come to the Commission and want a license from us submitting a false application, not an incomplete application, not a failure to disclose, but a misrepresentation, no prior discipline when there was. And, you know, I would like to hear on that point.

SEAN HOPE: So, specifically, what we disclosed was specifically for Metro Dining. Metro Dining is the corporation that Mr. Brady is manager, I believe, of the corporation, and they run the Draft.

I would say that that was what I would call the characterization 'cuz on the application, is lists -- Question No. 13 asks for all previous licenses that you ever held or previously held.

Metro Dining was not put on there whatsoever. Now, Mr. Brady owned that license by himself and the other licenses that were put on there were actually owned in conjunction with the previous members of the LLC.

So I would say Metro Dining was not put on there and there were none or -- he did not put that on there and say that there was no suspension or revocation. That wasn't done.

But to your point, I think failure to put that on could be characterized as a concealment, but I think, as we have shown in the application, when this was filled out, Metro Dining was a license Mr. Brady was on and that should've been put on there. If Metro Dining was put on there, the way the application reads is there a section saying "Any previous history you can put" -- there's not enough room on the box to actually fill in what is on the docket sheet.

And I went to the City of Boston, I said, "Look, I want to make sure I have everything that's ever been in the file," and so that's why I think you have three or four pages as Exhibit C.

So, I would only say and knowing being this is the fourth hearing that we have dealt with this, Mr. Brady at the ABCC and also another attorney at Boston License, it was not an intentional error -- it was not an intentional error to move -- to not put the Draft on there.

If you look at the violations that happened, not that they weren't serious, but they were not anything that I would feel in terms of other licensees that would lead Mr. Brady or, obviously, I would not recommend him not to disclose those things.

There are several licensees that have alcohol licences, and there are things that do

happen as part of owning, overcrowding, there are different things that have happened.

So, I would only say on the application there was a failure to put that Metro Dining on there. There were two other licenses that were listed in Question 13. One was Felt Enterprises and the other one was the Boston Ballroom.

Boston Ballroom had a situation with overcrowding, and part of that, we put that as a disclosure.

So we weren't trying to present to the Commission that there was no history of any of that. It was -- it should have been in the application and it wasn't. Mr. Brady has had the Draft suspended for how many days?

DEREK BRADY: Two days.

The new suspension that we got from the ABCC was 110-day suspension or a fine, a compromise -- would you mind if I --

My name is Derek Brady. I'm sorry.

I wasn't sure if I should sit up here or not because I thought you were gonna handle the change of manager first and then I would sit up here.

So, just in regards to not putting the stuff that was supposed to be put in the application, I would like you to know that the ABCC has sanctioned me in probably the most severe way possible to be sanctioned.

We got 110-day suspension on my other establishment. And I'm not even sure what they're gonna do with this after we're done with this by the ABCC.

In lieu of suspension, our fine would be a $74,000 fine. Believe me, I'm paying dearly for my mistakes and my oversights in not including every bit of information I could possibly include.

This oversight wasn't because I was trying to mislead anybody or do anything intentionally. It was an oversight because I simply mistakenly didn't put it on there.

I never, in a minute, thought that this would be something where if you knew about it you would keep us from having the license. So that's not why I didn't put it on there. It's just because there's other things that were on there.

SEAN HOPE: To the Commission's point, the Commission has a right for every licensee to come and have full disclosure and to make a decision based on the disclosure of that.

Mr. Derek Brady is not the sole member of this LCC. There are two other members of this LLC that have invested substantial sums to get the restaurant to this point of opening.

The ABCC has, in terms of a remedy -- and the Draft was an open license, so that was

handled first because they had employees and staff that were suffering because this was open.

CHAIRMAN MICHAEL GARDNER: Open license meaning that the business was --

SEAN HOPE: The business was ongoing, right. So that was in terms of order of priority we needed to remedy that.

And so, you know, that also led us to figuring out what was the appropriate curative action that we would need to do for the ABCC to be satisfied, and the initial one was to file a full disclosure of that license.

I would only say here as well, I think now that the information has been disclosed, and I think, as you had said, when you file an application, especially under the pains and penalties of perjury, it is very serious. And you know, mistake of fact is not a defense. There's no defense.

So that's why the ABCC had rendered its decision against the Draft. All his counsel is able to do is to accept the punishment and move forward.

I think in this case there is not a public safety issue. They have decided that Derek Brady should not be a manager under this license despite the fact that he has operated the business successfully, and I'm not saying without incident, but there was nothing that would have them pull a license but for the failure to disclose.

We have a manager here who is seasoned and experienced. I think, as you hear, this is not someone who is just a swap-out. This is someone who has actually been part of really the renovation and the organization and the management. He can speak to what has taken to get to this point.

So we wanted to be fully disclosed to the Commission the past. I think Derek understands the seriousness of his actions, and to be honest, the punishment may not stop. We're not sure what the ABCC will do. This was a space that went dark for over a year.

Outside of Mr. Brady, there are two other licensees, there is a staff waiting to go. We have consultants there.

I would say that removing him from the management license really was enough. And he can't even manage the license where he actually started the business over at the Draft.

So I would think the public is served by having this restaurant open and ready for business.

And I would only just say to really look at the nature of what was happening, and I think Mr. Brady understands that, you know, making a

mistake, especially with these forms that have to do managing an alcohol license, is very serious, and, you know, the ABCC has full authority to do whatever it needs to do with the license.

But I do think they have given us a path because of the severe hardship that when you close the license that it renders to all the LLC members, a path to correct this mistake, and I think we tried to do that here as well.

CHAIRMAN MICHAEL GARDNER: I guess whether or not there's a public safety issue, I am concerned about the integrity of the Commission's process.

We don't have the investigative staff to go out and run down every representation made by every licensee, in particular, to find out the things that aren't there.

We rely on the licensee or the licensed applicants to deal with us honestly, to deal with

us in a complete and truthful fashion.

For the life of me, I can't understand how somebody who wants to come to this Commission as a good, experienced, knowledgeable manager would leave off a license as central to that experience as the one which was not included whether or not there had been a disciplinary history.

You know, you're coming to us and telling us who you are as the applicant. You don't tell us that you're the manager of record for that institution. Shame on us for not knowing everything, but we rely on you to tell us.

SEAN HOPE: I agree. All I do say is when Derek Brady sat here as the proposed manager, we actually discussed the Draft. This wasn't -- what is on paper needs to be a hundred percent accurate.

DEREK BRADY: I disclosed other things

here as well when I was here. So, in an effort to try to give full disclosure -- and this mistake was simply that, a mistake. It wasn't for any...

SEAN HOPE: I would have to say the Draft is probably one of Mr. Brady's more successful -- this is what he leads with in terms of starting at the door and working way up, taking the Draft, which was kind of a desolate place in Allston and Brighton and turning it into a very profitable business.

So, this is not something that Mr. Brady would hide or not disclose. But the point was what was on paper was not accurate, and there's no way to go around that.

But when we came from Mr. Brady as manager, we talked about it. This is part of his package who he has been. This is his livelihood.

So the fact that he put his livelihood at

stake because of the failure to disclose is something that he's dealing and will continue to deal with.

CHAIRMAN MICHAEL GARDNER: What are the percentage ownership in the LLC between the partners?

DEREK BRADY: To be honest, I don't know offhand.

SEAN HOPE: In the application it's 35 percent for Derek and 20 percent for Christoph Mueller and 45 percent.

CHAIRMAN MICHAEL GARDNER: Is there something wrong with our form --

DEREK BRADY: Nothing wrong.

CHAIRMAN MICHAEL GARDNER: -- that you don't include your lead license?

DEREK BRADY: I had other issues that I was dealing with at the time and I disclosed them to the Board. I think some of the other

questions that were on the application were -- I was speaking about something else that I disclosed while I was here.

I think at the time when we were filling out this application, I didn't think enough about whether we had a suspension there or not.

You can see there's disciplinary actions, just like any license in Boston, for certain things. I didn't recall there was an actual suspension for it.

CHAIRMAN MICHAEL GARDNER: It was only a year before.

DEREK BRADY: Yeah. Again, it was an oversight on my own part.

CHAIRMAN MICHAEL GARDNER: What is the status of the restaurant opening?

TIMOLEON PANAGOPOULOS: I'm a little more qualified.

Good evening. First of all, nice to meet

you. First time in Cambridge going through this process.

My partners and I came along to consult in this project. We already have -- I personally have personal several established businesses all in Boston and in Cambridge.

And we have gone through and made this, two points, a fully functional restaurant. What they were speaking of before in terms of advancements and complete renovations which have happened, have actually now made this a fully functional restaurant, adding an HVAC system, allowing the space to be vented.

Due to the recommendations, which we made, me, this company has taken on another serious financial burden to bring this property to a point where they can actually serve as a restaurant and not just as a commissary based restaurant, in quotes.

So, the point is we have finished. We're looking forward to realizing the situation here today, hopefully with your blessing, transferring me as the manager on record. We have staff that have already been --

CHAIRMAN MICHAEL GARDNER: I'm asking when you're ready to open. That was the question.

TIMOLEON PANAGOPOULOS: Ten days, maybe two weeks. I mean, we're ready to begin there and get all our inspections and health certificates and final building permits to go forward and open.

CHAIRMAN MICHAEL GARDNER: With respect to the petition regarding the disclosures, questions from...?

POLICE COMMISSIONER ROBERT HAAS: I'd make an observation, we're not in a good starting point given what we have done already. So I'm

really concerned.

You got basically a recipe that sounds suspicious. Consultants coming in now being cert as a manager, how can we be sure that you will truly will operate as a manager, that you're a full-time employee of the restaurant, that you're going to take ownership of everything that goes on in that restaurant, or are you just basically a store person, right, so that --

TIMOLEON PANAGOPOULOS: Police Commissioner, with all due respect, I'm not a front. This restaurant bears my name. I already have an existing restaurant in the Weston Hotel in Back Bay, which has been there for over ten years.

This restaurant's name and functionality bears my reputation, and I will not let Derek Brady or anybody else tarnish that, whether it's in the City of Boston or in the City of Cambridge

or anywhere else we may open. So I will be there for as long as I need to be to make sure that this restaurant runs to its absolute full potential, whether that's a year or whether that's two years, and if I have other projects that do come arise, that do come forward that need my attention equal to this, I will then personally be in charge of finding that manager, that has my capability, my understanding, my experience in having run that project.

POLICE COMMISSIONER ROBERT HAAS: So in the scheme of things, you're really a short-term fix or transition?

TIMOLEON PANAGOPOULOS: I'm not a short-term fix. This restaurant, as I said, bears my name, and I will be there. And if something in the future arises, and I have made -- I don't know what that time limit is. What happens if I get a job offer to go work for

the New England Patriots and run food operations for Gillette Stadium? I might have to hire a veteran restaurant manager to move forward and to run that restaurant.

SEAN HOPE: I would add, we would be before the Commission before any change of manager if there was the New England Patriots or any other agreed opportunity, we would be before the Commission, the Commission would have the right to review any new proposed manager, and if there wasn't someone who was qualified -- I also think, Commissioner Haas, to your point, this has been a rocky start, and to be honest, Derek has been an operator in both cities, and he needs to repair his credibility, and he needs to show Cambridge and Boston and other areas that he can operate in a way that shows the integrity that he seems espousing.

I think this particular location also has

a history onto itself, you know, as a nightclub and this kinda sort've restaurant.

So, I do think Mr. Panagopoulos was the right person to bring in. I believe -- I can't speak to the business decision -- but bringing him in as a consultant really speaks to the challenge of this location. This is not an easy location. It has several businesses there. So they needed to bring in a brand name, not just Kitchen Sushi and the other things. I think that's why, as you hear Mr. Panagopoulos talking about, he needs to be able to push this.

So, you know, it has been a rocky start. But I also think the Commission has full authority that if there are issues with overcrowding, if there are issues with, you know, whether this is a nightclub/restaurant, they have full authority to be able to restrain them.

I think they've recognized now that the

eyes are on them and they need to perform well.

TIMOLEON PANAGOPOULOS: I will tell you that I've been a manager in Boston for 15 years, give or take. I have never had an incident under my guidance. I have run from Sonsei to Capital Grille, from Capital Grille to the Top of the Hub, from Top of the Hub to Whiskey Park, and first year in Hub, we had zero issues.

Actually, that's where Derek and I first met because he was my employee. Never one incident. And then I left that operation. I've opened up Osushi in the Weston and have not had an incident there in over ten years. I do other small businesses. I own various other retail establishments, you know, two in Beacon Hill. I own a national dried fruit company. We do very nice things. We are entrepreneurs. I have made a commitment both to Derek and his partners to be here for this project. I will be putting in my

hours, a minimum of 40 hours of week if that's the question here, of what I will be giving here.

CHAIRMAN MICHAEL GARDNER: I take it you're not an equity partner in this?

TIMOLEON PANAGOPOULOS: I'm not an equity partner.

CHAIRMAN MICHAEL GARDNER: So now you're his employee?

TIMOLEON PANAGOPOULOS: Funny how the world works sometimes, yes.

CHAIRMAN MICHAEL GARDNER: On the issue of the petition, any other questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I don't have any.

CHAIRMAN MICHAEL GARDNER: Are there any members of public who would like to be heard on this matter?

Please come forward and state and spell your name for the record.

DENISE JILLSON: Denise Jillson, J-I-L-L-S-O-N, I'm the Executive Director of the Harvard Business Association. They're not members yet. Hopefully maybe they will become a member should this come to pass.

Our concern is that location has been incredibly difficult. Cafe Paradiso left four or five years ago and we have not had a steady business in that location, and that's disconcerting to the entire neighborhood.

And, you know, hearing some of the testimony this evening, of course, we have concerns always because Winthrop Street -- I continue to work with the Commissioners and the License Commission on all of the issues around Winthrop Street because there are so many restaurants and so many issues.

Having said that, you know, we have had a lot of people talk about Osushi. They're

familiar with the operation on the other side of the river, and they're excited to have Osushi in Harvard Square and we're looking forward to it.

One would hope, that, you know, it seems like certainly Osushi has had a very good -- a great reputation and good management, so should this pass, we would hope that they would join the Harvard Business Association and be a good partner. That's our hope.

The Commissioner and I and his team as well as this Commission really want to be prudent and thoughtful about the activities. We hope to work closely with Osushi and make sure Winthrop Street continues to be a fun, but most importantly, a safe place for everybody.

CHAIRMAN MICHAEL GARDNER: Thank you.

Mr. Brady, what would your role actually be in the restaurant?

DEREK BRADY: More along the lines of an

investor. I would submit to Mr. Panagopoulos's management skills. He has managed more restaurants than myself. Until I can build a better reputation with the city and with Boston as well, I'll submit my management to somebody who I think is clearly qualified.

TIMOLEON PANAGOPOULOS: I would like to reiterate the fact that there would be absolutely no change of management there unless approved by this committee, zero.

CHAIRMAN MICHAEL GARDNER: Well, if you leave, you leave.

TIMOLEON PANAGOPOULOS: Well, if I leave, I would come here -- I have an obligation, as I said, it's my name and it's my reputation. I have an obligation to my partners who have allowed me graciously to lend our name to this location because I think it, A, fits for our brand; B, anyone who has ever been in the

location -- I actually had two officers in there today that were doing some work outside of the place and looked at the place. It is a beautiful place. We have turned that corner into a fully functional, gorgeous restaurant, not just some very minute physical interior work that would just allow it to function the same way other restaurants there have done in the past.

There's been considerable investment on CDM Entertainment's part coming from us. Where they were going to spend 3 or $400,000, they're up to 8. Because of the recommendations, we wanted to make this a fully functional restaurant. This is a restaurant. This is not a lounge. This is not a nightclub. This is a restaurant for Harvard Square.

CHAIRMAN MICHAEL GARDNER: Could you very briefly describe the sort of concept of the restaurant?

TIMOLEON PANAGOPOULOS: Yes. Simple, stylish, sexy, sushi. We have a full kitchen. Our chef is from Japan. There's only one or two other restaurants within the city limits, Japanese restaurants, which are actually owned by Japanese chefs.

We do a lot of the work for the Japanese Consulate. We're very clean, very high quality at very reasonable prices.

I never understand walking into a place and spending huge amounts of money for food because I know what it costs.

But we want to bring something affordable to the community in a really nice environment.

When we opened our first restaurant in Weston, we took a space that was non-vented, a thousand square feet. We made a very beautiful simple restaurant that was nice to go to because nobody else in the past ten years ago was putting

anything into aesthetic value into a location. If you pass by the restaurant yourself, you will see the aesthetic beauty which we have implemented on that corner, all through the direction of myself via CDM to spend the money because that is again my image.

POLICE COMMISSIONER ROBERT HAAS: You're a consultant, you have gone in there helping them design their business model.

I'm just kind've curious as why that location, in your estimation, has had so much difficulty, and I guess you already appreciate the fact that it has been somewhat of a problematic location.

TIMOLEON PANAGOPOULOS: To start, it's been a mess. And they needed to get things fixed. They need to get their -- you know, what their scope was initially before we walked in there was completely wrong to make this a fully

functional restaurant. Before we went in, it was set up to possibly -- and I can't tell, because I can't predict the future -- set up for disaster. They didn't have a fully functional kitchen. They didn't have a great aesthetic pleasing decor. And basically, what they were going to do, in my opinion, was put up some walls, paint some walls over again and open up a similar business to what the previous operator had.

We convinced them, for the good of the actual building itself, that the investment that they were going to make was worth the long-term lease, which we have in that location, and that would pay itself off. Maybe a year later, maybe a year and a half later from the original timeline, or whatever their scope of return of investment was, but it was worth that effort.

DEREK BRADY: And just so you're aware, in the beginning when we were talking about what

we were gonna do, there was no ventilation, there was no gas. So, that posed quite a challenge for the construction to build on. The place wasn't built for a restaurant before, it was built more for a cafe. So that posed a problem. And that made it more difficult and time-consuming. But it is one hundred percent better and ready to go.

TIMOLEON PANAGOPOULOS: Police Commissioner, running a sushi restaurant in the State of Massachusetts, in the City of Boston is probably one of the hardest things somebody can do.

From a health perspective --

POLICE COMMISSIONER ROBERT HAAS: You're making a case here.

TIMOLEON PANAGOPOULOS: No, no. I'm saying we have a great reputation, as the young lady said. We know what we're doing. That's why we're there. It's not very easily managed and

not very easily handled, and that's why I'll be there for the foreseeable future. You can come visit me any time.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, what is the status of the alcohol license, for value or not for value?

ELIZABETH LINT: That's for value.

CHAIRMAN MICHAEL GARDNER: That's a for value license.

With respect to the petitioner, and I would ask you, Attorney Hope, to just briefly summarize again for the Commissioners your understanding of what this petition will do.

SEAN HOPE: This petition would allow this Commission to retroactively apply the disclosures contained in the petition to the application -- to the transfer application, which is what we applied for, a transfer of a purchase of the alcohol license from the previous

licensee. You allow that petition to retroactively apply as if we disclosed everything that was in the petition to the application and to allow the application to go forward.

So you're saying with these disclosures knowing what we know now fully disclosed, we allow this transfer application to proceed. Whether we're open or about to be open, it will allow us to go forward with this new information and that's what we would like you to vote in favor of.

CHAIRMAN MICHAEL GARDNER: So, essentially, what I think I understand here is that you're asking us to reaffirm our vote to approve the transfer of license to the corporation or the LLC, that Mr. Brady is representing here tonight, and to do that retroactively knowing now the things that were not disclosed previously?

SEAN HOPE: Yes.

CHAIRMAN MICHAEL GARDNER: So, in essence, we're looking again at whether or not Mr. Brady and his LLC is a worthy applicant for a licensed common victualer and all alcohol license in the City of Cambridge?

SEAN HOPE: And I would only say that because the disclosures are focused on Mr. Brady and Mr. Brady's past licensees, the other two owners of the LLC, they have been vetted, there's no failure to disclose and they have been put forward.

But, yes, to your point, Mr. Brady's as well part of the LLC and he's the manager of the LLC.

CHAIRMAN MICHAEL GARDNER: So we do have to balance what we think of as the seriousness of the breach, the intentionality of the breach and the impact of the breach, whether it's

intentional or not, that's part of what we have to access.

SEAN HOPE: Sure.

CHAIRMAN MICHAEL GARDNER: Let me talk for a minute so I can try and understand and present what I believe to be the balancing answer.

We have to now look at the breach with seriousness, what we think of its intentionality, its impact on Commission procedures, its precedent value for the Commission certainly weighed against that is the issue of the difficulty of the space, the time the space has been closed, the expectation or hope for the future with respect to the viability of the idea.

I would also put into the mix some consideration by the Commission of if we say yes and things don't work out, what kind of authority and capacity we have to change our minds in the

future and say this was a rocky start, this was a start based on at least nondisclosure, and was or was not indicative of what the future developments would be.

Can you think of any other interests that I haven't talked about here?

SEAN HOPE: No, you have done everything and you were very complete. So it would just be the punitive actions that have already been taken against Derek Brady personally, against his interests and also against the interests of the Cambridge license to be able to -- if this goes forward, there could still be sanctions by -- punitive sanctions by the ABCC. So this is not the final step.

CHAIRMAN MICHAEL GARDNER: Is it possible that the ABCC might say no dice here?

SEAN HOPE: I think if the Boston License is any indication, they charged him, I think it

was either 100 days or $75,000 so they could -- Boston agreed to approve because of similar disclosure, and the ABCC said, okay, in addition to that -- and I think they understood the fee was probably more reasonable than being closed over 100 days.

DEREK BRADY: I will say I have already gone through this with Boston. I've done this all with Boston as well.

CHAIRMAN MICHAEL GARDNER: But that was an open license.

DEREK BRADY: Open license.

SEAN HOPE: It was an open license. It could be more severe or less severe, we're not sure, but this is not the final. This is just a step. So just only the consideration is what he's already -- the punitive sanctions he's already experienced, and what we may be able to get to hopefully that better day of a restaurant.

And we're here today because we're fully committed to go back before the ABCC once this disclosure has been made, and essentially throw ourselves at the mercy of that body and say that we feel that we can succeed and we want to move forward.

CHAIRMAN MICHAEL GARDNER: It's really open not in ten or 14 days, but ten or 14 days from ABCC action?

SEAN HOPE: Well, I think what we would do is once we have this decision, we would petition for an emergency hearing, we would try to move forward, but that they can decide to allow -- we also have to wait for this decision to come forward. But we're trying to move as quickly as possible.

This has been going on since August is when we first found out that there was an issue. Actually, excuse me, even earlier than that. But

September 6th was the date of indefinite suspension.

So we're doing everything we can do to capture this fall season, to capture in terms of the restaurant and opening and presenting and the soft opening, but this is an important step.

I just want to add that I think one of the factors is already what has probably been experienced by Mr. Brady and what may be to come as further sanctions.

CHAIRMAN MICHAEL GARDNER: Any other questions or comments?

ASSISTANT FIRE CHIEF GERARD MAHONEY: What is the current status of the establishment in Boston?

DEREK BRADY: Well, I paid a fine in lieu of suspension. It was $74,000 fine to the ABCC. Boston Licensing went with ABCC's discretion on it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So you had a choice?

DEREK BRADY: Yes. 100-day suspension or pay a $74,000 fine.

CHAIRMAN MICHAEL GARDNER: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: Well, I will make the motion to approve the petition. My reasons for doing so are virtually entirely based on the desire to get this space open and viable, and has nothing to do with my views of your character or quality other than I'm satisfied you're minimally qualified to do this.

I don't get how you don't put on your license your premiere leading establishment.

I will make the motion to approve the petition, but condition it on three, six and 12

month reviews of the operation of the establishment once open, and I will request that investigators inquire as to, among other things, who is really running the show.

That's the motion.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Seconded.

CHAIRMAN MICHAEL GARDNER: A motion having been made and seconded, any further discussion?

POLICE COMMISSIONER ROBERT HAAS: No discussion.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying "aye."

Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

I would say, Mr. Brady, at least from my point of view, you're lucky that we really want this space open.

We have another issue before us, do we, Mr. Hope?

SEAN HOPE: That's the change of manager.

CHAIRMAN MICHAEL GARDNER: We've heard a lot, but let's get a two-minute summary of experience.

TIMOLEON PANAGOPOULOS: The short-short version? I have worked at places before management, Armani Cafe on Newbury, which is now closed. I have managed Sonsie Restaurant on Newbury Street. I have managed Capital Grille and actually I have helped open Capital Grille in Chestnut Hill. I helped managed Top of the Hub Restaurant. I was the opening manager of Whiskey Park for the first year and a half before opening my own establishment in the Weston Copley Place

which is Osushi Restaurant and I have been there ever since.

CHAIRMAN MICHAEL GARDNER: How long ago has Osushi been open?

TIMOLEON PANAGOPOULOS: Ten years.

CHAIRMAN MICHAEL GARDNER: What are the challenges of the Osushi Restaurant in eastern Massachusetts?

TIMOLEON PANAGOPOULOS: Basically making sure that you are serving the very fresh product that cannot endanger any person whatsoever. There's a lot of temperature requirements. A lot of -- the hardest thing to get under control that people test that don't understand the business is the rice itself. It's a very trainable process. We spend months and months training our staff on how to make sushi rice proper correct, slicing fish the right way correct and storing it the right way fresh.

It's a very interesting business and it was tough to learn initially, because there was a lot of training that was involved and that's why we do what we do. Our other establishment all we do is sushi. We have some very small cooked items and things like that, but we think we're at the top of our game.

And as you heard previously, we have a very good reputation in the city. We have had for a long time. We work with a lot of local city, whether they're athletic organizations or business organizations, they look to us for the quality of product which we serve.

CHAIRMAN MICHAEL GARDNER: In what ways will this operation be different than the operation at the Weston?

TIMOLEON PANAGOPOULOS: There will be a few more cooked entrées, kitchen items that allow us, you know, in our location we don't have a

fully functional kitchen. So there's no wagyu --

CHAIRMAN MICHAEL GARDNER: You mean at the Weston?

TIMOLEON PANAGOPOULOS: That is correct. There's no range, so we can't cook you your wagyu steaks and your miso glazed cod and salmon and things like that. So all of these items will appear on the menu which makes us happy because my chef really likes to promote authentic Japanese food, which not a lot of people do.

Japanese food is not built on sauces on top of sauces that make rice taste good with God knows what kind of fish is inside of it. It really is about the integrity of the flavors and the ingredients, and that's what we think we do better than anybody else.

CHAIRMAN MICHAEL GARDNER: What percentage of your receipts do you think will come from alcohol on your business plan?

TIMOLEON PANAGOPOULOS: I believe it will be 60/40, 60 food, 40 alcohol.

CHAIRMAN MICHAEL GARDNER: What is the Weston breaking?

TIMOLEON PANAGOPOULOS: We're pretty close, 65, 35. However, the location at the Copley Square location does not have full liquor. So we have -- we were the first restaurant that actually introduced -- not introduced sake, but introduced a number of sakes.

Ten years ago you would walk into a restaurant, it would be "Hi, do you want cold sake or warm sake?" That was it. We're the people that first introduced the natural sake list about what kinds of sake there were. We're the ones that recommended to the liquor distributors to put names on the sake where it wasn't just some long Japanese name where people could understand what they were ordering.

CHAIRMAN MICHAEL GARDNER: Okay. Thanks. Other questions?

POLICE COMMISSIONER ROBERT HAAS: So you heard Ms. Jillson's summary of some of the challenges on Winthrop Street aside and apart from the location of the restaurant.

What I'm looking for is some assurances from you that you're going to play an active role in terms of being an active participant in terms of mitigating some of the public safety concerns we may have with Winthrop Street and be an active partner with the other restaurants who have already joined somewhat of a collaboration in working jointly.

And I guess, lastly, that you do spend time with Ms. Jillson to better understand what the circumstances and situation is with respect to Winthrop Street. It offers a very special opportunity because it's a pedestrian walkway for

the most part. We have over 1,000 people that cross that walkway during the course of the evening, and with that, it represents some challenges.

TIMOLEON PANAGOPOULOS: If I could address that for a second, I did spend many, many years of my experience within the nightclub environment, lounge environment. So I think that I do promote very good security measures.

I spoke to the officers on duty today and we were talking about this where they have some restaurants that are on the street which can on occasion have not very cumbersome crowds that appear out of their establishment at certain hours.

I'm a firm believer -- I believe in dress codes. I'm not saying I'm going to implement a harsh one, but, you know, there are certain aspects of night-life-later-hour industries which

I'm very well aware of having been in this business for many years. I do not tolerate them. I do not really welcome them in my business. If there's a problem, I call the cops right away.

POLICE COMMISSIONER ROBERT HAAS: What I'm just trying, I think, to get across to you is that this is a community, which means it's not just the operation of your restaurant, but how the operation of your restaurant is involved and how it interrelates with the other restaurants in this area.

TIMOLEON PANAGOPOULOS: I'm very willing to work with the young lady that stepped forward. I do know the owners of Om, I do know the owners of Bonchon, I know the owners of the Charles Hotel. So I do know a lot of the business operators nearby, and my doors -- and I visit them all and hopefully they know that my doors also are open to work together with them.

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter which is the approval -- your name again, sir?

TIMOLEON PANAGOPOULOS: Tim Panagopoulos.

CHAIRMAN MICHAEL GARDNER: -- Mr. Panagopoulos, as the manager of record for the restaurant?

Seeing nothing. So I'll make a motion to approve Mr. Panagopoulos as the manager of record.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Seconded.

CHAIRMAN MICHAEL GARDNER: The motion having been made and seconded, all those in favor, signify saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed. Welcome to Cambridge. Good luck.

We heard what we regard as a rocky start which is not attributable to you.

We wish you well.

TIMOLEON PANAGOPOULOS: Thank you very much. We look forward to having you guys come in and enjoy some very nice Japanese food.

CHAIRMAN MICHAEL GARDNER: Can we take just three minutes? A three-minute break, is that okay with you?

(All agree.)

(Short Recess Taken.)

CHAIRMAN MICHAEL GARDNER: First of all, for those of you here at the light hour, my apologies for all the time it has taken.

We did have a lot of facts to sort out this evening which is not always the case.

POLICY: RULES AND REGULATIONS OF TAXICABS

ELIZABETH LINT: Policy: The Board of License Commissioners will meet to discuss amendments to the rules and regulations of taxicabs with respect to dispatch associations, including mobile applications: Lease rate caps; and any other standards affecting the Cambridge Taxicab Industry.

May I suggest before we get started on this that we not discuss the lease rate cab. We had been seeking information from the owners and we have not gotten very much, not enough so that we could make an informed decision.

CHAIRMAN MICHAEL GARDNER: Could we have a brief presentation from staff?

COREY PILZ: Yes. Corey Pilz, P-I-L-Z.

A brief procedural history regarding this

matter, the License Commission approved the regulation of dispatch services on or about 1998, and they approved it so we would license dispatch associations so the public could maintain access to Cambridge taxicab medallions to satisfy our purpose of meeting both necessity and demand.

With that said, the Commission actually never promulgated any rules or regulations for dispatch services. So as part of our aggressive agenda in the License Commission to modernize our rules and address the concerns that have been brought forth, we did go ahead and draft a series of regulations with three things in mind.

The first was to create an equal playing field for the dispatch associations. Now the way technology is moving, we no longer call a cab company to get a taxicab. You can also use a mobile application, a website, so on and so forth.

We have created a broad definition of a dispatch association to account for these changes in technology.

The second goal was to address the concerns that we're seeing in terms of customer service and what we're hearing at the License Commission, and to do that we built in certain regulations in terms of training of the dispatch associations for their personnel, operation regulations, a customer service standard and a service request response.

What this means is if you were to place a request to a dispatch association, they have to respond within a certain time, and if they can't fulfill your request, they have to have appropriate referral to another dispatch association in order to get a cab.

The last goal of the regulations was to provide the Commission with more information so

that we can more efficiently regulate the industry, and we have done this by instituting a record keeping standard and also the reporting standard.

And just to give some classification how we intend to license these companies, it's through an operations permit, which will be renewed on an annual basis, with paying a fee, but also besides that, we're also going to require the company to submit an annual report.

And as part of this annual report, it's going to ask for the following information: A list of the costs associated with being a member of the dispatch association, a current list of taxicab medallion numbers associated with the dispatch association, the number of service requests received, the number of requests that were completed and the number of requests that could not be fulfilled and the reasons why.

And looking at this annual report and also any previous disciplinary action, the License Commission will determine whether or not to renew that company's permit.

CHAIRMAN MICHAEL GARDNER: In terms of the broad definition, have you written it so broadly that this could possibly incorporate something akin to the UBER model?

COREY PILZ: The UBER model is rather interesting because as some background UBER has different levels of services. They offer a taxicab dispatch company and their dispatch company would fall under this regulation. In terms of their livery vehicle, they would not, because it's a separate industry.

If they were to roll out their taxicab program in the city, just like any of the other applications out there, whether it be Halo or Taxi Now, they would fall under this regulation

and they would be required to obtain the dispatch permit and meet all the rules and regulations.

CHAIRMAN MICHAEL GARDNER: Any there any provisions in here or have been given any thought to access to persons with communications disabilities, any special telephone equipment or other arrangements for either the hearing of visually impaired?

COREY PILZ: All dispatch associations will be required to participate in our accessible Cambridge taxicab program. So, therefore, they would -- if they were going to dispatch they'd have to be able to have some mechanism to dispatch an acceptable vehicle and that would be partnering directly with the company.

CHAIRMAN MICHAEL GARDNER: I'm really thinking about somebody who is trying to contact the dispatch organization to be able to request a cab.

COREY PILZ: We have required basic function, but perhaps that is an issue we can hash out a bit more in terms of the regulations, in terms of building a standard where the companies must have a manner for persons with disabilities to access.

But to that extent, I think if a company was operating, they, themselves, would have to have that to meet the ADA standards. So I don't think that's necessarily an extra protection we need to build in. I think we'd capture the important part by --

CHAIRMAN MICHAEL GARDNER: I would like you to look at it in terms of being clear because I don't want to presume too much about what we know about the ADA. And you may want to get some guidance from Michael Muehe about that.

COREY PILZ: Okay. Absolutely.

CHAIRMAN MICHAEL GARDNER: I think that

from something Ms. Lint alluded to, we've been trying to get information from the cab owners about the sort've licensing fees and our difficulty in getting data back from them.

I'm really wondering what is your expectation with respect to how easily and willingly these dispatch associations will, in fact, be able to supply the kind of data for an annual report you're proposing and what, if any, thoughts you got about Commission options should we have difficulty in either getting a report at all or getting the kinds of quality and components of the data we're looking for.

COREY PILZ: So when drafting these regulations we did reach out to various dispatch companies, both telephone and mobile application for those who would talk to us. And what we have found is most of the information we have required of them is information that they generally keep

for their own, which is practices, so it just would be a matter of them putting it together and presenting it to us in a format that we wanted.

To answer the other half of your question, we have built in disciplinary procedures similar to that of the taxicab owners where if they weren't supplying us with the information per the rule or the regulation, we could proceed with a disciplinary hearing and further condition their permit, suspend their permit or revoke the permit just like a taxicab medallion.

CHAIRMAN MICHAEL GARDNER: Is that the reference to the $50 administrative fee?

COREY PILZ: Correct.

CHAIRMAN MICHAEL GARDNER: You think that's sufficient to get somebody to comply or...?

I don't mean to put you necessarily on

the spot.

COREY PILZ: Nope, nope, that's --

ELIZABETH LINT: I think it would be easier for some of the dispatch companies to comply than for others. A lot of them, as you said, are very reluctant to offer up advice, they're very quick to come to the subcommittee meetings and tell me that they want certain things, that they want higher lease rates, they want higher flat rates, they want -- but they're not willing to be forthcoming.

I think we started to come down a little bit harder on the drivers, the owners, the managers in terms of disciplinary actions when there are complaints and everything else.

So I think that the message is getting out that we're taking this very seriously, that we're trying to really revamp the whole industry and bring it up into the 21st century, and if

they're not going to comply, they're going to start looking at losing medallions.

CHAIRMAN MICHAEL GARDNER: I think, Mr. Pilz, you made reference to those of the companies that would talk to you. Am I to infer from that that you had less than full cooperation with the industry with respect to comment on these standards?

COREY PILZ: To some extent, yes. Some phones calls went unreturned.

CHAIRMAN MICHAEL GARDNER: Have any of these written materials been distributed to the companies for comment?

COREY PILZ: Some have been directly given to companies for comment, but all of the draft regulations was posted on the License Commission website as of September 25th. And many members of the industry were aware that we were going through this process because we did do

outreach.

CHAIRMAN MICHAEL GARDNER: Other questions or comments?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

POLICE COMMISSIONER ROBERT HAAS: Some of concerns you've heard from the taxicab drivers is -- but I'm not sure how you regulate this, but there's some concerns about how people get picked for jobs, right, and that -- I don't know how we account for that or how we regulate for that, I don't know how we check for that, that that practice doesn't go on, so that there is a fair distribution of jobs based on first come, first serve or whatever the order is, that's one concern. I'm not sure what the answer is to that.

But I know we heard that from the taxicab drivers that in their belief some of that is going on already.

So it seems to me if we're going to develop regulations, we should at least address that issue as it goes forward.

And I think the other thing -- what sanctions do we have for a company that decides it's going to operate, the drivers don't disclose that the company the fact that it's company operating in the background. I mean, how do we get after something like that?

I mean, in this day and age with the technology we have right now, you can dispatch in a variety of ways, right? So how can we be sure that we fully regulate those dispatch services operating within Cambridge proper, and if they don't, what is our recourse?

COREY PILZ: To answer that question, if it's a Cambridge dispatch company, to some extent it would be tied to a Cambridge medallion, and I think our possible recourse would be dealing with

the medallions that are tied to the company.

So, in terms of your first question about cherry picking jobs, I think is the best way to almost put it, I think we have to do a little bit more research to the extent we can regulate that or what an appropriate standard would be to establish among the industry.

CHAIRMAN MICHAEL GARDNER: So, is it possible that a company could operate in Boston and be dispatched from Cambridge cabs?

COREY PILZ: No. We have built in a specific provision called a service exclusivity rule, meaning if it's a licensed Cambridge company and the person initiates the request for a Cambridge cab, it has to be fulfilled by a Cambridge cab.

If you're having someone operating in two jurisdictions, they can't simply send a Boston cab to pick you up if your intention was to hail

-- electronically hail, for example, a Cambridge cab.

CHAIRMAN MICHAEL GARDNER: Can they be regulated by us if they're dispatching cabs for pickup in Cambridge?

COREY PILZ: Correct.

POLICE COMMISSIONER ROBERT HAAS: It doesn't prevent anybody who calls a cab in Somerville, a dispatch service in Somerville or Boston to come and get them, that's still going to be permissible in these regulations?

COREY PILZ: Correct, because that goes to the fact that it's on a prearranged basis.

CHAIRMAN MICHAEL GARDNER: Questions? Are there any members of the public who would like to be heard on this matter?

Seeing none -- I guess I would just raise for the Commission the appropriateness of asking staff to go back and rework the disabilities

issue and address some of the other concerns that we made tonight. I'm sort've particularly troubled by the possibility that we may be ignored by some of the operators, and I think the administrative $50 fine may be fine to start, but I'm concerned that the Commission needs the authority. If we want the data, we have a legitimate use for the data and need to evaluate the data in terms of service to residents of Cambridge and services within the city, we have to make sure that we have, in fact, got the regulatory super structure up to make sure of that, particularly given the sort've spotty enthusiasm about interaction within the industry and the Commission.

So, I ask you to go back and think about that. I also think that putting it on the website is a good idea, but in sort've a specific comment period, send a letter out to all the

companies that we know are operating in the city. Specifically ask -- here is what the Commission is considering: These are draft regulations, we ask for a comment period and give them some time just to make comments and we appreciate written comments and various people come to the next hearing, so that we explore every avenue to let the industry, that we're trying to regulate, give us their views on the regulations before we go forward.

COREY PILZ: I assure you we did do that to some extent, not perhaps a great extent, but it was done.

CHAIRMAN MICHAEL GARDNER: I heard you say phone calls and websites.

ELIZABETH LINT: We sent it to the dispatch companies.

CHAIRMAN MICHAEL GARDNER: Are there any other thoughts about that? Anybody?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: I make a motion along those lines. We refer the matter back for further development of regulations from staff with addressing the issues discussed tonight, and also, for further efforts to obtain comment from the industry and the public at large.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I second that.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed. Very nice work.

Thank you very much.

POLICY: PILOT PROGRAM

ELIZABETH LINT: Last but not least policy. Members of Board of License Commissioners will discuss pilot program relating to pedicab operations in the city.

CHAIRMAN MICHAEL GARDNER: Good evening. I see we have a presenter here, so I would ask you state and spell your name for the record and identify yourself.

MICHAEL TUBIN: Michael Tubin, T-U-B-I-N.

Mr. Chairman, Commissioners, thank you for giving me the opportunity to come before you again.

Chairman, I think at the last meeting you weren't here when I came back in March, so I thought just a quick update on what led me to that meeting.

Prior to that meeting, I had met with a

few Cambridge business leaders in the community. I met with Denise Jillson, Executive Director of Harvard Square Business Association; Robyn Culbertson, Executive Director of Cambridge Office for Tourism; Kelly Thompson Clark, President and CEO of Cambridge Chamber of Commerce; Travis McCready, Executive Director of Kendall Square Business Association; and Renee Farster, Co-Executive Director of Inman Square Business Association, and received overwhelming support, some letters of support. I think you gave a packet with some of the initial information.

CHAIRMAN MICHAEL GARDNER: For clarification, sir, I, in fact, wasn't here and an sorry about that. I was out of the country at the time, but I have read the transcript of that so I'm generally familiar with what happened.

MICHAEL TUBIN: At that meeting, I think

the result of the meeting from the Commissioners was maybe some initial interest, maybe to take it to the next level for me. They asked me to maybe check with some of the hoteliers in Cambridge and also look further into the viability of the business which goes hand in hand.

We're looking for garage space which could be a challenge in the area. So since that meeting in March, I went out and spoke with John DiGiovanni, President of Harvard Square Business Association, Benson Willis from the Hotel Veritas, who has since left, and now Chris Slomiak, who is the new GM there, and he sent me a letter of support, which I forwarded to Ms. Lint today.

I also worked out an arrangement with the Veritas for a storage space as well in their secured underground parking.

I met with Alex Attia, the GM of Charles

Hotel; Jim Kappel, GM, Marriott; Raechel Solem, GM, Harding House/Irving House; and Ryan Oheir, GM, Le Meridien. Each one of them were very supportive.

The only thing I did here that wasn't negative, but Jim Kappell from the Marriott had mentioned that there's a lot of construction going on on Broadway, and he doesn't know how access would be to that area till that construction is done. So, until he knows where that construction is heading, he doesn't know how it will influence him or how it would benefit him.

I also spoke with Thomas Lucey, Director of Community Relations at Harvard University. In that meeting, as well was Kris Locke, manager of Commuter Choice, Transportation, Harvard University and they both stated they were very interested, and said if approved, they would be

interested in discussing how to promote it to their students, and they think it would a great benefit to the student population.

And one of the things she did mention, which was touched on previously, is the students are into their smart phones, if there's a way they can actually get a pedicab utilizing a smart phone, there's no fares associated with the pedicab, so it would just be purely just for informational purposes where they can call a pedicab, you know, see where it is on the GPS and then call a pedicab, and you know, one will be called to him.

So, we're not taking fares or anything like that. It would just be a good service for students to be able to contact.

CHAIRMAN MICHAEL GARDNER: So, I think, sir, we're generally interested in the idea of doing perhaps a pilot program, probably the next

warm weather season. And the process at least as I would envision it, would be that we would, over the next couple of months, refine some regulations, which are now in draft, and then perhaps, put forward an open application process or some limited number of pedicabs to operate in the city during a pilot process, just so it's not a closed system. I think we can represent you. You've demonstrated the most interest in Cambridge so far, but it would behove us to at least see what other interest is out there.

MICHAEL TUBIN: Can I comment?

CHAIRMAN MICHAEL GARDNER: Yes.

MICHAEL TUBIN: I would think if it's going to be a pilot program, I would think it will be a limited number, whatever that number is of pedicabs, and I think the pilot program -- I would think you'd want some pretty good interaction relationship with that person doing

the pilot program in case there is some alteration needed to the program along the way, and I would put to the Commission, you know, I have been working on this since my first contact with Elizabeth in July of 2011, and have support personally from over 20 business leaders and professionals in Cambridge, and I would put to the Commission that a pilot program may be instituted with, you know, myself with that amount is running it, then once it's up and running, it has the best chance of being successful, then maybe after that it's opened up if that's what...

CHAIRMAN MICHAEL GARDNER: Well, I understand and the Commission will decide this. I think we are cognizant of the effort you've put into it so far in terms of trying to run a successful pilot, and if we allow for multiple applications, that kind of status and credibility

would be important.

Late this evening, I think I would like to hear from you about some of the key components of an operation you think we should take into account.

You mentioned there wouldn't be any fares, and, you know, that's certainly definitely one model, but I would like you to talk about the implications of a no fare that is essentially -- a no-fare system could mean tips only completely at the discretion of the requestor of the service.

I can also envision that a no-fare system, because this is an interaction on the street might mean, in fact, minimums communicated by the pedicab operator. I'm not sure that I -- we don't have much experience with an unregulated market, so I would like to hear more about really how voluntary the fees, the tips would be and

then talk a little about roots, and if there were a pilot, what you would think an optimum number of pedicabs to operate under such a pilot would be.

MICHAEL TUBIN: There's predominantly two major -- two types of business models I run under. One, as you mentioned, the tip-based program. There are a few areas that do have fares. And obviously, where you have a pedicab you're not going to have a meter on there or something like that. A lot -- I have seen some that do it by the minute, by the block, and then to me as a business owner, that's tough to, you know, where you don't have a meter there, you go around the end of the night trying to collect fares from people, I made $5, you know, there's no control over that.

So, to me, the best way to operate it in which probably 90 percent of the country does, is

charge a lease fee to the pedicab operators depending on night, the time of the year, whether it's a day or night shift.

You know, say it's a $25 lease fee for the pedicab driver, and they're leasing that pedicab, they're an independent contractor leasing that pedicab for the night. Then whatever they make in tips -- and it's purely on a tip-based business. There are no fares.

We might offer historic tours or, you know, maybe wine tasting tours, different things like that, different special events. Weddings we do pedicabs rides for. And for those there will be a set fare. Maybe half-hour tour might be $15 and we'll take them around to different historic sites in Cambridge, but the general point-to-point transportation would be free and the drivers work on tips.

Surprisingly, it probably works out

better for the drivers doing it that way anyway.

CHAIRMAN MICHAEL GARDNER: I think you would overpay.

MICHAEL TUBIN: If we charged by the block, people go two blocks, you know, is it going to be a $1 a block, $2 a block? That's $4. I ride a lot myself, too, in Plymouth. I've had $100 tips, 50, 20, 60. People, I think, just when you give them that option of paying by tip, they feel obligated and they do pretty well, the drivers, which would obviously be mostly local college students, depending on the amount of pedicabs. It could be 25, 30 decent paying jobs for students.

The previous meeting in March, I think my comment to the number was, I think, each business district, meaning Harvard, Central, Kendall, Inman would each be able to withstand five. I think it would be depending on how wide you made

the route. I would think at least maybe a pilot program of at least ten, I would think. I think five might be too limited, they might get lost in the area, but I think a pilot program of ten would -- at a minimum of ten would be --

POLICE COMMISSIONER ROBERT HAAS: You've got a total of ten --

MICHAEL TUBIN: I'm envisioning maybe 20 total in the city. That would be my estimate. Whether the pilot program was that 20, or if it was just a limited ten pedicabs as a pilot program to see how it operated for a season.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What would you suggest as -- say you were to start with 20 cabs, how would they be distributed throughout the city and hours of operation and so forth?

MICHAEL TUBIN: They operate during the day obviously for the tourists, students,

visitors to Cambridge, and then they also -- they're very beneficial at night as well. Students living around the area getting to and from bars, getting people around safely, so they probably operate till, you know, during the day 10:00 or 12:00 during the day, you know, there would be two shifts. One that goes 10:00 to 5:00 and then the night shift goes 5:00 till whatever that is, 12:00 or 1:00.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have even them in very limited --

MICHAEL TUBIN: Oh. They have fiberglass bodies.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Do they have lights on them?

MICHAEL TUBIN: Yes, they do. They have headlights, taillights, blinkers, turn signals. And I actually added on an extra safety feature. The chief of the police in Plymouth had asked me

to maybe add a blinking yellow light in the back, which, if you're driving up behind it, I think people are just so focused on seeing red brake lights everywhere, so it's just a little flashing safety light on the back. And they have seatbelts as well.

CHAIRMAN MICHAEL GARDNER: What is the safety history been in Plymouth?

MICHAEL TUBIN: I never had an incident in Plymouth. Frankly, I have done a lot Googling and research. I haven't really seen many incidents really anywhere around the country.

CHAIRMAN MICHAEL GARDNER: I will put in the record that I think that the most dangerous thing that's ever happened to me in the last five years at least is taking a pedicab from the Prudential area to Fenway. It was the third inning already and we needed to get there, and the guy just ran a red light at Mass and Boylston

and, you know, there we were.

MICHAEL TUBIN: I do have an extensive training program where obviously they have to be licensed for one thing, so they have to know the rules of the road. They're expected to follow the rules the road, you know, not go down one ways, stop at red lights and be over courteous, you know. I mean, you're not a car, you're following the rules of the road. So you're not a car, but yet, you're being courteous to the cars, to pedestrians.

I will say you're dealing with college students mostly. I got a call from my girlfriend telling me that one of the pedicab drivers took a U-turn and skidded on the pedicab, which, you know, they're expensive pedicabs, and there's a lot of stress that goes on different parts of the pedicab. So, if they're not operated in an effective manner, it costs me money. Spokes

break. There's repairs that go with it.

So I put a lot of time into training people to start, and there's expectations of how they're supposed to operate. And I have gone up to people -- I heard secondhand somebody doing something, nothing dangerous, just not operating it the way I'd like, and I just walked up to him and told him they have to leave. I got rid of them on the spot.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How many units do you own?

MICHAEL TUBIN: I was approved for five in Plymouth. I have four right now. It's a relatively small area. A couple miles square that we operate in. Four is a good amount. I could go to five, but right now I have five in Plymouth.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Okay.

ELIZABETH LINT: I did have another proposal for Pirate Pedicabs out of Newport. I actually expected them to be here, and I'm just wondering if we crossed wires somehow because he's been emailing on a regular basis, and this is someone also who has been expressing interest in the last year or two as well. He just hasn't come in and been as...

MICHAEL TUBIN: I have heard from four other -- he called me. I heard from four other pedicab companies. I didn't realize how public the minutes went or word travels, but someone in Connecticut, this gentleman from Rhode Island, somebody from Boston and somebody from the North Shore also called me with interest.

And I do see in some areas, you know, like in Boston or in Salem, you will have an initial -- actually what happened in Rhode Island, Boston pedicab went to Rhode Island and

this gentleman was a driver in Rhode Island and then just went off and bought a couple of pedicabs.

But I think what you see in a lot of communities is you have one main pedicab company and then -- you know, Plymouth is limited. There's only approval for five pedicabs, so somebody can't go out and start one. But I see that as somewhat of an issue in certain towns where you will have someone who's not a business owner who just happens to ride a pedicab -- not that I'm against starting a business -- but they'll tend to go out and buy a pedicab and you end up having multiple operators in one area, and you have some that operate better than others.

I think if that is done, I think, obviously, you're interviewing the operator as a business owner as to opposed to --

CHAIRMAN MICHAEL GARDNER: What is your

sense from the conversations you've had with the hotels about -- anybody else, about where the pedicabs wait for fares?

MICHAEL TUBIN: Each hotel I spoke with had no problem if there was an area that the pedicab wanted to wait in. They see it as a benefit for their guests.

In Plymouth, there's no standing areas. We don't go near taxi lanes, we don't go in parking spots. But, you know, they just tend to find areas, you know, on the top of a street where there's no --

CHAIRMAN MICHAEL GARDNER: I have gone by them. I thought they were probably too expensive for me, so I never rode in one, but they're just sort've on the side of the road as I recall.

MICHAEL TUBIN: Yeah, they're obviously just in a safe area which, you know, through any discussions we could designate where they could

and where they couldn't. But they just tend to find an area. They don't leave the pedicab. They stay on their pedicab and, you know, they'll find an area, and if it's an area where they have to move out, they'll move out.

They basically make their money by moving around. If they're parking, they're really not going to make money. So they tend to be more mobile moving around trying to find people driving.

We have bells. You know, they ring the bell to try to find rides, and if someone hails them, they'll pull over and pick them up and drop them off where they want to go.

CHAIRMAN MICHAEL GARDNER: For Cambridge, what do you see as a viable season?

MICHAEL TUBIN: Plymouth is Memorial Day to Labor Day. It's very limited. May to September -- May to the end of August. I see it

being -- you know, Boston last year, they actually went year-round because of there not being any snow. I was in the theater district in January and took a pedicab ride.

I think it would be determined by the weather. I would hope -- I know Boston starts in March, weather permitting, obviously, so I think at least March through the holidays would be hopefully a good eight-month season, I would think.

CHAIRMAN MICHAEL GARDNER: Did you get a chance to look at the draft regulations that the staff proposed?

MICHAEL TUBIN: No, I didn't. I wasn't aware of that.

CHAIRMAN MICHAEL GARDNER: They may just be completely draft regulations.

MICHAEL TUBIN: I did submit the regulations from Plymouth. I worked -- I

actually did the research for that, and I looked all over the country at regulations. I don't know if that's a conflict of interest. I would be willing to offer any input.

CHAIRMAN MICHAEL GARDNER: We would regard it as -- we put them out as a public record and document and invite any comment. I think we're satisfied we avoided any conflict of interest. We're not interested in some sort of private channel of communication.

MICHAEL TUBIN: To me, I think the safest and best way they operate is with proper regulations. I mean, I think it's dangerous if there's not the proper regulations in place. I pushed for a lot of regulations I didn't even need. One million dollars in liability for each ped, you know, I have on the pedicabs.

I mean, the CORI background checks on drivers and, you know, they were debating whether

it's not a taxi, do we really need that. I thought it was safer as an operator to have good regulations in place.

CHAIRMAN MICHAEL GARDNER: Is there any training program that you use for your drivers?

MICHAEL TUBIN: I do. They go through a two-hour on-the-spot training, and from that point, they'll drive around in a parking lot. Not really like a cone setup-type thing, but I'll make sure they can maneuver well with the pedicab. After three hours, we'll take them out. We'll have one of the senior drivers or myself take them out and kind've train them on the intricacies of driving the pedicab on the road.

CHAIRMAN MICHAEL GARDNER: My general sense of it is that the occupation would be limited to persons who are, in fact, strong and in good physical condition?

MICHAEL TUBIN: Yes, it is. I'm not

strong and in great physical condition. I do eight or nine hours on a pedicab, and I have some girls that are 110 pounds --

ELIZABETH LINT: Women?

MICHAEL TUBIN: Women, sorry. Well, they're very young, but, I mean, they're --

ELIZABETH LINT: They're still women.

MICHAEL TUBIN: They're still women, sorry. But they're, you know, 110 pounds and people marvel at them. I get updates on my Facebook page, did I see that girl -- that woman just take to big guys in the pedicab up a steep hill.

CHAIRMAN MICHAEL GARDNER: And you got a lot of lower gears.

MICHAEL TUBIN: They're 21-speed bikes, so there's -- you know, if you're in the lowest possible speed of the 21, you're barely moving.

CHAIRMAN MICHAEL GARDNER: Typically you

stand and pedal standing as you need to, right?

MICHAEL TUBIN: Sure.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Are they pretty much -- a pedicab, is it pretty much universal, pretty much made by the same manufacturer?

MICHAEL TUBIN: There's one main manufacturer, they're in Colorado and they make -- there's a lot of cheaper models you will see around. This company makes, you know -- they've been doing it since the start of pedicabs, since 1980-something they've been doing it. And they make them to order. They're a very well made pedicab. They're the predominant.

All the ones you see in Boston or anywhere else you see them, those are the primary pedicabs that you will see.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I think I saw them recently. I'm trying to think

where I was. I think it was in Baltimore. I think it was Baltimore where I seen them.

MICHAEL TUBIN: I just went to Salem for the weekend, I saw them there and they're a little overboard with them, costumes and scary sounds coming out of them.

CHAIRMAN MICHAEL GARDNER: I saw one driving down Mass Ave on Harvard Commencement Day.

MICHAEL TUBIN: Really?

CHAIRMAN MICHAEL GARDNER: I ran to tell Ms. Lint, but they were gone by the time I got there.

MICHAEL TUBIN: I do think, too, in talking about the pilot program, you know, I think too small of a number could limit the full success, too limited of a route, you know, whether it's decided just Harvard Square, I think that could be limiting, you know, because I think

the true benefit of it is linking Harvard Square to Central to Kendall to Inman. I think that's the ride that whether you go down into the subway, or, you know, if it's a little outside of what people might want to walk or call a cab for.

I think in deciding on a pilot program, whatever that route is, I think limiting it too much or even with the pilot program the amount of pedicabs, that's why I said five might be a little too...

CHAIRMAN MICHAEL GARDNER: Let me ask you why a route needs to be limited? There may be only certain areas where we might want to say this is where you sort've hang out or where you operate out of, but why should we limit where a pedicab would take paying customers within the city?

MICHAEL TUBIN: I wouldn't think there would be. I just think that came up -- I was

asked to come with up a route, a proposed route, so I just put together --

CHAIRMAN MICHAEL GARDNER: Isn't it mostly a function of the safety -- adequacy of the infrastructure of the roads?

MICHAEL TUBIN: Sure. I would think Memorial Drive you wouldn't want to jump out on obviously.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would be curious if the Boston system has any restrictions for Storrow Drive.

MICHAEL TUBIN: They wouldn't be able to. I'm sure there is. I mean, you couldn't operate on Storrow Drive.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would say it would be best to avoid Memorial Drive.

MICHAEL TUBIN: Right.

ELIZABETH LINT: You can't, it's DCR

property.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE COMMISSIONER ROBERT HAAS: I mean, I have seen some -- some scenes where they have advertising on pedicabs, is that something that you subscribe to?

MICHAEL TUBIN: Yeah. Between the advertising on the pedicabs and the lease fees, that's where I generate my income. But the advertising -- I don't know if the pictures you have you will see some of the ones in Boston or other areas. They're not as -- I don't know if you would say tasteful, but they're not as decorative or nice.

I work with a design company that really does really nice wraps of the pedicabs. We also have a little brochure rack where it's good promotion for businesses where they have a menu

there, they can take out a menu. We can drop them off at different restaurants or different areas.

CHAIRMAN MICHAEL GARDNER: That's what I remember now in Plymouth. The pedicab had a sign on the back for the restaurant that we were going to.

MICHAEL TUBIN: Which one was it?

CHAIRMAN MICHAEL GARDNER: Lobster Hut.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Sounds expensive.

CHAIRMAN MICHAEL GARDNER: Of course it was. I thought, jeez, is this a Lobster Hut cab which will take me to the Lobster Hut for free? I decided, well, that was too risky, so we walked.

MICHAEL TUBIN: A lot of people say do you just go to the Lobster Hut or people just don't realize -- they think it's just a pedicab

offered by the Lobster Hut.

CHAIRMAN MICHAEL GARDNER: I had that confusion for awhile.

MICHAEL TUBIN: It's great for the business. I have a waiting list. I thought, when I first started, that might be the hardest part of it would be getting advertising. Where am I going to get people? But I have the same four come back and I have a wasting list of about another half dozen people that want to get on them, so it's a great --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Really?

MICHAEL TUBIN: Yeah. Probably more so in Plymouth, you don't --

CHAIRMAN MICHAEL GARDNER: You operate on a pretty --

MICHAEL TUBIN: There's no billboards, there's no advertising anywhere in that

waterfront. You know, they get a million tourists through there a year with Plymouth Rock and the Mayflower. How else can you reach them besides on a pedicab?

I think it would be unique in Cambridge, too, if you're in Central Square and there's a restaurant in Harvard Square advertising a pedicab and people are going to say, "Oh, where is that place?"

"Hop on, I'll give you a ride."

So I think it will be good for the business community as well promoting different businesses.

POLICE COMMISSIONER ROBERT HAAS: So looking at the configuration, and I think we talked about it the last time you were here, where would the pedicabs operate, in the bike lanes or on the main thoroughfare?

MICHAEL TUBIN: I don't think they should

operate on the road. I think they'd be best in the bike lane, you know, but operating courteously in the bike lane. I don't think there's that many that it would really do any damage.

POLICE COMMISSIONER ROBERT HAAS: You go to Hampshire Street or you go down some of the other main thoroughfares, it's a line of bikes, it's a commuter route. The thing we're concerned about also is the width of the cab might extend beyond the width of our bike lanes. So I'm just trying to figure out --

MICHAEL TUBIN: I don't think it does. What are your bike lanes, six feet?

ASSISTANT FIRE CHIEF GERARD MAHONEY: They're awfully narrow.

POLICE COMMISSIONER ROBERT HAAS: I don't think they're that wide.

MICHAEL TUBIN: I think they are. I

actually last year before the meeting, went out and actually measured it. And I think I had another foot and a half to two feet on the pedicab for the bike lane.

CHAIRMAN MICHAEL GARDNER: You're a four foot width?

MICHAEL TUBIN: 50 inches.

POLICE COMMISSIONER ROBERT HAAS: Our delivery bikes operate in the bike lanes.

MICHAEL TUBIN: I actually passed a couple today.

POLICE COMMISSIONER ROBERT HAAS: Aside from certain parking restrictions, like taxicab stands and obviously places that are prohibited from parking or standing, what are some of the other restrictions that you would see as a reasonable regulation that we could put in place to regulate --

MICHAEL TUBIN: No parking spaces,

obviously, bus stops, taxi stands.

In Plymouth, we'll use -- a lot of the restaurants have loading zones out front. At certain times of the day, they're not there, so we'll use those loading zones. If a truck comes, they will pull out. They are not parked there.

So we just tend to buzz around like flies, I guess, and find a spot, and if someone comes in, we'll move.

But there are obviously the taxicabs -- well, in Plymouth, they allow us to use taxi stands, but we have to -- if a taxi pulls up, we have to pull out.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is Plymouth the only place where you currently operate?

MICHAEL TUBIN: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: With four bikes?

MICHAEL TUBIN: Four, yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: They're going constantly?

MICHAEL TUBIN: Yeah. They go --

ASSISTANT FIRE CHIEF GERARD MAHONEY: I mean, when they're in service.

MICHAEL TUBIN: Seven days a week, yeah. I don't do this full-time, obviously.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I understand.

MICHAEL TUBIN: I don't make a lot of money doing it, to be honest.

ASSISTANT FIRE CHIEF GERARD MAHONEY: The business, the clientele is there to use the service.

MICHAEL TUBIN: Sure. We go out at 11:00 in the morning and then Thursday, Friday, Saturday, they're out until 1:00 in the morning. There's two shifts Thursday, Friday and Saturday.

CHAIRMAN MICHAEL GARDNER: One of the differences, I think, with Plymouth is that around the waterfront is pretty much a monoculture or it's a single-focused economy, at least in the summertime, around tourists or people coming for restaurants, and it isn't the sort of diverse cultural hub that any one of the Cambridge squares is, which happens to also have some of them there, their fair share of tourists.

So, the Plymouth situation is at least economically different and then the traffic isn't -- well, that's hard to tell.

MICHAEL TUBIN: I think Cambridge is even unique to Boston. I mean, Boston is a little more spread out. In Cambridge you have some pretty distinct little centers, whereas you have Newbury Street, that's pretty laid out. You have the Back Bay area, which is pretty laid out. I think it's definitely...

ASSISTANT FIRE CHIEF GERARD MAHONEY: I would think, I'm not certainly suggesting it should be limited to, but even just following the Red Line in Cambridge would be very successful from a clientele standpoint, Kendall, Central, Harvard, Porter.

POLICE COMMISSIONER ROBERT HAAS: Inman, I think, would be --

ASSISTANT FIRE CHIEF GERARD MAHONEY: Inman Square is a --

MICHAEL TUBIN: One thing I did notice in doing this is, you know, I thought it would be more of like a taxi service, but it's more like a transportainment, you know, just like more people looking --

ASSISTANT FIRE CHIEF GERARD MAHONEY: As I say, like a novelty.

MICHAEL TUBIN: It's a novelty more than anything. It's not like "Hey, pedicab, I need to

get over to this meeting in five minutes, can you get me there?"

It's more people -- you know, like the first thing the drivers do when they start driving the pedicab, is they just start going faster with people, and I'll say "Calm down. These people are just looking for a fun ride."

It tends to be more just people looking for a little leisurely ride, something different to do.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to emphasize for us this evening?

MICHAEL TUBIN: The only other thing is I did meet Mayor Henrietta Davis, who gave me a letter of support as well, and City Councilor Minka VanBeuzekom and Craig Kelly, Leland Cheung. They filed two policy resolution orders to support the pedicabs as well.

But other than that, I haven't spoken to

a person who wasn't in favor of it. I think one of the initial responses I get from anybody that I mention about starting a pedicab business in Cambridge is "They don't have them already?"

The first response I get from most people is they can't imagine, you know, with the bicycling, green technology and eco-friendliness they're not in Cambridge already.

CHAIRMAN MICHAEL GARDNER: The concerns I had heard early on were questions of infrastructure. I'm not sure I actually understand exactly what that is besides questions of, okay, where do they park while they're waiting, and the issue of the bike lane, and some sort've very narrow streets with parking on both sides and one-way traffic.

POLICE COMMISSIONER ROBERT HAAS: The one area I really spend a lot of time looking at is San Diego.

There are a huge number of pedicycles. I saw a variety of different modes. I saw them constantly moving, I have seen them staging where they know tour ships coming in. I see a variety of different ways that they use them.

The one thing I noticed, though, was some of them kinda hocking for rides and stuff like that. I'm not really sure, you know...

MICHAEL TUBIN: There's a bell. We'll ring the bell.

POLICE COMMISSIONER ROBERT HAAS: I mean, they weren't obnoxious, they're were just basically offering to give people a ride in the pedicab.

MICHAEL TUBIN: I mean, they're working for tips, so --

POLICE COMMISSIONER ROBERT HAAS: I was astonished as to the number of pedicabs in -- that was in the restaurant district in San Diego

being operated.

CHAIRMAN MICHAEL GARDNER: I just wonder what the staff thinks of the -- what I now see is just a memo of the initial review of pedicab proposals and regulatory authority of the Commission.

Do you think we're ready to release this for public comment? There are pieces of it that are probably by the boards with respect to the way we would go.

COREY PILZ: I do have one question of concern, Mr. Chairman. If this is something we're going to roll out for the public to use, how does it address accessibility in terms of how -- I don't believe if there's a thing such as accessible pedicabs.

MICHAEL TUBIN: You mean handicap accessible?

COREY PILZ: Yes.

MICHAEL TUBIN: How is a taxicab handicap accessible?

COREY PILZ: We do have that. That's just my only concern now if we're going to roll out another form of transportation to the city, how we'd --

ELIZABETH LINT: That's a legitimate issue.

CHAIRMAN MICHAEL GARDNER: I think that the possible thing to do there is to simply make Michael Muehe aware of the policy order from the City Council and indicate to him that the License Commission is seriously reviewing this matter, that from our experience or the experience of anybody we've talked to, we don't see a way to actually be responsive to mobility challenged individuals and simply ask for his comments and thoughts.

MICHAEL TUBIN: You know, I was in Boston

over by the Black Rose there, and I couldn't believe how many horse strung carriages there were. There must have been about 25 of them in a row.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'm going to get one for Cambridge.

MICHAEL TUBIN: I can't imagine those have any handicap accessibility. I am sure there's certain forms of transportation that doesn't lend them themselves to that.

CHAIRMAN MICHAEL GARDNER: I think this was in the March notes, but essentially it's pretty much wide enough typically for two adults or one adult and two children.

MICHAEL TUBIN: It says three adults, but...

CHAIRMAN MICHAEL GARDNER: The ones in Boston were not for --

MICHAEL TUBIN: Two adults comfortably.

I have done two adults with a child, but typically -- at least the regulations in Plymouth are up to three adults in a pedicab.

CHAIRMAN MICHAEL GARDNER: Are people required to be seat-belted in?

MICHAEL TUBIN: Yes. They have the seatbelts. It's wide enough that they go around everybody.

ASSISTANT FIRE CHIEF GERARD MAHONEY: The operator instructs the customer to wear the seatbelt?

MICHAEL TUBIN: They're instructed to. Regulations say it. It's not to say I don't see some, you know, again, some of these college kids driving around. I'll drive by and see a pedicab without their seatbelt on. So, it's in the regulations, all my training, so I would say yes, everybody should have a seatbelt on.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I

know you mentioned that you have insurance, but are you required in Plymouth to have proof of insurance and so forth?

MICHAEL TUBIN: Yeah. I have the town listed on the policy, and each one of the license serial numbers are listed on the policy as well.

CHAIRMAN MICHAEL GARDNER: The RMV regulations are what?

MICHAEL TUBIN: There are none. It's licensed through the town, similar to like a medallion, I guess. You know, the town assigns a serial number. They actually -- they --

CHAIRMAN MICHAEL GARDNER: Are they on the road as bicycles under RMV regs?

POLICE COMMISSIONER ROBERT HAAS: They're not considered a motor vehicle.

MICHAEL TUBIN: I've never done anything with the RMV. It's just all licensed through the town. They inspect them, you know, every year.

Each one has a separate license number.

ELIZABETH LINT: Which goes back to my concern that I have my hackney officer and then giving him a whole other responsibility in addition to inspecting all the taxicabs to inspect all the pedicabs.

MICHAEL TUBIN: The one final thing I would say going back to the pilot program, you know, like I said, there's probably about four or five other people I know that are gonna contact the Licensing Commission as well. I just wouldn't want that to be a downfall by having like five different pedicab companies each with two pedicabs operate.

I'm not saying from a greedy point of view whether I started it with five or ten and it's opened to up to another amount of people, you know, that's fine. But I would just hopefully like to see a good pilot program with

good communications.

CHAIRMAN MICHAEL GARDNER: If ten were an optimal number and your experience so far is to manage five, I am wondering whether or not the logical solution is two operators operating five each, which gives us both experience with a manageable number of operators, but not a monopolized situation.

ELIZABETH LINT: I would agree. It would be very problematic if we had multiple operators with one or two each.

POLICE COMMISSIONER ROBERT HAAS: Could you do it by zones, or just let them mingle with one another?

ELIZABETH LINT: I think that would be problematic because, let's say, you have Kendall and Inman, so you're picking up someone in Kendall and they want to go to Harvard then...

POLICE COMMISSIONER ROBERT HAAS: I can

imagine you pick up, you know, just like you call a Boston cab to come over to Cambridge, if you were jumping in a pedicab in Harvard Square and wanted to go to Kendall Square, I can't imagine why you wouldn't be able to do that as long as you went back to --

CHAIRMAN MICHAEL GARDNER: I have a hard time understanding why a Kendall pickup with a Harvard dropoff wouldn't allow another pickup in Harvard.

ELIZABETH LINT: Right. It would be like our taxies that can go to the airport, but they have to come back empty.

CHAIRMAN MICHAEL GARDNER: I don't know that we had need to vulcanize the city.

MICHAEL TUBIN: I have five now -- four now operating. It's not a big difference operating a few more. I have owned businesses. You can see on my resume, I've managed 50, 100

people in businesses, so...

CHAIRMAN MICHAEL GARDNER: We do have members of the public who have been very patient, and I think it is now time to give members of the public the opportunity to speak should they choose to.

MINKA VANBEUZEKOM: My name is Minka, M-I-N-K-A, VanBeuzekom, V-A-N-B-E-U-Z-E-K-O-M.

You all talked a little bit about or you did actually, mentioning it more like an entertainment or kind of a novelty thing.

But when you first approached me, I thought that it could really blend in nicely with the whole infrastructure and transportation that we're developing. So there's the hubway, there's the cabs, obviously, the livery, you know, people have their own bikes, there's walking, there's just so much else besides -- the subway, buses, besides driving your own car.

So, for me, this is just another piece of expanding the options that people have in the city. So that's one point I wanted to make.

Two, I think what happens in this pilot phase, of course, is very important and you want to kind've make it as successful a phase as possible.

And I agree with Ms. Lint, that, you know, two or five companies each having two would probably not give you the data you need in order to uncover whatever the issues might be. That's another point I wanted to make.

There was something else. Oh. So with the season potentially extending through 12 months of the year, I would say I would love to see this get started sooner rather than waiting until the spring. Who knows if we'll have snow again this year, but I think it would be fabulous. This is the October 23rd, if we could

try to get started at least in a month or two in this year to have the pilot program up and running within a month, that would be great.

MICHAEL TUBIN: That probably wouldn't be -- I mean, it's starting a whole new business, I mean, it's a lot.

MINKA VANBEUZEKOM: Two months, well.

MICHAEL TUBIN: Then the winter is a challenge, too.

MINKA VANBEUZEKOM: I want to express my eagerness to get this going as soon as possible given whatever problems there are set setting up a new business. I really think this just adds to the whole transportation network we have.

CHAIRMAN MICHAEL GARDNER: To your first point, I would say the personal experience I had was absolutely along those lines, it was very situational, it had nothing to do with being a tourist or seeing what a pedicab was like. It

was like, my God, we're here, how are going to get there as fast as we can.

MINKA VANBEUZEKOM: You knew a car wasn't gonna do it and you didn't have one anyways. Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you.

MICHAEL TUBIN: One quick thing I'd like to mention, you know, the four pedicabs I have in Plymouth, if I do come to Cambridge, I would probably take those four and buy an additional amount, whatever, and start those in Cambridge, and I probably wouldn't do it in Plymouth again. Doing four or five pedicabs is not -- it's not that profitable a business to do with four or five. It's obviously only when you get to like five or ten that it's something you can -- you know, I do mortgages during the day, it's something I can come into full-time and be here, you know, on a full-time business operating the

business. So doing four or five pedicabs, I can get a minimum wage job and make the money. I don't want to categorize it that way, but it's not that profitable if you do the math and figure out what it earns. I mean, it's not that much money.

So if I can get into Cambridge and do ten of them, then it's something I can do on a full-time basis, come in operate daily, get office space in Harvard Square and offer it as a business, but with one person having five and another person another five, another five, it just doesn't lend itself to any one operator making -- in Boston, you have a guy -- one guy has 15 of them -- no, 20 of them. The other guy has like ten of them.

And in Newport, I think one guy has eight or nine, maybe ten, and the other person has three or four.

POLICE COMMISSIONER ROBERT HAAS: Where else did you say they have them, Salem?

MICHAEL TUBIN: Everywhere. I mean, Newburyport, Salem, Martha's Vineyard, Provincetown.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have seen them in P-Town.

MICHAEL TUBIN: P-Town has them. Just about any area that you can think of. That's why I got calls from four people. You know, Cambridge is such a great area to operate pedicabs that I think once the word gets out, you will have seven or eight people contacting you looking to get into Cambridge. It's a great area to have it. Most of your major cities and major tourist areas already have them.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

MICHAEL TUBIN: Thank you, I appreciate

it.

CHAIRMAN MICHAEL GARDNER: Any other comments or business?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: We would just request the staff to take these comments into mind and begin development of regulations which would be structured around the pilots.

POLICE COMMISSIONER ROBERT HAAS: For the memo here is that's taken from the documents furnished the last time? His regulations were a little more expansive than contained in the memo here.

COREY PILZ: It was a combination. The purpose of the memo was to create a general regulatory scheme. We have taken into account all these concerns and more to some extent. We do intend to account for --

POLICE COMMISSIONER ROBERT HAAS: You see

the primary function being the hackney officers as far as the inspections?

COREY PILZ: At this point.

MICHAEL TUBIN: I would be more than happy -- Elizabeth has my number -- if you needed to ask me any questions, I'll come down and meet you and I'll help you in any way I can.

COREY PILZ: I appreciate that.

CHAIRMAN MICHAEL GARDNER: All right. Do you think we need a motion to that effect? Is there any other business before the Commission?

ELIZABETH LINT: There is not.

POLICE COMMISSIONER ROBERT HAAS: We have the --

CHAIRMAN MICHAEL GARDNER: We do have the --

ELIZABETH LINT: Oh, shoot.

MICHAEL TUBIN: Sorry. Can I ask what would the next step be as far as -- would I have

another hearing?

CHAIRMAN MICHAEL GARDNER: We'll be releasing some draft regulations and an invitation.

MICHAEL TUBIN: Okay. Sounds good.

CHAIRMAN MICHAEL GARDNER: Thank you very much. I appreciate your clarifying questions for...

RATIFICATIONS

ELIZABETH LINT: Ratifications. Medallions 79, 152, 3, stock transfer of 254, refinance 16, 232, 108 and 109.

CHAIRMAN MICHAEL GARDNER: All these actions have been approved by you?

ELIZABETH LINT: Yes, they have.

CHAIRMAN MICHAEL GARDNER: Make a motion to ratify the actions approved by the Executive Director as listed in both the agenda and as she described.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Seconded.

CHAIRMAN MICHAEL GARDNER: Any further discussion? Seeing no public comment, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed. The actions are ratified.

We don't have any minutes we need to approve?

ELIZABETH LINT: I don't think you had reviewed one of them because you were asking me if they were posted.

CHAIRMAN MICHAEL GARDNER: Right. But I did have them and I did review them, I just didn't remember.

ELIZABETH LINT: So then, yes, September 11 and you were here and you and you.

CHAIRMAN MICHAEL GARDNER: I will make a motion to approve the minutes of September 11.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Motion to adjourn?

CHAIRMAN MICHAEL GARDNER: Motion to adjourn is always in order.

Motion having been made, I'll second it.

All those in favor, signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: We're adjourned at 10:03.

(Whereupon, at 10:03 p.m., the hearing was adjourned.)

ATTACH TO THE LICENSE COMMISSION HEARING OF

10/23/2012

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of the Licence Commission of 10/23/2012, note any change or correction and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet

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I have read the foregoing transcript of the License Commission Hearing of 10/23/2012, and except for any corrections or changes noted above, I hereby subscribe that the transcript is an accurate record.

_____

CERTIFICATE

Commonwealth of Massachusetts

Suffolk, ss.

I, Jill M. Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

This transcript of the License Commission Meeting of 10/23/2012 is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of October 2012.

_____

Jill Kourafas
Notary Public
Certified Shorthand Reporter
License No. 149308

My Commission expires:
February 2, 2017

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$

$10 [1] - 28:4
$100 [1] - 219:8
$15 [1] - 218:14
$175 [2] - 20:5, 28:4
$200 [1] - 20:3
$25 [2] - 20:5, 218:4
$3,000 [2] - 77:18, 110:19
$4 [1] - 219:6
$400,000 [1] - 166:11
$50 [3] - 48:1, 199:14, 206:5
$74,000 [3] - 145:16, 178:17, 179:4
$75,000 [1] - 176:1

'

'cuz [1] - 141:16

0

02139 [1] - 1:12

1

1 [3] - 125:13, 125:16, 219:6
1,000 [1] - 187:1
10/23/2012 [4] - 270:2, 270:4, 270:16, 271:8
100 [3] - 176:1, 176:6, 257:19
100-day [1] - 179:3
104 [1] - 134:14
108 [1] - 266:12
109 [1] - 266:12
10:00 [9] - 8:9, 11:10, 11:11, 11:19, 12:1, 12:2, 12:10, 221:6, 221:7
10:03 [2] - 269:7, 269:8
11 [4] - 10:3, 35:16, 268:2, 268:4
110 [2] - 232:3, 232:9
110-day [2] - 144:18, 145:11
112 [1] - 56:4
11:00 [2] - 37:6, 244:16
11:30 [3] - 32:4, 37:17
12 [6] - 10:4, 10:5, 48:8, 48:9, 179:19, 259:14
12:00 [4] - 8:10, 37:17, 221:6, 221:9
12:30 [6] - 38:1, 38:7, 42:10, 81:18, 102:17
13 [3] - 22:1, 141:17, 144:6
134 [1] - 2:11
138 [7] - 4:5, 37:9, 38:4, 38:9, 40:4, 46:6, 99:8
139 [7] - 37:9, 38:4, 38:9, 38:11, 38:12, 40:4, 46:6
14 [2] - 177:8
149308 [1] - 271:15
1498 [1] - 36:17
15 [14] - 29:13, 34:8, 40:19, 43:8, 45:13, 45:16, 54:10, 54:17, 60:11, 86:2, 109:4, 119:14, 161:3, 262:15
152 [1] - 266:11
16 [5] - 8:9, 125:18, 126:1, 126:2, 266:12
16th [1] - 138:12
17 [1] - 2:5
18 [1] - 21:4
189 [1] - 2:13
19 [1] - 19:3
19-year-business [1] - 18:14
1980-something [1] - 233:12
1998 [1] - 192:2
1:00 [3] - 39:13, 221:9, 244:18
1st [2] - 47:16, 74:16

2

2 [6] - 2:9, 35:14, 35:16, 124:19, 219:6, 271:16
20 [14] - 2:6, 40:19, 54:17, 69:13, 85:3, 118:15, 119:14, 153:10, 215:6, 219:8, 220:8, 220:10, 220:15, 262:15
200 [1] - 17:18
2006 [1] - 12:13
2010 [1] - 140:9
2011 [3] - 139:13, 140:8, 215:5
2012 [6] - 1:13, 3:8, 29:13, 34:8, 35:16, 271:11
2017 [1] - 271:16
207 [1] - 2:12
21 [1] - 232:18
21-speed [1] - 232:16
215 [1] - 26:2
21st [1] - 200:19
23 [2] - 1:13, 3:8
232 [1] - 266:12
23rd [1] - 259:19
24-7 [1] - 122:16
2445 [1] - 8:5
24th [1] - 30:9
25 [3] - 2:7, 219:13, 252:3
254 [1] - 266:11
25th [1] - 201:17
264 [1] - 2:14
29 [1] - 2:8

3

3 [3] - 2:3, 166:11, 266:11
30 [3] - 54:17, 118:15, 219:13
30th [1] - 271:11
31st [2] - 75:13, 97:6
35 [5] - 2:9, 73:5, 116:11, 153:9, 185:6

4

40 [5] - 4:1, 73:5, 116:11, 162:1, 185:2
45 [1] - 153:11
4:00 [2] - 41:2, 41:10
4:30 [1] - 41:10
4th [18] - 37:12, 37:13, 39:9, 55:18, 59:1, 59:7, 62:6, 69:3, 74:2, 75:5, 76:2, 80:18, 101:3, 101:8, 104:1, 106:3, 107:15, 117:4

5

5 [1] - 217:16
50 [4] - 48:1, 219:8, 242:7, 257:19
57 [3] - 29:11, 29:16, 34:6
5:00 [2] - 221:7, 221:8
5th [2] - 69:3, 81:9

6

60 [2] - 185:2, 219:8
60/40 [1] - 185:2
617.786.7783 [1] - 1:18
65 [1] - 185:6
675 [2] - 20:19, 22:3
6:00 [3] - 79:10, 113:1
6:07 [1] - 3:8
6:08 [1] - 1:14
6th [1] - 178:1

7

7 [1] - 2:4
73 [1] - 95:16
79 [1] - 266:11
7:00 [1] - 133:16
7:30 [1] - 21:5

8

8 [1] - 166:12
831 [2] - 1:11, 3:10
8:30 [1] - 21:5

9

90 [2] - 96:13, 217:19
95 [2] - 84:19, 96:14
9:00 [2] - 11:9, 79:10

A

A [16] - 4:14, 18:7, 18:9, 26:10, 30:2, 36:19, 42:7, 60:19, 134:19, 165:18, 258:8
a [782] - 3:4, 4:1, 4:2, 4:3, 4:16, 7:1, 7:2, 7:7, 8:4, 8:8, 8:18, 9:3, 9:8, 10:1, 10:2, 10:11, 11:10, 11:11, 13:5, 13:8, 13:10, 13:17, 14:4, 14:10, 14:11, 14:17, 15:3, 15:17, 16:15, 17:17, 17:18, 17:19, 18:15, 19:8, 19:9, 19:18, 20:18, 21:3, 21:16, 22:3, 22:18, 23:2, 23:5, 23:11, 23:15, 24:4, 24:7, 25:4, 25:14, 25:18, 26:1, 26:2, 26:3, 27:8, 27:16, 28:16, 29:9, 29:10, 29:15, 29:17, 30:12, 31:1, 31:7, 31:19, 32:6, 33:10, 34:1, 34:5, 35:18, 37:8, 37:14, 38:5, 38:8, 38:18, 39:8, 39:18, 40:1, 40:6, 40:17, 40:18, 41:3, 41:5, 42:14, 42:16, 43:11, 44:14, 44:15, 45:2, 45:14, 46:4, 46:7, 46:19, 47:17, 47:18, 47:19, 48:1, 48:3, 48:4, 48:6, 48:7, 48:8, 48:12, 48:15, 48:18, 49:4, 49:8, 49:9, 49:13, 49:19, 50:3, 50:4, 51:15, 51:17, 52:3, 52:4, 53:1, 53:12, 53:19, 55:15, 56:4, 57:18, 57:19, 58:1, 58:10, 58:19, 59:3, 59:13, 59:14, 59:15, 60:19, 62:4, 62:7, 62:11, 62:12, 62:17, 63:2, 63:6, 63:8, 63:18, 64:13, 64:17, 65:13, 65:16, 65:17, 65:19, 66:1, 66:4, 66:12, 66:19, 67:1, 67:2, 67:4, 68:8, 68:15, 69:15, 69:17, 69:19, 70:4, 70:7, 70:12, 71:12, 73:6, 73:7, 73:15, 75:4, 75:7, 75:17, 75:19, 76:6, 76:9, 77:4, 77:6, 77:9, 77:12, 78:2, 79:5, 79:9, 80:5, 80:12, 81:18, 82:4, 82:6, 82:8, 82:9, 82:11, 82:13, 83:2, 83:4, 83:8, 83:9, 83:16, 84:3, 84:15, 85:7, 85:14, 85:15, 86:1, 86:10, 87:9, 87:13, 88:7, 88:11, 88:15, 89:2, 89:5, 89:8, 89:10, 89:13, 90:13, 90:19, 91:1, 91:10, 92:1, 92:4, 92:5, 92:10, 93:9, 93:17, 94:7, 95:7, 95:9, 95:10, 95:16, 95:17, 96:6, 96:8, 97:4, 97:18, 98:6, 98:12, 100:5, 100:13, 100:17, 101:8, 102:3, 102:19, 103:5, 103:7, 103:9, 103:10, 103:11, 103:13, 103:17, 104:6, 105:2, 105:4, 105:10, 106:13, 106:16, 106:17, 107:5, 107:9, 107:11, 107:15, 108:4, 108:6, 109:7, 109:17, 109:19, 110:7, 110:12, 112:3, 112:4, 112:9, 112:15, 113:2, 113:3, 113:4, 113:11, 113:15, 113:19, 114:13, 114:15, 114:16, 115:12, 115:13, 116:12, 117:3, 118:14, 118:15, 118:17, 119:7, 119:13, 121:1, 121:2, 121:5, 121:6, 121:17, 122:18,

123:6, 123:14, 125:1, 125:18, 126:15, 127:5, 127:9, 127:11, 127:18, 127:19, 128:6, 128:10, 128:19, 129:5, 130:2, 130:4, 130:7, 130:12, 131:7, 131:10, 131:12, 133:3, 133:5, 133:9, 133:11, 134:14, 134:15, 135:8, 135:10, 135:12, 135:14, 135:15, 135:16, 135:18, 136:1, 136:15, 136:16, 136:19, 137:6, 137:7, 137:8, 137:9, 137:14, 137:15, 137:18, 138:6, 138:13, 140:8, 140:16, 141:4, 141:5, 141:6, 142:11, 142:13, 142:16, 144:4, 144:8, 144:9, 144:18, 145:16, 146:5, 146:11, 146:12, 146:18, 147:11, 147:18, 148:5, 148:7, 148:11, 148:13, 148:15, 149:5, 149:6, 149:8, 149:19, 150:5, 150:8, 150:11, 151:1, 151:4, 151:5, 151:7, 151:17, 152:3, 152:9, 152:10, 154:6, 154:11, 154:17, 155:8, 155:11, 155:17, 155:18, 156:18, 157:2, 157:4, 157:5, 157:9, 157:11, 158:4, 158:12, 158:14, 158:19, 159:2, 159:13, 159:17, 160:1, 160:6, 160:9, 160:13, 160:17, 161:3, 161:16, 161:18, 162:1, 163:4, 163:8, 163:18, 164:5, 164:8, 164:14, 164:15, 165:3, 166:3, 166:4, 166:13, 166:14, 166:15, 167:2, 167:7, 167:10, 167:14, 167:16, 167:17, 168:1, 168:8, 168:13, 168:16, 168:19, 169:4, 169:5, 169:8, 169:14, 169:15, 170:2, 170:4, 170:5, 170:9, 170:13, 170:15, 170:17, 171:8, 171:18, 173:4, 174:5, 175:1, 176:15, 176:19, 178:16, 179:2, 179:4, 180:8, 181:7, 181:8, 181:18, 182:12, 182:15, 183:1, 183:2, 183:8, 183:10, 183:17, 183:19, 184:10, 185:10, 185:11, 186:13, 186:18, 186:19, 187:6, 187:16, 187:17, 188:4, 188:7, 188:16, 189:11, 190:6, 190:13, 191:1, 191:17, 191:19, 192:12, 192:16, 192:17, 192:18, 193:1, 193:10, 193:12, 193:13, 193:14, 193:17, 194:2, 194:8, 194:12, 194:13, 194:14, 195:11, 195:15, 196:18, 197:3, 197:4, 197:5, 197:7, 198:11, 199:2, 199:3, 199:9, 199:11, 200:5, 200:12, 202:12, 203:5, 203:12, 203:17, 203:18, 204:4, 204:9, 204:11, 204:12, 204:13, 204:15, 204:18, 205:1, 205:8, 205:9, 205:13, 206:7, 206:18, 206:19, 207:4, 207:12, 208:2, 209:8, 209:17, 209:19, 210:12, 211:8, 211:14, 211:17, 212:7, 213:2, 213:6, 213:7, 213:10, 213:12, 213:15, 213:19, 214:7, 214:8, 214:15, 214:16, 215:8, 215:17, 216:9, 216:10, 216:13, 217:1, 217:2, 217:3, 217:8, 217:9, 217:10, 217:11, 217:13, 217:14, 218:1, 218:3, 218:4, 218:9, 218:14, 219:6, 219:7, 220:1, 220:4, 220:5, 220:7, 220:11, 220:12, 222:1, 222:4, 222:10, 222:16, 222:19, 223:8, 223:9, 223:13, 223:14, 223:16, 224:2, 224:13, 224:14, 224:15, 225:5, 226:1, 226:2, 226:4, 226:10, 226:11, 226:12, 226:13, 226:17, 227:6, 227:11, 227:18, 228:16, 229:4, 229:9, 229:11, 230:3, 230:6, 230:15, 231:1, 231:6, 231:8, 231:9, 232:2, 232:12, 232:14, 233:4, 233:9, 233:13, 234:4, 234:16, 234:17, 235:4, 235:5, 235:6, 235:9, 235:12, 235:15, 236:1, 236:4, 237:16, 237:18, 237:19, 238:1, 238:5, 238:13, 238:17, 238:19, 239:5, 239:9, 239:11, 239:17, 240:1, 240:2, 240:4, 240:6, 240:7, 240:10, 241:8, 241:9, 242:3, 242:5, 242:10, 242:16, 243:2, 243:5, 243:8, 243:12, 244:7, 244:11, 245:3, 245:4, 245:14, 246:5, 246:10, 246:13, 246:17, 246:18, 247:7, 247:9, 247:14, 248:1, 248:3, 248:18, 249:1, 249:2, 249:4, 249:9, 249:13, 250:4, 250:15, 251:1, 251:7, 251:15, 252:3, 253:1, 253:3, 253:15, 253:18, 254:10, 254:11, 254:16, 255:1, 255:4, 255:12, 255:15, 255:19, 256:6, 256:7, 257:2, 257:3, 257:7, 257:8, 257:17, 257:18, 258:9, 258:11, 259:6, 260:1, 260:3, 260:5, 260:6, 260:8, 260:13, 260:18, 260:19, 261:3, 261:14, 261:19, 262:2, 262:8, 262:10, 262:14, 263:11, 263:14, 264:11, 264:14, 264:15, 265:10, 266:16, 268:3, 271:4, 271:8

A-D-A-M-S [1] - 18:7

A-H-N [1] - 30:2

a.m [5] - 8:9, 8:10, 21:5, 79:10, 113:1

ABCC [21] - 20:3, 20:4, 136:18, 138:9, 138:13, 139:3, 143:8, 144:18, 145:9, 145:14, 146:18, 147:10, 148:1, 149:5, 150:3, 175:14, 175:17, 176:3, 177:2, 177:9, 178:17

ABCC's [1] - 178:18

Abelman [2] - 26:1, 26:17

ability [5] - 64:2, 75:1, 112:13, 121:16, 122:9

able [23] - 42:3, 64:15, 75:6, 103:6, 103:16, 107:3, 107:11, 114:16, 126:1, 135:17, 136:7, 148:3, 160:12, 160:18, 175:12, 176:18, 196:13, 196:18, 198:8, 213:16, 219:18, 236:12, 257:5

about [82] - 6:12, 10:4, 20:6, 40:5, 42:9, 48:4, 57:4, 57:8, 57:17, 64:7, 65:11, 66:4, 66:18, 69:16, 76:15, 76:18, 79:18, 81:18, 93:3, 95:1, 99:8, 100:13, 101:13, 111:8, 114:15, 117:2, 117:10, 121:5, 122:8, 124:11, 137:6, 138:2, 138:6, 139:16, 139:18, 140:12, 140:16, 140:17, 140:19, 146:6, 150:12, 152:17, 154:2, 154:5, 160:12, 163:19, 164:12, 169:19, 172:8, 175:6, 184:14, 185:15, 187:11, 192:2, 196:17, 197:15, 197:16, 197:17, 198:3, 198:10, 202:8, 204:2, 206:14, 206:16, 207:19, 210:16, 216:3, 216:8, 216:18, 217:1, 227:2, 234:15, 239:9, 240:16, 241:10, 248:3, 252:3, 255:9, 258:9, 263:9

above [1] - 270:17

absolute [1] - 158:3

absolutely [4] - 115:7, 165:8, 197:18, 260:17

abutters [1] - 16:5

accept [3] - 53:1, 130:7, 148:3

acceptable [1] - 196:14

accepting [1] - 78:16

access [8] - 67:2, 103:2, 124:19, 174:2, 192:4, 196:5, 197:6, 212:9

accessibility [2] - 250:14, 252:8

accessible [5] - 13:7, 196:10, 250:16, 250:18, 251:2

accidentally [1] - 68:7

according [1] - 90:8

account [6] - 55:13, 193:2, 202:10, 216:5, 264:16, 264:18

accurate [4] - 151:18, 152:14, 270:18, 271:8

achieved [1] - 138:1

acknowledge [2] - 102:9, 130:17

acknowledged [2] - 102:3, 102:8

across [7] - 55:15,

56:6, 102:19, 103:8, 103:15, 107:6, 188:6
acting [1] - 120:19
action [12] - 62:12, 90:17, 99:15, 109:3, 117:7, 128:16, 132:19, 140:4, 140:7, 147:10, 177:9, 195:2
actions [8] - 86:10, 149:3, 154:7, 175:9, 200:14, 266:14, 266:17, 267:11
activated [1] - 67:17
active [3] - 186:8, 186:9, 186:11
activities [1] - 164:12
activity [6] - 74:5, 82:8, 86:5, 101:4, 117:11, 117:12
actual [3] - 31:19, 154:9, 169:11
actually [37] - 23:4, 24:3, 47:12, 65:7, 65:8, 68:6, 87:1, 138:5, 138:13, 142:4, 142:18, 148:16, 149:12, 151:16, 155:11, 155:17, 161:9, 164:17, 166:1, 167:5, 177:19, 181:15, 185:9, 192:7, 213:7, 221:18, 225:3, 225:18, 229:2, 230:1, 242:1, 242:2, 242:10, 248:11, 251:16, 254:12, 258:10
ADA [2] - 197:9, 197:16
Adams [2] - 17:16, 18:6
ADAMS [8] - 18:1, 18:6, 18:13, 19:2, 19:6, 20:1, 20:6, 20:12
add [6] - 126:6, 126:14, 127:16, 159:5, 178:7, 222:1
added [3] - 77:12, 114:8, 221:18
adding [1] - 155:12
addition [3] - 99:12, 176:3, 255:5
additional [12] - 48:2, 70:11, 81:3, 82:7, 84:10, 91:14, 94:12, 99:5, 101:2, 105:16, 106:6, 261:10
additions [1] - 128:8
address [12] - 14:6, 65:14, 79:6, 97:7, 129:8, 129:13, 187:6, 192:11, 193:4, 203:2, 206:1, 250:14
addressed [1] - 133:2
addressing [1] - 208:5
adds [1] - 260:13
adequacy [1] - 236:4
adequate [1] - 131:11
adhering [1] - 62:16
adjourn [2] - 268:16, 268:18
adjourned [2] - 269:7, 269:9
adjust [1] - 35:10
administrative [2] - 199:14, 206:5
adult [1] - 252:14
adults [5] - 252:13, 252:15, 252:19, 253:1, 253:3
advance [1] - 97:6
advanced [2] - 89:10, 111:12
advancements [1] - 155:10
advertising [6] - 237:6, 237:9, 237:11, 239:7, 239:19, 240:7
advice [2] - 97:7, 200:6
aesthetic [3] - 168:1, 168:3, 169:5
affecting [1] - 191:9
affidavit [1] - 82:12
affirmative [2] - 90:17, 117:7
afford [1] - 131:2
affordability [1] - 107:8
affordable [1] - 167:13
After [1] - 270:4
after [13] - 15:13, 37:19, 59:7, 73:19, 74:16, 75:5, 93:5, 129:15, 130:9, 145:13, 203:9, 215:12, 231:11
again [29] - 32:14, 45:19, 59:18, 81:8, 91:11, 91:12, 92:10, 94:7, 96:12, 97:13, 104:5, 106:15, 107:16, 114:13, 118:4, 119:3, 123:10, 125:8, 131:3, 154:13, 168:6, 169:8, 171:12, 173:3, 189:6, 209:14, 253:14, 259:18, 261:12
against [6] - 148:2, 174:12, 175:10, 175:11, 226:12
age [4] - 80:7, 107:13, 114:2, 203:10
AGENDA [2] - 2:1, 2:2
agenda [3] - 134:7, 192:10, 266:18
aggressive [1] - 192:9
aggressively [1] - 108:5
ago [9] - 40:6, 47:11, 112:10, 137:7, 138:6, 163:8, 167:19, 182:3, 185:11
agree [8] - 47:4, 102:16, 122:10, 123:7, 151:14, 190:15, 256:9, 259:8
agreed [3] - 82:14, 159:8, 176:2
agreement [1] - 30:13
ahead [3] - 36:9, 110:14, 192:12
Ahn [4] - 29:10, 29:15, 30:2, 34:5
AHN [14] - 30:2, 30:6, 30:9, 30:12, 30:18, 31:2, 31:5, 31:14, 31:17, 32:4, 32:7, 32:10, 32:16, 33:6
airport [1] - 257:12
akin [1] - 195:8
alarm [8] - 63:15, 63:16, 67:10, 67:12, 67:13, 67:17, 68:14, 111:17
alarmed [1] - 79:18
alcohol [11] - 70:13, 70:17, 73:5, 137:4, 143:19, 150:2, 171:5, 171:19, 173:5, 184:19, 185:2
alcoholic [3] - 3:19, 17:16, 134:13
alert [1] - 109:3
Alex [1] - 211:19
all [94] - 3:19, 7:12, 16:19, 17:13, 17:16, 19:13, 20:13, 22:7, 25:8, 27:4, 29:1, 33:14, 34:12, 34:18, 42:1, 44:9, 49:2, 50:9, 72:6, 78:3, 78:6, 79:8, 79:10, 82:12, 85:9, 87:12, 87:13, 89:14, 90:1, 91:19, 99:11, 102:16, 102:18, 103:7, 103:18, 106:3, 109:12, 112:14, 116:2, 119:12, 121:12, 122:14, 124:5, 124:15, 125:1, 126:6, 126:16, 127:7, 130:16, 132:12, 133:1, 134:13, 137:1, 141:18, 148:2, 150:7, 151:14, 154:19, 155:5, 156:11, 157:11, 163:15, 168:4, 173:5, 176:9, 180:13, 183:4, 184:7, 188:18, 189:17, 190:15, 190:17, 190:19, 196:2, 196:9, 198:12, 201:15, 206:19, 208:12, 230:2, 233:15, 253:17, 254:18, 255:5, 255:6, 258:9, 264:17, 265:9, 266:13, 267:4, 268:8, 269:1
allow [14] - 8:6, 21:2, 38:15, 166:7, 171:14, 172:1, 172:4, 172:7, 172:9, 177:14, 183:18, 215:18, 243:11, 257:9
allowed [1] - 165:17
allowing [1] - 155:13
allows [2] - 78:5, 135:15
Allston [1] - 152:9
alluded [1] - 198:1
almost [2] - 50:12, 204:4
along [8] - 120:4, 128:2, 137:19, 155:3, 164:19, 208:3, 215:2, 260:17
already [23] - 23:13, 46:17, 57:17, 78:15, 90:5, 98:3, 135:5, 155:4, 156:5, 156:19, 157:12, 168:12, 175:9, 176:7, 176:17, 176:18, 178:8, 186:13, 202:19, 222:18, 248:4, 248:8, 263:16
also [59] - 8:11, 23:2, 48:1, 48:18, 49:4, 49:8, 53:7, 68:7, 75:2, 76:8, 76:11, 77:13, 78:8, 78:17, 81:6, 81:7, 82:2, 82:5, 82:11, 84:9, 84:12, 88:6, 97:7, 107:5, 108:2, 120:9, 127:13, 129:13, 130:3, 135:5, 136:7, 136:15, 139:4, 143:8, 147:8, 159:11, 159:19, 160:14, 174:16, 175:11, 177:14, 188:19, 192:17, 194:3, 194:9, 195:2, 206:17, 208:6, 211:5, 211:16, 212:14, 216:13, 221:1, 225:6, 225:15, 237:17, 241:10, 245:8
alteration [1] - 215:2
altered [1] - 118:19
although [3] - 108:5, 108:19, 140:6
always [9] - 7:2, 31:1, 32:16, 46:3, 53:3, 70:1, 163:13, 191:2, 268:18
am [12] - 36:10, 38:18, 44:9, 65:1, 73:8, 121:4, 132:6, 150:12, 201:5, 239:8, 252:8, 256:4
amenable [3] - 106:8, 106:11, 122:2
amendment [1] - 130:8
amendments [1] - 191:6
American [1] - 22:8
among [2] - 180:3, 204:7
amount [11] - 48:5, 64:17, 100:13, 104:2, 114:1, 215:10, 219:12, 224:15, 235:8, 255:17, 261:11
amounts [1] - 167:11
an [121] - 3:19, 8:11, 10:19, 12:12, 17:16, 23:5, 24:9, 24:10, 36:15, 40:5, 42:10, 43:11, 45:10, 45:14, 45:16, 50:10, 51:3, 51:12, 53:17, 57:14, 58:2, 59:6, 63:14, 63:16, 66:9, 66:12,

67:12, 67:13, 67:17, 68:10, 77:15, 80:5, 82:6, 83:12, 93:15, 95:8, 96:1, 96:9, 99:3, 100:19, 101:9, 107:3, 110:7, 110:17, 110:18, 113:6, 117:12, 120:7, 120:13, 121:7, 122:4, 125:14, 127:15, 129:1, 130:17, 134:13, 137:17, 141:5, 143:9, 143:10, 146:3, 146:19, 147:15, 150:2, 152:1, 154:9, 154:13, 155:12, 156:18, 157:13, 159:14, 160:7, 161:4, 161:13, 162:4, 162:5, 164:19, 165:14, 165:16, 176:11, 176:13, 177:12, 177:18, 178:6, 186:8, 186:9, 186:11, 191:15, 192:14, 194:7, 194:8, 194:10, 196:14, 197:2, 197:10, 198:8, 204:6, 210:16, 211:16, 214:5, 216:4, 216:14, 216:17, 217:2, 218:6, 221:18, 222:9, 223:2, 223:18, 225:17, 226:9, 227:5, 228:2, 228:4, 231:2, 256:2, 258:10, 261:10, 266:3, 270:17

analysis [2] - 111:7, 122:5

and [874] - 3:13, 4:8, 4:17, 4:18, 5:3, 5:4, 5:17, 6:5, 6:6, 8:3, 8:6, 8:7, 8:14, 9:2, 9:3, 9:5, 9:12, 11:6, 13:5, 13:8, 13:10, 13:12, 13:14, 14:5, 14:6, 14:7, 15:8, 17:19, 18:4, 18:13, 18:17, 19:1, 20:4, 20:11, 21:2, 21:3, 21:15, 21:16, 21:18, 21:19, 22:3, 22:5, 22:6, 22:8, 22:12, 22:15, 22:17, 22:18, 22:19, 23:2, 23:3, 23:5, 23:6, 23:10, 23:15, 24:1, 24:10, 26:1, 26:6, 26:15, 26:16, 26:18, 26:19, 28:4, 29:14, 29:19, 30:5, 30:13, 31:18, 36:2, 36:12, 36:16, 37:9, 37:10, 37:15, 37:18, 37:19, 38:4, 38:7, 38:8, 38:9, 38:11, 38:12, 38:16, 39:3, 39:5, 39:7, 39:9, 39:14, 39:16, 39:18, 40:1, 40:3, 40:7, 40:12, 40:14, 40:16, 41:1, 41:3, 41:5, 41:6, 41:7, 41:8, 41:11, 41:15, 42:14, 42:18, 43:3, 43:8, 43:10, 43:12, 43:18, 43:19, 44:8, 44:9, 44:11, 44:17, 45:3, 45:8, 45:14, 46:4, 46:6, 46:18, 46:19, 47:18, 47:19, 48:4, 48:9, 48:10, 48:12, 48:13, 49:2, 49:4, 49:5, 49:11, 49:13, 49:17, 50:1, 50:14, 50:18, 50:19, 51:17, 51:19, 53:4, 53:6, 53:9, 54:4, 55:5, 55:11, 56:7, 56:8, 56:9, 57:1, 57:6, 57:15, 58:10, 58:13, 58:15, 59:1, 59:2, 59:15, 59:16, 59:17, 59:18, 60:3, 60:13, 61:8, 61:9, 61:13, 61:16, 62:2, 62:8, 62:9, 63:5, 63:6, 64:9, 64:16, 65:4, 65:9, 65:16, 66:5, 67:14, 68:13, 68:16, 69:18, 70:3, 70:5, 70:7, 71:12, 71:19, 72:1, 72:10, 72:15, 73:5, 73:7, 74:10, 74:15, 74:16, 75:4, 75:13, 76:2, 76:4, 76:5, 76:9, 76:11, 76:13, 77:1, 77:2, 77:3, 77:5, 77:7, 77:8, 77:10, 77:13, 78:10, 78:11, 78:13, 78:18, 78:19, 79:2, 79:6, 79:15, 79:19, 80:7, 80:16, 80:19, 81:7, 81:8, 81:17, 82:3, 82:5, 82:10, 82:13, 82:14, 83:7, 83:10, 83:12, 83:13, 84:1, 84:5, 84:12, 84:14, 84:19, 85:2, 85:8, 85:15, 85:16, 85:17, 85:18, 86:7, 86:9, 86:15, 86:19, 87:9, 87:11, 87:15, 88:7, 88:11, 88:14, 89:1, 89:2, 89:4, 89:5, 89:7, 89:11, 89:19, 90:10, 90:11, 91:2, 91:12, 91:17, 92:7, 92:9, 93:4, 93:17, 93:18, 94:5, 94:9, 94:13, 94:14, 95:6, 95:19, 96:4, 96:7, 96:10, 96:18, 97:4, 97:5, 97:7, 97:11, 97:13, 97:14, 97:15, 98:7, 98:17, 99:4, 99:5, 99:19, 100:1, 100:4, 100:6, 101:3, 101:4, 101:8, 101:12, 101:17, 102:8, 103:13, 103:14, 103:16, 103:18, 104:2, 104:7, 104:16, 104:17, 105:7, 105:11, 105:18, 106:17, 106:18, 107:3, 107:5, 107:14, 107:17, 108:1, 108:3, 108:6, 109:11, 109:18, 110:3, 110:7, 111:6, 111:12, 111:13, 111:14, 111:15, 111:16, 111:17, 112:4, 112:7, 112:12, 112:17, 113:15, 114:2, 114:3, 114:17, 115:5, 115:6, 115:7, 115:8, 115:14, 116:8, 116:13, 116:14, 116:16, 117:2, 117:12, 117:14, 118:2, 118:3, 118:8, 119:3, 119:6, 119:7, 119:18, 120:7, 120:12, 121:8, 121:13, 121:15, 121:17, 121:18, 121:19, 122:1, 122:2, 122:4, 122:10, 122:11, 122:12, 122:13, 122:19, 123:1, 123:2, 123:5, 123:7, 123:15, 123:16, 124:4, 124:13, 125:7, 125:13, 125:14, 125:17, 126:1, 126:19, 127:1, 127:6, 127:19, 128:6, 128:14, 128:15, 129:7, 129:13, 129:14, 130:4, 130:5, 130:10, 131:9, 131:11, 131:12, 132:2, 132:8, 133:8, 133:13, 133:14, 133:15, 134:4, 135:2, 135:9, 135:12, 135:15, 135:17, 137:4, 137:6, 137:10, 137:16, 138:14, 139:3, 139:4, 139:16, 139:17, 140:6, 140:14, 140:15, 141:4, 141:8, 141:13, 142:3, 142:7, 142:8, 142:14, 143:1, 143:3, 143:6, 143:8, 143:19, 144:7, 144:9, 144:14, 145:4, 145:12, 145:17, 146:12, 146:18, 147:1, 147:8, 147:11, 147:14, 147:16, 147:17, 148:3, 148:9, 148:14, 148:17, 149:3, 149:11, 149:15, 149:17, 149:18, 150:3, 150:8, 150:15, 151:1, 151:9, 152:2, 152:8, 152:9, 152:10, 152:14, 153:2, 153:10, 153:11, 153:18, 155:3, 155:6, 155:7, 155:10, 155:18, 156:11, 156:12, 156:13, 157:16, 157:17, 158:5, 158:16, 158:17, 159:1, 159:3, 159:10, 159:13, 159:14, 159:15, 159:16, 160:2, 160:10, 161:1, 161:7, 161:9, 161:11, 161:12, 161:18, 162:18, 163:8, 163:9, 163:11, 163:14, 163:17, 164:2, 164:3, 164:6, 164:8, 164:10, 164:12, 164:13, 165:4, 165:15, 166:3, 167:11, 168:12, 168:16, 169:2, 169:6, 169:8, 169:13, 169:15, 169:18, 170:5, 170:6, 170:7, 170:19, 171:1, 171:10, 172:3, 172:10, 172:17, 173:4, 173:5, 173:7, 173:9, 173:11, 173:14, 173:18, 174:5, 174:18, 174:19, 175:1, 175:2, 175:8, 175:11, 176:3, 176:4, 176:18, 177:1, 177:3, 177:4, 177:5, 178:5, 178:9, 179:12, 179:13, 179:19, 180:2, 180:9, 181:15, 181:18, 182:1, 182:16, 182:18, 183:1, 183:3, 183:6, 183:8, 184:6, 184:14, 184:15, 186:5, 186:11, 186:15, 186:17, 187:3, 187:10, 188:9, 188:17, 188:18, 189:17, 190:11, 191:6, 191:9, 191:13, 192:3, 192:6, 192:11, 192:12, 192:18, 193:6, 193:7, 193:10, 193:14, 194:2, 194:3, 194:5, 194:11, 194:18, 194:19, 195:1, 195:12, 196:1, 196:2, 196:14, 197:16, 198:3, 198:6, 198:9, 198:12, 198:16, 198:17, 199:2, 199:9, 200:8, 200:15, 200:19, 201:17, 202:9, 203:4, 203:10, 203:14, 203:18, 204:10, 204:14, 205:10, 205:19, 206:1, 206:4, 206:8, 206:10, 206:15,

206:16, 207:4, 207:5, 207:6, 207:15, 208:6, 208:7, 208:12, 209:9, 210:6, 210:8, 210:10, 210:15, 211:4, 211:9, 211:12, 211:13, 212:2, 212:8, 212:18, 212:19, 213:2, 213:4, 213:11, 213:12, 214:1, 214:4, 214:17, 215:3, 215:5, 215:6, 215:7, 215:10, 215:15, 215:18, 215:19, 216:7, 216:19, 217:1, 217:9, 217:12, 218:5, 218:8, 218:13, 218:15, 218:17, 219:10, 220:16, 221:1, 221:3, 221:8, 221:18, 222:5, 222:11, 222:18, 222:19, 223:1, 223:7, 223:15, 223:16, 224:3, 224:4, 224:7, 224:8, 225:3, 225:5, 225:8, 225:14, 225:16, 225:19, 226:1, 226:2, 226:6, 226:8, 226:13, 226:14, 228:1, 228:3, 228:4, 228:12, 228:13, 229:4, 230:1, 230:7, 230:12, 230:19, 231:7, 231:13, 231:17, 232:1, 232:2, 232:9, 232:14, 233:1, 233:8, 233:13, 234:4, 234:5, 237:9, 239:9, 240:3, 240:6, 240:8, 240:15, 242:2, 242:3, 242:14, 243:8, 244:17, 244:19, 245:6, 245:11, 247:6, 247:15, 247:16, 248:7, 248:14, 248:16, 249:7, 250:5, 251:12, 251:17, 252:1, 252:14, 253:15, 254:3, 254:5, 255:3, 255:16, 256:3, 256:17, 256:18, 257:3, 258:4, 258:14, 259:5, 259:8, 260:2, 261:4, 261:10, 261:11, 261:12, 261:18, 262:2, 262:4, 262:7, 262:10, 262:11, 262:17, 262:18, 263:15, 264:7, 264:17, 265:6, 265:7, 266:3, 266:12, 266:18, 267:18, 268:2, 268:8, 270:5, 270:6, 270:16, 271:5, 271:8

AND [2] - 2:13, 191:3

and/or [2] - 79:13, 84:12

AND/OR [1] - 271:19

Andrew [2] - 26:1, 26:17

angles [1] - 79:4

annual [5] - 194:8, 194:10, 194:11, 195:1, 198:9

another [25] - 75:15, 92:19, 93:4, 96:16, 101:6, 116:7, 120:14, 131:4, 143:8, 155:15, 181:4, 193:16, 225:1, 239:10, 242:3, 251:5, 255:17, 256:14, 257:9, 259:1, 259:12, 262:12, 266:1

answer [4] - 174:7, 199:4, 202:15, 203:16

answered [1] - 119:6

Anthony [4] - 20:18, 21:7, 36:15, 42:6

ANTHONY [42] - 21:7, 21:11, 21:14, 22:14, 23:15, 24:3, 24:11, 24:14, 25:1, 25:13, 36:1, 36:10, 36:14, 41:17, 42:4, 52:7, 67:9, 67:13, 68:1, 68:5, 68:12, 76:3, 84:17, 86:6, 86:18, 87:6, 88:19, 93:9, 95:5, 100:4, 108:16, 109:14, 111:4, 111:10, 114:14, 115:4, 115:17, 116:18, 120:17, 126:11, 126:14, 133:12

anticipation [1] - 138:11

any [108] - 7:3, 16:5, 16:7, 16:10, 19:8, 27:3, 28:13, 33:7, 37:11, 40:8, 41:18, 43:5, 44:13, 46:13, 47:10, 48:15, 49:18, 55:11, 55:18, 56:17, 61:6, 64:4, 70:13, 71:14, 73:2, 74:5, 79:11, 79:12, 82:8, 83:19, 84:2, 84:9, 85:3, 85:11, 85:13, 87:4, 94:15, 94:19, 95:1, 95:6, 96:11, 97:2, 97:8, 99:14, 100:9, 105:8, 110:8, 111:6, 112:18, 113:1, 120:18, 123:12, 126:9, 128:7, 128:18, 132:8, 141:1, 144:12, 154:8, 159:6, 159:8, 159:10, 162:12, 162:14, 162:15, 171:3, 175:5, 175:19, 178:11, 179:5, 180:9, 182:11, 189:3, 191:9, 192:8, 195:2, 195:17, 196:3, 196:4, 196:6, 198:9, 201:11, 205:15, 207:18, 216:6, 227:18, 229:3, 230:4, 230:7, 230:8, 231:4, 236:10, 241:4, 245:7, 252:8, 262:13, 263:9, 264:2, 265:6, 265:7, 265:11, 267:3, 267:12, 270:4, 270:5, 270:17

Any [1] - 142:17

ANY [2] - 271:18, 271:18

any.. [1] - 152:4

anybody [12] - 38:10, 53:12, 61:11, 111:6, 146:2, 157:18, 184:16, 205:8, 207:19, 227:2, 248:2, 251:15

anymore [2] - 48:17, 64:16

anyone [5] - 23:12, 40:9, 94:8, 96:1, 165:19

anything [22] - 24:17, 43:14, 46:11, 50:6, 58:17, 69:16, 70:14, 88:2, 89:11, 100:7, 100:11, 111:7, 113:7, 133:19, 143:14, 146:2, 168:1, 213:14, 246:19, 247:11, 254:17

anyway [2] - 92:4, 219:1

anyways [2] - 43:8, 261:4

anywhere [5] - 66:10, 158:1, 222:12, 233:16, 239:19

apart [2] - 41:7, 186:5

apologies [1] - 190:19

apologize [4] - 35:8, 41:18, 120:17, 122:3

app [1] - 23:5

apparently [2] - 39:19, 109:8

appear [3] - 82:19, 184:8, 187:14

appears [4] - 41:13, 82:17, 98:18, 105:4

applicant [3] - 5:3, 151:10, 173:4

Applicant [1] - 8:10

applicants [1] - 150:19

Application [3] - 8:2, 20:16, 25:17

application [41] - 3:16, 4:17, 5:2, 7:4, 7:7, 11:15, 12:2, 16:15, 17:15, 19:9, 25:4, 28:4, 28:16, 33:10, 33:12, 136:2, 136:16, 136:17, 138:7, 140:2, 140:19, 141:5, 141:6, 141:17, 142:12, 142:16, 144:3, 144:14, 145:8, 147:16, 153:9, 154:1, 154:5, 171:17, 172:3, 172:4, 172:7, 192:18, 198:16, 214:5

APPLICATION [12] - 2:3, 2:4, 2:5, 2:6, 2:7, 2:10, 3:15, 8:1, 17:14, 20:15, 25:15, 134:10

applications [3] - 191:8, 195:18, 215:19

applied [11] - 4:2, 8:4, 17:18, 20:18, 26:3, 65:8, 75:4, 134:15, 138:5, 138:10, 171:18

APPLY [1] - 271:18

apply [3] - 135:9, 171:15, 172:2

applying [2] - 8:11, 11:16

appreciate [11] - 74:9, 100:4, 104:12, 104:13, 112:12, 126:19, 168:12, 207:5, 263:19, 265:8, 266:7

appreciates [1] - 77:5

approach [1] - 112:4

approached [1] - 258:12

approaching [1] - 75:8

appropriate [8] - 117:6, 118:6, 128:1, 128:16, 136:6, 147:9, 193:16, 204:6

appropriately [2] - 7:9, 108:1

appropriateness [2] - 99:14, 205:18

approval [4] - 29:13, 34:8, 189:5, 226:7

approve [10] - 16:15, 19:9, 33:10, 172:15, 176:2, 179:10, 179:18, 189:12, 267:13, 268:4

approved [10] - 7:7, 25:4, 28:16, 165:9, 192:1, 192:3, 212:19, 224:12, 266:14, 266:17

approximately [2] - 77:18, 110:19

arborvitaes [1] - 87:12

are [140] - 3:5, 3:12, 5:9, 5:10, 6:2, 6:12, 11:2, 11:14, 13:7, 14:3, 14:16, 15:1, 18:1, 26:13, 30:4, 31:9, 32:3, 45:4, 53:8, 56:9, 63:4, 63:5, 64:18, 65:4, 65:19, 66:8, 66:10, 69:8, 69:9, 71:7, 71:9, 72:6, 72:11, 72:19, 75:16, 75:18, 79:12, 81:1, 81:3, 81:8, 82:12, 85:1, 85:9, 86:14, 87:4, 87:8, 88:12, 88:19, 89:12, 91:6, 92:16, 93:1, 93:6, 95:14, 96:15, 98:1, 98:2, 103:6, 103:15, 103:16, 106:4, 107:19, 110:8, 113:2, 113:16,

117:19, 118:6, 120:3, 122:15, 123:12, 124:3, 124:4, 124:18, 126:9, 129:8, 129:17, 143:18, 143:19, 144:1, 146:15, 149:7, 151:10, 153:4, 157:8, 160:15, 160:16, 161:1, 161:17, 162:15, 163:16, 167:5, 173:8, 179:11, 182:6, 182:10, 187:12, 187:18, 188:19, 189:3, 200:6, 200:15, 204:1, 205:15, 207:1, 207:3, 207:18, 213:6, 214:4, 215:16, 217:8, 218:9, 222:3, 231:17, 232:3, 233:3, 233:16, 240:8, 241:14, 241:19, 242:14, 242:15, 243:6, 243:10, 247:7, 249:1, 250:8, 250:9, 253:3, 253:4, 254:2, 254:6, 254:8, 254:9, 254:13, 255:10, 260:12, 261:1, 267:11

area [23] - 9:2, 65:15, 87:15, 97:10, 131:17, 188:11, 211:8, 212:9, 220:4, 221:3, 222:17, 224:14, 226:14, 227:5, 227:18, 228:2, 228:4, 245:18, 248:18, 263:9, 263:11, 263:14

areas [11] - 9:3, 85:9, 159:16, 217:8, 225:16, 227:8, 227:11, 235:13, 237:13, 238:3, 263:16

aren't [3] - 48:16, 64:15, 150:17

argument [1] - 105:3

arise [2] - 82:6, 158:6

arises [1] - 158:17

Arlington [1] - 65:14

Armani [1] - 181:12

armed [1] - 68:10

arose [1] - 83:17

around [31] - 37:17, 37:19, 38:1, 38:7, 39:13, 50:2, 57:10, 57:14, 63:9, 65:15, 78:10, 81:7, 81:16, 101:5, 152:15, 163:15, 217:15, 218:15, 221:3, 221:4, 222:12, 228:7, 228:9, 231:8, 233:10, 243:7, 245:3, 245:5, 253:7, 253:15, 264:8

arrangement [1] - 211:16

arrangements [3] - 24:1, 97:5, 196:7

arranging [2] - 24:7, 97:3

Arthur [1] - 114:7

Arts [2] - 21:18, 25:18

ARTS [2] - 2:7, 25:16

as [196] - 3:18, 4:1, 6:10, 7:7, 8:3, 8:16, 15:9, 15:13, 16:15, 17:7, 17:17, 18:17, 20:17, 21:16, 21:19, 25:4, 25:19, 26:2, 28:16, 29:10, 29:12, 29:14, 30:14, 32:18, 33:11, 34:5, 34:7, 35:17, 38:18, 39:10, 44:13, 45:10, 49:1, 51:12, 54:14, 54:17, 55:9, 58:10, 60:13, 62:6, 69:4, 70:13, 71:19, 72:1, 72:15, 76:12, 76:13, 79:11, 80:3, 92:7, 100:9, 101:9, 102:2, 102:5, 104:14, 106:13, 106:19, 109:16, 110:15, 112:3, 113:19, 114:13, 118:13, 121:4, 122:11, 125:3, 127:10, 128:2, 128:13, 128:19, 129:6, 129:17, 130:2, 134:12, 134:14, 135:6, 135:16, 136:5, 137:2, 137:3, 137:9, 137:11, 137:13, 138:11, 138:13, 138:19, 139:10, 140:10, 140:18, 142:11, 142:12, 143:4, 144:1, 144:9, 147:13, 147:15, 148:14, 150:9, 151:4, 151:5, 151:6, 151:10, 151:15, 152:1, 152:16, 155:17, 155:18, 156:4, 157:4, 157:5, 158:2, 158:15, 160:1, 160:6, 160:11, 164:10, 164:11, 165:5, 165:14, 168:10, 170:17, 172:2, 173:13, 173:17, 176:9, 177:15, 177:16, 178:10, 180:3, 183:8, 189:9, 189:12, 190:6, 192:9, 194:11, 195:10, 200:5, 201:17, 203:3, 211:17, 212:16, 214:1, 217:7, 217:13, 220:11, 220:14, 221:2, 222:6, 225:7, 226:9, 226:17, 226:18, 227:6, 227:16, 228:16, 230:6, 231:2, 233:1, 237:13, 237:14, 240:12, 242:16, 246:16, 247:15, 247:18, 249:18, 250:15, 254:6, 254:14, 255:11, 257:5, 259:6, 260:11, 261:2, 262:10, 265:2, 265:19, 266:18

as.. [1] - 225:8

Asa [1] - 22:4

ascertained [1] - 83:14

aside [4] - 53:10, 116:17, 186:5, 242:12

ask [18] - 53:2, 53:3, 94:14, 100:5, 114:17, 128:6, 140:16, 140:17, 171:11, 194:12, 206:16, 207:2, 207:4, 209:8, 235:11, 251:17, 265:6, 265:18

asked [11] - 30:14, 36:5, 39:14, 41:3, 50:10, 76:6, 125:17, 127:13, 211:3, 221:19, 236:1

asking [6] - 50:17, 121:1, 156:6, 172:14, 205:18, 267:15

asks [1] - 141:17

asparagus [1] - 22:17

aspect [1] - 115:18

aspects [1] - 187:19

assigned [1] - 129:17

assigns [1] - 254:11

assist [1] - 114:5

assistance [1] - 77:11

Assistant [5] - 1:7, 3:13, 102:11, 110:14, 127:14

ASSISTANT [109] - 5:19, 6:15, 7:6, 7:13, 11:18, 12:17, 13:1, 14:19, 15:3, 15:10, 16:4, 16:9, 16:14, 17:1, 19:7, 19:13, 19:16, 20:8, 24:8, 24:12, 24:16, 25:3, 25:8, 25:11, 27:3, 28:15, 29:1, 29:4, 31:12, 31:15, 32:17, 33:2, 33:9, 33:14, 33:17, 34:3, 34:12, 34:15, 34:19, 45:18, 46:9, 64:6, 64:19, 65:10, 66:3, 66:8, 66:17, 67:6, 67:11, 67:16, 68:3, 68:9, 68:19, 69:7, 70:9, 70:18, 71:6, 72:5, 72:18, 110:11, 110:15, 111:5, 112:6, 115:2, 115:15, 121:11, 130:1, 130:13, 132:15, 162:13, 178:13, 179:1, 180:6, 180:17, 189:14, 190:2, 202:4, 208:9, 208:16, 220:13, 221:10, 224:10, 224:18, 233:3, 233:18, 236:9, 236:15, 238:10, 239:12, 241:15, 243:14, 243:18, 244:2, 244:5, 244:9, 244:13, 246:1, 246:9, 246:16, 252:5, 253:9, 253:19, 263:6, 267:1, 267:8, 268:5, 268:12, 268:15, 269:4

aSSISTANT [1] - 221:14

associated [5] - 5:10, 137:17, 194:13, 194:15, 213:8

Association [6] - 163:3, 164:8, 210:3, 210:8, 210:10, 211:11

association [5] - 193:2, 193:13, 193:17, 194:14, 194:16

associations [6] - 191:7, 192:4, 192:15, 193:9, 196:9, 198:7

assume [6] - 4:7, 51:6, 55:8, 61:15, 111:1, 113:3

assuming [3] - 44:9, 90:7, 105:5

assurances [1] - 186:7

assure [2] - 133:15, 207:11

assured [1] - 75:12

astonished [1] - 249:18

AT [1] - 1:11

at [170] - 3:8, 4:1, 8:5, 9:4, 11:9, 11:19, 12:10, 17:17, 18:14, 20:12, 20:19, 22:18, 26:2, 27:4, 29:11, 29:16, 34:6, 36:4, 36:17, 37:6, 40:12, 41:8, 42:9, 47:16, 49:2, 49:11, 49:18, 50:4, 50:9, 50:19, 51:14, 52:4, 52:7, 52:10, 53:14, 54:2, 54:3, 54:9, 54:12, 54:15, 54:16, 55:9, 58:7, 61:19, 65:6, 66:1, 68:1, 69:14, 69:16, 71:1, 74:16, 76:7, 76:9, 76:16, 78:3, 78:5, 78:7, 79:7, 79:16, 80:10, 81:4, 83:14, 85:19, 86:15, 87:1, 88:7, 89:9, 89:12, 91:8, 95:18, 96:7, 98:3, 98:8, 98:13, 98:16, 98:18, 100:1, 100:18, 101:14, 101:16, 102:17, 103:7, 105:4, 105:6, 105:7, 105:11, 105:13, 105:19, 106:1, 106:10, 106:17, 108:3, 113:1, 113:6, 113:9, 118:1, 120:11, 121:10, 121:17, 127:5, 130:5, 133:16, 134:14, 135:17, 138:5,

139:4, 139:8, 143:8, 143:9, 143:12, 149:13, 149:18, 152:8, 152:19, 153:18, 154:4, 166:3, 167:9, 173:3, 174:8, 175:2, 177:4, 181:1, 181:11, 183:6, 183:16, 184:2, 185:6, 187:14, 190:18, 193:6, 195:1, 197:14, 198:11, 201:2, 203:2, 208:7, 209:15, 210:16, 210:19, 212:15, 214:1, 214:10, 216:11, 220:1, 220:2, 220:5, 221:2, 222:16, 222:19, 223:7, 229:8, 229:12, 230:2, 232:10, 238:2, 240:15, 243:3, 244:16, 245:4, 245:10, 248:18, 253:2, 260:1, 265:3, 269:7, 269:8

Atheism [1] - 26:15

athletic [1] - 183:11

ATTACH [1] - 270:1

attention [3] - 46:1, 82:1, 158:7

Attia [1] - 211:19

Attorney [4] - 110:18, 122:7, 135:3, 171:11

attorney [2] - 36:16, 143:9

attractive [1] - 79:2

attributable [1] - 190:7

Auburn [1] - 134:15

audible [2] - 80:14, 112:17

audio [1] - 53:17

audit [1] - 39:4

auditor [1] - 37:5

August [2] - 177:17, 228:19

authentic [1] - 184:9

authority [6] - 150:3, 160:15, 160:18, 174:18, 206:7, 250:5

automatic [1] - 141:1

available [1] - 97:12

Ave [2] - 3:10, 234:8

Avenue [2] - 1:11, 8:5

avenue [1] - 207:7

avoid [1] - 236:16

avoided [1] - 230:8

aware [8] - 68:17, 81:14, 116:18, 169:18, 188:1, 201:18, 229:15, 251:11

away [7] - 40:11, 40:14, 64:1, 72:1, 74:4, 74:7, 188:4

awfully [1] - 241:16

awhile [1] - 239:3

Aye [1] - 33:16

aye [42] - 7:14, 7:15, 17:2, 17:3, 19:15, 19:17, 25:10, 25:12, 29:3, 29:5, 33:18, 34:14, 34:16, 80:5, 132:12, 132:13, 132:14, 132:16, 180:14, 180:15, 180:16, 180:18, 189:18, 189:19, 190:1, 190:3, 208:13, 208:14, 208:15, 208:17, 267:5, 267:6, 267:7, 267:9, 268:9, 268:10, 268:11, 268:13, 269:1, 269:2, 269:3, 269:5

B

B [7] - 18:9, 36:19, 60:19, 123:19, 165:19, 209:11, 258:8

B-A-N-N-A-T-Y-N-E [1] - 18:9

B-E-U-Z-E-K-O-M [1] - 123:19

back [53] - 6:10, 12:13, 13:17, 28:10, 37:16, 37:18, 37:19, 38:2, 38:7, 38:19, 39:3, 39:10, 40:2, 49:14, 50:2, 59:17, 63:1, 64:12, 65:16, 65:18, 68:4, 71:16, 72:14, 74:1, 78:11, 81:14, 85:8, 86:15, 90:6, 99:5, 99:6, 102:6, 113:13, 113:14, 120:1, 120:15, 124:11, 129:5, 139:13, 177:2, 198:4, 205:19, 206:16, 208:4, 209:16, 222:1, 222:5, 238:6, 239:9, 255:2, 255:8, 257:6, 257:13

Back [2] - 157:14, 245:18

backdoor [4] - 44:6, 52:1, 60:12, 105:18

backdoors [2] - 44:11, 51:18

background [12] - 4:16, 6:8, 8:18, 18:11, 21:10, 26:12, 28:11, 139:4, 139:9, 195:10, 203:8, 230:18

bad [4] - 61:14, 64:18, 86:11, 107:18

balance [3] - 88:7, 97:18, 173:17

balancing [2] - 39:4, 174:6

Ballroom [2] - 144:7, 144:8

Baltimore [2] - 234:1, 234:2

BANNATYNE [1] - 18:8

Bannatyne [1] - 18:8

bar [1] - 63:12

barely [1] - 232:18

bars [1] - 221:4

base [2] - 66:1, 66:2

based [9] - 31:7, 43:6, 146:13, 155:18, 175:2, 179:11, 202:13, 217:7, 218:9

basement [4] - 3:11, 29:12, 29:16, 34:7

Basement [1] - 1:12

basic [1] - 197:1

basically [16] - 23:8, 56:4, 56:10, 60:16, 64:14, 77:15, 85:10, 85:18, 86:1, 118:19, 157:2, 157:8, 169:6, 182:9, 228:6, 249:13

basis [5] - 95:7, 194:8, 205:13, 225:5, 262:9

Bay [2] - 157:14, 245:18

BBQ [6] - 29:10, 29:15, 31:16, 31:19, 33:11, 34:5

be [250] - 3:3, 3:4, 7:7, 8:4, 8:7, 8:9, 11:14, 13:14, 14:13, 15:14, 20:19, 21:2, 21:5, 22:11, 23:17, 25:4, 28:16, 32:16, 32:18, 34:8, 36:6, 37:8, 46:7, 49:2, 50:16, 51:7, 54:3, 54:12, 57:6, 58:11, 58:12, 59:3, 63:18, 65:3, 68:17, 69:1, 70:3, 70:7, 73:15, 74:7, 75:11, 75:14, 79:3, 79:8, 79:12, 79:18, 80:14, 81:4, 81:5, 81:14, 82:9, 82:19, 83:2, 83:14, 83:16, 86:8, 86:12, 87:15, 88:7, 88:8, 88:15, 91:18, 91:19, 92:1, 93:2, 93:19, 94:1, 94:2, 94:9, 95:9, 98:2, 100:1, 100:6, 100:8, 105:2, 106:5, 106:19, 107:3, 107:9, 107:11, 110:9, 112:3, 113:6, 113:7, 114:12, 114:16, 117:9, 117:16, 117:19, 123:13, 124:11, 124:14, 126:10, 127:3, 127:5, 127:17, 128:11, 129:15, 131:8, 131:9, 131:10, 133:2, 133:9, 133:16, 135:17, 136:7, 138:3, 142:11, 145:7, 145:10, 145:15, 146:6, 147:11, 148:7, 149:1, 149:3, 151:17, 153:7, 155:13, 157:4, 158:1, 158:2, 158:8, 158:16, 159:5, 159:8, 159:13, 160:12, 160:18, 161:18, 161:19, 162:2, 162:16, 164:8, 164:11, 164:14, 164:18, 165:8, 171:1, 172:8, 174:6, 175:4, 175:8, 175:12, 175:13, 176:14, 176:18, 178:9, 183:15, 183:17, 185:2, 185:12, 186:11, 189:4, 194:7, 194:19, 195:18, 196:1, 196:10, 196:13, 196:14, 196:18, 198:8, 199:2, 200:3, 200:11, 203:12, 203:18, 203:19, 204:6, 204:10, 204:15, 205:3, 205:11, 205:16, 206:3, 206:5, 211:8, 212:9, 212:19, 213:9, 213:12, 213:15, 213:16, 214:2, 214:15, 214:16, 215:8, 216:1, 216:6, 216:19, 217:4, 218:14, 218:17, 219:6, 219:11, 219:13, 219:18, 219:19, 220:3, 220:5, 220:9, 220:15, 221:7, 223:3, 223:7, 225:3, 228:8, 229:5, 229:8, 229:17, 230:4, 231:16, 234:19, 235:9, 235:12, 235:19, 236:10, 236:12, 236:16, 239:6, 239:7, 240:5, 240:11, 241:1, 244:12, 246:3, 246:4, 246:8, 246:12, 247:8, 251:16, 253:5, 255:12, 256:10, 256:15, 257:5, 257:11, 259:11, 259:18, 260:3, 260:5, 261:18, 264:8, 265:4, 265:19, 266:2

Beacon [1] - 161:15

Beaker [2] - 20:17

BEAKER [2] - 2:6, 20:15

bears [3] - 157:12, 157:17, 158:16

beating [1] - 70:4

beautiful [2] - 166:3, 167:17

beauty [1] - 168:3

because [84] - 5:2, 15:12, 24:6, 30:12, 37:9, 37:14, 39:9, 40:5, 43:1, 43:2, 45:15, 46:7, 49:19, 64:1, 77:12, 80:6, 80:7, 81:11, 81:19, 86:11, 87:16, 89:7, 93:2, 94:3, 100:5, 100:7, 101:14, 103:13, 104:1, 104:2, 106:13, 113:18, 115:12, 116:5, 116:10, 118:18, 119:5, 119:19, 120:11, 120:15, 120:16, 121:2, 124:16, 128:9, 131:10, 136:14, 136:16, 138:8, 138:18,

145:3, 146:1, 146:3, 146:9, 147:1, 147:2, 150:6, 153:1, 161:10, 163:13, 163:16, 165:18, 166:12, 167:12, 167:18, 168:6, 169:2, 173:8, 176:2, 177:1, 183:2, 184:8, 186:19, 195:10, 195:15, 197:14, 201:19, 205:12, 216:14, 225:4, 229:2, 234:19, 256:16, 267:15
become [4] - 81:13, 138:16, 163:4
been [95] - 19:3, 22:2, 30:8, 38:2, 43:7, 44:5, 44:8, 48:10, 48:13, 58:6, 59:6, 60:7, 63:17, 64:11, 69:13, 70:17, 75:6, 76:10, 78:15, 79:16, 83:13, 84:3, 89:1, 89:12, 101:7, 101:9, 101:11, 102:16, 103:11, 105:1, 108:10, 108:11, 109:6, 110:5, 119:5, 119:7, 119:16, 120:7, 127:2, 129:10, 130:9, 132:8, 133:3, 137:9, 138:1, 140:3, 142:14, 143:3, 144:13, 147:14, 148:16, 151:7, 152:18, 156:5, 157:14, 159:13, 159:14, 160:13, 161:3, 163:6, 165:19, 166:9, 168:13, 168:16, 173:10, 173:11, 174:14, 175:9, 177:3, 177:17, 178:8, 180:9, 182:1, 182:4, 188:1, 189:17, 191:13, 192:11, 196:4, 198:1, 201:12, 201:14, 208:12, 215:4, 222:8, 225:5, 225:6, 225:8, 233:11, 233:12, 252:3, 258:3, 266:14, 268:8, 268:19
before [35] - 3:12, 9:8, 10:7, 10:8, 21:16, 27:8, 45:11, 47:15, 56:10, 62:13, 70:1, 76:8, 89:3, 106:7, 117:12, 126:4, 130:12, 134:7, 154:12, 155:9, 159:6, 159:8, 168:18, 169:1, 170:4, 177:2, 181:4, 181:11, 181:18, 191:11, 207:9, 209:13, 242:1, 265:11
begin [5] - 36:5, 81:13, 114:11, 156:10, 264:7
beginning [3] - 31:2, 47:14, 169:19
behalf [1] - 109:15
behavior [2] - 104:16, 117:9
behind [3] - 13:16, 114:7, 222:2
behove [1] - 214:10
being [30] - 35:8, 38:13, 41:18, 55:9, 75:3, 75:18, 77:13, 84:14, 92:8, 92:12, 92:16, 100:17, 107:1, 107:8, 112:16, 115:11, 118:2, 143:6, 157:3, 176:5, 186:9, 194:13, 197:14, 215:11, 223:10, 229:1, 229:3, 250:1, 260:18, 265:1
belief [1] - 202:18
believe [10] - 46:18, 104:15, 141:13, 145:16, 160:4, 174:6, 185:1, 187:16, 250:15, 252:2
believer [1] - 187:16
bell [3] - 228:12, 249:9, 249:10
bells [1] - 228:11
Belmont [1] - 65:14
belted [1] - 253:5
beneficial [1] - 221:2
benefit [6] - 84:8, 133:7, 212:12, 213:3, 227:7, 235:1
Benson [1] - 211:11
besides [6] - 44:8, 194:9, 240:4, 248:12, 258:18, 258:19
best [6] - 204:3, 215:11, 217:18, 230:12, 236:16, 241:1
Better [1] - 127:6
better [15] - 32:16, 87:17, 88:1, 89:11, 102:4, 103:19, 109:19, 122:18, 165:4, 170:7, 176:19, 184:16, 186:16, 219:1, 226:15
between [6] - 5:17, 14:4, 45:13, 73:7, 153:5, 237:8
BEUZEKOM [1] - 123:17
beverages [6] - 4:1, 8:7, 17:17, 21:2, 26:2, 134:14
beyond [4] - 61:11, 62:19, 132:4, 241:11
bicycles [1] - 254:14
bicycling [1] - 248:7
big [5] - 24:9, 49:1, 77:19, 232:12, 257:17
bike [8] - 240:17, 241:2, 241:3, 241:11, 241:14, 242:4, 242:9, 248:14
bikes [5] - 232:16, 241:8, 242:9, 243:19, 258:17
bill [2] - 12:13, 13:2
billboards [1] - 239:18
birth [1] - 53:7
bit [16] - 3:4, 4:16, 19:18, 39:8, 42:17, 57:19, 64:13, 66:4, 81:18, 92:10, 100:5, 145:18, 197:3, 200:13, 204:4, 258:9
Black [1] - 252:1
blame [1] - 119:4
blend [1] - 258:13
blessing [1] - 156:3
BLEU [2] - 2:7, 25:15
Bleu [3] - 25:18, 26:16, 27:13
blind [3] - 72:12, 85:1, 103:15
blinkers [1] - 221:17
blinking [1] - 222:1
block [5] - 102:7, 217:12, 219:5, 219:6
blocks [1] - 219:5
Board [6] - 83:8, 137:1, 137:7, 153:19, 191:4, 209:4
BOARD [1] - 1:5
boards [1] - 250:9
bodies [1] - 221:13
body [2] - 135:16, 177:4
Boi [2] - 6:5, 6:6
BOI [1] - 6:6
Bonchon [9] - 29:17, 30:12, 30:15, 31:7, 31:11, 31:14, 32:1, 33:11, 188:15
book [1] - 66:12
Boston [34] - 143:1, 143:9, 144:7, 144:8, 154:8, 155:6, 157:19, 159:16, 161:3, 165:4, 170:10, 175:18, 176:2, 176:8, 176:9, 178:15, 178:18, 204:9, 204:18, 205:10, 225:14, 225:17, 225:19, 229:1, 229:6, 233:15, 236:10, 237:12, 245:14, 251:19, 252:18, 257:2, 262:14
both [19] - 5:7, 22:15, 77:1, 77:3, 82:5, 86:17, 97:15, 99:19, 130:9, 133:8, 139:4, 159:14, 161:18, 192:6, 198:16, 212:18, 248:15, 256:6, 266:18
bottom [1] - 85:19
bought [2] - 111:16, 226:2
Boulevard [1] - 4:2
box [2] - 111:18, 142:18
boyfriend [2] - 70:3, 70:4
Boylston [1] - 222:19
Brady [24] - 134:13, 135:6, 141:12, 142:2, 142:14, 143:8, 143:15, 144:14, 145:1, 146:14, 148:7, 149:7, 149:19, 151:15, 152:12, 152:16, 157:18, 164:17, 172:16, 173:4, 173:8, 175:10, 178:9, 181:1
BRADY [12] - 144:16, 151:19, 153:7, 153:14, 153:17, 154:13, 164:19, 169:18, 176:7, 176:12, 178:16, 179:3
Brady's [5] - 139:6, 140:5, 152:6, 173:9, 173:13
braised [1] - 22:16
brake [1] - 222:3
brand [2] - 160:9, 165:19
breach [7] - 77:4, 77:6, 131:5, 173:18, 173:19, 174:8
break [9] - 38:16, 40:18, 43:10, 44:17, 45:3, 45:8, 60:1, 190:13, 224:1
breakdown [1] - 88:15
breakfast [1] - 22:6
breaking [3] - 69:15, 70:1, 185:4
brief [2] - 191:17, 191:19
briefly [2] - 166:18, 171:11
Brighton [1] - 152:10
bring [7] - 77:10, 93:17, 155:16, 160:4, 160:9, 167:13, 200:19
bringing [1] - 160:5
brings [1] - 103:17
broad [2] - 193:1, 195:6
broadly [1] - 195:7
Broadway [1] - 212:8
brochure [1] - 237:18
broken [1] - 56:2
brought [3] - 45:19, 103:11, 192:12
build [5] - 137:11, 165:3, 170:3, 197:11
build-out [2] - 137:11
building [23] - 22:4, 23:4, 24:5, 24:9, 24:10, 26:15, 44:11, 57:15, 57:18, 69:10, 79:9, 84:18, 85:7, 85:14, 112:19, 115:11, 115:12, 116:6, 156:12, 169:11, 197:4
Building [3] - 1:11, 3:10, 17:18
buildings [1] - 114:8
built [6] - 170:4, 184:11, 193:7, 199:5, 204:11
Bull [5] - 29:10, 29:14, 31:16, 33:11, 34:5
burden [2] - 119:3, 155:16
burdensome [1] - 117:19
Bureau [1] - 130:4
Bursh [1] - 12:19

bus [1] - 243:1
buses [1] - 258:18
bushes [1] - 87:12
Business [6] - 163:3, 164:8, 210:3, 210:8, 210:10, 211:10
business [69] - 3:18, 5:13, 5:16, 8:3, 9:5, 9:6, 9:8, 10:15, 10:19, 11:7, 15:4, 15:7, 15:12, 15:17, 20:17, 25:19, 29:9, 29:14, 29:17, 32:9, 34:4, 35:17, 48:6, 64:8, 64:16, 90:7, 91:8, 96:2, 111:11, 134:12, 147:4, 147:5, 148:9, 149:13, 149:16, 152:11, 160:5, 163:9, 168:9, 169:9, 182:14, 183:1, 183:12, 184:19, 188:2, 188:3, 188:16, 210:1, 211:6, 215:6, 217:6, 217:13, 218:9, 219:16, 226:10, 226:12, 226:18, 239:5, 240:12, 244:14, 248:3, 260:5, 260:13, 261:14, 261:19, 262:1, 262:11, 264:3, 265:11
businesses [7] - 155:5, 160:8, 161:14, 237:19, 240:13, 257:18, 258:1
busy [4] - 39:9, 45:15, 48:7, 48:8
but [190] - 6:11, 7:1, 11:10, 12:1, 12:15, 23:12, 31:5, 31:8, 31:19, 32:11, 35:9, 38:1, 38:19, 39:13, 40:8, 40:11, 40:16, 40:19, 41:4, 42:17, 45:16, 46:9, 47:15, 48:9, 49:12, 49:19, 50:3, 50:11, 51:2, 51:8, 53:4, 55:3, 55:8, 56:8, 58:2, 58:16, 59:9, 59:15, 61:7, 63:17, 64:18, 65:2, 66:13, 68:6, 71:4, 73:8, 73:17, 74:11, 75:2, 76:6, 76:8, 76:17, 77:15, 79:8, 79:17, 80:8, 81:9, 81:19, 82:18, 84:9, 86:6, 87:3, 87:12, 89:6, 89:10, 91:8, 91:14, 92:6, 92:10, 94:4, 94:8, 94:16, 95:12, 96:12, 97:19, 98:2, 99:7, 103:5, 104:1, 105:7, 106:12, 106:19, 107:19, 109:12, 114:12, 114:18, 115:4, 118:1, 119:8, 120:9, 121:18, 122:3, 123:3, 123:7, 124:16, 126:3, 127:5, 127:8, 127:10, 128:1, 129:11, 133:6, 135:13, 136:6, 138:3, 140:19, 141:6, 142:10, 142:12, 143:13, 148:10, 148:11, 150:5, 151:13, 152:13, 152:16, 160:5, 160:14, 164:14, 167:13, 169:17, 170:6, 173:13, 176:10, 176:15, 177:8, 177:13, 177:15, 177:19, 178:6, 179:19, 181:8, 183:6, 185:9, 187:18, 188:8, 194:9, 197:2, 197:7, 200:10, 201:15, 202:7, 202:17, 206:5, 206:18, 207:12, 209:3, 210:17, 212:6, 214:10, 216:8, 218:16, 220:4, 223:10, 224:16, 225:12, 226:4, 226:8, 226:12, 227:10, 227:15, 228:1, 231:9, 232:6, 232:9, 234:12, 235:15, 237:10, 237:14, 239:8, 241:2, 243:10, 243:12, 246:3, 246:13, 247:19, 252:12, 253:1, 254:1, 255:18, 256:7, 257:12, 258:12, 259:18, 262:3, 262:11, 267:17
but.. [2] - 73:13, 252:16
button [6] - 49:4, 63:8, 63:11, 66:19, 67:1, 67:2
buy [3] - 65:6, 226:13, 261:10
buzz [2] - 121:6, 243:7
by [72] - 4:4, 20:10, 35:18, 65:12, 67:9, 72:7, 72:11, 78:2, 80:5, 80:10, 80:13, 83:14, 84:7, 86:8, 90:5, 95:7, 95:13, 98:16, 102:7, 105:8, 108:11, 109:4, 112:9, 115:18, 117:15, 118:2, 122:18, 129:2, 129:12, 129:14, 129:17, 132:12, 142:2, 145:14, 149:14, 150:15, 165:9, 167:5, 168:2, 174:17, 175:13, 175:14, 178:9, 180:14, 194:2, 197:12, 204:15, 205:4, 206:3, 206:4, 208:13, 216:16, 217:12, 219:4, 219:9, 227:13, 228:6, 229:5, 233:5, 234:12, 239:1, 250:9, 252:1, 253:15, 255:12, 256:13, 266:14, 266:17, 267:5, 268:9, 269:1

C

C [6] - 1:6, 3:1, 26:10, 36:19, 42:6, 143:5
C-A-M-P-B-E-L-L [1] - 36:19
C-A-S-T-A-N-E-D-A [1] - 26:10
cab [14] - 191:12, 192:16, 193:17, 196:19, 198:2, 204:15, 204:16, 204:19, 205:2, 205:8, 235:5, 238:13, 241:10, 257:2
cabs [4] - 204:10, 205:4, 220:15, 258:16
Cafe [5] - 20:17, 20:18, 21:15, 163:7, 181:12
cafe [1] - 170:5
CAFE [2] - 2:6, 20:15
California [1] - 27:14
call [34] - 39:1, 39:17, 39:18, 45:1, 47:8, 56:4, 56:7, 56:12, 56:15, 61:17, 63:2, 67:17, 67:18, 68:4, 68:5, 68:15, 94:14, 102:16, 103:13, 108:7, 110:3, 114:16, 118:18, 119:19, 127:6, 127:11, 141:16, 188:4, 192:16, 213:10, 213:12, 223:13, 235:5, 257:1
called [18] - 10:17, 46:10, 59:6, 59:9, 59:12, 60:4, 102:13, 103:12, 104:10, 105:4, 105:19, 106:1, 106:18, 204:12, 213:13, 225:10, 225:15
calling [3] - 68:14, 109:3, 117:8
calls [4] - 201:10, 205:8, 207:15, 263:10
CALLUCCIO [1] - 36:14
Calluccio [1] - 36:15
Calm [1] - 247:6
CAMBRIDGE [1] - 1:2
Cambridge [57] - 1:12, 21:18, 35:17, 35:19, 36:17, 65:14, 67:19, 103:11, 110:3, 115:5, 121:16, 135:4, 135:10, 137:1, 155:1, 155:6, 157:19, 159:16, 173:6, 175:12, 190:5, 191:9, 192:5, 196:11, 203:14, 203:17, 203:18, 204:10, 204:13, 204:15, 204:16, 205:1, 205:5, 206:10, 210:1, 210:4, 210:6, 211:4, 214:10, 215:7, 218:16, 221:1, 228:15, 240:5, 245:8, 245:13, 245:15, 246:4, 248:4, 248:8, 252:6, 257:2, 261:9, 261:11, 262:7, 263:11, 263:14
came [15] - 37:6, 38:12, 39:14, 40:12, 40:16, 42:12, 71:16, 78:11, 106:7, 109:8, 115:5, 152:16, 155:3, 209:16, 235:19
camera [19] - 48:18, 50:4, 51:17, 52:3, 52:4, 66:5, 72:7, 72:16, 75:1, 85:18, 85:19, 86:13, 87:9, 87:16, 111:2, 111:8, 112:13, 112:15, 113:9
cameras [10] - 53:11, 58:4, 72:11, 72:13, 85:5, 86:15, 87:7, 88:18, 89:14, 92:10
CAMPBELL [55] - 36:18, 37:4, 42:12, 42:16, 43:6, 43:16, 44:5, 44:16, 45:7, 45:13, 46:2, 46:13, 47:3, 47:12, 50:10, 51:14, 52:1, 52:9, 52:13, 53:3, 53:14, 53:19, 54:3, 54:19, 55:7, 56:2, 56:13, 56:19, 57:5, 57:13, 58:8, 59:8, 59:13, 60:9, 61:6, 63:8, 63:12, 63:16, 64:14, 65:2, 65:13, 66:7, 66:11, 67:1, 69:6, 69:12, 70:15, 71:3, 71:16, 72:9, 73:1, 73:12, 73:17, 74:6, 134:5
campbell [1] - 80:18
Campbell [23] - 36:18, 37:1, 42:9, 77:8, 80:3, 81:10, 82:19, 91:1, 93:16, 94:11, 99:9, 101:10, 102:1, 104:3, 105:17, 107:2, 108:8, 109:16, 109:18, 118:11, 119:18, 127:9, 134:3
Campbell's [4] - 82:3, 90:8, 104:12, 119:5
campus [3] - 26:18, 26:19, 27:13
can [100] - 4:15, 8:17, 13:11, 14:6, 21:9, 22:18, 22:19, 23:5, 23:9, 26:11, 28:6, 28:8, 30:10, 36:5, 44:10, 47:7, 49:2, 49:4, 49:13, 53:9, 58:2, 58:15, 58:19, 62:5, 63:9, 64:13, 65:6, 67:7, 70:2, 70:3, 72:2, 75:11, 77:19, 84:5, 84:17,

85:13, 87:14, 87:15, 90:13, 92:12, 93:9, 96:11, 98:1, 98:5, 103:1, 103:5, 105:15, 113:9, 114:3, 133:9, 133:15, 138:2, 141:3, 142:17, 148:18, 154:7, 155:17, 157:4, 159:16, 165:3, 170:11, 171:2, 174:5, 175:5, 177:5, 177:13, 178:3, 187:12, 190:12, 192:17, 194:1, 197:2, 203:11, 203:12, 204:5, 205:3, 213:7, 213:10, 214:8, 214:12, 216:13, 231:10, 238:1, 240:3, 247:1, 256:19, 257:12, 257:19, 261:2, 261:16, 261:18, 262:1, 262:7, 262:8, 263:9, 265:7, 265:18
can't [26] - 32:12, 59:19, 63:1, 90:9, 90:10, 91:10, 91:19, 92:7, 105:8, 115:11, 117:9, 118:8, 131:2, 149:12, 151:2, 160:4, 169:2, 169:3, 184:5, 193:14, 204:18, 226:8, 236:19, 248:6, 252:7, 257:4
can.. [1] - 6:11
candidate [1] - 141:2
candidates [1] - 140:15
candor [1] - 74:10
cannot [3] - 85:2, 99:16, 182:11
capability [1] - 158:9
capacity [4] - 8:8, 21:4, 83:10, 174:19
capital [1] - 133:8
Capital [4] - 161:5, 161:6, 181:14, 181:15
caps [1] - 191:8
capture [3] - 178:4, 197:11
CAPTURING [1] - 1:17
car [4] - 223:8, 223:10, 258:19, 261:3
card [14] - 24:19, 47:17, 47:18, 47:19, 48:1, 48:2, 53:1, 53:5, 74:15, 90:6, 92:4, 92:6
cards [9] - 16:13, 39:5, 64:15, 65:5, 65:6, 65:7, 78:17, 113:4
care [1] - 20:11
carefully [1] - 106:5
carriages [1] - 252:2
carried [1] - 63:18
carry [1] - 63:9
carrying [1] - 63:17
cars [2] - 40:15, 223:10
case [19] - 11:12, 45:6, 55:6, 59:13, 63:19, 66:12, 79:2, 79:17, 81:8, 93:16, 95:7, 103:17, 105:16, 122:3, 148:5, 170:15, 191:2, 215:1
case-by-case [1] - 95:7
cases [1] - 121:14
cash [12] - 39:5, 47:16, 48:3, 48:15, 65:4, 65:15, 78:17, 90:10, 107:10, 107:11, 123:6
Castaneda [2] - 26:4, 26:8
CASTANEDA [9] - 26:8, 26:14, 27:6, 27:9, 27:12, 27:17, 28:1, 28:6, 29:6
catch [1] - 85:18
categorize [1] - 262:3
cause [3] - 48:16, 98:6
cautionary [1] - 94:5
CDM [5] - 2:10, 134:10, 134:11, 166:10, 168:5
celebration [2] - 37:14, 37:15
center [1] - 23:16
centers [1] - 245:16
Central [4] - 219:17, 235:2, 240:6, 246:5
central [1] - 151:5
century [1] - 200:19
CEO [2] - 4:13, 210:6
cert [1] - 157:3
certain [12] - 108:10, 154:8, 187:14, 187:18, 193:7, 193:14, 200:8, 226:9, 235:13, 242:13, 243:4, 252:9
certainly [11] - 18:13, 58:8, 80:17, 84:7, 97:10, 127:9, 133:4, 164:5, 174:11, 216:7, 246:2
CERTIFICATE [1] - 271:1
certificates [1] - 156:12
CERTIFICATION [1] - 271:17
Certified [1] - 271:14
certify [1] - 271:6
CERTIFYING [1] - 271:19
Chair [4] - 35:8, 64:5, 76:4, 132:6
chair [3] - 36:2, 36:15, 82:3
chairman [8] - 3:3, 84:9, 108:17, 126:11, 135:1, 209:12, 209:15, 250:12
Chairman [2] - 1:6, 35:4
CHAIRMAN [182] - 35:6, 36:8, 36:11, 37:1, 41:12, 42:1, 42:8, 42:14, 43:4, 43:13, 44:3, 44:12, 45:5, 45:9, 46:15, 47:9, 50:6, 51:10, 51:16, 52:11, 52:16, 73:3, 73:14, 74:3, 84:11, 86:14, 87:3, 87:18, 94:18, 97:1, 98:9, 108:13, 108:18, 110:8, 110:13, 123:12, 124:9, 125:5, 126:7, 126:13, 128:4, 130:7, 132:7, 132:11, 132:14, 132:17, 133:17, 134:2, 134:9, 138:17, 139:15, 147:3, 150:10, 153:4, 153:12, 153:15, 154:11, 154:15, 156:6, 156:14, 162:3, 162:7, 162:11, 162:15, 164:16, 165:11, 166:17, 171:4, 171:8, 172:12, 173:2, 173:16, 174:4, 175:16, 176:10, 177:7, 178:11, 179:5, 179:9, 180:8, 180:13, 180:19, 181:7, 182:3, 182:6, 183:14, 184:2, 184:17, 185:3, 186:1, 189:3, 189:8, 189:16, 190:1, 190:4, 190:12, 190:17, 191:16, 195:5, 196:3, 196:16, 197:13, 197:19, 199:13, 199:16, 201:3, 201:11, 202:2, 204:8, 205:3, 205:14, 207:14, 207:18, 208:2, 208:11, 208:15, 208:18, 209:7, 210:14, 213:17, 214:13, 215:14, 219:2, 222:7, 222:13, 226:19, 227:13, 228:15, 229:11, 229:16, 230:5, 231:4, 231:15, 232:14, 232:19, 234:7, 234:11, 235:11, 236:3, 237:2, 238:4, 238:9, 238:12, 239:2, 239:16, 242:5, 245:1, 247:11, 248:9, 250:2, 251:9, 252:11, 252:17, 253:4, 254:7, 254:13, 256:2, 257:7, 257:14, 258:2, 260:15, 261:6, 263:17, 264:2, 264:5, 265:9, 265:15, 266:2, 266:6, 266:13, 266:16, 267:3, 267:7, 267:10, 267:17, 268:3, 268:7, 268:11, 268:14, 268:17, 269:3, 269:6
challenge [4] - 160:7, 170:2, 211:8, 260:9
challenged [1] - 251:16
challenges [5] - 132:4, 133:11, 182:7, 186:5, 187:4
challenging [1] - 133:10
Chamber [1] - 210:6
chance [3] - 42:15, 215:11, 229:12
change [24] - 4:2, 4:17, 17:18, 19:6, 26:3, 27:1, 29:17, 30:14, 33:11, 64:8, 66:4, 89:5, 105:13, 134:15, 135:8, 135:10, 136:11, 137:8, 145:4, 159:6, 165:9, 174:19, 181:6, 270:4
CHANGE [6] - 270:8, 270:9, 270:10, 270:11, 270:12, 270:13
changed [8] - 15:14, 31:6, 47:10, 47:13, 118:12, 118:19, 119:19, 120:6
changes [7] - 27:4, 52:19, 96:11, 128:8, 129:7, 193:2, 270:17
changing [3] - 11:3, 18:17, 30:11
Channel [5] - 125:13, 125:16, 125:18, 126:1, 126:2
channel [10] - 114:19, 116:3, 116:4, 116:7, 116:10, 120:14, 125:12, 125:18, 230:10
channels [1] - 120:11
Chapter [1] - 4:5
character [1] - 179:14
characterization [1] - 141:16
characterized [2] - 140:10, 142:11
charge [2] - 158:8, 218:1
charged [2] - 175:19, 219:4
Charles [2] - 188:15, 211:19
cheaper [1] - 233:9
check [13] - 7:2, 28:11, 38:4, 46:12, 47:17, 48:9, 51:3, 76:9, 82:5, 139:4, 139:9, 202:11, 211:4
check-in [1] - 82:5
check-ins [1] - 48:9
checked [4] - 39:7, 45:11, 55:8, 100:15
checking [2] - 58:4, 79:10
checks [2] - 20:3, 230:18
chef [3] - 21:17, 167:3, 184:9
chefs [1] - 167:6
Chelsea [1] - 10:12
cherry [1] - 204:3
Chestnut [1] - 181:16
Cheung [1] - 247:16
Chicken [1] - 31:7

chief [6] - 5:4, 14:18, 26:17, 26:18, 118:5, 221:19
Chief [5] - 1:6, 1:7, 3:13, 102:11, 110:14
CHIEF [110] - 5:19, 6:15, 7:6, 7:13, 11:18, 12:17, 13:1, 14:19, 15:3, 15:10, 16:4, 16:9, 16:14, 17:1, 19:7, 19:13, 19:16, 20:8, 24:8, 24:12, 24:16, 25:3, 25:8, 25:11, 27:3, 28:15, 29:1, 29:4, 31:12, 31:15, 32:17, 33:2, 33:9, 33:14, 33:17, 34:3, 34:12, 34:15, 34:19, 45:18, 46:9, 64:6, 64:19, 65:10, 66:3, 66:8, 66:17, 67:6, 67:11, 67:16, 68:3, 68:9, 68:19, 69:7, 70:9, 70:18, 71:6, 72:5, 72:18, 110:11, 110:15, 111:5, 112:6, 115:2, 115:15, 121:11, 130:1, 130:13, 132:15, 162:13, 178:13, 179:1, 180:6, 180:17, 189:14, 190:2, 202:4, 208:9, 208:16, 220:13, 221:10, 221:14, 224:10, 224:18, 233:3, 233:18, 236:9, 236:15, 238:10, 239:12, 241:15, 243:14, 243:18, 244:2, 244:5, 244:9, 244:13, 246:1, 246:9, 246:16, 252:5, 253:9, 253:19, 263:6, 267:1, 267:8, 268:5, 268:12, 268:15, 269:4
Chief's [1] - 127:14
child [1] - 253:1
children [1] - 252:14
chips [2] - 89:2, 89:13
choice [1] - 179:2
Choice [1] - 212:17
choose [3] - 45:6, 86:4, 258:6
chopped [1] - 87:13
Chris [2] - 25:1, 211:12
Christoph [1] - 153:10
cigarette [1] - 50:3
circumstances [2] - 98:17, 186:17
cities [2] - 159:14, 263:15
City [9] - 111:12, 123:14, 143:1, 157:19, 170:10, 173:6, 247:15, 251:12
city [26] - 98:13, 102:19, 103:8, 103:16, 107:6, 113:17, 122:8, 124:2, 124:3, 124:15, 125:2, 165:4, 167:4, 183:9, 183:11, 195:17, 206:10, 207:1, 209:6, 214:7, 220:9, 220:16, 235:17, 251:5, 257:15, 259:3
CITY [1] - 1:2
clarification [1] - 210:15
clarify [1] - 52:19
clarifying [2] - 87:19, 266:7
Clark [1] - 210:5
class [1] - 137:18
classification [1] - 194:5
clean [1] - 167:8
cleanup [1] - 78:18
clear [8] - 62:6, 82:4, 85:8, 86:7, 98:15, 99:16, 109:17, 197:14
clearly [5] - 44:14, 54:11, 79:18, 100:3, 165:6
clerk [12] - 37:5, 37:7, 38:6, 46:2, 46:6, 60:18, 73:15, 74:10, 80:5, 100:15, 100:19, 109:2
clerks [2] - 88:12, 90:17
clientele [2] - 244:14, 246:5
clock [1] - 66:14
close [4] - 11:19, 105:5, 150:7, 185:6
closed [6] - 16:2, 85:17, 174:14, 176:5, 181:13, 214:8
closely [2] - 50:5, 164:13
closes [1] - 11:9
CO [2] - 2:9, 35:14
Co [1] - 210:9
Co-Executive [1] - 210:9
cod [1] - 184:6
codes [1] - 187:17
cogently [1] - 134:4
cognizant [1] - 215:16
cold [1] - 185:12
collaboration [1] - 186:13
collect [1] - 217:15
College [2] - 25:18, 27:13
COLLEGE [2] - 2:7, 25:15
college [4] - 25:19, 219:12, 223:12, 253:14
Colorado [1] - 233:8
combination [1] - 264:14
come [59] - 13:11, 22:12, 22:15, 23:7, 36:5, 37:16, 38:19, 39:19, 43:14, 50:13, 52:2, 52:5, 55:11, 59:17, 60:12, 64:15, 65:16, 65:18, 90:10, 92:7, 93:16, 96:4, 103:4, 103:5, 111:6, 111:19, 121:17, 122:4, 125:7, 130:5, 130:8, 141:3, 146:12, 151:3, 158:6, 162:18, 163:5, 165:14, 171:2, 177:15, 178:9, 184:19, 190:10, 200:7, 200:12, 202:13, 205:10, 207:6, 209:13, 225:8, 236:1, 239:9, 257:2, 257:13, 261:9, 261:18, 262:9, 265:6
comes [5] - 49:10, 51:8, 122:13, 243:5, 243:9
comfort [2] - 22:8, 22:9
comfortable [2] - 127:19, 128:1
comfortably [1] - 252:19
coming [35] - 37:18, 38:2, 39:10, 40:4, 43:17, 43:18, 44:6, 48:13, 48:17, 56:9, 60:14, 60:18, 61:1, 64:12, 74:1, 75:13, 81:15, 86:8, 91:12, 101:4, 101:12, 102:7, 103:7, 104:17, 105:18, 113:4, 128:3, 134:4, 151:9, 157:3, 166:10, 234:6, 245:6, 249:4
Commencement [1] - 234:8
comment [16] - 7:4, 16:11, 28:14, 33:8, 121:2, 201:7, 201:13, 201:15, 206:19, 207:4, 208:7, 214:12, 219:16, 230:7, 250:8, 267:4
comments [9] - 19:8, 126:19, 178:12, 202:3, 207:5, 207:6, 251:17, 264:3, 264:6
Commerce [1] - 210:7
commissary [1] - 155:18
Commission [63] - 3:7, 20:4, 35:8, 35:19, 36:7, 76:8, 76:14, 77:6, 77:11, 82:11, 83:15, 84:9, 93:12, 97:2, 99:15, 102:9, 106:12, 129:5, 132:18, 135:2, 136:1, 136:5, 136:10, 137:12, 138:7, 141:4, 144:12, 146:11, 149:2, 151:3, 159:6, 159:9, 160:14, 163:15, 164:11, 171:15, 174:10, 174:11, 174:17, 192:1, 192:7, 192:10, 193:7, 193:19, 195:3, 198:10, 201:17, 205:18, 206:6, 206:15, 207:2, 215:3, 215:8, 215:15, 250:6, 251:13, 255:11, 265:11, 270:4, 270:16, 271:7, 271:16
COMMISSION [3] - 1:3, 1:5, 270:1
commission [1] - 135:16
Commission's [5] - 29:13, 34:8, 80:17, 146:10, 150:13
commissioner [2] - 52:16, 88:2
COMMISSIONER [146] - 4:6, 4:15, 5:6, 5:12, 7:3, 7:10, 7:15, 8:13, 8:17, 9:7, 9:10, 9:14, 9:19, 10:5, 10:9, 10:13, 10:18, 11:2, 11:6, 12:6, 12:9, 13:13, 13:18, 14:2, 14:9, 14:12, 14:15, 14:18, 15:16, 15:19, 16:7, 16:10, 16:17, 17:3, 17:6, 18:3, 18:10, 18:19, 19:4, 19:11, 19:15, 21:9, 21:12, 22:10, 23:19, 25:6, 25:10, 26:5, 26:11, 27:7, 27:10, 27:15, 27:18, 28:2, 28:9, 28:13, 28:18, 29:3, 29:18, 30:4, 30:7, 30:10, 30:16, 30:19, 31:3, 31:10, 32:2, 32:5, 32:8, 32:13, 33:4, 33:7, 33:13, 33:16, 34:10, 34:14, 34:17, 35:2, 52:18, 53:10, 53:16, 54:1, 54:8, 55:4, 55:17, 56:11, 56:16, 57:3, 57:9, 58:5, 59:5, 59:11, 60:6, 60:15, 61:18, 63:10, 63:14, 64:4, 74:8, 86:3, 88:3, 89:15, 97:9, 115:19, 117:1, 130:11, 130:15, 132:10, 132:13, 156:17, 158:11, 168:7, 170:14, 179:7, 180:11, 180:16, 186:3, 188:5, 189:1, 189:19, 202:5, 205:7, 208:1, 208:14, 220:6, 237:4, 240:14, 241:6, 241:17, 242:8, 242:12, 246:7, 248:17, 249:11, 249:17, 254:15, 256:12, 256:19, 263:1, 264:4, 264:9, 264:19, 265:13, 267:6, 268:10, 269:2
Commissioner [15] - 3:14, 33:3, 76:4, 92:18, 93:10, 114:14, 121:4, 121:15, 123:8, 125:11, 129:18, 157:11, 159:12,

164:10, 170:9
Commissioners [10] - 3:12, 84:13, 128:7, 129:14, 163:14, 171:12, 191:5, 209:5, 209:12, 211:1
Commissioners' [1] - 126:19
commitment [1] - 161:18
committed [2] - 129:12, 177:2
Committee [1] - 35:10
committee [1] - 165:10
common [8] - 8:4, 20:19, 29:11, 29:15, 34:6, 122:14, 127:8, 173:5
Commonwealth [2] - 271:2, 271:5
COMMONWEALTH [1] - 1:1
communicate [2] - 64:2, 120:14
communicated [2] - 109:11, 216:15
communicating [2] - 99:1, 115:7
communication [3] - 64:2, 132:4, 230:10
Communications [1] - 67:19
communications [3] - 114:1, 196:5, 256:1
communities [1] - 226:5
Community [1] - 212:15
community [4] - 167:14, 188:7, 210:1, 240:12
commuter [1] - 241:9
Commuter [1] - 212:17
companies [12] - 194:6, 197:5, 198:16, 200:4, 201:5, 201:13, 201:15, 207:1, 207:17, 225:11, 255:13, 259:9
company [26] - 5:3, 5:5, 5:17, 67:12, 67:14, 68:14, 111:17, 130:5, 155:15, 161:16, 192:17, 194:10, 195:12, 195:13, 196:15, 197:7, 203:5, 203:7, 203:17, 204:1, 204:9, 204:14, 226:5, 233:10, 237:16
Company [1] - 35:16
company's [1] - 195:4
complain [1] - 32:12
complaint [3] - 92:19, 109:7, 110:5
complaints [8] - 32:15, 40:8, 46:14, 58:9, 69:10, 105:1, 105:2, 200:15
complete [5] - 79:9, 130:6, 151:1, 155:10, 175:8
completed [1] - 194:18
completely [5] - 82:19, 109:15, 168:19, 216:10, 229:17
complex [1] - 124:17
complied [1] - 45:12
comply [3] - 199:17, 200:5, 201:1
component [1] - 129:1
components [3] - 139:2, 198:13, 216:3
comprehensive [1] - 129:6
compromise [1] - 144:19
concealment [1] - 142:11
conceded [1] - 108:16
concept [2] - 127:1, 166:18
concern [10] - 37:10, 76:15, 101:19, 113:12, 133:14, 163:6, 202:15, 250:12, 251:4, 255:3
concerned [6] - 76:18, 117:2, 150:12, 157:1, 206:6, 241:9
concerning [2] - 5:16, 103:18
concerns [14] - 97:8, 98:19, 99:1, 128:7, 139:3, 163:13, 186:10, 192:11, 193:5, 202:6, 202:8, 206:1, 248:9, 264:17
condition [5] - 7:8, 179:19, 199:10, 231:18, 232:1
conditioned [1] - 7:2
conditions [1] - 127:16
condos [1] - 135:9
conducted [1] - 127:17
cone [1] - 231:9
conference [1] - 3:11
Conference [1] - 1:12
configuration [1] - 240:15
confirm [1] - 94:10
confirmation [2] - 83:3, 93:17
conflict [3] - 35:9, 230:3, 230:8
confused [1] - 115:17
confusion [2] - 101:2, 239:3
congratulations [1] - 17:4
congregate [1] - 85:12
congregating [1] - 87:5
conjunction [1] - 142:4
Connecticut [1] - 225:13
consider [4] - 9:17, 114:9, 114:13, 127:14
considerable [1] - 166:9
consideration [3] - 82:14, 174:17, 176:16
considered [4] - 9:15, 32:18, 82:9, 254:16
considering [1] - 207:3
consistent [1] - 137:18
consistently [1] - 88:13
constantly [2] - 244:3, 249:3
construction [5] - 114:9, 170:3, 212:7, 212:10, 212:11
Consulate [1] - 167:8
consult [1] - 155:3
consultant [3] - 137:10, 160:6, 168:8
consultants [2] - 149:9, 157:3
consultation [2] - 129:15, 130:9
consumed [2] - 8:8, 21:3
consuming [1] - 170:6
contact [9] - 13:11, 70:11, 71:1, 116:16, 130:3, 196:17, 213:16, 215:4, 255:10
contacting [1] - 263:13
contain [1] - 94:16
contained [3] - 94:9, 171:16, 264:12
container [2] - 14:7, 14:8
continue [3] - 61:4, 153:2, 163:14
continued [3] - 35:15, 39:4, 81:11
continues [1] - 164:14
continuously [1] - 62:17
contractor [1] - 218:6
contributed [1] - 128:16
control [4] - 62:19, 132:5, 182:13, 217:17
CONTROL [1] - 271:19
conversation [2] - 42:2, 126:16
conversations [3] - 81:10, 139:13, 227:1
convey [1] - 94:6
conveyed [1] - 77:13
convinced [1] - 169:10
cook [1] - 184:5
cooked [2] - 183:5, 183:18
cooperation [1] - 201:6
coordinate [1] - 120:15
Copley [2] - 181:19, 185:7
cops [1] - 188:4
CORDON [2] - 2:7, 25:15
Cordon [2] - 25:17, 26:16
COREY [21] - 191:18, 195:9, 196:9, 197:1, 197:18, 198:14, 199:15, 200:2, 201:9, 201:14, 203:16, 204:11, 205:6, 205:12, 207:11, 250:11, 250:19, 251:3, 264:14, 265:3, 265:8
Corey [1] - 191:18
CORI [5] - 6:13, 7:8, 28:5, 28:10, 230:18
corner [3] - 49:10, 166:4, 168:4
Corp [1] - 3:17
CORP [2] - 2:3, 3:15
corporation [6] - 4:3, 6:2, 18:17, 141:12, 141:13, 172:16
correct [13] - 5:8, 9:12, 11:1, 111:3, 111:4, 139:14, 150:8, 182:17, 182:18, 184:4, 199:15, 205:6, 205:12
correction [1] - 270:5
corrections [1] - 270:17
corridors [1] - 72:6
cost [3] - 77:18, 83:14, 114:12
costs [3] - 167:12, 194:13, 223:19
costumes [1] - 234:5
could [63] - 4:8, 18:3, 32:16, 37:2, 42:17, 45:19, 50:1, 51:18, 55:10, 70:7, 71:17, 72:1, 74:4, 77:4, 78:12, 81:5, 81:6, 81:7, 81:14, 83:14, 85:12, 87:1, 91:1, 91:3, 92:19, 94:10, 94:16, 102:15, 105:13, 107:9, 113:6, 113:7, 125:16, 126:12, 131:1, 142:11, 145:18, 166:17, 175:13, 176:1, 176:14, 185:19, 187:5, 191:15, 191:16, 192:4, 194:19, 195:7, 199:9, 204:9, 211:8, 216:10, 219:13, 224:16, 227:19, 234:16, 234:19, 242:17, 256:12, 258:13, 259:19
could've [4] - 50:11, 70:17, 102:10, 106:15
couldn't [13] - 35:10, 41:18, 44:10, 49:17, 49:18, 74:6, 78:3, 114:11, 120:15, 121:9, 228:1, 236:13, 252:1
Council [1] - 251:12
Councilor [2] - 123:14, 247:15
counsel [4] - 42:2, 87:19, 129:12, 148:2
Counselor [1] - 110:17
country [4] - 210:16,

217:19, 222:12, 230:2
couple [16] - 11:11, 41:3, 49:16, 65:16, 77:12, 79:15, 90:19, 98:13, 105:10, 110:12, 112:10, 114:17, 214:3, 224:14, 226:2, 242:11
course [11] - 5:13, 5:16, 57:1, 57:11, 57:15, 58:1, 109:10, 163:12, 187:2, 238:12, 259:5
courteous [2] - 223:7, 223:10
courteously [1] - 241:3
cover [1] - 87:7
coverage [2] - 87:4, 111:9
covered [9] - 72:7, 72:11, 72:14, 72:15, 72:19, 84:14, 84:19, 85:1, 85:9
covering [1] - 86:19
Craig [1] - 247:16
create [3] - 85:12, 192:14, 264:15
created [1] - 193:1
credibility [2] - 159:15, 215:19
credit [12] - 39:5, 47:17, 53:1, 53:4, 64:15, 65:5, 74:15, 78:16, 90:6, 92:4, 92:6, 131:19
crime [1] - 41:6
criminal [1] - 140:17
critical [3] - 88:5, 119:10, 132:3
critically [1] - 91:15
cross [1] - 187:2
crossed [1] - 225:4
crowd [1] - 81:2
crowds [1] - 187:13
Culbertson [1] - 210:4
Culinary [2] - 21:18, 25:18
CULINARY [2] - 2:7, 25:15
cultural [1] - 245:7
cumbersome [3] - 88:7, 91:7, 187:13
curative [3] - 136:16, 138:14, 147:9
curious [4] - 54:14, 69:1, 168:10, 236:10
current [6] - 10:16, 12:14, 15:17, 84:15, 178:14, 194:14
currently [1] - 243:15
customer [5] - 66:1, 66:2, 193:5, 193:10, 253:10
customers [5] - 23:4, 48:3, 65:4, 118:1, 235:16
cutting [1] - 90:6
CVS [1] - 65:6

D

D [5] - 3:1, 4:12, 18:7, 26:10, 114:7
d/b/a [3] - 30:15, 33:11, 135:10
daily [1] - 262:9
damage [1] - 241:5
danger [6] - 128:13, 128:14, 128:17, 131:6, 131:7
dangerous [5] - 70:8, 130:17, 222:14, 224:6, 230:13
dark [3] - 42:18, 49:12, 149:6
data [7] - 198:4, 198:8, 198:13, 206:7, 206:8, 206:9, 259:10
date [3] - 53:7, 178:1, 270:6
DATE [1] - 1:13
Davis [1] - 247:14
Day [4] - 59:2, 228:17, 228:18, 234:9
day [19] - 16:2, 48:5, 56:19, 71:10, 114:2, 115:5, 126:5, 138:4, 140:8, 176:19, 203:10, 218:3, 220:19, 221:5, 221:6, 243:4, 261:17, 271:11
day-to-day [1] - 138:4
daycare [1] - 23:16
days [13] - 8:10, 15:17, 15:18, 16:1, 32:6, 144:15, 144:16, 156:9, 176:1, 176:6, 177:8, 244:7
DCR [1] - 236:19
deal [4] - 58:1, 150:19, 153:3
dealing [5] - 136:18, 153:2, 153:18, 203:19, 223:12
dealt [1] - 143:7
dearly [1] - 145:16
debating [1] - 230:19
debit [9] - 47:18, 47:19, 48:2, 53:1, 53:4, 65:5, 74:15
December [2] - 75:13, 97:6
decent [2] - 100:13, 219:13
decide [5] - 44:17, 54:15, 71:12, 177:13, 215:15
decided [6] - 4:19, 18:15, 38:2, 148:6, 234:18, 238:15
decides [1] - 203:5
deciding [1] - 235:6
decision [6] - 146:13, 148:2, 160:5, 177:11, 177:14, 191:15
decisions [1] - 131:15
decor [1] - 169:6
decorative [1] - 237:15
deep [1] - 76:15
defense [2] - 147:18, 147:19
deference [1] - 100:5
definitely [6] - 5:15, 55:1, 69:18, 71:17, 97:11, 216:7
definitely.. [1] - 245:19
definition [2] - 193:1, 195:6
deliveries [2] - 13:14, 24:2
delivery [1] - 242:9
demand [1] - 192:6
demonstrated [1] - 214:9
DENISE [1] - 163:1
Denise [2] - 163:1, 210:2
denominator [1] - 122:15
Department [7] - 35:19, 63:13, 67:15, 71:1, 97:4, 109:9, 121:17
Department's [1] - 129:16
Departments [1] - 124:3
depending [3] - 218:2, 219:12, 219:19
deposit [2] - 48:1, 48:4
Derek [13] - 134:12, 135:6, 145:1, 146:14, 148:7, 149:2, 151:15, 153:10, 157:17, 159:13, 161:9, 161:18, 175:10
DEREK [12] - 144:16, 151:19, 153:7, 153:14, 153:17, 154:13, 164:19, 169:18, 176:7, 176:12, 178:16, 179:3
describe [4] - 37:2, 58:10, 100:8, 166:18
described [3] - 62:7, 139:10, 266:19
design [2] - 168:9, 237:16
designate [1] - 227:19
desire [1] - 179:12
desk [24] - 37:4, 39:3, 50:19, 57:16, 64:1, 72:1, 74:4, 78:5, 79:8, 80:5, 80:11, 80:15, 81:5, 100:15, 100:19, 103:4, 103:7, 106:10, 108:9, 109:2, 113:6, 113:9, 127:5
desolate [1] - 152:9
despite [3] - 132:1, 132:2, 148:8
detailed [1] - 127:11
detect [6] - 70:13, 75:1, 80:13, 81:7, 112:13, 112:15
detected [1] - 80:10
detecting [1] - 109:16
detection [1] - 83:6
detector [1] - 49:8
detectors [2] - 111:18
determine [1] - 195:3
determined [1] - 229:5
develop [1] - 203:2
developing [2] - 91:10, 258:15
development [4] - 21:17, 129:1, 208:4, 264:7
developments [1] - 175:4
device [3] - 75:9, 91:2, 113:6
dice [1] - 175:17
DICIPLES [2] - 2:8, 29:7
Diciples [3] - 29:9, 29:14, 34:4
dictate [1] - 119:10
did [50] - 38:7, 42:10, 43:4, 43:13, 45:6, 45:7, 45:9, 47:14, 47:15, 50:7, 51:16, 52:5, 55:4, 56:8, 56:14, 61:4, 70:12, 76:15, 79:3, 81:10, 93:18, 100:19, 110:2, 111:5, 111:8, 111:15, 126:3, 126:14, 139:12, 142:7, 187:6, 191:1, 192:12, 198:15, 201:19, 207:11, 212:5, 213:4, 225:1, 229:11, 229:18, 230:1, 232:11, 246:11, 247:14, 258:10, 263:2, 267:18
Did [1] - 94:11
didn't [50] - 31:4, 35:11, 37:10, 38:9, 39:17, 40:8, 41:4, 42:18, 46:10, 46:13, 50:11, 50:12, 51:2, 54:6, 54:14, 55:3, 56:12, 56:13, 64:15, 70:5, 70:19, 71:3, 71:4, 72:16, 73:18, 74:17, 81:17, 89:6, 108:5, 116:9, 116:13, 116:15, 118:18, 119:19, 120:13, 131:18, 137:12, 140:11, 146:4, 146:8, 154:5, 154:9, 169:4, 169:5, 225:11, 229:14, 230:15, 261:4, 267:19
Diego [2] - 248:19, 249:19
difference [2] - 77:19, 257:17
differences [1] - 245:2
different [28] - 10:1, 18:15, 64:9, 79:3, 81:6, 94:8, 109:6, 118:17, 119:17, 120:8, 124:14, 125:1, 127:11, 144:2, 183:15, 195:11, 218:11, 218:12, 218:15, 223:17, 238:2, 240:12, 245:11, 247:9, 249:2, 249:5, 255:13
differently [2] - 102:10, 108:11
difficult [4] - 101:11, 105:2, 163:7, 170:6
difficulty [4] - 168:12, 174:13, 198:4, 198:11
DiGiovanni [1] -

211:10
diligence [1] - 124:1
diminishing [1] - 100:9
Dining [7] - 141:11, 141:12, 142:1, 142:6, 142:13, 142:15, 144:4
dinners [2] - 22:7, 22:11
DIRECT [1] - 271:19
direction [3] - 18:15, 133:15, 168:5
DIRECTION [1] - 271:19
directly [4] - 85:15, 86:13, 196:15, 201:14
Director [8] - 1:8, 163:2, 210:2, 210:4, 210:7, 210:9, 212:14, 266:18
directors [2] - 4:18, 5:1
disabilities [3] - 196:6, 197:6, 205:19
disaster [2] - 131:13, 169:3
discern [1] - 101:12
DISCIPLINARY [2] - 2:9, 35:14
disciplinary [12] - 35:15, 133:3, 139:5, 140:4, 140:7, 140:13, 151:7, 154:7, 195:2, 199:5, 199:9, 200:14
discipline [3] - 129:3, 140:11, 141:7
disclose [10] - 136:17, 138:14, 140:12, 141:6, 143:17, 148:12, 152:13, 153:1, 173:11, 203:6
disclosed [12] - 137:2, 140:9, 140:10, 141:11, 147:14, 149:1, 151:19, 153:18, 154:3, 172:2, 172:6, 172:19
disclosure [10] - 136:1, 136:15, 136:19, 144:10, 146:12, 146:13, 147:12, 152:2, 176:3, 177:3
disclosures [4] - 156:15, 171:16, 172:5, 173:8
disconcerting [1] - 163:10
discretion [2] - 178:18, 216:11
discuss [6] - 130:12, 135:13, 136:11, 191:5, 191:12, 209:5
discussed [6] - 78:15, 80:16, 121:19, 129:11, 151:16, 208:5
discussing [1] - 213:1
discussion [5] - 132:9, 139:17, 180:10, 180:12, 267:4
discussions [1] - 227:19
dispatch [26] - 191:7, 192:2, 192:3, 192:9, 192:15, 193:2, 193:8, 193:13, 193:16, 194:14, 194:16, 195:12, 196:1, 196:9, 196:12, 196:14, 196:18, 198:7, 198:15, 200:4, 203:11, 203:13, 203:17, 205:9, 207:17
dispatched [1] - 204:10
dispatching [1] - 205:4
disqualifying [1] - 141:2
disruption [1] - 98:6
distinct [1] - 245:16
distributed [2] - 201:12, 220:15
distribution [1] - 202:13
distributors [1] - 185:17
district [3] - 219:17, 229:3, 249:19
disturb [1] - 78:13
disturbances [1] - 79:12
disturbed [1] - 45:4
diverse [1] - 245:7
Do [1] - 33:19
do [158] - 5:19, 6:3, 6:17, 8:19, 11:10, 12:5, 12:17, 15:6, 15:8, 16:12, 18:12, 20:10, 22:6, 22:15, 24:18, 32:17, 33:19, 38:17, 39:6, 44:12, 44:14, 48:8, 50:12, 50:18, 51:15, 53:1, 55:6, 57:9, 57:10, 57:14, 57:18, 58:2, 60:4, 61:7, 61:8, 61:14, 61:16, 65:11, 65:16, 66:9, 66:12, 67:16, 67:17, 67:18, 68:4, 72:3, 74:14, 75:17, 76:17, 78:11, 79:2, 81:19, 87:6, 88:18, 92:4, 95:19, 102:18, 113:11, 115:4, 118:7, 122:4, 125:16, 126:5, 126:18, 130:11, 131:10, 136:10, 136:15, 138:16, 143:19, 145:13, 146:2, 147:10, 148:3, 149:5, 150:2, 150:3, 150:4, 150:5, 150:9, 151:14, 158:6, 160:3, 161:13, 161:16, 167:7, 169:7, 170:1, 170:12, 171:13, 172:17, 173:16, 177:11, 178:3, 179:13, 179:15, 181:4, 183:4, 183:5, 184:10, 184:15, 184:18, 185:12, 186:15, 187:9, 188:2, 188:3, 188:14, 188:16, 193:7, 201:19, 203:5, 203:8, 204:4, 207:11, 217:8, 217:12, 218:13, 219:10, 221:14, 221:16, 223:2, 224:11, 225:16, 228:16, 231:1, 231:6, 232:1, 234:14, 238:17, 241:4, 244:8, 247:4, 247:10, 248:13, 250:7, 250:11, 251:3, 251:10, 256:13, 257:5, 258:2, 260:18, 261:4, 261:9, 261:12, 261:14, 261:17, 262:4, 262:7, 262:8, 264:18, 265:9, 265:15, 271:5
DO [1] - 270:5
docket [1] - 142:19
doctrine [1] - 135:15
document [1] - 230:7
documents [1] - 264:10
does [12] - 20:6, 31:13, 59:3, 61:4, 63:11, 92:6, 111:17, 185:7, 217:19, 237:17, 241:13, 250:14
DOES [1] - 271:18
doesn't [9] - 11:13, 40:19, 82:19, 202:12, 205:8, 212:8, 212:11, 252:10, 262:13
doing [37] - 3:17, 8:3, 9:5, 10:8, 14:16, 17:9, 18:2, 20:17, 21:13, 21:15, 25:19, 29:9, 29:14, 29:17, 34:4, 35:17, 58:3, 61:14, 69:13, 69:14, 71:14, 112:12, 134:12, 166:2, 170:18, 178:3, 179:11, 213:19, 214:19, 219:1, 224:5, 233:11, 233:12, 244:12, 246:12, 261:13, 262:1
dollars [2] - 48:2, 230:16
don't [99] - 6:10, 6:19, 9:17, 13:4, 24:17, 36:11, 38:15, 39:12, 39:16, 40:15, 43:9, 43:19, 47:7, 48:14, 51:4, 51:9, 53:11, 53:15, 54:2, 55:16, 59:8, 60:4, 60:13, 61:6, 61:16, 62:17, 65:4, 67:3, 70:16, 71:4, 73:1, 73:18, 74:9, 87:3, 90:14, 92:11, 94:3, 94:4, 95:5, 96:1, 96:13, 96:19, 97:19, 103:4, 106:13, 110:13, 114:17, 114:19, 115:3, 115:9, 119:4, 122:1, 122:16, 123:3, 124:7, 136:10, 141:3, 150:14, 151:10, 153:7, 153:16, 158:18, 162:14, 174:18, 179:16, 182:14, 183:19, 197:9, 197:15, 199:19, 202:9, 202:11, 203:6, 203:15, 216:17, 217:14, 227:9, 228:2, 230:2, 237:11, 237:13, 238:19, 239:15, 240:19, 241:3, 241:13, 241:17, 244:8, 244:11, 248:4, 250:15, 251:15, 253:13, 257:14, 262:3, 267:12, 267:14
done [14] - 91:19, 142:9, 145:13, 156:19, 166:8, 175:7, 176:8, 194:2, 207:13, 212:10, 222:10, 226:16, 253:1, 254:17
door [25] - 38:3, 39:14, 42:11, 42:16, 43:15, 43:17, 43:18, 44:7, 50:13, 51:2, 51:8, 52:4, 52:6, 53:12, 56:8, 57:16, 61:9, 87:1, 87:5, 87:8, 99:9, 102:7, 113:8, 152:8
doors [9] - 44:7, 86:15, 86:19, 112:18, 113:2, 113:5, 121:7, 188:17, 188:18
double [1] - 109:5
down [35] - 5:9, 13:11, 38:16, 40:5, 40:8, 40:14, 43:10, 45:3, 45:8, 46:12, 47:5, 48:6, 48:7, 48:9, 54:16, 55:3, 58:15, 59:16, 59:17, 60:1, 64:16, 85:19, 91:1, 111:19, 115:6, 122:17, 125:19, 150:15, 200:12, 223:6, 234:8, 235:3, 241:7, 247:6, 265:6
downfall [1] - 255:12
downstairs [1] - 72:10
dozen [1] - 239:10
draft [8] - 128:9, 192:12, 201:16, 207:3, 214:4, 229:12, 229:17, 266:3
Draft [9] - 141:14, 143:11, 144:15, 146:19, 148:2, 149:13, 151:16, 152:5, 152:8
drafting [1] - 198:14
dress [1] - 187:16
dried [1] - 161:16
drink [1] - 43:11
drive [3] - 112:9, 231:8, 253:15

Drive [4] - 236:7, 236:11, 236:14, 236:17
driver [2] - 218:5, 226:1
drivers [12] - 200:13, 202:6, 202:18, 203:6, 218:18, 219:1, 219:11, 223:14, 230:19, 231:5, 231:12, 247:4
driveway [1] - 14:4
driving [7] - 222:2, 228:10, 231:14, 234:8, 247:5, 253:15, 258:19
drop [2] - 228:13, 238:1
dropoff [1] - 257:9
drug [1] - 109:4
drugs [1] - 94:13
drunk [1] - 60:3
druthers [1] - 100:6
due [5] - 35:17, 121:12, 136:2, 155:14, 157:11
dump [1] - 14:8
dumpster [1] - 24:6
during [8] - 56:19, 57:11, 187:2, 214:7, 220:18, 221:5, 221:6, 261:17
duties [1] - 39:4
duty [1] - 187:10

E

E [17] - 3:1, 4:12, 4:14, 6:7, 18:9, 21:8, 26:10, 36:19, 42:7, 123:19, 125:10, 258:8
each [22] - 43:2, 48:19, 55:10, 55:16, 79:9, 83:3, 83:9, 93:13, 94:6, 116:16, 127:4, 212:3, 219:16, 219:18, 227:4, 230:16, 254:5, 255:1, 255:13, 256:6, 256:11, 259:9
eagerness [1] - 260:11
earlier [7] - 64:7, 101:9, 102:15, 104:4, 104:18, 111:19, 177:19
early [2] - 69:3, 248:10
earns [1] - 262:5
easier [1] - 200:4
easily [4] - 87:14, 170:19, 171:1, 198:6
eastern [1] - 182:7
easy [2] - 124:19, 160:7
ECC [3] - 67:18, 125:14, 126:5
eco [1] - 248:7
eco-friendliness [1] - 248:7
economic [1] - 133:4
economically [1] - 245:11
economy [1] - 245:4
Edwin [1] - 4:1
effect [3] - 94:19, 100:12, 265:10
effective [1] - 223:19
efficiently [1] - 194:1
effort [5] - 123:6, 137:17, 152:1, 169:17, 215:16
efforts [1] - 208:6
eight [8] - 24:10, 27:12, 48:19, 49:2, 229:9, 232:2, 262:17, 263:13
eight-month [1] - 229:9
eight-story [1] - 24:10
either [12] - 44:17, 46:5, 47:4, 51:11, 55:1, 83:17, 93:6, 105:9, 131:6, 176:1, 196:7, 198:11
elaborate [1] - 74:17
Elaine [1] - 46:5
electronic [1] - 114:1
electronically [1] - 205:1
elephant [1] - 124:13
elicit [4] - 82:8, 86:5, 94:13, 119:15
eliminate [1] - 88:9
ELIZABETH [52] - 3:3, 6:3, 6:9, 6:14, 6:19, 8:2, 9:17, 11:13, 12:12, 13:3, 16:6, 16:12, 17:11, 19:18, 20:2, 20:10, 20:14, 20:16, 23:14, 24:18, 25:17, 28:3, 28:8, 28:11, 29:8, 33:1, 34:2, 35:15, 134:1, 134:6, 134:11, 139:14, 171:7, 191:4, 200:3, 207:16, 209:3, 225:1, 232:4, 232:7, 236:19, 251:7, 255:2, 256:9, 256:15, 257:11, 265:12, 265:17, 266:10, 266:15, 267:14, 268:1
Elizabeth [3] - 1:8, 215:5, 265:5
else [19] - 39:1, 45:2, 48:1, 94:8, 114:3, 133:19, 154:2, 157:18, 158:1, 167:19, 184:16, 200:15, 227:2, 233:16, 240:3, 247:11, 258:18, 259:13, 263:2
emailing [1] - 225:5
emergencies [1] - 112:10
emergency [3] - 66:10, 66:13, 177:12
Emergency [1] - 67:18
emphasize [1] - 247:12
employee [8] - 83:3, 83:9, 93:13, 127:4, 127:10, 157:6, 161:10, 162:8
employees [13] - 5:18, 15:1, 15:5, 75:18, 77:1, 78:6, 90:1, 91:4, 93:6, 98:7, 105:9, 124:4, 147:1
employment [1] - 140:17
empty [1] - 257:13
encounter [1] - 44:14
encountered [1] - 33:5
end [6] - 79:7, 107:17, 109:12, 217:15, 226:14, 228:19
endanger [1] - 182:11
enforce [1] - 88:14
enforcing [1] - 88:13
England [2] - 159:1, 159:7
enhance [1] - 114:4
enhancement [1] - 66:5
enhancements [1] - 111:2
enhancing [1] - 111:8
enjoy [1] - 190:11
enough [12] - 14:13, 14:14, 23:13, 38:2, 91:9, 99:7, 142:18, 149:11, 154:5, 191:14, 252:13, 253:7
ensure [2] - 75:18, 96:12
enter [5] - 50:9, 103:5, 103:6, 103:16, 122:9
entering [1] - 78:19
Enterprises [2] - 134:12, 144:6
ENTERPRISES [2] - 2:10, 134:10
enters [1] - 35:4
entertainment [2] - 8:11, 258:11
Entertainment's [1] - 166:10
enthusiasm [1] - 206:14
entire [2] - 84:18, 163:10
entirely [3] - 119:17, 120:8, 179:11
entrance [3] - 13:7, 71:17, 101:17
entrances [2] - 71:13, 79:1
entrepreneurs [1] - 161:17
entry [1] - 51:18
entrées [1] - 183:18
environment [4] - 133:10, 167:14, 187:8
envision [2] - 214:2, 216:13
envisioning [1] - 220:8
equal [2] - 158:7, 192:14
equipment [10] - 77:16, 78:2, 78:8, 82:17, 83:4, 83:11, 83:13, 97:15, 111:15, 196:6
equipment-wise [1] - 97:15
equity [2] - 162:4, 162:5
ERRATA [1] - 270:3
errata [1] - 270:6
error [2] - 143:10, 143:11
escalate [1] - 117:13
especially [5] - 47:3, 75:5, 121:10, 147:16, 150:1
espousing [1] - 159:18
essence [1] - 173:3
essentially [4] - 172:13, 177:3, 216:9, 252:12
establish [2] - 63:4, 204:7
established [2] - 96:4, 155:5
establishment [9] - 43:11, 98:12, 145:12, 178:14, 179:17, 180:2, 181:19, 183:4, 187:14
establishments [4] - 111:14, 139:7, 140:5, 161:15
estimate [2] - 43:5, 220:9
estimation [1] - 168:11
evaluate [1] - 206:8
evasive [1] - 119:8
Eve [3] - 59:1, 80:19, 106:4
even [17] - 47:7, 68:17, 73:14, 82:18, 86:12, 88:9, 90:14, 114:17, 115:8, 145:12, 149:12, 177:19, 221:11, 230:15, 235:8, 245:13, 246:3
evening [14] - 18:1, 35:6, 36:1, 53:13, 128:15, 129:13, 135:1, 154:19, 163:12, 187:3, 191:2, 209:7, 216:2, 247:12
event [3] - 68:10, 93:15, 120:8
events [2] - 128:14, 218:12
ever [8] - 9:8, 59:6, 89:11, 141:18, 143:3, 165:19, 182:2, 222:15
every [8] - 80:12, 101:16, 145:18, 146:11, 150:15, 150:16, 207:7, 254:19
everybody [4] - 36:12, 164:15, 253:8, 253:18
everyday [2] - 24:4, 24:7
everyone [3] - 25:14, 35:7, 95:12
everything [11] - 15:14, 19:3, 41:11, 114:3, 143:2, 151:13, 157:7, 172:2, 175:7, 178:3, 200:15
everywhere [2] - 222:4, 263:3
evidence [1] - 90:5

exactly [5] - 38:1, 39:12, 41:4, 83:5, 248:12
example [2] - 71:10, 205:1
excellent [1] - 121:8
except [2] - 112:8, 270:17
excess [1] - 95:3
excited [1] - 164:2
exclusivity [1] - 204:12
excuse [5] - 68:6, 77:7, 78:17, 110:6, 177:19
excuses [2] - 61:7, 81:9
Executive [7] - 1:8, 163:2, 210:2, 210:4, 210:7, 210:9, 266:17
executive [2] - 26:17, 26:19
exercised [2] - 8:5, 20:19
Exhibit [1] - 143:5
existing [2] - 10:19, 157:13
exit [1] - 51:19
exits [1] - 79:11
expand [2] - 64:13, 67:7
expanding [1] - 259:2
expansive [1] - 264:12
expectation [2] - 174:14, 198:6
expectations [1] - 224:3
expected [2] - 223:5, 225:3
expenditure [1] - 110:18
expensive [3] - 223:16, 227:14, 238:11
experience [17] - 10:3, 10:6, 27:11, 43:7, 111:11, 121:13, 138:3, 151:6, 158:10, 181:9, 187:7, 216:17, 251:14, 256:3, 256:6, 260:16
experienced [7] - 55:18, 90:5, 113:18, 148:14, 151:4, 176:18, 178:9
expertise [1] - 84:7
expires [1] - 271:16
explain [1] - 30:11
explained [1] - 111:19
explore [1] - 207:7
express [2] - 76:15, 260:10
expressing [1] - 225:6
extend [2] - 11:8, 241:10
extending [2] - 11:11, 259:14
extensive [3] - 137:13, 139:17, 223:2
extent [8] - 108:14, 197:7, 201:9, 203:17, 204:5, 207:12, 264:17
exterior [2] - 78:18, 112:19
extra [2] - 197:10, 221:18
extraordinary [1] - 100:16
extremely [5] - 76:18, 79:18, 103:18, 130:17, 132:1
eye [1] - 101:1
eyes [2] - 96:10, 161:1

F

fabulous [1] - 259:19
face [1] - 105:8
Facebook [1] - 232:11
faced [2] - 98:17, 132:3
facilitating [1] - 121:9
fact [29] - 13:6, 77:5, 88:6, 89:16, 92:6, 95:19, 101:3, 104:13, 107:10, 107:13, 107:14, 108:2, 109:17, 117:16, 128:12, 132:1, 132:2, 147:18, 148:8, 152:19, 165:8, 168:13, 198:8, 203:7, 205:13, 206:11, 210:15, 216:15, 231:17
factor [4] - 88:5, 107:9, 107:12, 114:12
factors [1] - 178:8
facts [5] - 79:15, 79:16, 136:1, 141:1, 191:1
failure [10] - 104:9, 128:15, 136:17, 138:14, 141:6, 142:10, 144:4, 148:11, 153:1, 173:11
fair [4] - 64:17, 131:11, 202:12, 245:9
fairly [1] - 124:18
fall [3] - 178:4, 195:13, 195:19
false [1] - 141:5
familiar [4] - 83:1, 112:8, 164:1, 210:18
family [2] - 23:1, 23:10
far [13] - 17:7, 62:13, 74:3, 74:7, 76:13, 84:6, 121:4, 129:19, 214:10, 215:17, 256:3, 265:2, 265:19
fare [4] - 216:9, 216:10, 216:13, 218:14
fares [7] - 213:8, 213:14, 216:7, 217:9, 217:16, 218:9, 227:3
Farster [1] - 210:9
fashion [1] - 151:1
fast [7] - 9:1, 9:11, 9:12, 9:15, 9:18, 10:2, 261:2
faster [1] - 247:6
favor [16] - 7:12, 16:19, 19:14, 25:9, 29:2, 33:15, 34:13, 132:12, 172:11, 180:14, 189:18, 208:12, 248:1, 267:5, 268:8, 269:1
feasibility [1] - 112:12
feature [1] - 221:18
February [1] - 271:16
fee [6] - 28:4, 176:4, 194:8, 199:14, 218:1, 218:4
feed [2] - 22:19, 23:10
feel [6] - 69:18, 128:8, 133:2, 143:14, 177:5, 219:10
fees [3] - 198:3, 216:19, 237:9
feet [3] - 167:17, 241:14, 242:3
fellow [1] - 84:13
Felt [1] - 144:6
felt [1] - 69:19
Fenway [1] - 222:17
festivities [1] - 74:2
few [4] - 183:18, 210:1, 217:8, 257:18
fiberglass [1] - 221:12
field [1] - 192:15
fifth [1] - 48:5
figure [10] - 61:3, 63:3, 74:13, 75:10, 75:16, 77:3, 90:2, 92:14, 241:12, 262:4
figuring [1] - 147:9
file [8] - 6:4, 33:19, 34:9, 93:14, 136:19, 143:3, 147:11, 147:15
filed [2] - 137:2, 247:17
fill [1] - 142:19
filled [1] - 142:13
filling [1] - 154:4
final [4] - 156:12, 175:15, 176:15, 255:7
financial [2] - 5:4, 155:16
find [12] - 41:18, 62:17, 93:3, 117:17, 131:4, 150:16, 227:11, 228:2, 228:4, 228:9, 228:12, 243:8
finding [2] - 118:4, 158:8
fine [10] - 28:12, 144:18, 145:15, 145:16, 178:16, 178:17, 179:4, 206:5, 255:18
finished [3] - 41:10, 124:18, 156:1
fire [3] - 111:17, 118:5, 130:10
Fire [4] - 1:7, 3:13, 127:14, 130:3
FIRE [110] - 5:19, 6:15, 7:6, 7:13, 11:18, 12:17, 13:1, 14:19, 15:3, 15:10, 16:4, 16:9, 16:14, 17:1, 19:7, 19:13, 19:16, 20:8, 24:8, 24:12, 24:16, 25:3, 25:8, 25:11, 27:3, 28:15, 29:1, 29:4, 31:12, 31:15, 32:17, 33:2, 33:9, 33:14, 33:17, 34:3, 34:12, 34:15, 34:19, 45:18, 46:9, 64:6, 64:19, 65:10, 66:3, 66:8, 66:17, 67:6, 67:11, 67:16, 68:3, 68:9, 68:19, 69:7, 70:9, 70:18, 71:6, 72:5, 72:18, 110:11, 110:15, 111:5, 112:6, 115:2, 115:15, 121:11, 130:1, 130:13, 132:15, 162:13, 178:13, 179:1, 180:6, 180:17, 189:14, 190:2, 202:4, 208:9, 208:16, 220:13, 221:10, 221:14, 224:10, 224:18, 233:3, 233:18, 236:9, 236:15, 238:10, 239:12, 241:15, 243:14, 243:18, 244:2, 244:5, 244:9, 244:13, 246:1, 246:9, 246:16, 252:5, 253:9, 253:19, 263:6, 267:1, 267:8, 268:5, 268:12, 268:15, 269:4
firearm [2] - 103:10, 103:17
firearms [3] - 41:9, 69:5, 69:17
firefighter [1] - 140:15
fireworks [3] - 39:11, 81:11, 81:17
firm [2] - 62:12, 187:16
First [2] - 26:3, 26:15
first [41] - 3:16, 9:9, 26:9, 37:13, 41:17, 46:5, 49:17, 56:3, 56:15, 57:8, 67:18, 68:14, 68:15, 77:15, 116:2, 123:17, 135:7, 137:18, 138:18, 145:4, 147:1, 154:19, 155:1, 161:8, 161:9, 167:15, 177:18, 181:18, 185:8, 185:14, 190:17, 192:14, 202:13, 204:2, 215:4, 239:6, 247:4, 248:5, 258:12, 260:15
fish [2] - 182:18, 184:13
fits [2] - 22:19, 165:18
five [27] - 21:15, 24:15, 55:1, 163:8, 219:18, 220:3, 222:15, 224:12, 224:16, 226:7, 235:9, 247:1, 255:10, 255:13, 255:16, 256:4, 256:5, 257:16, 259:9, 261:13, 261:15, 261:16, 262:1, 262:11, 262:12
five-year [1] - 24:15
fix [2] - 158:13, 158:15

fixed [1] - 168:17
flabbergasted [1] - 124:12
flag [2] - 82:6, 82:9
flags [1] - 50:4
flashing [1] - 222:4
FLAT [2] - 2:5, 17:14
flat [1] - 200:10
Flat [2] - 17:15, 18:14
flavors [1] - 184:14
flaw [1] - 84:15
flies [1] - 243:8
floor [2] - 56:3, 85:11
focus [1] - 113:9
focused [4] - 105:15, 173:8, 222:3, 245:4
folks [5] - 80:10, 81:2, 96:4, 103:16, 107:14
follow [6] - 40:11, 63:4, 72:2, 82:15, 90:3, 223:5
followed [6] - 40:10, 84:3, 91:7, 91:19, 92:16, 93:5
following [8] - 62:16, 93:1, 93:8, 125:14, 126:4, 194:12, 223:9, 246:3
food [16] - 8:6, 9:1, 9:11, 9:13, 9:15, 9:18, 10:2, 21:2, 22:8, 22:9, 159:1, 167:11, 184:10, 184:11, 185:2, 190:11
Foods [1] - 21:17
foot [2] - 242:3, 242:6
For [1] - 135:3
for [272] - 3:16, 4:2, 6:10, 7:18, 8:4, 8:11, 9:4, 9:5, 9:6, 10:1, 11:10, 11:17, 12:13, 14:14, 15:4, 15:6, 17:18, 18:4, 19:3, 20:3, 20:4, 20:18, 21:15, 21:17, 22:1, 22:2, 23:17, 24:1, 24:7, 26:3, 26:6, 27:8, 27:13, 28:3, 29:17, 29:19, 30:8, 33:10, 34:1, 35:8, 35:10, 36:13, 40:17, 41:1, 41:13, 41:16, 41:18, 48:11, 50:3, 50:10, 51:3, 53:2, 53:3, 55:13, 59:12, 61:7, 62:1, 62:14, 63:6, 65:8, 66:12, 69:9, 69:13, 71:10, 72:13, 76:7, 77:7, 80:8, 80:17, 81:2, 81:9, 82:5, 84:3, 84:19, 85:13, 86:1, 86:4, 86:11, 87:18, 89:2, 89:13, 91:16, 95:15, 96:15, 97:6, 98:5, 98:7, 99:18, 103:18, 104:9, 104:19, 107:6, 108:6, 108:8, 109:13, 110:6, 112:9, 113:4, 114:15, 115:8, 122:9, 122:18, 123:9, 123:16, 124:1, 125:3, 125:8, 131:4, 131:12, 131:14, 133:4, 133:13, 134:4, 134:15, 135:7, 135:10, 137:14, 137:15, 138:5, 138:10, 138:14, 138:15, 140:15, 141:1, 141:11, 141:17, 144:15, 145:17, 146:11, 147:10, 148:11, 149:6, 149:15, 151:2, 151:11, 151:12, 152:4, 153:10, 154:8, 154:10, 157:14, 158:2, 158:19, 159:2, 161:3, 161:19, 162:19, 164:15, 165:18, 166:16, 167:7, 167:11, 169:3, 169:10, 170:2, 170:4, 170:5, 171:2, 171:5, 171:6, 171:7, 171:8, 171:12, 171:18, 173:4, 174:5, 174:11, 174:14, 177:12, 177:14, 179:11, 181:18, 183:10, 183:12, 186:7, 186:19, 187:6, 188:2, 189:9, 190:18, 190:19, 192:8, 192:15, 193:2, 193:9, 194:12, 196:7, 197:5, 198:8, 198:13, 198:17, 199:1, 200:4, 200:5, 201:13, 201:15, 202:9, 202:10, 202:11, 203:5, 204:14, 205:1, 205:4, 205:18, 206:8, 207:4, 208:4, 208:6, 209:9, 209:13, 210:5, 210:14, 211:3, 211:7, 211:17, 213:9, 213:15, 215:18, 218:4, 218:7, 218:13, 219:1, 219:14, 220:12, 220:19, 223:4, 224:12, 225:2, 226:7, 227:3, 227:7, 227:15, 228:15, 230:1, 230:15, 230:16, 231:5, 234:3, 235:5, 236:11, 237:19, 238:6, 238:14, 239:3, 239:4, 240:11, 242:4, 245:6, 247:7, 247:9, 247:12, 249:7, 249:16, 250:8, 250:13, 251:17, 252:6, 252:13, 252:18, 259:1, 264:9, 264:18, 270:17, 271:5
for.. [1] - 266:8
foregoing [1] - 270:16
FOREGOING [1] - 271:17
foreseeable [1] - 171:2
forgive [2] - 79:15, 100:11
form [3] - 43:5, 153:13, 251:5
format [1] - 199:3
former [2] - 5:17, 26:17
formerly [1] - 135:9
forms [2] - 150:1, 252:9
fort [1] - 122:18
forth [5] - 123:7, 192:12, 192:19, 220:17, 254:3
forthcoming [1] - 200:11
forthright [1] - 119:6
forthrightness [1] - 74:10
fortunate [1] - 130:16
fortunately [1] - 131:14
forward [26] - 42:3, 76:2, 77:10, 93:16, 123:15, 125:7, 136:9, 148:4, 156:2, 156:13, 158:6, 159:3, 162:18, 164:3, 172:4, 172:9, 173:12, 175:13, 177:6, 177:13, 177:15, 188:13, 190:10, 203:3, 207:10, 214:5
forwarded [1] - 211:14
forwardly [1] - 100:6
found [7] - 41:9, 69:2, 69:5, 103:14, 138:12, 177:18, 198:18
four [34] - 22:3, 47:11, 48:10, 50:15, 55:9, 58:12, 58:13, 60:7, 61:9, 61:10, 61:11, 62:10, 65:17, 72:9, 88:10, 143:4, 163:7, 224:13, 224:15, 225:9, 225:10, 239:9, 242:5, 243:19, 244:1, 255:9, 257:16, 261:8, 261:10, 261:13, 261:14, 262:1, 262:19, 263:10
fourth [2] - 48:4, 143:7
frame [3] - 102:14, 113:9, 115:12
frames [1] - 112:14
franchise [5] - 30:13, 30:17, 31:1, 31:7
franchise-based [1] - 31:7
Frankly [1] - 222:10
free [3] - 128:8, 218:17, 238:14
Freeman [2] - 56:5, 57:7
French [1] - 22:8
frequented [1] - 95:13
fresh [3] - 76:7, 182:10, 182:19
Friday [3] - 21:6, 244:17, 244:19
friend [1] - 18:13
friendliness [1] - 248:7
friendly [1] - 130:8
from [122] - 13:6, 22:7, 23:3, 23:9, 27:1, 31:2, 33:11, 35:16, 35:19, 37:7, 37:15, 38:5, 38:12, 39:10, 39:19, 40:4, 40:8, 42:17, 46:14, 47:1, 48:7, 50:6, 53:11, 55:16, 56:4, 64:1, 64:5, 72:1, 73:15, 74:1, 74:4, 76:12, 78:19, 79:3, 79:10, 80:6, 80:14, 81:16, 84:8, 84:12, 85:11, 85:15, 88:9, 89:1, 89:12, 90:14, 94:8, 95:13, 95:17, 96:6, 97:3, 99:12, 100:17, 102:1, 102:7, 107:5, 108:8, 112:19, 117:7, 124:15, 130:4, 137:3, 138:7, 139:5, 139:8, 141:4, 144:17, 146:7, 149:10, 152:16, 161:5, 161:6, 161:7, 166:10, 167:3, 169:15, 170:13, 171:19, 177:9, 181:1, 184:19, 186:6, 186:8, 191:13, 191:17, 197:17, 198:1, 198:2, 198:4, 201:6, 202:6, 202:17, 204:10, 208:4, 208:7, 211:1, 211:11, 212:6, 215:6, 216:3, 217:16, 221:4, 222:16, 223:13, 225:9, 225:10, 225:13, 225:14, 227:1, 229:19, 231:7, 242:13, 242:15, 246:5, 248:2, 248:5, 251:11, 251:14, 255:15, 263:10, 264:10
from.. [1] - 156:16
front [22] - 37:4, 38:3, 39:14, 43:15, 43:17, 43:18, 44:8, 50:13, 57:16, 72:14, 74:4, 80:11, 80:14, 81:5, 85:8, 103:4, 103:7, 113:6, 122:2, 157:12, 243:3
fruit [1] - 161:16
fulfill [1] - 193:15
fulfilled [2] - 194:19, 204:15
full [19] - 49:5, 49:6, 112:5, 146:12, 147:12, 150:3, 152:2, 157:6, 158:3, 160:14, 160:18, 167:2, 185:7, 201:6, 234:16, 244:8, 261:18, 261:19, 262:9
full-time [5] - 157:6,

244:8, 261:18, 261:19, 262:9
fully [14] - 78:16, 96:4, 130:19, 149:1, 155:8, 155:11, 166:4, 166:13, 168:19, 169:4, 172:6, 177:1, 184:1, 203:13
fun [2] - 164:14, 247:7
function [4] - 166:7, 197:2, 236:4, 265:1
functional [7] - 155:8, 155:12, 166:5, 166:13, 169:1, 169:4, 184:1
functionality [1] - 157:16
funny [1] - 162:9
furnished [1] - 264:11
further [11] - 24:17, 128:18, 129:4, 132:8, 178:10, 180:9, 199:10, 208:4, 208:6, 211:5, 267:3
future [11] - 11:5, 77:5, 83:17, 99:14, 105:17, 158:17, 169:3, 171:2, 174:15, 175:1, 175:3

G

G [5] - 3:1, 8:16, 42:7, 125:10, 134:19
G-as [1] - 8:16
GALLUCCIO [11] - 36:1, 36:10, 36:16, 52:7, 76:3, 93:9, 100:4, 108:16, 109:14, 126:11, 126:14
Galluccio [8] - 36:16, 89:16, 95:1, 98:10, 110:17, 110:18, 122:7, 128:5
game [1] - 183:7
Gandy [2] - 8:2, 8:16
GANDY [32] - 2:4, 8:1, 8:15, 9:1, 9:9, 9:12, 10:4, 10:8, 10:11, 10:16, 11:1, 11:4, 11:8, 11:16, 12:4, 12:8, 12:11, 12:19, 13:16, 14:1, 14:4, 14:11, 14:14, 14:17, 15:2, 15:6, 15:12, 15:18, 16:3, 17:5, 17:9, 17:13
garage [4] - 103:1, 103:2, 103:6, 211:7
garages [1] - 122:10
GARDNER [182] - 35:6, 36:8, 36:11, 37:1, 41:12, 42:1, 42:8, 42:14, 43:4, 43:13, 44:3, 44:12, 45:5, 45:9, 46:15, 47:9, 50:6, 51:10, 51:16, 52:11, 52:16, 73:3, 73:14, 74:3, 84:11, 86:14, 87:3, 87:18, 94:18, 97:1, 98:9, 108:13, 108:18, 110:8, 110:13, 123:12, 124:9, 125:5, 126:7, 126:13, 128:4, 130:7, 132:7, 132:11, 132:14, 132:17, 133:17, 134:2, 134:9, 138:17, 139:15, 147:3, 150:10, 153:4, 153:12, 153:15, 154:11, 154:15, 156:6, 156:14, 162:3, 162:7, 162:11, 162:15, 164:16, 165:11, 166:17, 171:4, 171:8, 172:12, 173:2, 173:16, 174:4, 175:16, 176:10, 177:7, 178:11, 179:5, 179:9, 180:8, 180:13, 180:19, 181:7, 182:3, 182:6, 183:14, 184:2, 184:17, 185:3, 186:1, 189:3, 189:8, 189:16, 190:1, 190:4, 190:12, 190:17, 191:16, 195:5, 196:3, 196:16, 197:13, 197:19, 199:13, 199:16, 201:3, 201:11, 202:2, 204:8, 205:3, 205:14, 207:14, 207:18, 208:2, 208:11, 208:15, 208:18, 209:7, 210:14, 213:17, 214:13, 215:14, 219:2, 222:7, 222:13, 226:19, 227:13, 228:15, 229:11, 229:16, 230:5, 231:4, 231:15, 232:14, 232:19, 234:7, 234:11, 235:11, 236:3, 237:2, 238:4, 238:9, 238:12, 239:2, 239:16, 242:5, 245:1, 247:11, 248:9, 250:2, 251:9, 252:11, 252:17, 253:4, 254:7, 254:13, 256:2, 257:7, 257:14, 258:2, 260:15, 261:6, 263:17, 264:2, 264:5, 265:9, 265:15, 266:2, 266:6, 266:13, 266:16, 267:3, 267:7, 267:10, 267:17, 268:3, 268:7, 268:11, 268:14, 268:17, 269:3, 269:6
Gardner [3] - 1:6, 35:4, 35:7
Gardner's [1] - 120:2
gas [2] - 137:12, 170:2
Gateway [10] - 35:17, 39:19, 94:7, 106:17, 107:4, 107:7, 107:9, 109:15, 124:14, 125:15
gave [7] - 25:1, 55:1, 60:16, 112:4, 120:18, 210:12, 247:14
gears [1] - 232:15
general [4] - 3:7, 218:16, 231:15, 264:15
GENERAL [1] - 1:3
General [2] - 4:4, 95:15
generally [4] - 89:6, 198:19, 210:18, 213:18
generate [1] - 237:10
gentleman [4] - 122:17, 123:2, 225:13, 226:1
Gentlemen [1] - 133:12
gentlemen [1] - 35:1
George"-A-N-as [1] - 8:16
Gerald [1] - 1:7
Gerard [1] - 3:13
GERARD [110] - 5:19, 6:15, 7:6, 7:13, 11:18, 12:17, 13:1, 14:19, 15:3, 15:10, 16:4, 16:9, 16:14, 17:1, 19:7, 19:13, 19:16, 20:8, 24:8, 24:12, 24:16, 25:3, 25:8, 25:11, 27:3, 28:15, 29:1, 29:4, 31:12, 31:15, 32:17, 33:2, 33:9, 33:14, 33:17, 34:3, 34:12, 34:15, 34:19, 45:18, 46:9, 64:6, 64:19, 65:10, 66:3, 66:8, 66:17, 67:6, 67:11, 67:16, 68:3, 68:9, 68:19, 69:7, 70:9, 70:18, 71:6, 72:5, 72:18, 110:11, 110:15, 111:5, 112:6, 115:2, 115:15, 121:11, 130:1, 130:13, 132:15, 162:13, 178:13, 179:1, 180:6, 180:17, 189:14, 190:2, 202:4, 208:9, 208:16, 220:13, 221:10, 221:14, 224:10, 224:18, 233:3, 233:18, 236:9, 236:15, 238:10, 239:12, 241:15, 243:14, 243:18, 244:2, 244:5, 244:9, 244:13, 246:1, 246:9, 246:16, 252:5, 253:9, 253:19, 263:6, 267:1, 267:8, 268:5, 268:12, 268:15, 269:4
Germany [1] - 96:6
get [68] - 3:5, 13:8, 22:18, 23:9, 40:8, 44:19, 46:10, 46:13, 53:16, 58:15, 61:19, 62:5, 63:1, 70:12, 72:1, 75:6, 81:17, 84:9, 85:5, 90:10, 92:12, 110:2, 118:8, 131:18, 146:16, 148:19, 156:11, 158:19, 168:16, 168:17, 176:19, 179:12, 179:16, 181:8, 182:13, 188:6, 191:11, 192:17, 193:17, 197:16, 198:2, 199:17, 202:8, 203:9, 205:10, 213:7, 220:3, 222:18, 229:11, 232:10, 239:8, 239:10, 240:1, 247:1, 247:2, 248:2, 248:5, 252:6, 259:16, 260:1, 260:11, 261:2, 261:15, 262:2, 262:7, 262:9, 263:14
gets [2] - 62:19, 263:12
getting [15] - 44:4, 62:11, 88:11, 90:15, 92:3, 99:6, 117:3, 131:16, 198:4, 198:11, 198:12, 200:16, 221:3, 221:4, 239:7
Gillette [1] - 159:2
girl [1] - 232:11
girlfriend [3] - 70:3, 70:4, 223:13
girls [1] - 232:3
give [25] - 4:16, 8:18, 13:4, 18:10, 21:10, 26:12, 45:2, 50:18, 51:17, 76:11, 95:10, 96:1, 111:6, 121:6, 133:7, 152:2, 161:4, 194:5, 207:4, 207:8, 219:9, 240:10, 249:13, 258:4, 259:10
given [10] - 56:17, 82:16, 100:17, 110:2, 150:5, 156:19, 196:4, 201:15, 206:13, 260:12
gives [1] - 256:6
giving [4] - 54:17, 162:2, 209:13, 255:4
glad [1] - 109:10
glancing [1] - 49:11
glaring [2] - 104:11, 104:15
glazed [1] - 184:6
GM [5] - 211:13, 211:19, 212:1, 212:2, 212:3
go [61] - 10:1, 10:10, 14:6, 18:15, 22:7, 36:9, 38:4, 38:7, 42:3, 51:15, 58:13, 59:15, 62:4, 63:11, 72:3, 76:5, 92:7, 98:5, 110:14, 111:8, 112:19, 125:17, 125:19, 134:7, 149:8, 150:15, 152:15, 156:12, 158:19, 167:18,

170:7, 172:4, 172:9, 177:2, 192:12, 202:12, 205:19, 206:16, 207:9, 217:14, 219:5, 223:6, 224:1, 224:16, 226:8, 226:13, 227:9, 228:14, 231:6, 235:3, 238:18, 241:6, 241:7, 244:4, 244:16, 250:10, 253:7, 256:18, 257:4, 257:12
goal [3] - 83:16, 193:4, 193:18
God [2] - 184:12, 261:1
goes [19] - 12:13, 62:1, 62:13, 63:13, 67:12, 67:13, 67:14, 68:1, 85:15, 102:1, 157:7, 175:12, 203:3, 205:12, 211:6, 221:7, 221:8, 223:17, 255:2
going [101] - 3:4, 3:5, 10:10, 10:14, 11:8, 14:3, 14:13, 15:1, 15:7, 17:7, 19:1, 19:6, 22:1, 22:3, 32:9, 32:11, 38:9, 39:1, 39:15, 39:16, 40:6, 40:11, 41:4, 45:1, 45:10, 47:8, 50:3, 51:1, 51:7, 54:5, 63:4, 74:18, 75:14, 75:17, 75:18, 76:2, 81:14, 88:14, 88:15, 89:17, 89:18, 89:19, 90:2, 91:13, 92:15, 93:2, 95:14, 98:2, 98:4, 99:10, 101:12, 104:7, 104:17, 114:2, 116:13, 117:17, 117:19, 118:9, 120:1, 124:6, 131:8, 131:9, 138:3, 155:1, 157:7, 166:11, 169:6, 169:12, 177:17, 186:8, 187:17, 194:9, 194:12, 196:12, 201:1, 201:19, 202:19, 203:1, 203:6, 205:10, 212:8, 214:15, 217:10, 219:6, 228:8, 238:6, 239:8, 240:8, 244:3, 247:5, 250:13, 251:4, 252:6, 255:8, 260:11, 261:1
gold [1] - 95:17
gone [11] - 31:16, 31:18, 64:16, 83:3, 83:10, 155:7, 168:8, 176:8, 224:4, 227:13, 234:12
gonna [12] - 38:15, 59:16, 61:14, 74:14, 75:11, 75:12, 98:6, 145:3, 145:13, 170:1, 255:10, 261:4
good [40] - 18:1, 25:14, 35:2, 35:6, 36:1, 63:18, 100:14, 104:5, 107:16, 108:4, 112:4, 115:10, 123:6, 132:1, 135:1, 151:4, 154:19, 156:18, 164:5, 164:6, 164:8, 169:10, 183:9, 184:12, 187:9, 190:5, 206:18, 209:7, 213:15, 214:18, 224:15, 229:9, 231:2, 231:18, 237:18, 240:11, 255:19, 256:1, 266:5
Googling [1] - 222:10
Gordon [1] - 27:13
gorgeous [1] - 166:5
got [34] - 4:7, 37:13, 42:14, 43:10, 44:19, 45:15, 48:18, 56:4, 69:19, 73:4, 73:6, 73:8, 75:12, 81:14, 88:6, 88:8, 99:4, 116:11, 116:12, 117:16, 118:15, 130:16, 131:11, 144:17, 145:11, 157:2, 198:10, 206:11, 220:7, 223:13, 224:8, 232:14, 234:12, 263:10
gotta [1] - 60:1
gotten [7] - 39:18, 48:14, 65:9, 68:15, 102:15, 118:17, 191:14
governed [1] - 4:4
GPS [1] - 213:11
grab [1] - 14:7
graciously [1] - 165:17
granted [3] - 8:6, 21:1, 122:19
grapple [1] - 62:18
great [13] - 32:10, 92:9, 164:6, 169:5, 170:17, 207:12, 213:2, 232:1, 239:4, 239:11, 260:3, 263:11, 263:14
greedy [1] - 255:15
green [3] - 16:12, 24:18, 248:7
Grill [3] - 8:3, 10:17, 13:4
Grille [4] - 161:6, 181:14, 181:15
grilled [1] - 22:17
grounds [1] - 141:1
guaranteed [1] - 51:8
guess [13] - 39:13, 46:15, 71:3, 73:6, 88:17, 89:17, 90:6, 150:10, 168:12, 186:15, 205:17, 243:8, 254:11
guest [15] - 82:7, 94:6, 95:3, 100:15, 103:13, 105:1, 105:4, 106:17, 110:5, 113:2, 113:3, 113:4, 118:14
guests [24] - 44:1, 45:4, 46:14, 55:10, 63:7, 71:8, 71:9, 73:10, 73:19, 91:17, 94:12, 96:14, 97:19, 98:2, 98:8, 99:5, 99:19, 103:6, 108:6, 118:3, 122:9, 128:14, 131:6, 227:7
guidance [2] - 161:5, 197:17
guns [1] - 70:7
guy [5] - 222:19, 262:14, 262:15, 262:17
guys [3] - 15:9, 190:10, 232:12
Guys [1] - 99:4

H

H [4] - 4:14, 30:2, 125:10
Haas [4] - 1:6, 3:14, 121:15, 159:12
HAAS [147] - 4:6, 4:15, 5:6, 5:12, 6:8, 7:3, 7:10, 7:15, 8:13, 8:17, 9:7, 9:10, 9:14, 9:19, 10:5, 10:9, 10:13, 10:18, 11:2, 11:6, 12:6, 12:9, 13:13, 13:18, 14:2, 14:9, 14:12, 14:15, 14:18, 15:16, 15:19, 16:7, 16:10, 16:17, 17:3, 17:6, 18:3, 18:10, 18:19, 19:4, 19:11, 19:15, 21:9, 21:12, 22:10, 23:19, 25:6, 25:10, 26:5, 26:11, 27:7, 27:10, 27:15, 27:18, 28:2, 28:9, 28:13, 28:18, 29:3, 29:18, 30:4, 30:7, 30:10, 30:16, 30:19, 31:3, 31:10, 32:2, 32:5, 32:8, 32:13, 33:4, 33:7, 33:13, 33:16, 34:10, 34:14, 34:17, 35:2, 52:18, 53:10, 53:16, 54:1, 54:8, 55:4, 55:17, 56:11, 56:16, 57:3, 57:9, 58:5, 59:5, 59:11, 60:6, 60:15, 61:18, 63:10, 63:14, 64:4, 74:8, 86:3, 88:3, 89:15, 97:9, 115:19, 117:1, 130:11, 130:15, 132:10, 132:13, 156:17, 158:11, 168:7, 170:14, 179:7, 180:11, 180:16, 186:3, 188:5, 189:1, 189:19, 202:5, 205:7, 208:1, 208:14, 220:6, 237:4, 240:14, 241:6, 241:17, 242:8, 242:12, 246:7, 248:17, 249:11, 249:17, 254:15, 256:12, 256:19, 263:1, 264:4, 264:9, 264:19, 265:13, 267:6, 268:10, 269:2
hackney [2] - 255:3, 265:1
had [91] - 27:15, 35:9, 38:2, 38:5, 39:18, 41:5, 41:6, 42:2, 45:12, 50:13, 55:14, 58:1, 58:6, 58:16, 68:7, 68:13, 70:1, 73:15, 85:4, 87:11, 87:12, 87:13, 89:8, 89:11, 93:4, 95:8, 95:16, 98:18, 99:2, 101:7, 101:14, 103:13, 105:1, 108:9, 109:1, 111:19, 115:6, 116:8, 117:4, 117:5, 118:11, 118:17, 119:14, 119:18, 120:5, 122:1, 128:2, 131:16, 132:2, 133:2, 135:9, 138:6, 139:17, 140:3, 144:8, 144:14, 147:1, 147:15, 148:1, 151:7, 153:17, 154:6, 161:4, 161:8, 161:12, 163:8, 163:18, 164:5, 166:1, 168:11, 169:9, 179:2, 183:9, 191:13, 201:6, 209:19, 212:6, 219:7, 221:19, 222:9, 227:1, 227:5, 238:5, 239:2, 242:2, 248:10, 256:10, 257:15, 260:16, 260:18, 267:14
hadn't [1] - 37:16
hail [2] - 204:19, 205:1
hails [1] - 228:12
half [13] - 22:3, 40:5, 45:14, 45:16, 73:7, 137:6, 138:6, 169:15, 181:18, 199:4, 218:14, 239:10, 242:3
half-hour [2] - 73:7, 218:14
halfway [1] - 57:8
hall [3] - 55:16, 56:6, 57:8
halls [1] - 115:6
hallway [4] - 13:17, 42:13, 85:16, 91:1
hallways [3] - 53:18, 72:6, 72:9
Halo [1] - 195:18
Hampshire [1] - 241:7
hand [6] - 59:15, 131:12, 131:18, 211:6, 271:11
handicap [3] - 250:17, 251:1, 252:8
handle [2] - 47:7, 145:3
handled [7] - 95:6, 108:1, 108:10, 108:11, 131:15, 147:1, 171:1
hang [2] - 59:19, 235:14
happen [8] - 20:7, 70:2, 91:3, 99:18, 106:17, 123:10, 131:3, 144:1

happened [16] - 47:4, 63:19, 64:3, 81:9, 89:7, 102:10, 106:16, 125:13, 131:1, 143:13, 144:2, 155:11, 210:18, 222:15, 225:18
happening [1] - 149:18
happens [6] - 68:16, 96:12, 158:19, 226:11, 245:8, 259:4
happy [3] - 36:3, 184:8, 265:5
hard [2] - 245:12, 257:7
harder [2] - 50:1, 200:13
hardest [3] - 170:11, 182:13, 239:6
Harding [1] - 212:2
hardship [1] - 150:6
harm's [1] - 90:18
harmless [1] - 108:15
harsh [2] - 131:9, 187:18
Harvard [20] - 95:13, 163:3, 164:3, 164:8, 166:16, 210:3, 211:10, 212:15, 212:17, 219:17, 234:8, 234:18, 235:1, 240:7, 246:6, 256:18, 257:3, 257:9, 257:10, 262:10
has [91] - 4:2, 8:3, 11:10, 17:18, 18:14, 20:18, 25:14, 26:3, 32:11, 53:5, 58:6, 59:5, 64:9, 64:16, 67:2, 68:8, 74:11, 75:1, 76:10, 77:6, 77:8, 77:17, 78:8, 78:15, 83:3, 83:13, 94:5, 98:3, 98:12, 100:12, 102:2, 103:10, 107:4, 112:7, 117:12, 119:7, 121:15, 124:19, 127:3, 129:10, 132:18, 134:15, 135:4, 136:14, 136:15, 138:1, 144:14, 145:9, 146:11, 146:18, 147:14, 148:8, 148:16, 148:18, 150:3, 152:18, 155:15, 157:14, 158:9, 159:12, 159:13, 159:19, 160:8, 160:13, 160:14, 163:6, 164:5, 165:2, 165:19, 168:11, 168:13, 174:13, 177:3, 177:17, 178:8, 179:13, 182:4, 190:19, 195:10, 204:15, 211:12, 215:11, 225:6, 236:10, 255:1, 262:15, 262:16, 262:17, 262:18, 263:8, 265:5
hash [1] - 197:3
hasn't [1] - 225:7
Hass [1] - 76:4
have [392] - 4:19, 5:2, 6:1, 6:10, 6:17, 6:19, 9:7, 10:2, 11:14, 12:2, 12:12, 12:15, 13:5, 13:17, 14:3, 14:4, 15:1, 15:8, 15:9, 16:12, 19:3, 19:4, 19:18, 22:2, 22:15, 22:16, 23:2, 23:19, 24:17, 24:18, 27:7, 27:9, 29:8, 29:9, 30:8, 30:14, 30:16, 31:18, 32:18, 33:3, 33:19, 36:12, 38:15, 38:19, 39:7, 41:13, 41:16, 43:7, 43:9, 44:10, 44:12, 45:9, 45:14, 47:9, 47:12, 47:17, 49:16, 50:8, 50:18, 51:12, 52:2, 53:5, 54:3, 55:9, 55:15, 55:18, 56:2, 56:14, 57:15, 58:14, 59:9, 59:12, 60:4, 60:7, 61:6, 61:11, 61:16, 64:2, 64:15, 65:4, 65:7, 65:13, 68:6, 68:13, 68:15, 69:13, 69:14, 71:14, 75:4, 75:6, 75:7, 75:8, 76:9, 77:2, 77:9, 77:11, 79:16, 82:13, 83:10, 83:19, 84:10, 87:4, 87:7, 87:9, 89:3, 89:4, 89:12, 90:14, 91:2, 91:10, 91:18, 92:18, 92:19, 95:5, 95:19, 96:3, 96:6, 96:7, 97:7, 97:8, 97:10, 98:4, 98:10, 101:5, 101:16, 101:19, 102:6, 102:15, 103:2, 103:4, 104:7, 104:10, 106:1, 106:5, 108:11, 109:19, 110:4, 110:5, 110:12, 111:6, 111:10, 111:12, 113:3, 113:17, 113:18, 114:8, 114:15, 116:9, 116:13, 116:15, 117:4, 118:7, 118:12, 118:16, 119:9, 119:16, 120:6, 120:13, 122:1, 122:3, 122:8, 122:16, 122:17, 123:4, 123:5, 123:14, 127:2, 127:13, 128:7, 128:19, 129:8, 131:1, 131:2, 133:4, 133:10, 135:5, 135:14, 137:4, 137:8, 137:9, 137:12, 139:12, 142:12, 143:2, 143:4, 143:7, 143:18, 144:2, 144:13, 146:12, 146:16, 148:6, 148:10, 148:13, 149:9, 150:1, 150:5, 150:14, 152:5, 155:4, 155:5, 155:7, 155:10, 155:11, 156:1, 156:4, 156:5, 156:19, 157:13, 158:5, 158:17, 159:2, 159:9, 160:17, 161:4, 161:5, 161:12, 161:17, 162:14, 163:8, 163:12, 163:18, 164:2, 165:14, 165:16, 166:4, 166:8, 167:2, 168:3, 168:8, 169:4, 169:5, 169:13, 170:17, 173:10, 173:11, 173:16, 174:1, 174:8, 174:19, 175:7, 175:9, 176:7, 177:11, 177:14, 181:4, 181:11, 181:13, 181:14, 181:15, 182:1, 183:5, 183:8, 183:9, 183:19, 185:7, 185:8, 186:11, 186:12, 187:1, 187:11, 187:13, 191:1, 191:14, 191:16, 192:11, 193:1, 193:13, 193:15, 194:2, 195:6, 196:4, 196:13, 197:1, 197:5, 197:8, 197:9, 198:11, 198:17, 198:18, 199:5, 201:11, 201:14, 203:5, 203:11, 204:4, 204:11, 206:7, 206:10, 206:11, 209:8, 210:17, 215:4, 215:5, 216:17, 217:8, 217:9, 217:10, 217:11, 217:14, 221:11, 221:12, 221:15, 221:16, 222:5, 222:10, 223:2, 223:3, 223:4, 224:4, 224:8, 224:13, 224:16, 225:1, 225:9, 225:17, 226:5, 226:10, 226:15, 227:13, 228:4, 228:11, 230:17, 231:2, 231:12, 232:2, 237:5, 237:12, 237:18, 237:19, 239:5, 239:8, 239:9, 243:3, 243:12, 243:13, 245:8, 245:15, 245:16, 245:17, 248:4, 249:3, 250:11, 251:3, 252:3, 252:8, 253:1, 253:6, 253:18, 254:1, 254:2, 254:4, 255:3, 256:16, 257:7, 257:13, 257:16, 257:18, 258:2, 258:3, 258:17, 259:2, 259:17, 260:2, 260:14, 261:4, 261:8, 262:14, 263:2, 263:7, 263:13, 263:15, 263:16, 264:16, 265:13, 265:15, 265:19, 266:14, 266:15, 267:12, 267:18, 270:16, 271:10
haven't [10] - 48:13, 52:14, 58:16, 63:17, 64:11, 175:6, 222:11, 247:19
having [23] - 18:17, 23:11, 24:3, 84:8, 88:11, 90:15, 132:8, 146:7, 149:15, 158:10, 163:18, 180:9, 188:1, 189:17, 190:10, 204:17, 208:11, 226:14, 255:12, 259:9, 262:11, 268:7, 268:19
he [57] - 5:4, 11:10, 18:15, 36:5, 42:3, 56:7, 60:16, 74:11, 76:10, 76:15, 76:17, 77:4, 81:17, 93:18, 101:13, 102:2, 102:3, 102:5, 102:8, 102:12, 105:19, 106:1, 106:7, 112:2, 112:3, 115:6, 118:15, 118:17, 118:18, 119:19, 122:11, 125:16, 127:11, 127:13, 142:7, 148:8, 148:18, 149:11, 149:12, 152:7, 152:18, 152:19, 159:14, 159:15, 159:16, 159:17, 160:12, 161:10, 165:2, 211:13, 212:8, 212:10, 212:11, 225:7, 225:10
he'll [1] - 13:11
he's [14] - 3:4, 13:8, 57:7, 74:11, 119:5, 119:6, 135:12, 137:9, 138:3, 153:2, 173:14, 176:17, 225:5
head [1] - 31:8
heading [1] - 212:11
headlights [1] - 221:17
health [2] - 156:11, 170:13
healthy [1] - 23:10
hear [12] - 74:5, 74:6, 84:12, 99:12, 108:6, 108:8, 118:14, 141:8, 148:14, 160:11, 216:3, 216:18
heard [26] - 47:1, 75:14, 110:9, 114:15, 114:16, 114:18, 119:13, 123:13, 124:5,

124:11, 126:10, 162:16, 181:7, 183:8, 186:4, 189:4, 190:6, 202:6, 202:17, 205:16, 207:14, 224:5, 225:9, 225:10, 248:10
hearing [17] - 3:8, 28:4, 28:14, 35:5, 76:17, 79:17, 98:15, 128:3, 143:7, 163:11, 177:12, 193:6, 196:7, 199:9, 207:7, 266:1, 269:8
HEARING [2] - 1:3, 270:1
Hearing [1] - 270:16
heat [1] - 111:18
height [1] - 87:13
heightens [1] - 62:3
held [3] - 27:8, 141:18, 141:19
help [3] - 13:12, 118:3, 265:7
helped [2] - 181:15, 181:16
helpful [4] - 23:17, 93:19, 126:16, 127:1
helping [1] - 168:8
helps [1] - 53:7
Henrietta [1] - 247:14
here [59] - 3:4, 12:1, 23:12, 38:15, 38:19, 44:19, 45:1, 61:19, 62:15, 69:16, 70:2, 73:10, 75:15, 88:5, 95:1, 96:6, 98:10, 104:9, 122:12, 123:14, 124:5, 132:19, 135:6, 135:7, 135:14, 145:2, 145:5, 147:13, 148:13, 150:9, 151:15, 152:1, 154:3, 156:2, 161:19, 162:2, 165:14, 170:15, 172:13, 172:17, 175:6, 175:17, 177:1, 190:18, 196:4, 207:2, 209:8, 209:16, 210:15, 212:5, 225:3, 240:16, 261:1, 261:18, 264:10, 264:13, 268:2
hereby [2] - 270:17, 271:6
hereunto [1] - 271:10
hesitance [1] - 62:12
hesitancy [1] - 90:16
Hey [1] - 246:19
Hi [1] - 185:12
hi [1] - 134:17
hide [4] - 85:12, 86:10, 152:13
high [4] - 85:15, 87:12, 88:19, 167:8
higher [2] - 200:9, 200:10
Hill [2] - 161:15, 181:16
hill [1] - 232:13
him [25] - 13:4, 27:1, 76:10, 76:11, 76:16, 81:10, 91:2, 91:3, 111:19, 112:1, 112:5, 115:8, 122:11, 137:9, 143:16, 149:10, 160:6, 175:19, 212:12, 212:13, 213:13, 224:7, 224:8, 251:12, 255:4
himself [5] - 102:3, 107:3, 122:18, 135:5, 142:3
hire [3] - 15:8, 15:14, 159:2
his [20] - 12:14, 18:16, 60:16, 77:1, 101:11, 138:2, 148:2, 149:3, 152:17, 152:18, 152:19, 159:15, 161:18, 162:8, 164:10, 173:4, 175:10, 251:17, 264:11
historic [2] - 218:10, 218:15
histories [1] - 140:18
history [12] - 53:8, 133:3, 136:15, 139:6, 140:13, 140:17, 142:17, 144:12, 151:8, 160:1, 191:19, 222:8
hit [2] - 49:4, 68:12
hocking [1] - 249:7
hold [2] - 93:14, 108:14
holder [7] - 3:19, 17:16, 26:1, 29:10, 29:15, 34:5, 134:13
holding [2] - 4:3, 122:17
holiday [1] - 91:12
holidays [4] - 80:19, 82:1, 106:4, 229:8
home [2] - 22:19, 23:9
homemade [2] - 22:8, 23:9
honest [5] - 119:6, 149:3, 153:7, 159:13, 244:12
honestly [3] - 85:2, 92:17, 150:19
hop [1] - 240:10
HOPE [17] - 135:1, 141:10, 146:10, 147:5, 151:14, 152:5, 153:9, 159:5, 171:14, 173:1, 173:7, 174:3, 175:7, 175:18, 176:13, 177:10, 181:6
hope [10] - 35:11, 95:12, 132:19, 164:4, 164:7, 164:9, 164:12, 174:14, 181:5, 229:6
Hope [3] - 25:14, 135:3, 171:11
hopeful [1] - 101:7
hopefully [8] - 23:16, 25:2, 156:3, 163:4, 176:19, 188:18, 229:9, 255:19
hoping [1] - 107:5
horse [1] - 252:2
Hotel [7] - 3:18, 35:16, 124:14, 157:13, 188:16, 211:11, 212:1
HOTEL [4] - 2:3, 2:9, 3:15, 35:14
hotel [73] - 4:1, 4:11, 37:16, 40:1, 40:2, 43:11, 44:6, 47:17, 55:10, 55:19, 57:10, 58:7, 60:18, 61:5, 63:7, 64:9, 68:4, 68:6, 71:8, 71:10, 71:14, 74:1, 75:6, 80:13, 81:2, 81:4, 81:15, 85:3, 85:7, 90:11, 90:16, 91:17, 92:12, 94:4, 94:5, 95:13, 96:5, 97:14, 98:8, 98:18, 101:4, 101:15, 101:18, 103:3, 103:5, 103:11, 104:3, 104:14, 105:1, 105:6, 107:1, 108:3, 108:4, 108:14, 109:10, 110:1, 116:5, 116:12, 117:5, 117:11, 118:3, 118:9, 118:13, 118:16, 119:2, 119:15, 120:12, 122:9, 124:4, 125:1, 128:15, 129:5, 227:4
hoteliers [1] - 211:4
hotels [10] - 102:18, 103:2, 103:6, 103:8, 103:15, 106:16, 107:6, 124:15, 125:2, 227:2
Hotels [4] - 3:17, 4:14, 5:10, 5:11
hour [12] - 40:6, 45:14, 45:17, 57:14, 58:2, 73:7, 79:10, 80:13, 187:19, 190:18, 218:14, 231:7
hours [16] - 8:9, 11:7, 11:9, 11:11, 11:14, 15:4, 21:4, 32:3, 41:1, 103:7, 162:1, 187:15, 220:16, 231:11, 232:2
House [1] - 212:2
House/Irving [1] - 212:2
housekeepers [1] - 57:1
housekeeping [1] - 19:19
housing [1] - 124:17
how [72] - 14:2, 14:9, 14:10, 14:19, 15:9, 18:1, 20:6, 22:10, 24:8, 24:12, 30:7, 32:8, 43:5, 44:3, 45:10, 45:18, 45:19, 53:8, 61:3, 61:4, 67:3, 67:7, 83:5, 84:18, 88:17, 90:2, 91:15, 105:15, 111:8, 116:19, 119:9, 119:10, 126:18, 127:1, 136:10, 141:3, 144:15, 151:3, 157:4, 162:9, 179:16, 182:3, 182:17, 188:8, 188:10, 194:5, 198:6, 202:7, 202:8, 202:9, 202:10, 202:11, 203:8, 203:12, 212:8, 212:11, 212:12, 213:1, 216:19, 219:19, 220:12, 220:15, 224:3, 224:10, 225:11, 240:3, 250:14, 250:15, 251:1, 251:6, 252:2, 261:1
however [2] - 140:1, 185:6
hub [1] - 245:7
Hub [4] - 161:7, 161:8, 181:16
hubway [1] - 258:15
Hudson [1] - 12:19
huge [2] - 167:11, 249:1
human [1] - 88:5
hundred [3] - 72:7, 151:17, 170:7
hurt [2] - 62:5, 130:16
Hut [5] - 238:9, 238:13, 238:14, 238:18, 239:1
HVAC [1] - 155:12
Hyatt [1] - 94:8

I

i [1] - 219:18
I [942] - 3:1, 4:6, 4:12, 6:3, 6:7, 6:9, 6:10, 6:19, 7:6, 10:8, 10:11, 11:9, 11:12, 12:4, 12:12, 13:4, 13:5, 15:6, 15:8, 15:9, 15:14, 16:14, 19:18, 21:8, 21:14, 21:16, 22:2, 23:2, 24:16, 25:1, 25:3, 27:9, 27:12, 28:6, 30:3, 31:3, 32:10, 33:2, 35:8, 35:9, 35:10, 35:11, 36:4, 36:5, 36:10, 37:4, 37:6, 37:12, 37:13, 37:18, 38:1, 38:3, 38:5, 38:7, 38:11, 38:12, 38:17, 38:18, 38:19, 39:3, 39:6, 39:7, 39:10, 39:12, 39:13, 39:16, 39:17, 40:3, 40:5, 40:7, 40:8, 40:10, 40:11, 40:14, 40:15, 40:17, 41:3, 41:9, 41:12, 41:18, 42:7, 42:17, 42:18, 43:1, 43:7, 43:9, 43:19, 44:1, 44:5, 44:9, 44:17, 45:2, 45:7, 45:13, 45:14, 45:15, 45:16, 46:13, 46:15, 46:18, 47:4, 47:6, 47:7, 48:4, 48:6, 48:7, 48:13, 49:11, 49:16, 49:17, 49:18, 49:19, 50:1, 50:10, 50:11, 50:12, 50:16, 51:2, 51:4, 51:6, 51:9, 51:14, 51:15, 52:6, 52:14, 53:3, 53:4, 53:6, 53:14, 54:3,

54:6, 54:11, 54:19, 55:3, 55:7, 55:8, 55:16, 56:2, 56:3, 56:4, 56:8, 56:13, 57:15, 58:1, 58:2, 58:3, 58:13, 58:16, 58:17, 58:19, 59:8, 59:9, 59:15, 59:17, 59:19, 60:1, 60:4, 60:9, 60:12, 60:13, 61:6, 61:7, 61:8, 61:14, 61:15, 61:16, 61:18, 63:12, 63:17, 63:18, 64:2, 64:3, 65:1, 65:2, 65:6, 66:11, 66:14, 66:15, 67:3, 69:1, 69:12, 69:13, 69:14, 69:18, 69:19, 70:1, 70:5, 70:15, 70:16, 71:3, 71:4, 71:17, 71:19, 72:1, 72:3, 72:15, 72:16, 73:1, 73:6, 73:8, 73:12, 73:17, 73:18, 74:6, 74:9, 74:13, 75:12, 76:5, 76:12, 76:16, 76:17, 77:8, 77:9, 77:10, 77:11, 77:19, 80:6, 82:4, 82:16, 83:2, 83:16, 84:5, 84:11, 84:17, 85:2, 85:13, 86:7, 86:9, 86:10, 87:11, 87:13, 88:1, 88:3, 88:4, 88:5, 88:17, 89:12, 89:15, 89:17, 90:6, 90:19, 91:5, 91:13, 91:14, 92:3, 92:17, 93:9, 93:10, 93:19, 94:1, 94:2, 94:3, 94:16, 95:6, 95:12, 96:1, 96:6, 96:11, 96:12, 96:13, 96:18, 97:1, 97:9, 97:11, 97:17, 98:1, 98:10, 98:14, 99:12, 100:4, 100:5, 100:11, 100:12, 101:19, 102:5, 102:8, 102:9, 102:15, 103:1, 104:5, 104:12, 105:2, 105:8, 105:10, 105:15, 106:3, 106:6, 106:9, 106:12, 106:13, 106:15, 106:19, 107:2, 107:4, 107:13, 108:1, 108:9, 108:15, 108:16, 109:14, 109:18, 110:11,	111:1, 111:10, 111:14, 111:16, 111:19, 112:1, 112:4, 112:9, 112:11, 112:12, 112:14, 112:16, 113:3, 114:6, 114:11, 114:12, 114:14, 114:15, 114:16, 114:18, 114:19, 115:2, 115:4, 115:7, 115:8, 115:9, 115:11, 115:16, 115:17, 116:16, 117:14, 117:15, 118:1, 118:5, 118:6, 118:10, 118:14, 118:16, 119:3, 119:5, 119:8, 119:16, 120:1, 120:2, 120:7, 120:9, 120:17, 121:1, 121:2, 121:4, 121:7, 121:8, 121:12, 121:14, 121:15, 121:18, 121:19, 122:1, 122:3, 122:10, 122:11, 122:14, 123:5, 123:7, 123:8, 123:14, 124:5, 124:7, 124:11, 124:12, 124:13, 125:10, 125:13, 126:6, 126:11, 126:14, 126:16, 126:18, 127:8, 127:13, 127:16, 128:1, 128:2, 128:6, 128:10, 128:18, 130:2, 130:13, 130:16, 130:19, 131:4, 131:8, 131:10, 131:19, 132:6, 132:19, 133:3, 133:6, 133:12, 133:13, 133:15, 134:3, 134:6, 135:13, 136:4, 136:9, 138:16, 138:17, 139:13, 139:16, 139:19, 140:7, 140:10, 141:3, 141:8, 141:13, 141:15, 142:6, 142:10, 142:12, 143:1, 143:2, 143:4, 143:6, 143:14, 143:16, 144:3, 144:19, 145:2,	145:3, 145:4, 145:8, 145:18, 146:1, 146:3, 146:5, 146:8, 147:13, 147:15, 148:5, 148:14, 149:2, 149:10, 149:14, 149:17, 149:18, 150:5, 150:8, 150:10, 150:11, 151:2, 151:14, 151:19, 152:1, 152:5, 153:7, 153:17, 153:18, 153:19, 154:1, 154:2, 154:3, 154:4, 154:5, 154:9, 155:3, 155:4, 156:10, 157:12, 157:17, 158:1, 158:2, 158:5, 158:7, 158:15, 158:16, 158:17, 158:18, 158:19, 159:2, 159:5, 159:11, 159:19, 160:3, 160:4, 160:10, 160:14, 160:19, 161:2, 161:4, 161:5, 161:9, 161:11, 161:13, 161:14, 161:15, 161:17, 161:19, 162:2, 162:3, 162:13, 163:13, 164:10, 165:1, 165:3, 165:6, 165:7, 165:13, 165:14, 165:15, 165:18, 166:1, 167:10, 167:12, 168:12, 169:2, 171:10, 172:13, 173:7, 174:5, 174:6, 174:16, 175:6, 175:18, 175:19, 176:4, 176:7, 177:10, 178:7, 178:16, 179:9, 179:16, 179:18, 180:2, 181:1, 181:11, 181:13, 181:14, 181:15, 181:16, 181:17, 182:1, 185:1, 186:15, 187:5, 187:6, 187:8, 187:9, 187:10, 187:16, 188:2, 188:3, 188:4, 188:6, 188:14, 188:15, 188:16, 188:17, 191:11, 191:18, 197:7, 197:9, 197:11,	197:13, 197:15, 197:19, 199:19, 200:3, 200:12, 200:16, 201:3, 201:5, 202:9, 202:10, 202:17, 203:4, 203:8, 203:10, 203:18, 204:3, 204:4, 205:17, 206:4, 206:16, 206:17, 207:11, 207:14, 208:2, 208:9, 209:8, 209:11, 209:15, 209:16, 209:19, 210:2, 210:11, 210:15, 210:16, 210:17, 210:19, 211:9, 211:14, 211:16, 211:19, 212:5, 212:14, 213:17, 214:2, 214:8, 214:12, 214:14, 214:15, 214:17, 215:3, 215:7, 215:14, 215:16, 216:2, 216:8, 216:13, 216:16, 216:18, 217:6, 217:11, 217:16, 219:2, 219:7, 219:8, 219:15, 219:16, 220:1, 220:2, 220:4, 221:10, 221:18, 222:2, 222:9, 222:10, 222:11, 222:13, 222:14, 223:2, 223:8, 223:12, 223:13, 224:2, 224:4, 224:5, 224:7, 224:8, 224:12, 224:13, 224:15, 224:16, 225:1, 225:2, 225:9, 225:10, 225:11, 225:16, 226:4, 226:8, 226:16, 227:4, 227:13, 227:14, 227:15, 227:16, 228:19, 229:3, 229:5, 229:6, 229:7, 229:9, 229:14, 229:18, 229:19, 230:1, 230:2, 230:3, 230:7, 230:11, 230:13, 230:14, 230:15, 230:17, 230:18, 231:1, 231:6, 232:1, 232:2, 232:6, 232:10, 232:11,	233:18, 233:19, 234:1, 234:2, 234:3, 234:4, 234:7, 234:11, 234:12, 234:14, 234:15, 234:18, 234:19, 235:2, 235:6, 235:7, 235:9, 235:18, 235:19, 236:2, 236:6, 236:9, 236:13, 236:15, 237:4, 237:5, 237:10, 237:11, 237:13, 237:16, 238:4, 238:13, 238:15, 239:2, 239:5, 239:6, 239:8, 239:9, 240:5, 240:11, 240:15, 240:19, 241:1, 241:3, 241:13, 241:17, 241:19, 242:2, 242:10, 243:8, 244:5, 244:8, 244:9, 244:11, 245:2, 245:13, 245:14, 245:18, 246:1, 246:8, 246:11, 246:12, 246:17, 246:19, 247:13, 247:19, 248:1, 248:2, 248:3, 248:5, 248:9, 248:11, 248:18, 249:1, 249:2, 249:3, 249:4, 249:6, 249:11, 249:15, 249:17, 250:2, 250:3, 250:11, 250:15, 251:9, 251:19, 252:1, 252:7, 252:8, 252:11, 253:1, 253:13, 253:17, 253:19, 254:4, 254:11, 255:3, 255:7, 255:9, 255:10, 255:11, 255:16, 255:18, 256:4, 256:9, 256:15, 256:19, 257:4, 257:7, 257:14, 257:16, 257:18, 258:4, 258:12, 259:3, 259:4, 259:8, 259:12, 259:15, 259:18, 260:5, 260:6, 260:10, 260:13, 260:16, 261:8, 261:9, 261:12, 261:17,

261:18, 262:1, 262:2, 262:5, 262:7, 262:8, 262:17, 263:3, 263:6, 263:10, 263:12, 263:19, 265:4, 265:7, 265:8, 265:18, 265:19, 266:7, 267:14, 267:17, 267:18, 268:3, 270:16, 270:17, 271:4, 271:10
I'd [4] - 22:16, 156:17, 224:7, 261:7
I'll [15] - 61:9, 77:14, 79:6, 130:7, 133:16, 165:5, 171:1, 189:11, 231:9, 240:10, 247:6, 253:15, 265:6, 265:7, 268:19
I'm [108] - 9:1, 11:8, 11:11, 11:16, 13:11, 15:7, 24:3, 24:6, 26:18, 35:7, 36:3, 36:8, 36:15, 38:1, 38:19, 39:1, 44:16, 45:1, 46:15, 47:7, 50:11, 51:8, 54:14, 55:2, 57:13, 59:10, 60:10, 61:3, 62:11, 62:14, 63:3, 64:1, 64:17, 74:12, 75:10, 75:16, 90:2, 90:7, 90:12, 92:10, 92:14, 93:2, 96:10, 101:7, 104:3, 105:5, 105:12, 107:5, 107:9, 107:12, 108:10, 109:10, 110:3, 112:7, 113:10, 114:8, 115:9, 116:18, 117:2, 117:15, 122:12, 125:9, 131:9, 134:17, 139:8, 145:1, 145:12, 145:16, 148:9, 154:17, 156:6, 156:19, 157:11, 158:14, 162:5, 163:2, 168:10, 170:16, 179:14, 186:7, 187:16, 187:17, 188:1, 188:6, 188:12, 196:16, 198:5, 202:7, 202:15, 206:2, 206:6, 210:18, 216:16, 220:8, 225:3, 226:12, 231:19, 233:19, 236:13, 241:11, 246:2, 248:11, 249:8, 252:5, 255:15
I've [11] - 21:19, 89:1, 112:9, 117:16, 118:15, 161:3, 161:11, 176:8, 219:7, 254:17, 257:19
ID [4] - 50:10, 51:3, 53:6
idea [6] - 63:18, 96:1, 121:5, 174:15, 206:18, 213:18
identification [3] - 53:2, 53:4, 92:3
identified [2] - 77:6, 92:8
identify [1] - 209:10
identifying [1] - 90:11
identity [1] - 51:13
if [149] - 4:8, 8:6, 10:1, 21:1, 23:10, 36:6, 36:9, 38:19, 44:4, 44:14, 44:19, 45:11, 47:18, 49:9, 49:10, 49:12, 50:13, 51:4, 51:14, 52:5, 53:12, 54:2, 55:13, 58:1, 60:3, 61:4, 61:13, 61:15, 61:16, 61:19, 62:3, 63:1, 63:3, 63:18, 64:3, 71:11, 71:16, 71:19, 73:8, 76:4, 78:9, 79:2, 79:15, 83:16, 86:9, 87:4, 88:14, 92:10, 92:18, 100:11, 108:9, 113:10, 114:19, 116:14, 118:15, 119:14, 120:17, 122:3, 122:4, 123:9, 123:15, 124:7, 126:11, 127:11, 127:13, 128:7, 131:4, 136:11, 137:6, 140:10, 140:19, 142:15, 143:12, 144:19, 145:2, 146:6, 158:5, 158:16, 158:19, 159:7, 159:10, 160:15, 160:16, 162:1, 165:11, 165:13, 168:2, 172:2, 174:17, 175:12, 175:18, 187:5, 188:3, 193:12, 193:14, 195:16, 196:12, 197:7, 198:9, 199:7, 200:19, 203:1, 203:14, 203:16, 204:13, 204:17, 204:19, 205:4, 206:7, 212:19, 213:6, 214:14, 215:13, 215:18, 217:1, 219:4, 220:10, 222:2, 223:18, 225:4, 226:16, 227:5, 228:4, 228:7, 228:12, 230:3, 230:13, 232:17, 235:4, 236:10, 237:11, 237:13, 240:6, 243:5, 243:8, 243:12, 250:12, 250:15, 251:4, 256:2, 256:10, 257:2, 259:17, 259:19, 261:9, 262:4, 262:7, 265:5, 267:16
ignored [1] - 206:4
illuminate [1] - 87:14
image [1] - 168:6
imaginable [1] - 114:3
imagine [5] - 115:11, 248:6, 252:7, 257:1, 257:4
immediate [1] - 78:8
immediately [3] - 79:14, 104:10, 110:4
impact [3] - 98:4, 173:19, 174:10
impaired [1] - 196:8
implement [1] - 187:17
implemented [1] - 168:4
implementing [1] - 129:8
implications [1] - 216:9
important [7] - 91:16, 119:9, 126:18, 178:6, 197:12, 216:1, 259:5
importantly [1] - 164:15
impose [1] - 74:15
improve [1] - 76:11
in [558] - 3:9, 4:3, 4:16, 6:4, 6:8, 7:12, 8:16, 8:18, 10:9, 10:12, 10:14, 11:4, 11:12, 12:1, 12:10, 12:19, 13:16, 14:6, 14:8, 14:16, 15:4, 16:19, 18:11, 18:15, 19:14, 21:19, 22:15, 23:11, 24:4, 25:2, 25:9, 26:12, 26:15, 27:4, 27:14, 27:19, 28:1, 28:6, 29:2, 31:9, 33:12, 33:15, 34:13, 36:6, 36:19, 37:2, 37:9, 38:10, 38:14, 39:7, 39:14, 40:1, 40:2, 40:12, 42:15, 42:18, 43:1, 43:5, 43:14, 43:17, 43:18, 44:4, 44:6, 44:9, 45:1, 45:6, 46:16, 47:3, 47:6, 47:14, 47:17, 48:13, 48:17, 49:9, 49:10, 49:14, 50:2, 52:2, 52:5, 52:19, 53:6, 53:13, 53:18, 54:10, 54:12, 54:16, 55:8, 55:10, 55:11, 55:15, 55:19, 56:3, 56:9, 57:16, 58:7, 58:9, 58:13, 60:6, 60:8, 60:11, 60:12, 60:14, 60:19, 62:5, 62:10, 62:17, 63:7, 63:19, 64:8, 66:4, 66:9, 66:12, 67:19, 68:10, 69:5, 70:7, 71:13, 71:16, 73:2, 73:5, 73:6, 73:10, 74:10, 75:9, 75:17, 75:19, 77:3, 77:4, 78:1, 78:2, 78:10, 78:19, 79:2, 79:17, 80:4, 81:8, 81:10, 81:12, 82:5, 82:13, 82:18, 83:9, 83:17, 84:1, 84:15, 85:3, 85:5, 85:17, 86:4, 86:7, 86:12, 88:16, 89:4, 89:5, 89:19, 90:10, 90:18, 91:6, 93:15, 93:16, 94:7, 94:12, 95:3, 95:9, 96:11, 96:18, 97:5, 97:10, 98:12, 98:13, 98:17, 99:3, 99:8, 99:11, 99:12, 99:14, 100:9, 100:15, 101:4, 101:11, 101:12, 101:15, 101:17, 102:3, 102:4, 102:18, 103:3, 103:5, 103:7, 103:11, 103:12, 103:15, 103:16, 103:17, 104:1, 104:2, 104:14, 104:17, 105:2, 105:11, 105:13, 105:16, 105:17, 105:18, 106:4, 106:16, 107:17, 108:1, 108:2, 109:5, 109:12, 109:19, 110:1, 111:6, 111:11, 111:13, 112:14, 113:5, 113:14, 113:17, 113:18, 114:2, 114:5, 115:5, 116:7, 116:12, 117:5, 117:11, 117:17, 118:2, 118:3, 118:4, 118:8, 118:11, 118:15, 119:7, 119:12, 119:15, 120:14, 121:19, 122:1, 122:4, 122:8, 123:1, 123:3, 124:2, 124:12, 124:13, 124:15, 125:2, 125:3, 129:2, 130:5, 131:5, 131:6, 131:7, 132:12, 133:11, 133:14, 134:4, 135:4, 136:17, 136:18, 138:10, 138:11, 139:4, 139:10, 139:13, 139:19, 140:7, 140:9, 142:4, 142:12, 142:19, 143:3, 143:14, 144:6, 144:13, 145:6, 145:7, 145:9, 145:15, 145:17, 146:5, 146:18, 147:6, 148:5, 150:16, 151:1, 152:1, 152:7, 152:9, 153:5, 153:9, 154:8, 155:1, 155:4, 155:6, 155:9, 155:19, 156:18, 157:3, 157:8, 157:13, 157:14, 157:19, 158:8, 158:10, 158:11, 158:17, 159:14, 159:17, 160:4, 160:6, 160:9, 161:3, 161:8, 161:12, 161:13, 161:15, 161:19, 162:4, 163:9, 164:2, 164:18, 165:19, 166:1, 166:8, 167:14, 167:15, 167:19, 168:8, 168:11, 168:18,

169:1, 169:7, 169:13, 169:19, 170:9, 170:10, 171:16, 172:3, 172:10, 173:2, 173:6, 174:19, 176:3, 177:8, 178:4, 178:15, 178:16, 180:13, 181:15, 181:19, 182:7, 183:9, 183:14, 183:19, 186:9, 186:13, 187:16, 188:1, 188:3, 188:10, 189:17, 190:10, 192:10, 192:13, 193:3, 193:5, 193:7, 193:8, 193:17, 195:5, 195:13, 195:17, 196:4, 196:10, 197:3, 197:4, 197:11, 197:14, 198:4, 198:7, 198:11, 199:3, 199:5, 200:14, 202:18, 203:8, 203:10, 203:11, 204:2, 204:9, 204:11, 204:17, 205:5, 205:8, 205:9, 205:11, 206:9, 206:11, 206:18, 207:1, 208:12, 209:6, 209:16, 210:1, 210:15, 211:4, 211:6, 211:8, 211:9, 211:17, 212:15, 213:1, 213:18, 214:4, 214:6, 214:9, 215:1, 215:5, 215:7, 215:17, 216:15, 217:18, 218:8, 218:16, 219:7, 219:15, 220:3, 220:9, 221:11, 221:19, 222:1, 222:8, 222:10, 222:13, 222:15, 223:18, 224:13, 224:15, 224:16, 225:7, 225:8, 225:12, 225:16, 225:17, 225:18, 226:1, 226:4, 226:9, 226:14, 227:6, 227:8, 227:9, 227:15, 227:18, 229:3, 229:6, 230:9, 230:14, 230:16, 231:3, 231:8, 231:17, 231:18, 232:1, 232:12, 232:17, 233:8, 233:15, 234:1, 234:14, 235:6, 237:12, 238:5, 239:15, 239:19, 240:5, 240:6, 240:7, 240:17, 241:1, 241:3, 242:9, 242:17, 243:2, 243:9, 243:11, 244:6, 244:17, 244:18, 245:5, 245:15, 246:4, 246:11, 247:1, 248:1, 248:3, 248:8, 249:4, 249:13, 249:18, 249:19, 250:14, 251:19, 252:3, 252:12, 252:17, 253:2, 253:3, 253:5, 253:16, 254:2, 255:4, 256:17, 257:3, 257:9, 258:1, 258:13, 259:2, 259:4, 259:10, 260:1, 261:8, 261:11, 261:12, 262:9, 262:10, 262:14, 262:17, 263:7, 264:12, 265:7, 266:18, 267:5, 268:8, 268:18, 269:1, 271:4

IN [3] - 1:3, 271:10, 271:18

inability [1] - 114:16

inadvertently [1] - 68:16

inappropriate [1] - 44:15

INC [7] - 1:17, 2:5, 2:7, 2:9, 17:14, 25:16, 35:14

Inc [3] - 17:15, 25:18, 35:17

inches [1] - 242:7

incident [14] - 47:10, 58:6, 59:7, 64:8, 76:18, 85:4, 93:15, 96:9, 98:11, 148:10, 161:4, 161:11, 161:13, 222:9

incidents [6] - 59:9, 59:12, 60:7, 60:10, 128:19, 222:12

inciting [1] - 131:19

include [5] - 8:12, 128:18, 129:11, 145:19, 153:16

included [4] - 31:6, 111:1, 140:2, 151:6

includes [1] - 128:12

including [2] - 145:18, 191:8

income [1] - 237:10

incomplete [1] - 141:5

incorporate [1] - 195:7

increased [1] - 114:1

increasing [1] - 128:17

incredibly [1] - 163:7

indefinite [1] - 178:1

independent [3] - 122:5, 127:15, 218:6

INDEX [1] - 2:1

indicate [7] - 54:5, 65:8, 74:17, 76:17, 101:19, 112:18, 251:12

indicated [10] - 54:9, 77:8, 77:17, 80:3, 80:4, 80:18, 91:13, 100:19, 101:10, 102:5

indicates [3] - 54:6, 104:6, 127:12

indication [4] - 95:8, 104:11, 120:18, 175:19

indications [1] - 107:19

indicative [1] - 175:3

indicator [1] - 92:11

indicia [1] - 82:8

individual [3] - 49:6, 59:9, 83:18

individuals [2] - 43:14, 251:17

industries [1] - 187:19

Industry [1] - 191:10

industry [9] - 194:2, 195:15, 200:18, 201:7, 201:18, 204:7, 206:14, 207:8, 208:7

infer [1] - 201:5

influence [1] - 212:12

inform [1] - 15:8

information [30] - 17:12, 46:4, 77:12, 109:8, 109:16, 110:2, 118:11, 118:18, 119:10, 119:18, 120:5, 127:1, 127:7, 130:2, 132:2, 136:7, 137:2, 138:12, 139:10, 145:18, 147:14, 172:9, 191:13, 193:19, 194:12, 198:2, 198:18, 198:19, 199:8, 210:13

informational [1] - 213:10

informed [1] - 191:15

infrastructure [5] - 114:4, 129:7, 236:5, 248:11, 258:14

ingredients [1] - 184:15

initial [6] - 147:11, 210:12, 211:2, 225:18, 248:2, 250:4

initially [2] - 168:18, 183:2

initiates [1] - 204:14

Inman [6] - 210:9, 219:18, 235:2, 246:7, 246:10, 256:17

Inn [2] - 35:17, 39:19

inning [1] - 222:18

innkeeper [1] - 105:9

input [3] - 76:12, 80:17, 230:4

inquire [2] - 51:12, 180:3

inquiry [1] - 51:12

ins [1] - 48:9

inside [5] - 24:5, 86:15, 86:17, 86:18, 184:13

inspect [2] - 254:19, 255:6

inspecting [1] - 255:5

inspections [2] - 156:11, 265:2

installed [2] - 82:18, 83:13

instances [2] - 90:19, 117:4

instituted [2] - 64:9, 215:9

instituting [1] - 194:2

institution [1] - 151:12

instructed [1] - 253:12

instructions [1] - 44:13

INSTRUCTIONS [1] - 270:4

instructs [1] - 253:10

insufficient [1] - 129:1

insurance [2] - 254:1, 254:3

integrity [3] - 150:12, 159:17, 184:14

intelligence [1] - 118:12

intend [4] - 8:19, 18:11, 194:6, 264:18

intention [3] - 45:10, 100:12, 204:19

intentional [3] - 143:10, 174:1

intentionality [2] - 173:18, 174:9

intentionally [1] - 146:3

interaction [3] - 206:14, 214:19, 216:14

interest [7] - 211:2, 214:9, 214:11, 225:6, 225:15, 230:3, 230:9

interested [4] - 212:19, 213:1, 213:18, 230:9

interesting [2] - 183:1, 195:10

interests [3] - 175:5, 175:11

interfere [1] - 115:13

interferes [1] - 91:8

interior [2] - 72:6, 166:6

International [2] - 3:17, 134:11

INTERNATIONAL [4] - 2:3, 2:10, 3:15, 134:10

interrelated [1] - 136:13

interrelates [1] - 188:10

interview [1] - 140:14

interviewing [1] - 226:17

intimately [1] - 112:8

into [45] - 22:3, 42:13, 53:8, 60:18, 61:1, 71:10, 74:1, 75:6, 81:15, 82:14, 88:11, 90:10, 90:16, 91:12, 92:12, 103:11, 105:7, 112:11, 112:17, 114:10, 121:5, 121:9, 128:3, 134:7, 137:18, 152:10, 166:4, 167:10, 168:1, 174:16, 185:11, 200:19, 211:5, 213:6, 215:17, 216:4, 224:2, 235:3, 261:18, 262:7, 263:14, 264:6, 264:16

intricacies [1] - 231:14

introduced [5] - 135:5, 185:9, 185:10, 185:14
invested [1] - 146:16
investigate [1] - 71:19
investigated [1] - 103:14
investigating [1] - 69:10
investigative [1] - 150:14
investigators [1] - 180:3
investment [4] - 110:17, 166:9, 169:11, 169:17
investments [1] - 133:9
investor [1] - 165:1
invitation [1] - 266:4
invite [1] - 230:7
invoice [1] - 83:13
involved [2] - 183:3, 188:9
involvement [1] - 139:6
is [347] - 3:7, 3:16, 4:12, 5:3, 5:4, 5:13, 8:10, 9:9, 10:14, 12:18, 12:19, 13:5, 13:7, 13:15, 13:18, 13:19, 14:12, 15:6, 15:13, 15:16, 16:2, 16:4, 19:6, 21:7, 22:1, 22:4, 22:5, 22:15, 23:4, 23:9, 24:4, 24:9, 24:13, 27:4, 27:10, 28:9, 28:11, 30:12, 31:7, 31:16, 31:17, 32:8, 35:7, 36:2, 36:15, 36:18, 38:4, 38:13, 39:5, 40:4, 42:6, 47:11, 47:16, 49:1, 50:18, 51:7, 51:10, 52:1, 52:4, 52:12, 52:13, 56:18, 57:16, 59:1, 61:8, 61:19, 62:15, 67:17, 70:2, 71:12, 72:14, 72:15, 74:4, 74:14, 75:7, 76:18, 77:7, 77:13, 77:18, 78:1, 78:16, 79:5, 79:18, 80:1, 82:7, 84:19, 85:7, 87:16, 88:5, 88:17, 89:2, 89:10, 91:9, 91:16, 92:17, 93:3, 93:11, 94:18, 95:1, 95:13, 95:16, 96:2, 96:6, 98:10, 99:12, 99:18, 100:8, 100:14, 103:9, 103:17, 104:5, 104:9, 105:15, 106:11, 106:14, 107:10, 107:12, 107:16, 107:17, 108:4, 108:19, 109:7, 110:7, 111:2, 111:11, 112:12, 113:4, 113:8, 113:12, 113:15, 114:3, 115:9, 115:12, 116:4, 117:2, 117:11, 117:14, 118:5, 118:11, 119:9, 119:13, 122:15, 123:3, 123:9, 123:18, 124:5, 124:8, 124:14, 124:17, 125:18, 126:18, 127:2, 127:9, 128:9, 131:8, 131:10, 133:10, 133:19, 135:7, 135:8, 135:11, 135:14, 135:15, 139:10, 140:1, 140:12, 141:12, 141:17, 142:16, 142:19, 143:7, 145:1, 146:14, 147:17, 147:18, 148:2, 148:3, 148:5, 148:13, 148:14, 148:15, 149:8, 149:14, 150:2, 151:14, 151:17, 152:6, 152:7, 152:12, 152:17, 152:18, 153:1, 153:12, 154:15, 156:1, 158:18, 160:7, 160:17, 163:6, 165:6, 166:3, 166:14, 166:15, 167:3, 168:6, 170:7, 170:10, 171:5, 171:18, 172:13, 172:16, 173:4, 174:12, 175:14, 175:16, 175:19, 176:15, 176:16, 177:11, 177:17, 178:6, 178:8, 178:14, 180:4, 181:12, 182:1, 182:14, 183:5, 184:4, 184:11, 184:13, 184:14, 185:3, 186:7, 186:17, 188:6, 188:7, 188:9, 189:5, 190:7, 190:13, 191:2, 192:16, 193:12, 195:9, 196:17, 197:2, 198:5, 198:18, 198:19, 199:1, 199:13, 200:16, 202:7, 202:12, 202:14, 202:15, 202:18, 203:15, 204:3, 204:8, 206:18, 207:2, 207:3, 211:13, 212:10, 212:11, 213:5, 213:11, 214:11, 214:16, 215:1, 215:10, 216:9, 216:14, 217:19, 219:5, 221:9, 222:7, 222:16, 224:15, 225:6, 226:5, 226:6, 226:16, 226:19, 228:17, 230:12, 231:4, 231:16, 231:19, 233:4, 235:1, 235:7, 235:14, 236:13, 237:6, 238:13, 240:9, 241:10, 243:14, 244:14, 245:2, 245:3, 245:8, 245:10, 245:13, 245:14, 245:18, 246:10, 246:12, 247:5, 247:13, 248:4, 248:6, 248:12, 248:18, 250:3, 250:12, 251:1, 251:10, 251:13, 256:3, 256:5, 258:4, 258:7, 259:1, 259:5, 259:19, 260:8, 261:13, 263:11, 264:10, 265:10, 265:12, 268:18, 270:17, 271:8
Island [4] - 225:13, 225:19, 226:1
isn't [4] - 140:11, 236:3, 245:6, 245:12
isolated [1] - 124:18
issue [18] - 16:5, 84:13, 109:1, 113:14, 116:17, 138:19, 148:6, 150:11, 162:11, 174:12, 177:18, 181:4, 197:2, 203:3, 206:1, 226:9, 248:14, 251:8
issues [15] - 33:5, 94:4, 98:7, 128:8, 137:16, 139:4, 139:16, 153:17, 160:15, 160:16, 161:8, 163:15, 163:17, 208:5, 259:11
it [343] - 4:9, 6:19, 8:14, 9:15, 9:17, 11:9, 12:1, 12:19, 13:3, 13:19, 14:7, 14:8, 15:13, 16:2, 22:18, 22:19, 23:7, 23:16, 27:4, 27:18, 28:1, 31:4, 31:5, 32:11, 32:16, 36:6, 37:12, 38:8, 38:13, 39:8, 39:9, 39:13, 40:3, 40:10, 40:11, 40:15, 40:18, 40:19, 41:5, 41:10, 41:16, 42:17, 47:18, 47:19, 48:7, 48:9, 49:8, 49:11, 50:3, 50:18, 51:10, 52:7, 52:9, 52:13, 52:14, 53:5, 54:6, 56:14, 56:16, 57:5, 57:17, 57:19, 58:3, 58:6, 58:10, 58:15, 59:1, 59:3, 60:4, 61:14, 61:15, 61:16, 62:7, 62:13, 63:13, 63:18, 65:7, 65:9, 67:3, 67:4, 67:9, 67:13, 68:1, 68:7, 68:12, 68:16, 68:17, 68:18, 69:18, 70:7, 70:19, 71:15, 71:17, 71:19, 73:6, 73:19, 74:3, 74:6, 74:7, 74:19, 75:1, 75:2, 76:19, 77:6, 77:7, 77:14, 79:1, 79:3, 82:17, 83:1, 83:5, 84:19, 85:15, 89:2, 91:7, 91:16, 93:5, 93:7, 95:6, 98:3, 98:18, 99:4, 99:6, 100:1, 100:10, 101:3, 101:9, 101:11, 103:13, 103:17, 104:18, 105:4, 106:14, 106:16, 107:10, 107:11, 107:12, 107:14, 108:6, 108:8, 108:9, 108:11, 108:19, 110:1, 112:4, 112:9, 112:12, 113:6, 113:11, 114:10, 115:11, 117:12, 117:17, 118:18, 118:19, 119:9, 119:19, 120:6, 120:7, 120:11, 121:1, 124:11, 124:12, 124:17, 124:19, 126:18, 127:1, 127:8, 130:12, 130:15, 131:12, 136:11, 137:15, 138:11, 139:18, 140:10, 140:11, 140:12, 143:9, 143:10, 144:13, 144:14, 146:3, 146:4, 146:6, 146:8, 147:17, 150:4, 150:7, 152:3, 152:10, 152:17, 154:10, 154:11, 154:13, 160:8, 160:13, 162:3, 164:3, 164:4, 165:18, 166:3, 166:7, 167:12, 168:13, 169:1, 169:17, 170:4, 170:6, 170:7, 172:8, 175:8, 175:16, 175:19, 176:13, 178:17, 178:19, 179:19, 182:18, 183:1, 184:13, 185:1, 185:12, 185:13, 185:17, 186:18, 187:3, 188:10, 190:19, 192:3, 195:6, 195:18, 197:14, 199:1, 199:2, 199:3, 200:3, 200:19, 203:1, 203:3, 203:18, 204:4, 204:8, 204:15, 205:7, 206:17, 207:13, 207:16, 211:2, 212:12, 213:1, 213:2, 213:9, 213:11, 213:15, 214:2, 214:10, 214:15, 215:10, 215:11, 215:17, 217:12, 217:18, 218:19, 219:1, 219:5, 219:13, 219:19, 220:10, 220:12, 222:2, 222:17, 223:19, 224:1, 224:7, 227:6, 228:19, 229:5,

230:6, 231:2, 231:16, 231:19, 233:4, 233:11, 233:13, 234:1, 234:2, 235:1, 235:7, 236:3, 236:16, 238:8, 238:12, 239:7, 240:5, 240:11, 240:16, 241:4, 241:13, 242:2, 244:12, 245:6, 246:2, 246:12, 247:8, 248:1, 250:8, 250:14, 252:15, 253:13, 255:16, 256:9, 256:13, 257:11, 258:4, 258:10, 258:13, 259:6, 259:18, 260:17, 260:18, 260:19, 261:4, 261:12, 262:3, 262:5, 262:10, 262:12, 263:15, 264:1, 264:14, 268:19
It's [1] - 6:4
it's [136] - 4:14, 5:15, 6:4, 6:19, 7:1, 9:11, 9:12, 10:1, 10:16, 12:14, 14:14, 15:18, 15:19, 20:5, 22:3, 23:8, 23:15, 31:14, 32:11, 42:1, 43:11, 48:10, 49:11, 50:2, 52:4, 52:8, 52:12, 53:19, 58:19, 59:13, 59:19, 60:17, 61:8, 63:12, 63:14, 63:16, 66:13, 67:2, 82:4, 85:14, 86:10, 88:7, 89:2, 89:11, 96:8, 98:15, 100:12, 102:19, 103:9, 106:9, 107:5, 109:17, 113:2, 114:9, 114:12, 115:13, 115:14, 123:10, 124:17, 124:18, 125:1, 131:8, 136:5, 136:6, 141:1, 146:8, 153:9, 157:18, 165:15, 168:15, 170:19, 173:19, 177:7, 182:15, 183:1, 186:19, 188:7, 194:6, 194:11, 195:15, 203:6, 203:7, 203:17, 204:13, 205:13, 214:7, 214:14, 215:10, 215:12, 218:3, 218:4, 218:8, 222:4, 224:13, 228:4, 228:18, 230:13, 231:1, 234:18, 235:4, 236:19, 237:18, 238:19, 239:4, 239:11, 241:8, 241:9, 245:4, 245:19, 246:13, 246:18, 246:19, 247:3, 252:12, 253:7, 253:13, 253:16, 254:9, 254:18, 255:17, 257:17, 260:5, 260:6, 261:13, 261:15, 261:16, 261:17, 262:3, 262:5, 262:8, 263:14
item [7] - 78:15, 79:5, 79:6, 80:16, 82:16, 113:12, 134:7
items [8] - 35:12, 94:19, 126:15, 128:2, 129:12, 183:6, 183:18, 184:7
its [8] - 32:11, 107:1, 132:19, 148:1, 158:3, 174:9, 174:10
itself [9] - 31:17, 86:19, 87:15, 160:1, 169:11, 169:14, 182:15, 262:13, 270:6

J

J [2] - 1:11, 3:9
jam [1] - 23:11
January [1] - 229:4
Japan [1] - 167:3
Japanese [7] - 167:5, 167:6, 167:7, 184:10, 184:11, 185:18, 190:11
Jeez [1] - 115:9
jeez [1] - 238:13
JFK [3] - 29:11, 29:16, 34:6
Jill [2] - 271:4, 271:13
JILLSON [2] - 163:1, 163:2
Jillson [3] - 163:1, 186:16, 210:2
Jillson's [1] - 186:4
Jim [3] - 30:3, 212:1, 212:6
JIN [4] - 30:3, 32:12, 32:15
job [2] - 158:19, 262:2
jobs [5] - 140:16, 202:9, 202:13, 204:3, 219:13
JOHN [9] - 18:1, 18:6, 18:13, 19:2, 19:6, 20:1, 20:6, 20:12
John [3] - 17:16, 18:6, 211:9
JOHNNY'S [2] - 2:5, 17:14
Johnny's [2] - 17:15, 18:14
join [1] - 164:7
joined [2] - 41:14, 186:13
jointly [1] - 186:14
JOSEPH [1] - 125:9
Joseph [1] - 125:10
judgment [1] - 132:1
judicial [1] - 135:16
July [22] - 37:12, 37:14, 39:9, 55:18, 59:1, 59:7, 62:6, 69:3, 74:2, 75:5, 75:13, 76:2, 80:18, 81:9, 101:3, 101:8, 104:1, 106:4, 107:15, 117:4, 215:5
jump [1] - 236:7
jumping [1] - 257:3
June [2] - 139:13, 140:8
jurisdictions [1] - 204:18
just [166] - 3:4, 4:8, 6:9, 8:18, 11:8, 11:11, 14:6, 14:7, 14:8, 15:11, 19:18, 22:12, 22:15, 23:1, 23:6, 26:12, 27:4, 36:12, 38:3, 39:1, 40:15, 41:12, 41:15, 44:1, 44:18, 45:7, 46:11, 47:5, 48:13, 49:10, 50:2, 50:14, 52:18, 53:17, 53:19, 54:4, 54:6, 54:14, 56:18, 57:10, 57:14, 57:18, 58:3, 58:10, 58:14, 59:19, 60:4, 61:3, 61:9, 61:14, 63:18, 65:4, 65:13, 69:12, 70:1, 73:9, 74:13, 75:10, 75:14, 75:16, 78:18, 79:1, 85:10, 90:2, 90:6, 90:12, 91:5, 91:14, 92:7, 92:14, 93:5, 94:4, 96:7, 96:13, 97:12, 107:6, 111:8, 117:15, 120:11, 123:8, 123:10, 125:1, 125:10, 126:6, 127:8, 130:2, 131:16, 145:6, 146:8, 148:15, 149:17, 154:8, 155:18, 157:8, 160:9, 166:5, 166:7, 168:10, 169:18, 171:11, 175:8, 176:15, 176:16, 178:7, 185:18, 188:6, 188:8, 190:13, 194:5, 195:17, 199:1, 199:11, 205:17, 207:5, 209:17, 213:9, 213:15, 214:7, 219:8, 220:11, 222:3, 222:4, 222:19, 224:6, 224:7, 225:3, 225:7, 226:2, 226:11, 227:10, 227:15, 227:18, 228:1, 229:16, 232:12, 234:3, 234:18, 235:19, 236:2, 238:18, 238:19, 241:11, 243:7, 246:3, 246:14, 247:5, 247:7, 247:8, 249:12, 250:2, 250:4, 251:4, 254:18, 255:11, 255:18, 256:13, 257:1, 258:18, 259:1, 260:13, 262:13, 263:8, 264:5, 267:18

K

K [4] - 30:3, 123:19, 125:10, 258:8
K-E-O-U-G-H [1] - 125:10
K-I-M [1] - 30:3
Kappel [1] - 212:1
Kappell [1] - 212:6
Keep [1] - 100:19
keep [6] - 19:1, 80:5, 88:18, 136:7, 146:7, 198:19
keeping [2] - 125:3, 194:3
Kelly [2] - 210:5, 247:16
Kendall [11] - 17:17, 21:1, 22:4, 210:8, 219:17, 235:2, 246:5, 256:16, 256:18, 257:4, 257:8
KEOUGH [1] - 125:9
Keough [1] - 125:10
key [1] - 216:3
keys [3] - 44:10, 113:4
kick [2] - 68:8, 111:18
kids [2] - 23:18, 253:14
KIM [3] - 30:3, 32:12, 32:15
Kim [1] - 30:3
kind [9] - 22:18, 38:8, 79:12, 152:9, 174:18, 184:13, 198:8, 215:19, 258:11
kind've [7] - 38:8, 73:10, 97:12, 99:2, 168:10, 231:13, 259:6
kinda [5] - 15:13, 58:15, 97:13, 160:2, 249:7
kinds [2] - 185:15, 198:12
Kitchen [1] - 160:10
kitchen [4] - 167:2, 169:4, 183:18, 184:1
knew [7] - 54:11, 99:9, 119:14, 126:4, 139:16, 146:6, 261:3
knock [2] - 61:9, 99:4
knocked [3] - 38:11, 51:2, 56:8
know [147] - 12:18, 22:16, 23:11, 23:16, 36:4, 39:16, 43:1, 44:4, 44:18, 50:7, 51:4, 51:9, 53:8, 53:12, 53:15, 54:2, 55:6, 55:16, 60:10, 60:11, 61:13, 65:7, 65:15, 67:3, 71:4, 74:13, 88:10, 89:16, 90:12, 91:13, 94:11, 99:3, 99:5, 99:7, 109:4, 113:7, 113:10, 114:19, 115:3, 115:4, 115:9, 117:15, 120:1, 121:2, 121:14, 121:15, 122:7, 124:7, 124:13, 126:3, 127:5, 136:10, 141:8, 145:8, 147:8, 147:18, 149:19, 150:3, 151:9, 153:7, 158:18, 160:1, 160:13, 160:16, 161:15, 163:11,

163:18, 164:4, 167:12, 168:17, 170:18, 172:6, 183:19, 187:18, 188:14, 188:15, 188:16, 188:18, 197:16, 202:9, 202:11, 202:17, 207:1, 212:8, 212:11, 213:11, 213:12, 215:3, 215:9, 216:7, 217:14, 217:16, 218:4, 218:11, 219:5, 221:5, 221:6, 223:1, 223:4, 223:6, 223:8, 223:16, 225:16, 226:6, 227:10, 227:11, 227:18, 228:3, 228:11, 229:1, 229:6, 230:3, 230:17, 230:19, 232:9, 232:17, 233:10, 234:15, 234:17, 234:19, 235:4, 237:11, 237:13, 240:1, 241:2, 246:12, 246:14, 247:3, 248:6, 249:4, 251:19, 253:14, 254:1, 254:11, 254:19, 255:9, 255:10, 255:18, 257:1, 257:14, 258:16, 259:9, 261:8, 261:17, 261:19, 263:10

know.. [2] - 15:11, 249:8

knowing [4] - 143:6, 151:12, 172:6, 172:18

knowledge [2] - 71:14, 99:7

knowledgeable [1] - 151:4

knows [3] - 184:13, 212:10, 259:17

Korea [1] - 31:8

Korean [1] - 31:19

Kourafas [2] - 271:4, 271:13

Kris [1] - 212:16

L

L [7] - 6:7, 21:8, 36:19, 134:19, 191:18

Labor [1] - 228:18

lack [1] - 122:18

lady [2] - 170:18, 188:13

laid [2] - 245:17, 245:18

Land [1] - 4:1

landscaping [2] - 78:18, 88:1

lane [4] - 241:2, 241:3, 242:4, 248:14

lanes [5] - 227:9, 240:18, 241:11, 241:14, 242:9

large [2] - 48:19, 208:8

last [22] - 8:15, 26:9, 35:12, 69:16, 74:14, 76:17, 82:16, 82:18, 98:13, 98:15, 118:10, 123:18, 134:18, 193:18, 209:3, 209:15, 222:15, 225:7, 229:1, 240:16, 242:1, 264:11

lastly [2] - 117:14, 186:15

late [9] - 3:4, 35:9, 37:14, 39:10, 41:18, 53:12, 81:12, 121:10, 216:2

later [5] - 40:16, 59:17, 169:14, 169:15, 187:19

Law [1] - 135:3

Laws [1] - 4:4

layman's [1] - 78:1

LCC [1] - 146:15

LE [2] - 2:7, 25:15

Le [4] - 25:17, 26:15, 27:13, 212:3

lead [2] - 143:15, 153:16

leaders [2] - 210:1, 215:6

leading [1] - 179:17

leads [1] - 152:7

learn [1] - 183:2

learned [3] - 107:4, 126:17, 139:19

lease [8] - 24:13, 169:13, 191:8, 191:12, 200:9, 218:1, 218:4, 237:9

leasing [2] - 218:5, 218:7

least [24] - 36:4, 55:9, 66:1, 69:14, 80:10, 89:12, 98:13, 98:18, 139:5, 139:8, 175:2, 181:1, 203:2, 209:3, 214:1, 214:11, 220:1, 220:2, 222:16, 229:8, 245:5, 245:10, 253:2, 260:1

leave [12] - 50:19, 54:15, 56:14, 61:11, 85:18, 94:14, 151:5, 165:12, 165:13, 224:8, 228:2

leaving [3] - 6:2, 46:3, 113:2

led [3] - 138:13, 147:8, 209:17

LED [1] - 113:7

left [6] - 5:2, 41:11, 136:2, 161:11, 163:7, 211:12

legitimate [4] - 96:3, 96:15, 206:8, 251:7

legitimately [1] - 55:11

Leisure [1] - 22:5

leisurely [1] - 247:9

Leland [1] - 247:16

lend [3] - 165:17, 252:10, 262:13

less [4] - 79:1, 139:11, 176:14, 201:6

lesson [1] - 107:5

let [10] - 41:17, 45:10, 62:3, 94:11, 115:19, 157:17, 174:4, 207:7, 235:11, 256:13

let's [3] - 71:10, 181:8, 256:16

letter [7] - 13:5, 13:10, 128:10, 128:11, 206:19, 211:14, 247:15

letters [1] - 210:11

letting [3] - 44:9, 71:8, 71:13

level [7] - 29:12, 29:17, 34:7, 80:8, 108:6, 108:9, 211:3

levels [1] - 195:11

liability [1] - 230:16

Licence [1] - 270:4

licences [1] - 143:19

LICENSE [3] - 1:3, 1:5, 270:1

License [20] - 3:7, 20:4, 29:12, 34:7, 35:18, 137:1, 143:9, 163:15, 175:18, 191:5, 192:1, 192:10, 193:6, 195:3, 201:16, 209:4, 251:12, 270:16, 271:7, 271:15

license [51] - 4:1, 4:4, 8:4, 8:6, 8:11, 10:2, 11:10, 11:19, 17:17, 20:19, 21:1, 26:2, 27:8, 27:16, 29:11, 29:16, 34:6, 134:14, 137:4, 139:1, 141:4, 142:2, 142:14, 146:7, 146:19, 147:3, 147:12, 148:8, 148:11, 149:11, 149:12, 150:2, 150:4, 150:7, 151:5, 153:16, 154:8, 171:5, 171:9, 171:19, 172:15, 173:5, 175:12, 176:11, 176:12, 176:13, 179:17, 192:3, 194:6, 254:5, 255:1

licensed [7] - 98:12, 150:18, 173:5, 204:13, 223:4, 254:10, 254:18

licensee [6] - 128:11, 137:15, 146:11, 150:16, 150:18, 172:1

licensees [4] - 143:15, 143:18, 149:8, 173:9

licenses [3] - 141:18, 142:3, 144:5

Licensing [2] - 178:18, 255:11

licensing [1] - 198:3

lie [1] - 140:19

lied [1] - 140:12

lieu [2] - 145:15, 178:16

life [2] - 151:2, 187:19

light [6] - 47:3, 121:6, 190:18, 222:1, 222:5, 222:19

lighting [1] - 87:16

lights [4] - 87:14, 221:15, 222:4, 223:7

like [109] - 9:4, 9:8, 13:17, 22:11, 22:16, 38:9, 38:14, 39:16, 40:3, 40:6, 41:2, 41:6, 43:14, 46:11, 48:10, 49:8, 50:1, 51:15, 55:1, 58:2, 58:12, 58:17, 59:2, 59:3, 59:19, 60:10, 60:11, 60:12, 62:9, 63:12, 65:14, 66:13, 66:14, 68:10, 69:13, 69:18, 69:19, 70:5, 70:14, 72:12, 73:17, 74:19, 76:14, 84:11, 86:6, 91:10, 94:10, 96:9, 96:19, 99:12, 110:9, 113:3, 121:9, 121:14, 123:10, 123:13, 126:10, 131:3, 135:13, 136:6, 136:10, 138:18, 141:8, 145:8, 154:8, 162:16, 164:5, 165:7, 172:10, 183:6, 184:7, 189:4, 195:17, 197:13, 199:11, 203:9, 205:16, 213:15, 216:2, 216:8, 216:18, 217:11, 218:12, 224:7, 225:17, 231:9, 242:13, 243:7, 246:13, 246:14, 246:17, 246:19, 247:3, 247:12, 249:7, 254:10, 255:9, 255:13, 255:19, 257:1, 257:11, 258:10, 260:19, 261:1, 261:7, 261:15, 262:16

likelihood [1] - 62:4

likely [2] - 52:2, 99:10

likes [1] - 184:9

limit [4] - 60:19, 158:18, 234:16, 235:15

limited [12] - 132:2, 214:6, 214:16, 220:3, 220:11, 221:11, 226:6, 228:18, 231:17, 234:17, 235:12, 246:3

limiting [2] - 234:19, 235:7

limits [1] - 167:4

LINE [1] - 270:7

Line [1] - 246:4

line [2] - 104:17, 241:8

lines [4] - 67:4, 164:19, 208:3, 260:17

linking [1] - 235:1

Lint [9] - 1:8, 6:1, 9:15, 133:19, 171:4, 198:1, 211:15, 234:12, 259:8

LINT [52] - 3:3, 6:3, 6:9, 6:14, 6:19, 8:2, 9:17, 11:13, 12:12, 13:3, 16:6, 16:12,

17:11, 19:18, 20:2, 20:10, 20:14, 20:16, 23:14, 24:18, 25:17, 28:3, 28:8, 28:11, 29:8, 33:1, 34:2, 35:15, 134:1, 134:6, 134:11, 139:14, 171:7, 191:4, 200:3, 207:16, 209:3, 225:1, 232:4, 232:7, 236:19, 251:7, 255:2, 256:9, 256:15, 257:11, 265:12, 265:17, 266:10, 266:15, 267:14, 268:1
liquor [3] - 27:16, 185:7, 185:16
list [10] - 101:8, 104:6, 107:16, 126:15, 127:16, 185:15, 194:13, 194:14, 239:5, 239:9
listed [4] - 144:6, 254:5, 254:6, 266:18
listening [1] - 74:11
lists [1] - 141:17
little [35] - 3:4, 4:16, 8:18, 19:18, 39:8, 42:17, 45:15, 49:9, 49:13, 49:19, 50:4, 57:19, 59:3, 64:13, 66:4, 67:2, 81:18, 92:10, 100:5, 114:7, 154:17, 200:12, 204:4, 217:1, 222:4, 234:5, 235:4, 235:10, 237:18, 245:14, 245:16, 247:9, 258:9, 264:12
lived [1] - 21:19
livelihood [2] - 152:18, 152:19
livery [2] - 195:14, 258:16
living [1] - 221:3
LLC [20] - 2:6, 2:8, 2:11, 20:15, 20:17, 29:7, 29:9, 29:14, 34:4, 134:10, 134:12, 142:5, 146:16, 150:7, 153:5, 172:16, 173:4, 173:10, 173:14, 173:15
loading [2] - 243:3, 243:5
lobby [6] - 72:14, 72:15, 85:8, 86:19, 103:3
lobster [1] - 238:9
Lobster [4] - 238:13, 238:14, 238:18, 239:1
local [6] - 37:9, 48:12, 65:14, 95:19, 183:10, 219:11
locals [3] - 64:11, 65:11, 65:12
located [2] - 13:15, 26:14
location [16] - 10:10, 159:19, 160:7, 160:8, 163:6, 163:9, 165:18, 166:1, 168:1, 168:11, 168:14, 169:13, 183:19, 185:6, 185:7, 186:6
lock [1] - 57:15
Locke [1] - 212:16
locked [1] - 57:17
logical [1] - 256:5
loitering [1] - 78:19
Lombardi [2] - 1:11, 3:9
long [14] - 24:13, 30:8, 45:10, 62:1, 62:4, 85:7, 88:17, 89:7, 158:2, 169:12, 182:3, 183:10, 185:18, 257:5
long-term [1] - 169:12
longer [8] - 5:9, 40:17, 40:19, 45:15, 58:1, 78:16, 83:19, 192:16
Look [5] - 44:18, 47:6, 55:2, 58:14, 143:2
look [27] - 38:9, 42:15, 49:13, 50:4, 53:9, 76:7, 76:9, 78:3, 89:9, 101:16, 103:18, 112:11, 112:16, 121:5, 121:9, 121:17, 130:5, 135:17, 143:12, 149:17, 174:8, 183:12, 190:10, 197:14, 211:5, 229:12
looked [4] - 49:18, 49:19, 166:3, 230:1
looking [23] - 6:10, 27:1, 54:2, 54:3, 62:14, 80:17, 86:9, 102:6, 114:10, 156:2, 164:3, 173:3, 186:7, 195:1, 198:13, 201:2, 211:7, 240:15, 246:15, 247:7, 247:8, 248:18, 263:14
losing [1] - 201:2
lost [2] - 116:15, 220:3
lot [42] - 15:4, 23:2, 40:17, 46:19, 48:3, 48:6, 48:12, 48:15, 58:19, 69:19, 73:6, 87:10, 87:14, 87:15, 140:16, 163:19, 167:7, 181:8, 182:12, 183:3, 183:10, 184:10, 188:16, 191:1, 200:5, 212:7, 217:11, 219:7, 222:10, 223:17, 224:2, 226:4, 230:15, 231:8, 232:15, 233:9, 238:17, 243:2, 244:11, 248:18, 260:6
loud [8] - 38:8, 38:13, 40:7, 58:15, 59:18, 79:11, 104:16
loudness [1] - 43:3
lounge [2] - 166:15, 187:8
love [1] - 259:15
low [1] - 85:14
lower [3] - 87:13, 124:19, 232:15
lowest [1] - 232:17
Lucey [1] - 212:14
luck [2] - 35:3, 190:5
lucky [1] - 181:2
lunch [1] - 22:6

M

M [13] - 4:12, 18:7, 21:8, 30:3, 36:19, 42:7, 49:10, 49:13, 49:17, 49:19, 123:19, 258:8, 271:4
M-A-R-T-I-G-N-E-T-T-I [1] - 42:7
M-E-D-E-I-R-O-S [1] - 4:12
M-I-L-L-E-R [1] - 21:8
ma'am [1] - 125:6
made [37] - 14:3, 22:7, 24:1, 70:10, 80:8, 89:16, 92:9, 102:16, 107:15, 108:17, 109:2, 110:17, 112:2, 122:7, 123:5, 129:14, 132:8, 150:15, 155:7, 155:11, 155:15, 158:18, 161:17, 167:17, 170:6, 177:3, 180:9, 189:17, 201:4, 206:2, 208:12, 217:16, 219:19, 233:5, 233:14, 268:8, 268:19
Mahoney [2] - 1:7, 3:13
MAHONEY [110] - 5:19, 6:15, 7:6, 7:13, 11:18, 12:17, 13:1, 14:19, 15:3, 15:10, 16:4, 16:9, 16:14, 17:1, 19:7, 19:13, 19:16, 20:8, 24:8, 24:12, 24:16, 25:3, 25:8, 25:11, 27:3, 28:15, 29:1, 29:4, 31:12, 31:15, 32:17, 33:2, 33:9, 33:14, 33:17, 34:3, 34:12, 34:15, 34:19, 45:18, 46:9, 64:6, 64:19, 65:10, 66:3, 66:8, 66:17, 67:6, 67:11, 67:16, 68:3, 68:9, 68:19, 69:7, 70:9, 70:18, 71:6, 72:5, 72:18, 110:11, 110:15, 111:5, 112:6, 115:2, 115:15, 121:11, 130:1, 130:13, 132:15, 162:13, 178:13, 179:1, 180:6, 180:17, 189:14, 190:2, 202:4, 208:9, 208:16, 220:13, 221:10, 221:14, 224:10, 224:18, 233:3, 233:18, 236:9, 236:15, 238:10, 239:12, 241:15, 243:14, 243:18, 244:2, 244:5, 244:9, 244:13, 246:1, 246:9, 246:16, 252:5, 253:9, 253:19, 263:6, 267:1, 267:8, 268:5, 268:12, 268:15, 269:4
Mahoney's [1] - 102:11
main [7] - 47:13, 47:15, 79:1, 226:5, 233:7, 240:18, 241:8
maintain [1] - 192:4
major [3] - 217:6, 263:15
make [73] - 7:7, 16:15, 19:8, 19:9, 25:4, 28:16, 33:10, 35:11, 38:17, 57:10, 79:1, 79:9, 88:12, 89:17, 90:3, 90:12, 91:5, 91:9, 91:14, 92:5, 92:15, 93:1, 93:9, 96:11, 96:17, 97:4, 97:11, 100:2, 105:3, 110:6, 116:1, 116:10, 116:11, 116:12, 120:9, 131:16, 133:8, 133:9, 137:1, 137:14, 143:2, 146:12, 156:18, 158:2, 164:13, 166:13, 168:19, 169:12, 179:10, 179:18, 182:17, 184:12, 189:11, 191:15, 206:11, 206:12, 207:5, 208:2, 218:8, 228:6, 228:8, 231:10, 233:9, 233:13, 244:11, 251:10, 259:3, 259:6, 259:12, 262:2, 266:16, 268:3, 270:5
makes [4] - 69:18, 96:10, 184:8, 233:10
making [12] - 38:18, 39:5, 91:7, 99:16, 118:7, 121:2, 124:2, 131:15, 149:19, 170:15, 182:9, 262:14
malt [1] - 26:2
manage [3] - 10:11, 149:12, 256:4
manageable [1] - 256:7
managed [7] - 108:5, 165:2, 170:19, 181:13, 181:14, 181:16, 257:19
management [10] - 82:13, 83:9, 140:5, 148:18, 149:11, 164:6, 165:2, 165:5, 165:9, 181:12
manager [51] - 3:19, 4:11, 9:4, 17:16, 20:18, 26:1, 26:3, 27:1, 29:10, 29:15, 34:5, 56:5, 57:7, 79:13, 83:18, 104:14, 108:3, 108:8, 134:13, 134:15, 135:8, 135:11, 137:3, 137:8, 137:9,

137:10, 138:4, 138:16, 141:13, 145:4, 148:7, 148:13, 151:4, 151:11, 151:16, 152:17, 156:4, 157:4, 157:5, 158:8, 159:3, 159:7, 159:10, 161:3, 173:14, 181:6, 181:17, 189:9, 189:12, 212:16
manager.. [1] - 136:12
managerial [1] - 133:9
managers [2] - 57:1, 200:14
managing [2] - 137:4, 150:2
maneuver [1] - 231:10
manned [1] - 81:5
manner [3] - 119:7, 197:5, 223:19
manufacturer [2] - 233:6, 233:8
many [22] - 14:10, 15:1, 15:9, 38:14, 43:5, 47:6, 73:10, 96:3, 103:7, 113:17, 144:15, 163:16, 163:17, 187:6, 188:2, 201:18, 222:11, 224:11, 241:4, 252:2
March [6] - 209:16, 211:9, 219:15, 229:7, 229:8, 252:12
Marco's [3] - 8:3, 10:17, 13:3
marijuana [10] - 70:14, 70:16, 70:19, 73:5, 99:3, 102:2, 102:12, 106:2, 109:17, 118:16
market [1] - 216:18
marks [1] - 270:5
Marriott [2] - 212:1, 212:6
Martha's [1] - 263:4
MARTIGNETTI [21] - 41:17, 42:4, 67:9, 67:13, 68:1, 68:5, 68:12, 84:17, 86:6, 86:18, 87:6, 88:19, 95:5, 111:4, 111:10, 114:14, 115:4, 115:17, 116:18, 120:17, 133:12
Martignetti [31] - 36:2, 41:13, 41:15, 42:6, 60:16, 67:7, 74:9, 76:5, 76:6, 77:14, 77:17, 79:19, 82:10, 83:7, 83:18, 84:12, 93:14, 93:17, 94:2, 97:18, 100:17, 104:13, 106:7, 106:11, 108:2, 108:7, 108:12, 110:16, 116:1, 127:13, 132:18
marvel [1] - 232:10
mashed [1] - 22:17
Mass [4] - 10:12, 95:14, 222:19, 234:8
MASSACHUSETTS [1] - 1:1
Massachusetts [9] - 1:11, 1:12, 3:10, 4:4, 8:5, 170:10, 182:8, 271:2, 271:5
match [1] - 53:6
materials [2] - 140:1, 201:12
math [1] - 262:4
matter [12] - 3:16, 37:3, 86:1, 110:10, 133:2, 162:17, 189:5, 192:1, 199:2, 205:16, 208:3, 251:13
MATTERS [1] - 2:2
matters [2] - 3:6, 134:8
may [22] - 75:8, 80:14, 84:10, 84:18, 93:19, 100:8, 102:6, 134:6, 137:12, 149:4, 158:1, 176:18, 178:9, 186:11, 191:11, 197:16, 206:3, 206:5, 215:8, 229:16, 235:12
May [5] - 29:13, 30:9, 34:8, 228:18, 228:19
maybe [25] - 11:4, 37:19, 54:6, 54:10, 67:7, 80:9, 81:2, 95:9, 96:14, 96:17, 102:6, 156:9, 163:4, 169:14, 211:2, 211:3, 215:12, 218:11, 218:14, 220:1, 220:8, 222:1, 262:18
Mayflower [1] - 240:3
Mayor [1] - 247:14
McCready [1] - 210:7
me [87] - 18:16, 18:17, 21:11, 23:5, 27:2, 37:8, 37:11, 39:14, 41:4, 41:17, 50:4, 51:4, 51:5, 54:5, 57:6, 57:17, 57:19, 63:17, 63:19, 68:6, 69:17, 69:18, 75:2, 76:6, 76:9, 76:12, 76:15, 77:13, 77:17, 78:17, 79:15, 93:6, 98:18, 100:11, 102:3, 102:5, 102:7, 102:8, 104:9, 107:16, 108:4, 109:17, 112:3, 112:7, 113:12, 114:17, 115:19, 117:18, 122:2, 133:14, 138:19, 139:11, 145:9, 145:16, 151:2, 155:15, 156:4, 165:17, 171:3, 174:4, 177:19, 200:8, 203:1, 209:13, 209:17, 211:3, 211:13, 217:13, 217:18, 221:19, 222:15, 223:14, 223:19, 225:10, 225:15, 227:15, 230:11, 235:11, 238:14, 247:2, 247:14, 258:12, 259:1, 265:6, 267:15
mean [38] - 32:10, 40:17, 48:7, 50:11, 54:11, 60:9, 61:15, 64:3, 65:6, 65:12, 66:11, 69:13, 75:12, 88:4, 90:19, 156:10, 184:2, 199:19, 203:8, 203:10, 216:10, 216:15, 223:8, 230:13, 230:18, 232:6, 236:13, 237:4, 244:6, 245:14, 249:11, 249:15, 250:17, 260:5, 260:6, 262:5, 263:3
meaning [3] - 147:4, 204:13, 219:17
means [3] - 83:6, 188:7, 193:12
measured [1] - 242:2
measures [12] - 74:12, 74:18, 75:11, 77:9, 88:9, 88:16, 91:18, 98:1, 99:13, 105:16, 131:5, 187:9
mechanism [1] - 196:13
medal [1] - 95:18
medallion [4] - 194:15, 199:12, 203:18, 254:11
Medallions [1] - 266:11
medallions [3] - 192:5, 201:2, 204:1
MEDEIROS [2] - 4:10, 7:17
Medeiros [2] - 3:19, 4:10
medical [1] - 95:15
meet [7] - 17:7, 154:19, 191:5, 196:2, 197:9, 247:14, 265:6
Meeting [1] - 271:8
meeting [11] - 192:6, 209:15, 209:18, 209:19, 210:19, 211:1, 211:9, 212:16, 219:15, 242:1, 247:1
meetings [1] - 200:8
meets [1] - 133:11
member [4] - 5:7, 146:14, 163:5, 194:13
MEMBERS [1] - 1:5
Members [2] - 135:2, 209:4
members [16] - 5:7, 62:2, 110:9, 121:16, 123:13, 126:9, 142:5, 146:15, 150:8, 162:16, 163:4, 189:4, 201:18, 205:15, 258:3, 258:4
memo [4] - 250:4, 264:10, 264:12, 264:15
Memorial [3] - 228:17, 236:7, 236:16
memory [1] - 89:13
mention [5] - 89:16, 122:7, 213:4, 248:3, 261:8
mentioned [6] - 66:18, 121:15, 212:7, 216:6, 217:7, 254:1
mentioning [1] - 258:10
menu [7] - 11:3, 19:1, 19:2, 31:19, 184:8, 237:19, 238:1
mercy [1] - 177:4
Meridien [1] - 212:3
mess [1] - 168:16
message [2] - 100:2, 200:16
met [4] - 161:10, 209:19, 210:2, 211:19
metal [1] - 115:13
meter [2] - 217:10, 217:14
Metro [7] - 141:11, 141:12, 142:1, 142:6, 142:13, 142:15, 144:4
mICHAEL [1] - 232:5
Michael [10] - 1:6, 1:11, 3:9, 3:18, 4:10, 35:4, 35:7, 197:17, 209:11, 251:11
MICHAEL [263] - 4:10, 7:17, 35:6, 36:8, 36:11, 37:1, 41:12, 42:1, 42:8, 42:14, 43:4, 43:13, 44:3, 44:12, 45:5, 45:9, 46:15, 47:9, 50:6, 51:10, 51:16, 52:11, 52:16, 73:3, 73:14, 74:3, 84:11, 86:14, 87:3, 87:18, 94:18, 97:1, 98:9, 108:13, 108:18, 110:8, 110:13, 123:12, 124:9, 125:5, 126:7, 126:13, 128:4, 130:7, 132:7, 132:11, 132:14, 132:17, 133:17, 134:2, 134:9, 138:17, 139:15, 147:3, 150:10, 153:4, 153:12, 153:15, 154:11, 154:15, 156:6, 156:14, 162:3, 162:7, 162:11, 162:15, 164:16, 165:11, 166:17, 171:4, 171:8, 172:12, 173:2, 173:16, 174:4, 175:16, 176:10, 177:7, 178:11, 179:5, 179:9, 180:8, 180:13, 180:19, 181:7, 182:3, 182:6, 183:14, 184:2, 184:17, 185:3, 186:1, 189:3, 189:8, 189:16, 190:1, 190:4, 190:12, 190:17, 191:16, 195:5, 196:3, 196:16, 197:13, 197:19, 199:13, 199:16, 201:3, 201:11, 202:2, 204:8, 205:3, 205:14, 207:14,

207:18, 208:2, 208:11, 208:15, 208:18, 209:7, 209:11, 210:14, 210:19, 213:17, 214:12, 214:13, 214:14, 215:14, 217:5, 219:2, 219:4, 220:8, 220:18, 221:12, 221:16, 222:7, 222:9, 222:13, 223:2, 224:12, 225:9, 226:19, 227:4, 227:13, 227:17, 228:15, 228:17, 229:11, 229:14, 229:16, 229:18, 230:5, 230:11, 231:4, 231:6, 231:15, 231:19, 232:8, 232:14, 232:16, 232:19, 233:2, 233:7, 234:3, 234:7, 234:10, 234:11, 234:14, 235:11, 235:18, 236:3, 236:6, 236:12, 236:18, 237:2, 237:8, 238:4, 238:8, 238:9, 238:12, 238:17, 239:2, 239:4, 239:14, 239:16, 239:18, 240:19, 241:13, 241:19, 242:5, 242:7, 242:10, 242:19, 243:17, 244:1, 244:4, 244:7, 244:11, 244:16, 245:1, 245:13, 246:11, 246:18, 247:11, 247:13, 248:9, 249:9, 249:15, 250:2, 250:17, 251:1, 251:9, 251:19, 252:7, 252:11, 252:15, 252:17, 252:19, 253:4, 253:6, 253:12, 254:4, 254:7, 254:9, 254:13, 254:17, 255:7, 256:2, 257:7, 257:14, 257:16, 258:2, 260:4, 260:8, 260:15, 261:6, 261:7, 263:3, 263:8, 263:17, 263:19, 264:2, 264:5, 265:4, 265:9, 265:15, 265:18, 266:2, 266:5, 266:6, 266:13, 266:16, 267:3, 267:7, 267:10, 267:17, 268:3, 268:7, 268:11, 268:14, 268:17, 269:3, 269:6

middle [1] - 85:8

midnight [6] - 12:2, 12:3, 12:4, 12:7, 81:16, 101:5

might [32] - 37:8, 39:7, 40:18, 45:14, 46:7, 46:8, 49:12, 52:6, 61:16, 65:18, 68:17, 86:8, 92:1, 97:7, 97:8, 112:11, 112:16, 115:13, 124:14, 159:2, 175:17, 216:15, 218:10, 218:14, 220:3, 235:5, 235:9, 235:13, 239:6, 241:10, 259:11

might've [1] - 109:6

miles [1] - 224:14

mill [2] - 73:10, 109:7

Miller [2] - 20:18, 21:8

MILLER [10] - 21:7, 21:11, 21:14, 22:14, 23:15, 24:3, 24:11, 24:14, 25:1, 25:13

million [2] - 230:16, 240:1

mind [7] - 104:1, 122:12, 122:14, 125:3, 144:19, 192:13, 264:7

minds [1] - 174:19

mingle [1] - 256:13

minimally [1] - 179:15

minimum [3] - 162:1, 220:5, 262:2

minimums [1] - 216:15

MINKA [8] - 123:17, 123:18, 124:10, 258:7, 258:8, 260:7, 260:10, 261:3

Minka [3] - 123:18, 247:16, 258:7

minute [6] - 146:5, 166:6, 174:5, 181:8, 190:13, 217:12

minutes [14] - 40:19, 44:19, 45:1, 45:14, 45:16, 54:18, 55:2, 56:9, 57:18, 190:13, 225:12, 247:1, 267:12, 268:4

misjudgment [1] - 120:3

mislead [1] - 146:2

miso [1] - 184:6

misrepresentation [1] - 141:7

mistake [6] - 110:7, 147:18, 150:1, 150:8, 152:3

mistakenly [1] - 146:4

mistakes [4] - 105:10, 108:17, 120:3, 145:17

MIT [2] - 95:14, 96:7

mitigating [1] - 186:10

mix [2] - 96:8, 174:16

mobile [4] - 191:8, 192:18, 198:16, 228:9

mobility [1] - 251:16

model [4] - 168:9, 195:8, 195:9, 216:8

models [2] - 217:6, 233:9

modernize [1] - 192:10

modes [1] - 249:2

moment [1] - 54:17

momentarily [1] - 36:6

moments [1] - 32:11

Monday [1] - 21:5

money [8] - 167:11, 168:5, 223:19, 228:6, 228:8, 244:12, 262:2, 262:6

monitor [15] - 48:19, 49:1, 49:5, 49:7, 49:18, 51:18, 54:2, 54:4, 57:11, 71:18, 72:2, 81:6, 103:19, 104:8

monitoring [2] - 67:12, 67:14

monoculture [1] - 245:4

monopolized [1] - 256:8

month [9] - 47:14, 48:5, 48:11, 137:6, 138:6, 180:1, 229:9, 260:1, 260:3

months [6] - 47:11, 182:16, 214:3, 259:15, 260:7

more [64] - 15:8, 15:15, 37:11, 40:16, 43:8, 46:19, 47:1, 48:15, 48:16, 50:4, 50:14, 54:10, 55:13, 58:7, 58:8, 60:7, 61:8, 62:9, 69:19, 79:3, 81:1, 81:13, 84:6, 87:14, 88:10, 95:9, 101:4, 102:7, 106:10, 109:5, 110:2, 118:11, 120:3, 120:5, 129:2, 131:18, 152:6, 154:17, 164:19, 165:2, 170:4, 170:6, 176:5, 176:14, 183:18, 193:19, 194:1, 197:3, 204:5, 216:18, 228:8, 239:14, 245:15, 246:13, 246:14, 246:18, 247:3, 247:8, 257:18, 258:10, 264:12, 264:17, 265:4

morning [5] - 12:10, 69:3, 133:16, 244:17, 244:18

mortgages [1] - 261:17

most [17] - 48:11, 51:6, 52:2, 65:2, 84:19, 98:11, 99:9, 140:1, 140:6, 145:9, 164:14, 187:1, 198:18, 214:9, 222:14, 248:5, 263:15

mostly [3] - 219:11, 223:13, 236:4

motion [42] - 7:7, 7:11, 16:15, 19:8, 19:9, 25:4, 28:16, 33:10, 34:1, 34:4, 49:8, 49:12, 49:18, 53:11, 53:18, 54:7, 75:2, 78:11, 83:6, 92:11, 112:13, 112:15, 128:6, 129:4, 129:19, 130:14, 132:7, 179:10, 179:18, 180:5, 180:8, 189:11, 189:16, 208:3, 208:11, 265:10, 266:16, 268:4, 268:7, 268:16, 268:17, 268:19

motions [1] - 32:19

motor [1] - 254:16

Mount [1] - 134:14

move [11] - 128:10, 136:9, 143:11, 148:3, 159:3, 177:5, 177:13, 177:15, 228:5, 243:9

moveable [1] - 13:9

moves [1] - 49:9

moving [7] - 49:14, 50:1, 192:16, 228:6, 228:9, 232:18, 249:3

Mr [114] - 12:19, 13:6, 13:11, 17:7, 36:2, 36:15, 37:1, 41:13, 41:15, 42:9, 60:16, 67:7, 74:9, 76:4, 76:5, 76:6, 77:8, 77:14, 77:17, 79:19, 80:3, 80:18, 81:10, 82:3, 82:10, 82:19, 83:7, 83:18, 84:12, 89:16, 90:8, 91:1, 93:14, 93:16, 93:17, 94:2, 94:11, 95:1, 97:18, 98:10, 99:9, 100:17, 101:10, 102:1, 104:3, 104:12, 104:13, 105:17, 106:7, 106:11, 107:2, 108:2, 108:7, 108:8, 108:12, 108:17, 109:16, 109:18, 110:16, 116:1, 118:11, 119:5, 119:18, 120:2, 123:2, 126:11, 127:9, 127:13, 128:5, 132:6, 132:18, 134:3, 135:1, 135:4, 135:6, 135:12, 137:5, 137:8, 138:2, 138:15, 139:6, 140:5, 141:12, 142:2, 142:14, 143:8, 143:15, 144:14, 146:14, 149:7, 149:19, 152:6, 152:12, 152:16, 160:3, 160:11, 164:17, 165:1, 172:16, 173:4, 173:8, 173:9, 173:13, 178:9, 181:1, 181:5, 189:9, 189:12, 201:4, 209:12, 250:12

Ms [10] - 6:1, 9:15, 133:19, 171:4, 186:4, 186:16, 198:1, 211:15, 234:12, 259:8

much [34] - 7:16, 7:17, 17:10, 25:13, 42:5, 85:17, 89:11, 112:4, 118:11, 119:4, 120:5, 124:1, 126:8, 129:2, 129:10,

133:18, 136:5, 140:6, 168:11, 190:10, 191:14, 197:15, 209:1, 216:17, 233:4, 233:5, 235:8, 245:3, 252:13, 258:18, 262:5, 263:18, 266:7
Muehe [5] - 13:6, 13:11, 17:7, 197:17, 251:11
Mueller [1] - 153:11
multiple [3] - 215:18, 226:14, 256:10
Municipal [2] - 1:11, 3:10
music [4] - 38:8, 38:13, 40:7, 43:3
must [3] - 43:7, 197:5, 252:3
must've [2] - 44:5, 44:8
My [3] - 21:7, 123:17, 271:16
my [79] - 9:9, 18:13, 28:1, 35:7, 36:15, 36:18, 39:4, 42:6, 56:4, 69:16, 81:10, 84:13, 88:17, 92:17, 99:11, 100:5, 100:12, 104:1, 111:11, 111:16, 111:17, 111:18, 121:18, 122:12, 123:18, 128:9, 131:8, 139:2, 139:9, 145:1, 145:11, 145:17, 154:14, 155:3, 157:12, 157:17, 158:7, 158:9, 158:16, 161:5, 161:10, 161:19, 165:5, 165:15, 165:16, 168:6, 169:7, 179:10, 179:13, 181:1, 181:19, 184:9, 187:7, 188:3, 188:17, 188:18, 190:18, 215:4, 219:15, 220:9, 223:13, 231:15, 232:10, 237:10, 251:4, 253:17, 255:2, 255:3, 257:19, 258:7, 260:10, 261:1, 265:5, 271:11
myself [5] - 165:3, 168:5, 215:9, 219:7, 231:12

N

N [11] - 3:1, 4:14, 18:9, 26:10, 30:2, 42:7, 134:19, 209:11, 258:8
name [45] - 4:8, 8:14, 8:15, 18:4, 19:1, 19:2, 21:7, 26:6, 26:9, 27:19, 28:1, 29:19, 30:11, 31:17, 35:7, 36:15, 36:18, 41:16, 42:6, 47:18, 50:19, 53:5, 65:7, 123:16, 123:17, 123:18, 125:8, 134:18, 145:1, 157:12, 157:16, 158:16, 160:9, 162:19, 165:15, 165:17, 185:18, 189:5, 209:9, 258:7
namely [2] - 88:10, 117:8
names [3] - 6:1, 36:12, 185:17
nanny"-D-Y [1] - 8:16
narcotics [1] - 62:8
narrow [2] - 241:16, 248:15
national [1] - 161:16
natural [1] - 185:14
nature [3] - 133:5, 136:3, 149:18
near [1] - 227:9
nearby [1] - 188:17
necessarily [4] - 60:13, 64:18, 197:10, 199:19
necessary [1] - 17:12
necessity [1] - 192:6
need [26] - 11:12, 12:15, 20:3, 34:1, 92:4, 97:18, 100:2, 106:10, 119:8, 130:12, 130:19, 147:10, 158:2, 158:7, 161:1, 168:17, 197:11, 206:8, 230:16, 231:1, 233:1, 246:19, 257:15, 259:10, 265:10, 267:12
needed [8] - 112:1, 137:14, 147:7, 160:9, 168:16, 215:2, 222:18, 265:5
needs [9] - 119:8, 133:2, 150:4, 151:17, 159:14, 159:15, 160:12, 206:6, 235:12
negative [1] - 212:6
neglect [2] - 105:8, 106:13
neglectful [1] - 107:1
neighborhood [3] - 21:19, 23:3, 163:10
neither [1] - 65:1
network [1] - 260:14
never [13] - 40:10, 50:10, 50:12, 69:14, 96:12, 146:5, 161:4, 161:10, 167:10, 192:8, 222:9, 227:15, 254:17
New [8] - 31:8, 31:9, 59:1, 80:19, 106:4, 111:12, 159:1, 159:7
new [14] - 5:3, 26:18, 48:18, 77:13, 83:4, 89:5, 109:17, 135:11, 144:17, 159:10, 172:9, 211:13, 260:5, 260:13
Newbury [3] - 181:12, 181:14, 245:17
Newburyport [1] - 263:4
newer [1] - 114:9
Newport [2] - 225:2, 262:17
news [5] - 100:14, 104:5, 107:16, 107:18
next [11] - 14:5, 23:15, 29:8, 66:13, 115:5, 124:17, 207:6, 211:3, 213:19, 214:3, 265:19
Nextels [1] - 114:2
nice [8] - 154:19, 161:17, 167:14, 167:18, 190:11, 208:19, 237:15, 237:17
nicely [1] - 258:13
night [27] - 25:14, 37:5, 37:6, 39:4, 48:7, 48:9, 49:11, 56:13, 57:12, 61:7, 69:2, 80:1, 81:12, 101:6, 113:1, 121:10, 125:12, 125:14, 126:4, 131:2, 187:19, 217:15, 218:2, 218:3, 218:7, 221:2, 221:8
night-life-later-hour [1] - 187:19
nightclub [3] - 160:1, 166:15, 187:7
nightclub/restaurant [2] - 137:16, 160:17
nights [4] - 59:2, 59:3, 106:9, 122:19
nine [2] - 232:2, 262:18
No [3] - 32:15, 141:17, 271:15
no [91] - 5:9, 5:15, 5:16, 9:9, 9:19, 10:11, 10:13, 15:10, 16:6, 16:9, 20:12, 23:12, 24:6, 30:18, 31:2, 31:5, 33:4, 33:6, 42:3, 43:16, 47:16, 53:14, 60:19, 64:2, 68:6, 73:1, 74:6, 77:7, 78:16, 81:8, 83:19, 86:15, 86:16, 89:8, 90:16, 95:3, 95:5, 104:10, 104:15, 104:19, 110:6, 115:7, 115:16, 121:8, 123:6, 124:16, 132:10, 134:1, 140:3, 140:11, 141:7, 142:8, 144:12, 147:19, 152:15, 165:9, 170:1, 170:2, 170:16, 173:11, 175:7, 175:17, 179:7, 180:11, 184:1, 184:5, 189:1, 192:16, 202:4, 204:11, 208:1, 213:8, 216:9, 216:10, 216:13, 217:17, 218:9, 227:5, 227:8, 227:12, 229:14, 239:18, 239:19, 242:19, 262:15, 264:4, 267:4
no-fare [2] - 216:10, 216:13
nobody [3] - 46:10, 130:16, 167:19
noise [15] - 46:11, 47:1, 56:6, 58:9, 79:11, 80:3, 80:8, 80:14, 82:6, 94:13, 95:3, 104:16, 105:6, 108:5, 109:7
non [3] - 79:1, 95:3, 167:16
non-guest [1] - 95:3
non-main [1] - 79:1
non-vented [1] - 167:16
nonalcoholic [2] - 8:7, 21:2
nondisclosure [1] - 175:2
none [13] - 27:6, 110:6, 132:11, 132:17, 133:6, 142:7, 180:19, 190:4, 205:17, 208:18, 254:9, 267:10, 268:14
none.. [3] - 7:5, 16:11, 28:14
nonregistered [1] - 82:7
nope [2] - 200:2
normal [2] - 5:13, 5:16
normally [2] - 40:18, 56:17
North [1] - 225:14
not [214] - 6:17, 7:1, 9:15, 11:4, 12:14, 13:7, 20:8, 27:9, 28:1, 31:2, 38:1, 43:11, 43:16, 45:1, 45:4, 47:14, 48:8, 49:12, 51:8, 52:5, 52:6, 52:8, 52:12, 54:2, 59:14, 64:17, 66:13, 68:17, 71:9, 74:5, 75:3, 75:8, 75:12, 75:19, 76:7, 78:13, 80:1, 80:9, 80:14, 84:14, 84:15, 85:15, 85:17, 86:12, 88:7, 89:3, 90:17, 91:2, 92:5, 93:2, 93:6, 94:7, 96:18, 97:2, 98:2, 98:4, 99:6, 99:18, 100:12, 101:7, 103:3, 103:10, 104:3, 104:9, 105:12, 107:6, 107:9, 107:12, 109:13, 112:7, 113:15, 115:1, 115:13, 116:18, 117:17, 117:19, 118:3, 119:7, 120:18, 122:3, 124:15, 125:16, 126:3, 127:4, 131:9, 140:9, 140:10, 141:5, 141:6, 142:1, 142:6, 142:7, 142:18, 143:9, 143:10, 143:11, 143:13, 143:14, 143:16, 145:3, 145:6, 145:12, 145:17,

146:8, 146:14, 147:18, 148:5, 148:7, 148:9, 148:15, 149:4, 150:11, 151:6, 151:7, 151:12, 152:12, 152:13, 152:14, 154:6, 155:18, 156:18, 157:11, 157:17, 158:14, 160:7, 160:9, 161:12, 162:4, 162:5, 163:3, 163:8, 166:5, 166:14, 166:15, 170:19, 171:1, 171:6, 172:19, 173:3, 174:1, 175:3, 175:14, 176:14, 176:15, 177:8, 184:10, 184:11, 185:7, 185:9, 187:13, 187:17, 188:2, 188:3, 188:7, 190:7, 191:2, 191:12, 191:14, 194:19, 195:3, 195:14, 200:11, 201:1, 202:7, 202:15, 207:12, 209:3, 213:14, 214:7, 216:16, 217:10, 223:6, 223:8, 223:9, 223:18, 224:6, 226:10, 226:11, 228:7, 229:2, 230:9, 230:14, 231:1, 231:9, 231:19, 237:13, 237:14, 243:4, 243:6, 246:2, 246:19, 248:8, 248:11, 249:8, 252:18, 253:13, 254:16, 255:15, 256:4, 256:7, 257:17, 259:10, 261:13, 262:4, 262:5, 265:12

NOT [2] - 270:5, 271:18

Notary [2] - 271:4, 271:14

notations [1] - 270:5

note [6] - 35:11, 37:8, 38:5, 41:12, 46:4, 270:4

noted [1] - 270:17

notes [1] - 252:12

nothing [13] - 5:14, 19:6, 33:3, 73:9, 89:7, 100:16, 121:3, 148:10, 153:14, 179:13, 189:11, 224:6, 260:18

notice [5] - 53:11, 73:15, 98:19, 128:18, 246:11

noticed [6] - 40:17, 48:4, 49:16, 78:11, 92:13, 249:6

noticing [1] - 37:18

notify [1] - 60:18

novelty [3] - 246:17, 246:18, 258:11

now [59] - 9:3, 11:4, 11:9, 13:19, 14:14, 14:16, 15:7, 15:13, 28:7, 30:5, 31:13, 31:14, 32:4, 36:2, 38:19, 47:11, 49:3, 51:11, 52:5, 52:8, 52:13, 53:2, 57:13, 61:12, 69:9, 71:5, 74:19, 75:8, 75:13, 75:14, 89:17, 90:6, 90:9, 102:6, 107:8, 109:18, 114:19, 142:2, 147:14, 155:11, 157:3, 160:19, 162:7, 172:6, 172:18, 174:8, 181:12, 192:15, 203:11, 211:12, 214:4, 224:13, 224:16, 238:5, 250:3, 251:4, 257:16, 257:17, 258:4

Now [1] - 195:19

number [26] - 43:14, 46:16, 53:6, 61:1, 77:9, 106:16, 109:5, 116:3, 119:1, 185:10, 194:16, 194:17, 194:18, 214:6, 214:16, 217:2, 219:16, 234:16, 249:1, 249:18, 254:12, 255:1, 256:3, 256:7, 265:5

numbers [2] - 194:15, 254:6

nunc [2] - 135:14, 136:14

O

O [8] - 3:1, 4:12, 123:19, 125:10, 134:19, 258:8

obligated [1] - 219:10

obligation [2] - 165:14, 165:16

obnoxious [1] - 249:12

observation [2] - 120:2, 156:18

observations [1] - 116:1

obtain [2] - 196:1, 208:6

obvious [4] - 105:8, 106:9, 106:13, 110:7

obviously [25] - 12:14, 64:1, 77:7, 83:12, 84:5, 93:12, 102:11, 110:16, 127:18, 129:10, 143:16, 217:9, 219:11, 220:19, 223:3, 226:17, 227:17, 229:7, 236:8, 242:14, 243:1, 243:10, 244:8, 258:16, 261:15

occasion [3] - 59:6, 75:5, 187:13

occasionally [1] - 92:1

occupants [1] - 70:11

occupation [1] - 231:16

occur [1] - 46:8

occurred [2] - 98:12, 112:7

occurring [3] - 88:10, 90:14, 117:8

October [6] - 1:13, 3:8, 47:16, 74:16, 259:19, 271:11

odors [1] - 70:13

of [707] - 3:19, 4:2, 4:11, 4:13, 4:16, 4:17, 4:18, 5:4, 5:13, 5:14, 5:16, 6:1, 6:10, 7:8, 8:9, 8:18, 10:2, 11:7, 12:18, 13:10, 14:16, 15:4, 17:16, 17:18, 17:19, 18:11, 19:19, 20:11, 21:4, 21:18, 22:18, 23:3, 23:4, 23:13, 24:5, 25:18, 26:1, 26:3, 26:12, 29:9, 29:10, 29:12, 29:15, 29:17, 31:8, 32:3, 33:11, 34:5, 34:7, 35:8, 35:12, 37:12, 37:13, 37:14, 38:8, 38:11, 39:9, 40:2, 41:8, 42:12, 43:3, 43:14, 44:6, 44:15, 44:19, 45:1, 45:5, 46:16, 46:17, 47:3, 47:14, 48:3, 48:5, 48:12, 48:15, 49:5, 49:7, 49:15, 51:6, 51:8, 51:10, 51:13, 51:17, 52:19, 53:7, 53:8, 55:10, 56:19, 57:11, 57:15, 57:18, 58:1, 58:7, 58:9, 59:1, 59:12, 59:14, 60:10, 60:17, 61:1, 61:5, 62:6, 62:8, 63:6, 64:10, 65:3, 65:16, 65:17, 65:19, 66:1, 66:5, 66:12, 68:10, 68:18, 69:2, 69:3, 69:4, 70:11, 71:8, 71:13, 71:14, 73:4, 73:9, 73:10, 74:2, 74:5, 74:10, 76:7, 76:10, 76:19, 77:9, 77:11, 77:12, 77:16, 77:18, 78:3, 78:6, 78:13, 79:9, 79:12, 80:6, 80:7, 80:8, 80:18, 81:11, 81:14, 81:19, 82:8, 82:9, 82:13, 83:4, 83:8, 83:17, 84:1, 84:2, 84:14, 85:3, 85:13, 85:19, 86:1, 86:2, 86:7, 86:16, 87:5, 87:8, 87:11, 87:12, 89:16, 90:7, 90:16, 90:19, 91:3, 91:16, 91:17, 93:2, 93:8, 93:10, 94:5, 94:12, 94:15, 94:19, 96:2, 96:14, 97:6, 98:15, 98:19, 99:1, 99:11, 99:14, 100:5, 100:9, 101:3, 101:4, 101:8, 101:18, 103:1, 103:3, 104:1, 104:2, 104:7, 104:17, 105:10, 105:18, 106:3, 106:13, 107:1, 107:9, 107:13, 107:15, 109:3, 109:5, 109:7, 109:10, 109:15, 110:9, 110:16, 110:18, 111:6, 112:12, 112:13, 112:14, 112:17, 112:18, 112:19, 113:5, 113:6, 113:12, 113:13, 113:14, 113:16, 113:18, 113:19, 114:1, 114:5, 114:17, 115:18, 116:2, 116:5, 116:6, 116:18, 117:6, 117:18, 118:2, 118:8, 118:12, 119:1, 119:15, 120:11, 120:12, 120:16, 121:3, 121:7, 121:16, 122:2, 122:5, 122:13, 122:14, 122:18, 123:1, 123:3, 123:8, 123:13, 124:2, 124:3, 124:4, 125:2, 126:9, 126:15, 127:1, 127:3, 127:15, 127:16, 128:10, 128:14, 128:15, 129:1, 129:10, 130:2, 131:12, 131:17, 131:18, 133:1, 133:5, 133:7, 134:13, 134:15, 135:2, 135:8, 136:1, 136:3, 136:11, 136:15, 137:8, 138:7, 138:9, 138:19, 139:1, 139:2, 139:3, 139:5, 139:9, 139:13, 140:5, 140:6, 140:8, 140:16, 141:13, 142:5, 143:1, 143:14, 144:1, 144:9, 144:12, 145:4, 145:15, 145:18, 146:13, 146:14, 146:15, 146:17, 146:18, 147:6, 147:12, 147:17, 147:18, 148:16, 149:3, 149:7, 149:18, 150:6, 150:12, 151:2, 151:11, 152:6, 152:7, 152:9, 152:17, 153:1, 153:19, 154:16, 154:19, 155:9, 157:6, 157:7, 157:19, 158:8, 158:12, 159:6, 160:7, 161:6, 161:7, 162:1, 162:2, 162:12, 162:16, 163:2, 163:11, 163:12, 163:15, 163:19, 164:1, 164:19, 165:9, 166:2, 166:12, 166:18, 167:7, 167:11, 168:5, 168:13, 169:10,

169:16, 170:10, 170:11, 171:5, 171:13, 171:18, 171:19, 172:11, 172:15, 173:6, 173:10, 173:14, 173:17, 173:18, 173:19, 174:1, 174:9, 174:12, 174:13, 174:15, 174:17, 174:18, 175:3, 175:5, 175:11, 176:2, 176:19, 177:4, 178:1, 178:4, 178:7, 178:14, 178:17, 179:13, 180:1, 181:1, 181:6, 181:8, 181:16, 181:17, 182:7, 182:12, 182:13, 183:3, 183:7, 183:10, 183:13, 184:7, 184:10, 184:12, 184:13, 184:14, 184:18, 185:10, 185:15, 186:4, 186:6, 186:9, 186:10, 186:13, 187:2, 187:7, 187:14, 187:19, 188:1, 188:8, 188:9, 188:14, 188:15, 188:16, 189:4, 189:9, 189:12, 190:17, 190:18, 191:1, 191:4, 191:6, 192:2, 192:6, 192:9, 192:13, 193:1, 193:5, 193:8, 193:18, 194:11, 194:13, 194:14, 194:16, 194:17, 194:18, 195:5, 195:11, 195:14, 195:17, 196:7, 197:3, 197:4, 197:14, 198:8, 198:12, 198:13, 198:18, 198:19, 199:2, 199:4, 199:6, 200:4, 200:5, 200:14, 201:4, 201:11, 201:15, 201:17, 201:18, 202:5, 202:13, 202:18, 203:12, 204:2, 205:15, 205:18, 206:1, 206:4, 206:9, 206:12, 208:4, 209:4, 210:2, 210:4, 210:6, 210:7, 210:9, 210:11, 210:12, 210:16, 210:17, 211:1, 211:4, 211:5, 211:10, 211:14, 211:19, 212:3, 212:7, 212:15, 212:16, 213:4, 213:18, 214:3, 214:6, 214:17, 215:5, 215:11, 215:16, 215:17, 215:19, 216:3, 216:4, 216:9, 216:11, 217:3, 217:6, 217:15, 217:19, 218:2, 219:9, 219:12, 220:2, 220:4, 220:5, 220:7, 220:16, 221:19, 223:5, 223:9, 223:14, 223:17, 224:2, 224:3, 224:8, 225:2, 226:2, 226:4, 226:9, 227:11, 227:16, 228:19, 229:2, 229:15, 230:3, 230:8, 230:9, 230:10, 230:15, 231:12, 231:14, 231:16, 232:15, 232:18, 233:9, 233:11, 234:6, 234:16, 234:17, 235:1, 235:4, 235:8, 235:15, 236:4, 236:5, 237:12, 237:17, 238:12, 238:17, 239:7, 239:9, 241:7, 241:8, 241:10, 241:11, 242:15, 243:2, 243:4, 244:11, 245:1, 245:7, 245:9, 246:13, 247:15, 248:1, 248:2, 248:10, 248:13, 248:14, 248:18, 249:1, 249:2, 249:5, 249:7, 249:18, 250:3, 250:4, 250:5, 250:8, 250:11, 250:14, 251:5, 251:11, 251:14, 252:3, 252:9, 253:14, 254:2, 254:5, 255:15, 255:17, 256:7, 258:3, 258:4, 258:11, 259:1, 259:5, 259:15, 262:8, 262:15, 262:16, 263:9, 263:15, 264:7, 264:15, 266:11, 267:15, 268:4, 270:4, 270:4, 270:16, 270:16, 271:2, 271:5, 271:7, 271:8, 271:9, 271:11

OF [11] - 1:1, 1:2, 2:1, 2:7, 2:13, 25:15, 191:3, 270:1, 271:17, 271:18, 271:19

off [9] - 76:10, 97:19, 99:4, 136:2, 151:5, 169:14, 226:2, 228:14, 238:2

offense [1] - 23:12

offensive [1] - 98:2

offer [7] - 128:6, 158:19, 195:11, 200:6, 218:10, 230:4, 262:10

offered [2] - 18:16, 239:1

offering [1] - 249:13

offers [1] - 186:18

offhand [1] - 153:8

Office [2] - 135:4, 210:5

office [3] - 20:11, 24:10, 262:10

officer [10] - 5:4, 18:18, 26:18, 26:19, 62:6, 115:5, 125:15, 125:17, 140:15, 255:3

officer/director [1] - 17:19

officers [23] - 4:18, 5:1, 41:9, 62:2, 69:4, 97:10, 97:11, 98:16, 113:13, 116:2, 116:8, 119:1, 119:14, 120:10, 120:18, 125:12, 126:3, 127:2, 131:14, 131:19, 166:1, 187:10, 265:1

officers's [1] - 109:1

officers/directors [1] - 4:3

offices [1] - 31:9

OFFICIAL [1] - 1:17

officially [1] - 27:1

officials [3] - 77:2, 84:8, 91:18

offset [2] - 90:13, 92:6

often [3] - 14:3, 14:10, 20:9

Oh [3] - 221:12, 240:8, 265:17

oh [3] - 49:14, 60:9, 259:13

Oheir [1] - 212:2

okay [18] - 5:12, 10:1, 12:4, 20:14, 28:2, 36:8, 39:5, 99:18, 119:11, 123:14, 123:17, 176:3, 186:1, 190:14, 197:18, 224:19, 248:13, 266:5

old [4] - 49:1, 53:8, 95:17, 114:7

Om [1] - 188:14

on [258] - 5:1, 8:8, 11:14, 13:15, 21:3, 21:11, 21:12, 21:13, 21:17, 22:2, 23:5, 23:8, 26:15, 33:19, 34:9, 35:12, 37:6, 38:5, 38:9, 38:11, 39:6, 39:15, 39:17, 40:6, 40:10, 40:11, 41:4, 43:6, 46:12, 47:15, 47:18, 47:19, 48:2, 48:6, 48:7, 48:19, 49:8, 51:2, 53:5, 53:11, 54:5, 55:14, 56:8, 56:15, 56:17, 57:7, 58:19, 61:9, 62:1, 62:6, 62:12, 64:13, 64:16, 65:7, 67:7, 67:10, 69:2, 69:8, 71:11, 71:17, 72:2, 72:10, 75:5, 76:11, 78:12, 80:1, 80:5, 80:10, 81:4, 81:9, 81:14, 84:8, 86:13, 87:2, 87:16, 88:18, 89:2, 90:1, 90:6, 90:16, 91:14, 92:11, 93:14, 94:19, 95:7, 95:10, 99:15, 101:1, 101:5, 101:7, 101:8, 104:6, 104:7, 105:8, 105:15, 106:9, 107:15, 108:12, 109:14, 110:10, 113:9, 114:2, 114:19, 116:2, 116:3, 116:9, 116:13, 117:5, 118:1, 119:4, 119:13, 120:10, 121:13, 122:15, 122:18, 124:16, 125:12, 125:13, 125:15, 132:6, 133:16, 133:19, 135:18, 138:11, 140:19, 141:8, 141:16, 142:1, 142:3, 142:7, 142:8, 142:11, 142:14, 142:15, 142:18, 142:19, 143:11, 144:3, 144:4, 145:11, 146:4, 146:8, 146:9, 146:13, 150:18, 151:12, 151:13, 151:17, 152:14, 154:1, 154:14, 155:15, 156:4, 157:8, 161:1, 162:11, 162:16, 163:15, 164:1, 166:9, 168:4, 170:3, 173:8, 174:10, 175:2, 177:17, 178:18, 179:12, 179:16, 179:19, 181:12, 181:13, 182:16, 184:8, 184:11, 184:19, 185:17, 186:5, 187:10, 187:12, 189:5, 191:11, 192:2, 192:18, 194:8, 199:19, 200:13, 201:7, 201:16, 202:12, 202:13, 202:19, 205:13, 205:16, 206:17, 207:9, 209:17, 212:8, 213:5, 213:11, 215:4, 216:14, 217:10, 218:2, 218:8, 218:18, 219:12, 219:19, 221:15, 221:18, 222:3, 222:5, 223:15, 223:17, 224:9, 225:5, 227:11, 227:16, 228:3, 230:17, 230:18, 231:7, 231:13, 231:14, 232:2, 232:10, 234:8, 235:6, 236:7, 236:14, 237:6, 237:9, 238:6, 239:10, 239:16, 240:4, 240:10, 240:18, 241:1, 242:3, 248:10, 248:15, 253:16, 253:18, 254:5, 254:6, 254:13, 257:19, 261:19,

262:8, 270:5, 270:5
on-site [1] - 57:7
on-the-spot [1] - 231:7
once [13] - 9:4, 14:11, 14:17, 31:5, 57:14, 58:2, 59:16, 69:2, 177:2, 177:11, 180:2, 215:10, 263:12
one [108] - 5:7, 8:12, 20:3, 20:4, 23:4, 29:8, 36:4, 36:19, 38:11, 39:2, 39:7, 41:8, 44:7, 51:5, 51:7, 55:6, 56:3, 56:18, 58:6, 72:6, 72:13, 78:4, 78:7, 78:9, 79:15, 79:18, 80:9, 85:11, 85:16, 85:18, 87:11, 88:17, 89:5, 89:6, 91:3, 93:2, 93:10, 96:15, 106:10, 110:7, 113:5, 114:18, 116:3, 116:14, 118:13, 118:14, 121:6, 122:13, 123:1, 123:3, 131:4, 133:10, 136:1, 144:6, 144:7, 147:11, 151:6, 152:6, 161:10, 164:4, 167:3, 170:7, 170:11, 178:7, 187:18, 202:14, 212:3, 213:4, 213:12, 216:8, 217:7, 221:7, 223:4, 223:6, 223:14, 226:5, 226:8, 226:14, 227:15, 230:16, 231:12, 233:7, 234:7, 238:8, 245:1, 245:7, 246:11, 248:1, 248:16, 248:17, 249:6, 250:11, 252:6, 252:14, 254:5, 255:1, 255:7, 256:11, 256:14, 259:3, 261:4, 261:7, 262:11, 262:13, 262:14, 262:17, 267:15
One [1] - 17:17
one-way [1] - 248:16
ones [5] - 43:18, 185:16, 233:15, 237:12, 252:17
ongoing [2] - 78:14, 147:5
only [34] - 15:4, 15:18, 44:10, 55:5, 76:7, 78:9, 85:1, 88:14, 96:2, 103:10, 115:14, 116:8, 120:16, 124:15, 127:4, 130:8, 131:17, 136:13, 143:6, 144:3, 147:13, 149:17, 154:11, 167:3, 173:7, 176:16, 212:5, 216:10, 226:7, 235:13, 243:15, 247:13, 251:4, 261:15
onto [1] - 160:1
open [39] - 9:1, 10:14, 11:14, 12:3, 12:7, 12:10, 15:17, 30:5, 42:10, 42:16, 44:10, 84:6, 85:17, 86:7, 86:12, 96:10, 113:8, 121:7, 146:19, 147:2, 147:3, 149:15, 156:7, 156:13, 158:1, 169:8, 172:8, 176:11, 176:12, 176:13, 177:8, 179:12, 180:2, 181:3, 181:15, 182:4, 188:19, 214:5
opened [7] - 31:6, 53:12, 113:2, 161:12, 167:15, 215:12, 255:17
opening [6] - 146:17, 154:16, 178:5, 178:6, 181:17, 181:18
opens [1] - 113:5
operate [23] - 157:5, 159:17, 203:6, 204:9, 214:6, 217:3, 217:18, 220:18, 221:5, 224:4, 224:15, 226:15, 230:12, 235:15, 236:13, 239:16, 240:17, 241:1, 242:9, 243:16, 255:14, 262:9, 263:11
operated [4] - 148:8, 220:12, 223:18, 250:1
operating [15] - 30:5, 30:8, 119:12, 120:10, 197:8, 203:8, 203:14, 204:17, 207:1, 224:6, 241:2, 256:5, 257:17, 257:18, 261:19
operation [15] - 8:9, 15:4, 21:4, 27:4, 32:3, 161:11, 164:1, 180:1, 183:15, 183:16, 188:8, 188:9, 193:9, 216:4, 220:16
operational [1] - 33:5
operations [4] - 137:10, 159:1, 194:7, 209:6
operator [8] - 135:12, 159:14, 169:9, 216:16, 226:17, 231:2, 253:10, 262:13
operators [7] - 188:17, 206:4, 218:1, 226:14, 256:5, 256:7, 256:10
opinion [1] - 169:7
opportunity [11] - 88:12, 92:18, 116:9, 116:13, 117:13, 120:13, 133:8, 159:8, 186:19, 209:13, 258:5
opposed [9] - 54:17, 118:13, 132:17, 180:19, 190:4, 208:18, 226:18, 267:10, 268:14
optimal [1] - 256:3
optimum [1] - 217:2
option [1] - 219:9
options [5] - 23:14, 24:15, 45:6, 198:10, 259:2
or [218] - 5:7, 5:10, 21:11, 22:3, 22:17, 23:1, 24:11, 27:4, 37:17, 39:1, 39:2, 39:7, 40:4, 41:10, 43:8, 44:6, 44:7, 44:13, 45:2, 46:5, 46:8, 46:11, 47:5, 47:16, 47:18, 48:1, 48:4, 48:8, 48:9, 48:10, 50:3, 50:7, 50:15, 51:11, 52:8, 53:1, 53:12, 53:17, 54:10, 54:16, 54:17, 55:2, 56:17, 57:10, 59:2, 60:12, 65:5, 65:17, 66:1, 66:14, 67:4, 67:5, 67:18, 68:10, 69:3, 70:4, 70:13, 72:13, 74:17, 75:8, 75:13, 78:5, 78:6, 79:11, 80:19, 83:9, 83:18, 84:15, 85:4, 85:12, 86:10, 86:16, 86:17, 91:3, 92:1, 93:7, 94:8, 95:1, 96:15, 96:16, 97:2, 98:5, 98:6, 103:1, 105:9, 105:19, 108:7, 108:8, 111:7, 112:11, 113:2, 115:1, 117:8, 118:13, 118:19, 119:14, 121:6, 121:13, 128:7, 128:8, 129:8, 129:16, 131:7, 135:16, 140:10, 140:14, 141:18, 142:7, 142:9, 143:4, 143:15, 144:18, 145:2, 146:2, 150:11, 150:18, 151:7, 152:13, 154:6, 157:8, 157:18, 157:19, 158:1, 158:4, 158:13, 159:7, 161:4, 163:7, 166:11, 167:3, 169:16, 171:6, 172:8, 172:16, 173:3, 174:1, 174:14, 175:2, 176:1, 176:14, 177:8, 178:12, 179:3, 179:14, 183:11, 185:13, 192:2, 192:8, 195:3, 195:18, 196:4, 196:6, 198:12, 199:8, 199:11, 202:3, 202:10, 202:14, 204:6, 205:9, 212:12, 213:14, 214:6, 217:10, 218:3, 218:10, 220:10, 221:6, 221:9, 225:7, 225:12, 225:17, 231:12, 232:2, 233:15, 235:4, 235:5, 235:8, 235:14, 237:12, 237:15, 238:2, 238:18, 240:18, 241:7, 242:15, 245:4, 245:5, 251:14, 252:14, 255:9, 255:16, 256:4, 256:11, 256:13, 258:9, 258:11, 259:9, 260:1, 260:19, 261:13, 261:14, 261:16, 262:1, 262:18, 262:19, 263:13, 264:3, 270:5, 270:5, 270:17
or.. [4] - 22:13, 30:17, 32:19, 199:18
order [13] - 6:8, 22:15, 23:5, 23:12, 96:11, 120:14, 147:6, 193:17, 202:14, 233:13, 251:11, 259:10, 268:18
ordering [1] - 185:19
orders [1] - 247:17
ordinarily [1] - 57:6
ordinary [2] - 5:14, 73:9
organization [3] - 97:8, 148:17, 196:18
organizations [2] - 183:11, 183:12
orientate [1] - 90:1
original [1] - 169:15
Osushi [10] - 134:12, 135:10, 161:12, 163:19, 164:2, 164:5, 164:13, 182:1, 182:4, 182:7
other [105] - 13:5, 33:5, 33:19, 39:2, 39:6, 42:18, 43:2, 44:7, 45:3, 45:15, 46:14, 55:16, 55:18, 58:6, 59:1, 65:5, 66:11, 71:8, 71:13, 74:18, 78:6, 79:5, 80:16, 80:19, 84:6, 85:11, 85:16, 85:19, 86:8, 91:3, 98:7, 104:19, 107:6, 108:6, 113:12, 116:15, 116:16, 117:2, 118:10, 122:8, 123:2, 124:15, 126:9, 128:2, 128:7, 129:13, 137:13, 137:19, 139:7, 140:5, 142:3, 143:15, 144:5, 144:7, 145:11, 146:9, 146:15, 149:7, 151:19, 153:17, 153:19, 158:5, 159:8, 159:16, 160:10, 161:13, 161:14, 162:12, 164:1, 166:7, 167:4, 173:9,

175:5, 178:11, 179:5, 179:14, 180:3, 183:4, 186:2, 186:12, 188:10, 191:9, 195:17, 196:7, 199:4, 202:2, 203:4, 206:1, 207:19, 214:11, 225:10, 237:2, 237:13, 241:8, 242:16, 247:13, 247:19, 255:4, 255:10, 262:15, 262:18, 264:2, 265:11
others [2] - 200:5, 226:15
otherwise [1] - 64:3
ought [1] - 99:13
our [54] - 14:5, 48:3, 48:12, 64:11, 64:16, 65:3, 65:19, 66:2, 67:10, 95:12, 96:2, 96:4, 96:10, 96:14, 98:16, 112:1, 114:2, 115:6, 115:11, 115:12, 116:3, 116:4, 117:10, 118:12, 119:6, 119:10, 139:5, 145:15, 153:13, 156:11, 163:6, 164:9, 165:17, 165:18, 167:3, 167:15, 172:14, 174:19, 182:16, 183:4, 183:7, 183:19, 192:5, 192:9, 192:10, 196:10, 198:3, 203:15, 203:19, 241:11, 242:8, 251:14, 257:12
ourselves [1] - 177:4
out [99] - 5:14, 13:12, 14:7, 27:16, 31:7, 31:8, 37:8, 38:12, 39:2, 42:12, 44:18, 44:19, 45:1, 46:4, 48:14, 50:3, 55:11, 59:14, 59:19, 61:3, 62:8, 63:3, 67:4, 68:1, 69:2, 73:9, 74:13, 75:10, 75:16, 77:3, 85:17, 86:1, 86:7, 86:12, 90:2, 92:14, 93:3, 101:4, 104:2, 104:17, 105:18, 109:5, 114:7, 118:8, 128:14, 131:12, 131:17, 131:18, 137:11, 138:12, 142:13, 147:9, 148:15, 150:15, 150:16, 154:5, 174:18, 177:18, 187:14, 191:1, 195:16, 195:18, 197:3, 198:15, 200:17, 206:19, 210:16, 211:9, 211:16, 214:11, 218:19, 225:2, 226:8, 226:13, 228:5, 230:6, 231:11, 231:13, 234:6, 235:14, 235:15, 236:7, 238:1, 241:12, 242:1, 243:3, 243:6, 243:13, 244:16, 244:18, 245:15, 245:17, 245:18, 250:13, 251:5, 262:5, 263:12
outcome [1] - 79:17
outlying [1] - 112:18
outreach [1] - 202:1
outside [10] - 32:1, 86:16, 87:2, 87:5, 87:8, 87:9, 149:7, 166:2, 235:4
over [31] - 9:4, 9:6, 10:19, 15:14, 31:6, 37:6, 40:13, 43:2, 62:3, 77:14, 85:3, 96:7, 125:17, 125:19, 126:1, 149:6, 149:13, 157:14, 161:13, 169:8, 176:6, 187:1, 214:2, 215:6, 217:17, 223:7, 228:13, 230:2, 247:1, 252:1, 257:2
overall [1] - 130:6
overboard [1] - 234:5
overcrowded [1] - 99:3
overcrowding [3] - 144:1, 144:9, 160:16
overhaul [2] - 77:15, 110:19
overnight [9] - 39:6, 48:6, 57:4, 57:5, 64:17, 69:11, 69:14, 71:11, 122:19
overpay [1] - 219:3
oversight [3] - 146:1, 146:3, 154:14
oversights [1] - 145:17
overwhelming [1] - 210:10
own [9] - 46:12, 154:14, 161:14, 161:16, 181:19, 199:1, 224:11, 258:17, 258:19
owned [6] - 9:8, 21:14, 142:2, 142:4, 167:5, 257:18
owner [5] - 12:14, 12:18, 217:13, 226:11, 226:18
owners [9] - 113:17, 173:10, 188:14, 188:15, 191:13, 198:2, 199:6, 200:13
ownership [2] - 153:5, 157:7
owning [1] - 144:1
owns [1] - 26:16

P

P [8] - 1:6, 3:1, 36:19, 134:19, 191:18, 263:7, 263:8
P-A-N-A-G-O-P-O-U-L-O-S [1] - 134:19
P-I-L-Z [1] - 191:18
P-Town [2] - 263:7, 263:8
p.m [9] - 1:14, 3:8, 11:11, 11:19, 12:1, 21:5, 79:10, 113:1, 269:8
package [1] - 152:18
packet [1] - 210:12
PAGE [2] - 2:2, 270:7
page [1] - 232:11
pages [1] - 143:4
paid [1] - 178:16
pains [1] - 147:16
paint [1] - 169:7
Panagopoulos [12] - 134:16, 134:18, 135:4, 135:12, 137:8, 138:2, 138:15, 160:3, 160:11, 189:7, 189:9, 189:12
PANAGOPOULOS [25] - 134:17, 154:17, 156:9, 157:10, 158:14, 161:2, 162:5, 162:9, 165:7, 165:13, 167:1, 168:15, 170:8, 170:16, 181:10, 182:5, 182:9, 183:17, 184:4, 185:1, 185:5, 187:5, 188:12, 189:7, 190:9
Panagopoulos's [1] - 165:1
panic [6] - 63:8, 63:11, 66:18, 67:1, 75:9, 91:2
paper [2] - 151:17, 152:14
paperwork [2] - 7:9, 39:6
Paradiso [1] - 163:7
park [2] - 41:19, 248:13
Park [2] - 161:7, 181:18
parked [1] - 243:6
parking [14] - 87:10, 87:14, 87:15, 102:19, 103:2, 122:10, 211:18, 227:10, 228:7, 231:8, 242:13, 242:15, 242:19, 248:15
part [29] - 29:12, 34:7, 48:11, 51:10, 62:12, 65:19, 66:1, 69:4, 84:19, 90:7, 90:16, 99:15, 110:16, 117:6, 119:5, 127:3, 144:1, 144:9, 148:16, 152:17, 154:14, 166:10, 173:14, 174:1, 187:1, 192:9, 194:11, 197:12, 239:7
participant [1] - 186:9
participate [1] - 196:10
particular [8] - 64:8, 78:12, 82:1, 84:3, 97:5, 107:1, 150:16, 159:19
particularly [5] - 81:1, 86:11, 134:3, 206:2, 206:13
parties [12] - 38:15, 43:9, 55:18, 56:3, 58:7, 58:16, 60:19, 70:1, 75:7, 95:3, 117:5, 117:10
partner [5] - 18:14, 162:4, 162:6, 164:9, 186:12
partnering [1] - 196:15
partners [4] - 153:6, 155:3, 161:18, 165:16
parts [1] - 223:17
party [21] - 37:9, 38:9, 40:6, 40:18, 43:12, 44:1, 44:17, 45:3, 45:8, 46:8, 47:5, 51:15, 54:16, 55:15, 58:1, 58:10, 59:3, 59:14, 59:15, 69:15, 98:5
partying [1] - 99:3
pass [3] - 163:5, 164:7, 168:2
passed [1] - 242:10
passing [1] - 92:5
past [7] - 43:6, 78:2, 136:15, 149:2, 166:8, 167:19, 173:9
path [2] - 150:5, 150:8
patient [1] - 258:3
Patrick's [1] - 59:2
Patriots [2] - 159:1, 159:7
pay [6] - 23:6, 65:15, 81:19, 90:10, 169:14, 179:4
paying [6] - 48:3, 145:16, 194:8, 219:9, 219:13, 235:16
payment [1] - 80:8
Pearl [1] - 5:3
ped [1] - 230:17
pedal [1] - 233:1
pedestrian [1] - 186:19
pedestrians [1] - 223:11
pedicab [46] - 209:6, 213:7, 213:9, 213:11, 213:12, 216:16, 217:9, 218:1, 218:5, 218:6, 218:7, 222:16, 223:14, 223:15, 223:18, 225:11, 225:19, 226:5, 226:11, 226:13, 227:6, 228:2, 228:3, 229:4, 231:11, 231:14, 232:2, 232:12, 233:4, 233:14, 235:16, 238:5, 238:19, 240:4, 240:8, 242:4, 246:19, 247:5, 248:3, 249:14, 250:4, 253:3, 253:15, 255:13, 257:3, 260:19
pedicabs [27] - 214:6, 214:17, 217:3, 218:13, 219:13, 220:11, 223:16, 226:3, 226:7, 227:3,

230:17, 233:12, 233:17, 235:9, 237:6, 237:9, 237:17, 240:17, 247:18, 249:18, 250:16, 255:6, 255:14, 261:8, 261:13, 262:1, 263:12
Pedicabs [1] - 225:2
pedicycles [1] - 249:1
penalties [1] - 147:17
pending [1] - 139:16
people [121] - 5:9, 6:1, 15:8, 15:15, 22:12, 22:15, 23:5, 23:8, 23:17, 37:10, 37:15, 37:17, 37:18, 38:2, 38:12, 38:14, 38:18, 39:7, 39:10, 42:19, 43:1, 43:2, 43:5, 43:8, 43:17, 44:4, 46:16, 47:6, 48:8, 48:12, 48:15, 54:10, 54:11, 55:9, 55:13, 56:17, 58:10, 58:11, 58:12, 58:13, 60:8, 60:11, 60:18, 61:1, 61:9, 61:10, 61:11, 62:10, 64:14, 64:18, 65:3, 65:13, 67:18, 71:7, 71:9, 71:13, 73:5, 75:6, 78:19, 81:15, 85:12, 86:8, 87:4, 87:7, 88:11, 90:9, 90:15, 92:7, 95:8, 95:9, 95:13, 95:14, 98:4, 104:17, 105:18, 109:5, 116:11, 117:9, 118:8, 118:15, 119:14, 131:16, 163:19, 182:14, 184:10, 185:14, 185:18, 187:1, 202:8, 207:6, 217:16, 219:5, 219:8, 221:4, 222:3, 224:3, 224:5, 228:9, 232:10, 235:5, 238:17, 238:18, 239:8, 239:10, 240:8, 245:6, 246:14, 247:3, 247:6, 247:7, 247:8, 248:5, 249:13, 253:4, 255:10, 255:17, 258:1, 258:16, 259:2, 263:10, 263:13
per [3] - 8:10, 113:16, 199:8
percent [10] - 72:7, 84:19, 96:14, 151:18, 153:10, 153:11, 170:7, 217:19
percentage [2] - 153:5, 184:18
perform [1] - 161:1
perhaps [5] - 86:6, 197:2, 207:12, 213:19, 214:5
period [4] - 83:8, 91:13, 206:19, 207:4
periodically [1] - 88:15
perjury [1] - 147:17
permissible [1] - 205:11
permit [7] - 10:1, 194:7, 195:4, 196:2, 199:10, 199:11
permits [1] - 156:12
permitting [1] - 229:7
person [24] - 36:4, 50:7, 51:3, 51:4, 51:7, 51:13, 53:7, 56:18, 75:7, 78:5, 78:10, 106:10, 107:3, 113:8, 131:7, 157:9, 160:4, 182:11, 204:14, 214:19, 248:1, 262:11, 262:12, 262:18
personal [2] - 155:5, 260:16
personally [4] - 155:4, 158:8, 175:10, 215:6
personnel [10] - 78:6, 80:13, 82:12, 83:19, 99:19, 122:15, 123:4, 128:13, 130:3, 193:9
persons [5] - 50:7, 79:8, 196:5, 197:5, 231:17
perspective [1] - 170:13
perspectively [1] - 100:7
PETER [15] - 30:2, 30:6, 30:9, 30:12, 30:18, 31:2, 31:5, 31:14, 31:17, 32:4, 32:7, 32:10, 32:16, 33:6
Peter [6] - 6:5, 29:10, 29:15, 30:2, 34:5
petition [20] - 135:14, 135:18, 135:19, 136:4, 137:7, 138:11, 138:18, 138:19, 139:3, 139:10, 156:15, 162:12, 171:13, 171:14, 171:16, 172:1, 172:3, 177:12, 179:10, 179:19
petitioner [2] - 136:14, 171:10
phase [2] - 259:5, 259:6
PHIL [2] - 18:8
Phil [1] - 18:8
phone [6] - 23:6, 39:8, 63:1, 207:15, 213:8
phones [2] - 201:10, 213:6
physical [4] - 77:3, 166:6, 231:18, 232:1
pick [5] - 22:12, 23:7, 204:19, 228:13, 257:1
picked [3] - 87:16, 104:7, 202:8
picking [3] - 23:17, 204:3, 256:17
picks [2] - 15:7, 15:13
pickup [8] - 13:14, 14:3, 24:1, 24:4, 24:7, 205:5, 257:8, 257:9
picture [2] - 49:9, 130:6
pictures [1] - 237:11
piece [1] - 259:1
pieces [1] - 250:8
PILOT [2] - 2:12, 209:2
pilot [21] - 209:5, 213:19, 214:7, 214:15, 214:17, 215:1, 215:8, 215:18, 217:2, 217:3, 220:1, 220:4, 220:10, 220:11, 234:15, 235:6, 235:8, 255:8, 255:19, 259:4, 260:2
pilots [1] - 264:8
PILZ [21] - 191:18, 195:9, 196:9, 197:1, 197:18, 198:14, 199:15, 200:2, 201:9, 201:14, 203:16, 204:11, 205:6, 205:12, 207:11, 250:11, 250:19, 251:3, 264:14, 265:3, 265:8
Pilz [2] - 191:18, 201:4
Pirate [1] - 225:2
Pizza [3] - 8:3, 10:17, 13:3
pizza [4] - 9:2, 9:12, 10:16, 23:12
Place [1] - 181:19
place [30] - 9:2, 10:14, 10:16, 21:11, 22:2, 34:4, 41:19, 55:19, 84:1, 89:19, 91:6, 96:18, 98:6, 99:13, 101:5, 120:8, 137:11, 152:9, 164:15, 166:3, 166:4, 167:10, 170:3, 193:12, 230:14, 231:3, 240:9, 242:18, 243:15
placed [2] - 34:8, 81:4
places [2] - 181:11, 242:14
plain [1] - 103:3
plan [2] - 21:13, 184:19
planning [3] - 22:6, 22:14, 55:14
plans [1] - 26:13
plate [1] - 68:8
play [1] - 186:8
playback [2] - 78:9, 83:6
playing [1] - 192:14
please [11] - 8:14, 18:5, 26:7, 30:1, 36:13, 92:7, 100:11, 123:15, 126:13, 128:8, 162:18
pleases [1] - 36:6
pleasing [1] - 169:5
plenty [1] - 98:19
plus [2] - 47:11, 116:14
Plymouth [22] - 219:7, 221:19, 222:8, 222:10, 224:13, 224:17, 226:6, 227:8, 228:17, 229:19, 238:5, 239:15, 240:2, 243:2, 243:11, 243:15, 245:2, 245:10, 253:2, 254:2, 261:9, 261:12
Poindexter [4] - 56:6, 57:7, 79:19, 123:2
point [33] - 40:12, 41:8, 51:14, 53:14, 54:13, 54:16, 71:2, 105:7, 105:19, 130:2, 133:14, 139:5, 139:9, 141:9, 142:10, 146:10, 146:17, 148:19, 152:13, 155:17, 156:1, 156:19, 159:12, 173:13, 181:1, 218:17, 231:8, 255:15, 259:3, 259:12, 260:16, 265:3
point-to-point [1] - 218:17
pointed [2] - 37:7, 46:4
points [1] - 155:8
police [44] - 35:18, 39:1, 39:13, 40:12, 40:16, 41:8, 45:2, 47:8, 56:7, 56:9, 56:12, 59:7, 59:10, 60:5, 61:17, 63:2, 68:13, 68:15, 69:4, 73:3, 73:8, 76:1, 79:13, 94:14, 98:11, 98:16, 99:8, 102:13, 102:14, 103:12, 104:10, 105:5, 105:19, 106:18, 109:3, 109:6, 109:19, 115:5, 117:8, 121:3, 127:6, 130:10, 140:15, 221:19
Police [14] - 1:6, 35:19, 63:13, 67:14, 71:1, 97:3, 109:9, 110:3, 121:16, 124:3, 129:16, 129:17, 157:10, 170:8
POLICE [146] - 4:6, 4:15, 5:6, 5:12, 7:3, 7:10, 7:15, 8:13, 8:17, 9:7, 9:10, 9:14, 9:19, 10:5, 10:9, 10:13, 10:18, 11:2, 11:6, 12:6, 12:9, 13:13, 13:18, 14:2, 14:9, 14:12, 14:15, 14:18, 15:16, 15:19, 16:7, 16:10, 16:17, 17:3, 17:6, 18:3, 18:10, 18:19, 19:4, 19:11, 19:15, 21:9, 21:12, 22:10, 23:19, 25:6, 25:10, 26:5, 26:11, 27:7, 27:10, 27:15, 27:18, 28:2, 28:9, 28:13, 28:18, 29:3, 29:18, 30:4, 30:7, 30:10, 30:16, 30:19, 31:3, 31:10,

32:2, 32:5, 32:8, 32:13, 33:4, 33:7, 33:13, 33:16, 34:10, 34:14, 34:17, 35:2, 52:18, 53:10, 53:16, 54:1, 54:8, 55:4, 55:17, 56:11, 56:16, 57:3, 57:9, 58:5, 59:5, 59:11, 60:6, 60:15, 61:18, 63:10, 63:14, 64:4, 74:8, 86:3, 88:3, 89:15, 97:9, 115:19, 117:1, 130:11, 130:15, 132:10, 132:13, 156:17, 158:11, 168:7, 170:14, 179:7, 180:11, 180:16, 186:3, 188:5, 189:1, 189:19, 202:5, 205:7, 208:1, 208:14, 220:6, 237:4, 240:14, 241:6, 241:17, 242:8, 242:12, 246:7, 248:17, 249:11, 249:17, 254:15, 256:12, 256:19, 263:1, 264:4, 264:9, 264:19, 265:13, 267:6, 268:10, 269:2

police-related [1] - 98:11

policeman [1] - 69:15

policies [4] - 66:4, 66:9, 75:3, 123:5

POLICY [4] - 2:12, 2:13, 191:3, 209:2

policy [11] - 61:5, 64:10, 97:12, 129:6, 134:7, 191:4, 209:4, 247:17, 251:11, 254:5, 254:6

pop [2] - 49:5, 49:6

population [1] - 213:3

portable [3] - 63:9, 66:19, 67:1

Porter [1] - 246:6

portion [2] - 35:12, 138:7

posed [2] - 170:2, 170:5

position [5] - 78:10, 82:13, 102:4, 105:2, 110:1

possession [1] - 75:9

possibilities [1] - 78:9

possibility [3] - 70:6, 123:8, 206:3

possible [10] - 98:19, 145:10, 175:16, 177:16, 203:19, 204:9, 232:18, 251:10, 259:7, 260:11

possibly [5] - 7:1, 43:8, 145:19, 169:2, 195:7

postdated [1] - 140:8

posted [5] - 66:10, 66:13, 66:15, 201:16, 267:16

potatoes [1] - 22:17

potential [2] - 101:16, 158:4

potentially [7] - 48:16, 73:6, 94:16, 108:19, 109:1, 131:1, 259:14

pounds [2] - 232:3, 232:9

practice [2] - 91:8, 202:12

practices [1] - 199:1

prearranged [1] - 205:13

precedent [1] - 174:11

precipitate [1] - 85:5

predict [1] - 169:3

predominant [1] - 233:14

predominantly [1] - 217:5

premiere [1] - 179:17

premises [2] - 8:8, 21:3

prepackaged [1] - 22:12

prepared [3] - 22:6, 36:9, 77:10

presence [1] - 119:15

present [6] - 71:10, 100:18, 115:8, 137:3, 144:11, 174:6

presentation [1] - 191:17

presented [1] - 62:1

presenter [1] - 209:8

presenting [2] - 178:5, 199:3

president [2] - 26:18, 26:19

President [2] - 210:6, 211:10

presume [1] - 197:15

pretty [18] - 21:15, 59:10, 78:16, 82:4, 85:16, 112:4, 185:5, 214:18, 219:10, 233:4, 233:5, 239:17, 245:3, 245:16, 245:17, 245:18, 252:13

prevent [3] - 77:4, 78:18, 205:8

prevented [1] - 100:16

Prevention [1] - 130:4

previous [8] - 137:15, 141:18, 142:5, 142:17, 169:9, 171:19, 195:2, 219:15

previously [4] - 141:19, 172:19, 183:8, 213:5

prices [2] - 124:18, 167:9

primary [3] - 116:4, 233:16, 265:1

prior [10] - 27:11, 51:16, 73:15, 79:17, 110:5, 133:3, 138:3, 140:2, 141:7, 209:19

priority [1] - 147:6

private [5] - 25:18, 136:2, 136:7, 136:8, 230:10

pro [2] - 135:15, 136:14

proactive [2] - 47:2, 99:13

probably [28] - 11:9, 40:4, 43:7, 54:10, 70:15, 98:11, 101:2, 103:1, 103:10, 113:3, 127:10, 145:9, 152:6, 170:11, 176:5, 178:8, 213:19, 217:19, 218:19, 221:5, 227:14, 239:14, 250:9, 255:9, 259:10, 260:4, 261:10, 261:12

problem [20] - 7:1, 20:12, 37:8, 40:2, 40:4, 42:3, 63:2, 75:15, 85:4, 88:9, 89:9, 90:8, 90:14, 92:2, 115:7, 115:9, 116:4, 170:5, 188:4, 227:5

problematic [3] - 168:14, 256:10, 256:16

problems [4] - 48:16, 65:3, 129:9, 260:12

procedural [3] - 52:19, 129:7, 191:19

procedure [1] - 51:11

procedures [4] - 47:10, 97:13, 174:10, 199:6

proceed [3] - 79:11, 172:7, 199:9

proceeding [1] - 36:3

proceedings [2] - 37:13, 271:9

process [9] - 62:5, 83:10, 150:13, 155:2, 182:15, 201:19, 214:1, 214:5, 214:7

product [2] - 182:10, 183:13

professionals [1] - 215:7

profitable [3] - 152:10, 261:14, 262:4

program [22] - 195:17, 196:11, 209:5, 213:19, 214:15, 214:17, 215:1, 215:2, 215:8, 217:8, 220:2, 220:4, 220:10, 220:12, 223:3, 231:5, 234:15, 235:6, 235:8, 255:8, 255:19, 260:2

PROGRAM [2] - 2:12, 209:2

prohibited [1] - 242:14

project [3] - 155:4, 158:10, 161:19

projects [1] - 158:5

promote [3] - 184:9, 187:9, 213:1

promoting [1] - 240:12

promotion [1] - 237:19

promulgated [1] - 192:8

proof [1] - 254:2

proper [6] - 116:3, 120:10, 182:17, 203:14, 230:12, 230:14

properly [3] - 71:7, 71:9, 120:19

properties [2] - 122:8, 122:13

property [17] - 12:13, 12:18, 13:15, 13:16, 14:5, 56:5, 69:16, 112:8, 113:17, 114:4, 114:6, 114:8, 121:18, 122:6, 155:16, 237:1

proportion [1] - 46:17

proposal [1] - 225:2

proposals [1] - 250:5

proposed [6] - 135:11, 136:14, 151:15, 159:10, 229:13, 236:1

proposing [1] - 198:9

prospectively [1] - 114:13

protecting [1] - 118:2

protection [1] - 197:10

protocol [12] - 79:5, 79:6, 82:5, 82:11, 82:15, 84:1, 84:2, 93:11, 94:1, 94:9, 94:17, 127:3

protocols [10] - 44:13, 77:3, 89:19, 90:1, 90:4, 92:16, 93:1, 93:4, 93:8, 97:16

proves [1] - 107:2

provide [1] - 193:19

Provincetown [1] - 263:5

provision [1] - 204:12

provisions [1] - 196:4

proximity [3] - 87:8, 116:5, 120:12

prudent [5] - 71:1, 91:6, 91:9, 118:2, 164:11

Prudential [1] - 222:17

public [30] - 7:4, 16:11, 19:8, 28:14, 33:8, 77:1, 84:7, 99:19, 110:9, 113:19, 123:13, 126:9, 128:13, 131:7, 148:6, 149:14, 150:11, 162:16, 186:10, 189:4, 192:4, 205:15, 208:7, 225:11, 230:6, 250:8, 250:13, 258:3, 258:5, 267:4

Public [2] - 271:4, 271:14

pull [5] - 14:7, 148:11, 228:13, 243:6, 243:13

pulls [1] - 243:12

punishment [2] - 148:3, 149:4

punitive [4] - 99:15, 175:9, 175:14, 176:17

purchase [1] - 171:18

purchasing [1] - 18:16

purely [2] - 213:9, 218:8

purpose [4] - 4:17, 63:6, 192:6, 264:15
purposes [2] - 76:7, 213:10
pursue [1] - 81:2
push [1] - 160:12
pushed [2] - 81:14, 230:15
put [46] - 53:6, 61:15, 89:4, 89:5, 89:18, 91:14, 98:16, 99:19, 102:3, 105:16, 107:15, 109:19, 116:17, 119:4, 131:7, 142:1, 142:3, 142:6, 142:7, 142:10, 142:15, 142:17, 143:11, 144:4, 144:9, 145:7, 146:4, 146:8, 152:19, 169:7, 173:11, 174:16, 179:16, 185:17, 199:19, 204:4, 214:5, 215:3, 215:7, 215:16, 222:13, 224:2, 230:6, 236:2, 242:17
putting [8] - 75:19, 90:18, 131:6, 145:6, 161:19, 167:19, 199:2, 206:17

Q

qualified [4] - 154:18, 159:11, 165:6, 179:15
quality [4] - 167:8, 179:14, 183:13, 198:12
quasi [1] - 135:16
quasi-judicial [1] - 135:16
question [14] - 55:12, 83:19, 84:2, 88:17, 99:11, 102:12, 114:15, 121:1, 156:8, 162:2, 199:5, 203:16, 204:2, 250:11
Question [2] - 141:17, 144:6
questionable [1] - 81:3
questioning [3] - 82:2, 83:17, 96:16
questions [21] - 16:8, 52:17, 64:5, 110:12, 119:7, 140:16, 154:1, 156:16, 162:12, 178:12, 179:6, 179:8, 186:2, 189:2, 202:3, 205:14, 237:3, 248:10, 248:12, 265:6, 266:7
quick [3] - 200:7, 209:17, 261:7
quickly [2] - 116:8, 177:16
quiet [8] - 38:16, 40:8, 43:10, 45:3, 45:8, 58:14, 59:16, 59:17
quite [7] - 42:1, 69:17, 85:2, 92:17, 108:10, 110:3, 170:2
quotes [1] - 155:19

R

R [5] - 3:1, 4:12, 6:7, 21:8, 42:7
R&D [1] - 24:10
R-I-E-L [1] - 6:7
rack [1] - 237:18
radio [1] - 114:5
radios [2] - 113:15, 121:3
Raechel [1] - 212:1
Rafael [2] - 26:4, 26:8
RAFAEL [10] - 26:8, 26:9, 26:14, 27:6, 27:9, 27:12, 27:17, 28:1, 28:6, 29:6
rainstorm [1] - 37:15
raise [1] - 205:17
ramp [2] - 13:9, 17:7
ran [2] - 222:19, 234:11
rang [1] - 39:8
range [1] - 184:5
rate [2] - 191:8, 191:12
rates [2] - 200:9, 200:10
rather [4] - 40:5, 121:2, 195:9, 259:16
RATIFICATION/ REVIEW [2] - 2:8, 29:7
ratifications [1] - 266:10
RATIFICATIONS [2] - 2:14, 266:9
ratified [1] - 267:11
ratify [1] - 266:17
RE [1] - 1:3
reach [2] - 198:15, 240:3
reaching [1] - 76:13
read [4] - 82:13, 93:18, 210:17, 270:16
reading [1] - 270:4
reads [1] - 142:16
ready [6] - 137:14, 149:15, 156:7, 156:10, 170:7, 250:7
reaffirm [1] - 172:14
real [5] - 24:6, 70:7, 77:7, 85:11, 104:9
realize [2] - 225:11, 238:19
realized [1] - 104:18
realizing [1] - 156:2
Really [1] - 234:10
really [59] - 23:17, 39:12, 40:10, 40:15, 41:5, 41:6, 42:18, 48:8, 58:16, 59:8, 67:3, 70:5, 70:16, 73:18, 74:17, 77:2, 81:13, 89:7, 96:10, 97:13, 97:14, 117:15, 121:14, 121:18, 124:5, 124:11, 124:12, 131:9, 148:16, 149:11, 149:17, 157:1, 158:12, 160:6, 164:11, 167:14, 177:7, 180:4, 181:2, 184:9, 184:14, 188:3, 196:16, 198:5, 200:18, 216:18, 222:11, 222:12, 228:7, 231:1, 231:9, 237:16, 237:17, 239:13, 241:4, 248:18, 249:8, 258:13, 260:13
reapplied [1] - 138:15
rear [2] - 53:12, 113:7
reason [10] - 80:9, 85:13, 89:8, 96:15, 104:15, 104:19, 121:8, 131:17, 135:14, 270:5
REASON [6] - 270:9, 270:10, 270:11, 270:12, 270:13, 270:14
reasonable [5] - 76:13, 83:8, 167:9, 176:5, 242:17
reasonably [1] - 139:8
reasons [5] - 81:3, 87:11, 135:7, 179:11, 194:19
reassurances [2] - 62:14, 130:19
reassured [1] - 117:16
reassuring [1] - 124:6
recall [4] - 56:3, 58:17, 154:9, 227:16
receipts [1] - 184:18
received [3] - 35:18, 194:17, 210:10
recent [1] - 140:6
recently [2] - 140:1, 233:19
Recess [1] - 190:16
recipe [1] - 157:2
recognize [6] - 88:4, 88:6, 102:18, 106:3, 109:15, 127:4
recognized [3] - 55:9, 109:11, 160:19
recognizes [1] - 109:18
recollection [1] - 121:18
recommend [1] - 143:16
recommendation [1] - 127:15
recommendations [2] - 155:14, 166:12
recommended [2] - 136:19, 185:16
recommending [2] - 13:8, 117:19
record [22] - 18:5, 26:6, 29:19, 36:13, 41:13, 41:16, 46:18, 123:16, 125:8, 135:3, 140:7, 151:11, 156:4, 162:19, 189:9, 189:13, 194:3, 209:9, 222:14, 230:7, 270:18, 271:9
RECORD [1] - 1:17
recording [1] - 89:1
recordings [1] - 88:18
recourse [2] - 203:15, 203:19
recovered [1] - 62:8
Red [1] - 246:4
red [5] - 82:6, 82:9, 222:3, 222:19, 223:7
refer [1] - 208:3
reference [3] - 128:12, 199:14, 201:4
referenced [1] - 87:19
referral [1] - 193:16
refinance [1] - 266:12
refine [1] - 214:3
regard [2] - 190:6, 230:6
regarding [5] - 7:4, 13:6, 139:15, 156:15, 191:19
regards [1] - 145:6
Regatta [1] - 95:18
registered [8] - 50:15, 50:16, 51:5, 58:11, 58:12, 61:10, 71:8, 71:9
registering [1] - 99:5
regs [1] - 254:14
regular [7] - 48:12, 64:11, 65:11, 65:12, 65:19, 66:2, 225:5
regulate [7] - 194:1, 202:7, 202:10, 203:13, 204:5, 207:8, 242:18
regulated [1] - 205:4
regulation [5] - 192:2, 195:13, 195:19, 199:8, 242:17
regulations [31] - 191:6, 192:8, 192:13, 193:8, 193:10, 193:18, 196:2, 197:3, 198:15, 201:16, 203:2, 205:11, 207:3, 207:9, 208:4, 214:4, 229:12, 229:17, 229:19, 230:2, 230:13, 230:14, 230:15, 231:3, 253:2, 253:13, 253:17, 254:8, 264:7, 264:11, 266:3
REGULATIONS [2] - 2:13, 191:3
regulatory [3] - 206:12, 250:5, 264:16
rein [1] - 112:5
reinforce [1] - 125:11
reiterate [1] - 165:8
reject [1] - 108:15
relate [1] - 94:4
related [4] - 43:19, 65:3, 98:11, 139:3
relating [1] - 209:5
relation [1] - 101:12
Relations [1] - 212:15
relationship [1] - 214:19
relatively [1] - 224:14
relayed [1] - 12:16
relaying [1] - 114:5
release [1] - 250:7
releasing [1] - 266:3
religiously [1] - 90:3
reluctance [2] - 117:3, 117:5
reluctant [2] - 131:10, 200:6
rely [2] - 150:18,

151:13
relying [1] - 121:13
remarks [1] - 108:14
remedy [3] - 138:14, 146:18, 147:7
remember [9] - 39:12, 40:16, 59:9, 70:16, 115:8, 137:6, 137:12, 238:5, 267:19
reminders [1] - 95:2
remote [2] - 67:2, 67:9
remove [1] - 137:3
removed [1] - 138:6
removing [1] - 149:10
rendered [1] - 148:1
renders [1] - 150:7
Renee [1] - 210:8
renew [1] - 195:4
renewed [1] - 194:8
renovation [1] - 148:17
renovations [2] - 137:13, 155:10
rent [1] - 55:5
rented [2] - 44:15, 50:8
renting [3] - 64:10, 71:12, 107:14
repair [1] - 159:15
repairs [1] - 224:1
repeated [1] - 79:16
replace [1] - 5:1
replacing [1] - 5:7
replay [1] - 78:12
report [14] - 35:18, 46:10, 80:4, 80:5, 129:5, 129:6, 129:11, 129:15, 130:8, 194:10, 194:11, 195:1, 198:9, 198:11
reported [1] - 79:12
Reporter [1] - 271:14
REPORTER [1] - 271:19
REPORTERS [1] - 1:17
reporting [1] - 194:3
represent [1] - 214:8
representation [3] - 76:8, 140:3, 150:15
representative [1] - 130:4
representing [2] - 76:16, 172:17
represents [1] - 187:3
REPRODUCTION [1] - 271:18
reputation [6] - 157:17, 164:6, 165:4, 165:15, 170:17, 183:9
request [8] - 130:2, 180:2, 193:11, 193:13, 193:15, 196:18, 204:14, 264:6
requestor [1] - 216:11
requests [3] - 194:17, 194:18
require [4] - 80:12, 129:4, 138:9, 194:10
required [9] - 79:8, 95:10, 116:6, 196:1, 196:10, 197:1, 198:18, 253:5, 254:2
requirements [1] - 182:12
rescue [1] - 131:12
research [4] - 21:16, 204:5, 222:11, 230:1
reserve [1] - 94:13
resident [1] - 79:13
residents [1] - 206:9
resolution [2] - 138:8, 247:17
respect [25] - 64:10, 66:9, 69:2, 69:8, 71:7, 74:12, 75:3, 84:13, 95:2, 99:16, 118:6, 121:12, 123:6, 131:16, 139:6, 140:4, 156:14, 157:11, 171:10, 174:15, 186:17, 191:7, 198:6, 201:7, 250:9
RESPECT [1] - 271:18
respond [3] - 76:1, 136:6, 193:14
responded [4] - 110:4, 112:9, 119:1, 133:11
responding [4] - 62:3, 91:17, 110:1, 127:2
response [12] - 105:11, 109:6, 118:13, 118:17, 118:19, 119:11, 119:16, 120:6, 129:2, 131:8, 193:11, 248:5
responses [2] - 82:4, 248:2
responsibilities [1] - 69:9
responsibility [6] - 12:15, 60:17, 69:19, 107:2, 113:16, 255:4
responsible [4] - 51:7, 107:3, 109:2, 127:9
responsive [1] - 251:16
rest [1] - 125:2
restaurant [48] - 9:4, 17:17, 24:5, 26:2, 30:17, 134:14, 135:8, 137:15, 137:18, 146:17, 149:15, 154:16, 155:8, 155:12, 155:18, 155:19, 157:6, 157:8, 157:12, 157:13, 158:3, 158:15, 159:3, 159:4, 160:2, 164:18, 166:5, 166:14, 166:16, 166:19, 167:15, 167:18, 168:2, 169:1, 170:4, 170:9, 176:19, 178:5, 185:8, 185:12, 186:6, 188:8, 188:9, 189:10, 238:6, 240:7, 249:19
Restaurant [5] - 26:16, 181:13, 181:17, 182:1, 182:7
restaurant's [1] - 157:16
restaurants [12] - 137:19, 163:17, 165:3, 166:8, 167:4, 167:5, 186:12, 187:12, 188:10, 238:2, 243:3, 245:6
restrain [1] - 160:18
restriction [1] - 74:16
restrictions [3] - 236:11, 242:13, 242:16
result [4] - 107:17, 113:19, 129:2, 211:1
results [1] - 131:5
resume [1] - 257:19
retail [1] - 161:14
retroactively [4] - 135:17, 171:15, 172:2, 172:18
return [1] - 169:16
returning [2] - 44:1, 81:16
revamp [1] - 200:18
review [8] - 29:9, 97:4, 97:12, 127:15, 136:5, 159:10, 250:4, 267:18
reviewed [3] - 98:14, 140:7, 267:15
reviewing [2] - 139:19, 251:13
reviews [1] - 180:1
revocation [1] - 142:9
revoke [1] - 199:11
rework [1] - 205:19
Rhode [4] - 225:13, 225:18, 225:19, 226:1
ribs [1] - 22:16
rice [3] - 182:15, 182:17, 184:12
Richard [1] - 5:3
rid [1] - 224:8
ride [8] - 219:7, 226:11, 229:4, 235:3, 240:10, 247:7, 247:9, 249:13
rides [3] - 218:13, 228:12, 249:7
Riel [1] - 6:5
right [54] - 4:7, 9:3, 9:16, 11:4, 11:9, 15:12, 17:8, 17:13, 31:17, 31:18, 32:4, 40:10, 40:14, 42:2, 46:13, 47:5, 52:5, 53:13, 56:14, 63:2, 66:7, 69:1, 69:6, 72:12, 73:17, 92:6, 93:5, 94:13, 96:18, 104:8, 115:16, 116:16, 124:8, 125:12, 133:14, 146:11, 147:6, 157:9, 159:10, 160:4, 182:18, 182:19, 188:4, 202:9, 203:11, 203:12, 224:13, 224:16, 233:1, 236:18, 257:11, 265:9, 267:17
rigorously [1] - 91:6
ring [2] - 228:11, 249:10
ripe [1] - 123:9
rise [1] - 108:6
risen [1] - 108:9
risk [4] - 62:1, 77:1, 98:16, 100:1
risky [1] - 238:15
river [1] - 164:2
River [1] - 21:17
RMV [3] - 254:7, 254:14, 254:18
road [7] - 223:5, 223:6, 223:9, 227:16, 231:14, 241:1, 254:14
roads [1] - 236:5
robbery [1] - 68:10
ROBERT [147] - 4:6, 4:15, 5:6, 5:12, 6:8, 7:3, 7:10, 7:15, 8:13, 8:17, 9:7, 9:10, 9:14, 9:19, 10:5, 10:9, 10:13, 10:18, 11:2, 11:6, 12:6, 12:9, 13:13, 13:18, 14:2, 14:9, 14:12, 14:15, 14:18, 15:16, 15:19, 16:7, 16:10, 16:17, 17:3, 17:6, 18:3, 18:10, 18:19, 19:4, 19:11, 19:15, 21:9, 21:12, 22:10, 23:19, 25:6, 25:10, 26:5, 26:11, 27:7, 27:10, 27:15, 27:18, 28:2, 28:9, 28:13, 28:18, 29:3, 29:18, 30:4, 30:7, 30:10, 30:16, 30:19, 31:3, 31:10, 32:2, 32:5, 32:8, 32:13, 33:4, 33:7, 33:13, 33:16, 34:10, 34:14, 34:17, 35:2, 52:18, 53:10, 53:16, 54:1, 54:8, 55:4, 55:17, 56:11, 56:16, 57:3, 57:9, 58:5, 59:5, 59:11, 60:6, 60:15, 61:18, 63:10, 63:14, 64:4, 74:8, 86:3, 88:3, 89:15, 97:9, 115:19, 117:1, 130:11, 130:15, 132:10, 132:13, 156:17, 158:11, 168:7, 170:14, 179:7, 180:11, 180:16, 186:3, 188:5, 189:1, 189:19, 202:5, 205:7, 208:1, 208:14, 220:6, 237:4, 240:14, 241:6, 241:17, 242:8, 242:12, 246:7, 248:17, 249:11, 249:17, 254:15, 256:12, 256:19, 263:1, 264:4, 264:9, 264:19, 265:13, 267:6, 268:10, 269:2
Robert [2] - 1:6, 3:14
Robyn [1] - 210:3
Rock [1] - 240:2
rocky [4] - 159:13, 160:13, 175:1, 190:6
rode [1] - 227:15
role [3] - 37:2, 164:17, 186:8
roll [3] - 195:16,

250:13, 251:4
Room [3] - 1:12, 56:4, 99:8
room [69] - 3:11, 24:5, 38:10, 38:14, 41:7, 42:9, 42:12, 42:15, 42:18, 44:10, 44:15, 46:17, 47:6, 50:8, 50:15, 51:1, 51:5, 54:11, 54:12, 54:15, 54:18, 55:10, 56:14, 58:11, 58:13, 60:8, 60:11, 61:10, 62:8, 62:10, 69:5, 70:7, 70:10, 70:12, 71:12, 72:2, 72:4, 73:6, 73:11, 75:8, 81:17, 82:8, 88:11, 95:4, 95:9, 98:17, 99:3, 100:17, 101:1, 101:8, 102:2, 102:4, 103:11, 104:4, 104:8, 105:7, 105:12, 105:13, 107:14, 107:15, 107:17, 109:6, 113:4, 116:12, 118:16, 119:15, 124:14, 142:18
Rooms [1] - 46:6
rooms [15] - 38:3, 38:5, 44:2, 50:16, 55:5, 55:14, 55:15, 61:2, 64:10, 72:13, 80:6, 81:2, 101:13, 123:2, 123:3
roots [1] - 217:1
Rose [1] - 252:1
rough [1] - 128:9
round [1] - 229:2
rounds [2] - 57:10, 57:14
ROUTE [2] - 2:9, 35:14
Route [2] - 35:16, 124:19
route [7] - 220:1, 234:17, 235:7, 235:12, 236:1, 241:9
routinely [1] - 92:3
row [1] - 252:4
Royal [2] - 3:18, 4:11
rule [3] - 135:18, 199:8, 204:13
rules [19] - 2:13, 62:15, 62:16, 63:4, 63:5, 88:13, 94:5, 94:12, 94:15, 117:10, 191:3, 191:6, 192:8, 192:11, 196:2, 223:5, 223:6, 223:9
run [11] - 73:10, 85:10, 109:7, 141:14, 150:15, 158:10, 159:1, 159:4, 161:5, 215:17, 217:6
run-of-the-mill [2] - 73:10, 109:7
running [7] - 37:14, 85:3, 170:9, 180:4, 215:10, 215:11, 260:3
runs [2] - 138:19, 158:3
Ryan [1] - 212:2

S

S [6] - 3:1, 4:12, 4:14, 18:7, 26:10, 134:19
S-H-E-E-H-A-N [1] - 4:14
Sacramento [1] - 27:14
safe [6] - 75:19, 124:3, 124:4, 164:15, 227:18
safeguard [2] - 88:8, 114:13
safeguards [3] - 90:13, 91:6, 118:8
safely [1] - 221:4
safer [1] - 231:2
safest [1] - 230:11
safety [22] - 63:6, 77:1, 84:7, 91:16, 91:17, 91:18, 98:7, 99:19, 109:1, 113:19, 128:13, 130:10, 131:7, 148:6, 150:11, 186:10, 221:18, 222:5, 222:8, 236:4
Said [1] - 8:5
said [38] - 8:8, 9:11, 10:2, 21:1, 21:3, 38:12, 39:10, 39:18, 40:3, 41:5, 41:9, 46:6, 56:7, 58:6, 69:16, 72:15, 73:4, 86:7, 98:14, 100:8, 107:8, 112:16, 118:15, 121:12, 125:11, 143:1, 147:15, 158:15, 163:18, 165:15, 170:18, 176:3, 192:7, 200:6, 212:19, 235:9, 255:9
sake [6] - 185:9, 185:13, 185:14, 185:15, 185:17
sakes [1] - 185:10
Salem [4] - 225:17, 234:3, 263:2, 263:4
salient [1] - 141:1
salmon [1] - 184:6
SAME [1] - 271:18
same [16] - 19:1, 19:2, 21:19, 49:2, 68:2, 88:8, 91:9, 98:3, 100:18, 118:1, 166:7, 233:5, 239:8
SAMY [33] - 2:4, 8:1, 8:15, 9:1, 9:9, 9:12, 10:4, 10:8, 10:11, 10:16, 11:1, 11:4, 11:8, 11:16, 12:4, 12:8, 12:11, 12:19, 13:16, 14:1, 14:4, 14:11, 14:14, 14:17, 15:2, 15:6, 15:12, 15:18, 16:3, 17:5, 17:9, 17:13
Samy [2] - 8:2, 8:15
San [2] - 248:19, 249:19
sanctioned [2] - 145:9, 145:10
sanctions [7] - 131:9, 133:4, 175:13, 175:14, 176:17, 178:10, 203:5
sat [1] - 151:15
satisfactory [1] - 7:2
satisfied [4] - 139:8, 147:11, 179:14, 230:8
satisfy [1] - 192:5
Saturday [2] - 244:18, 244:19
sauces [2] - 184:11, 184:12
save [4] - 20:5, 89:6, 89:8
saw [9] - 49:19, 71:19, 73:9, 95:7, 233:19, 234:4, 234:7, 249:2
say [60] - 12:1, 31:13, 32:13, 38:18, 44:18, 59:16, 60:12, 61:9, 66:15, 71:4, 71:11, 73:18, 74:12, 94:3, 100:11, 102:15, 105:6, 109:14, 112:19, 118:10, 127:6, 140:9, 140:11, 141:15, 142:6, 142:8, 143:6, 144:3, 147:13, 149:10, 149:17, 151:14, 152:5, 173:7, 174:17, 175:1, 175:17, 176:7, 177:4, 181:1, 207:15, 218:4, 220:14, 223:12, 235:13, 236:16, 237:14, 238:17, 240:8, 246:17, 247:6, 253:13, 253:17, 255:8, 256:16, 259:15, 260:16, 263:2
saying [17] - 64:18, 97:17, 115:8, 118:14, 132:12, 142:17, 148:9, 170:17, 172:5, 180:14, 187:17, 189:18, 208:13, 255:15, 267:5, 268:9, 269:1
says [6] - 12:1, 13:3, 32:1, 56:9, 138:11, 252:15
scare [1] - 97:19
scary [2] - 103:9, 234:5
scenario [1] - 119:19
scene [2] - 41:6, 116:9
scenes [1] - 237:5
scheme [2] - 158:12, 264:16
School [2] - 21:18, 35:9
scope [3] - 127:18, 168:18, 169:16
SCOT [55] - 36:18, 37:4, 42:12, 42:16, 43:6, 43:16, 44:5, 44:16, 45:7, 45:13, 46:2, 46:13, 47:3, 47:12, 50:10, 51:14, 52:1, 52:9, 52:13, 53:3, 53:14, 53:19, 54:3, 54:19, 55:7, 56:2, 56:13, 56:19, 57:5, 57:13, 58:8, 59:8, 59:13, 60:9, 61:6, 63:8, 63:12, 63:16, 64:14, 65:2, 65:13, 66:7, 66:11, 67:1, 69:6, 69:12, 70:15, 71:3, 71:16, 72:9, 73:1, 73:12, 73:17, 74:6, 134:5
Scot [2] - 36:18, 36:19
screaming [2] - 118:14, 119:13
screen [6] - 48:19, 49:4, 49:6, 49:15, 78:12, 140:14
screens [2] - 48:19, 49:2
se [1] - 113:16
SEAN [17] - 135:1, 141:10, 146:10, 147:5, 151:14, 152:5, 153:9, 159:5, 171:14, 173:1, 173:7, 174:3, 175:7, 175:18, 176:13, 177:10, 181:6
Sean [1] - 135:3
search [2] - 41:7, 57:18
season [6] - 178:4, 214:1, 220:12, 228:16, 229:9, 259:14
seasoned [2] - 135:12, 148:13
seat [1] - 253:5
seat-belted [1] - 253:5
seatbelt [3] - 253:11, 253:16, 253:18
seatbelts [2] - 222:6, 253:7
seating [2] - 8:8, 21:4
Seattle [1] - 95:17
second [13] - 7:10, 33:13, 37:7, 38:5, 45:7, 46:2, 130:12, 130:14, 135:13, 187:6, 193:4, 208:10, 268:19
Second [3] - 21:14, 21:19, 23:3
seconded [14] - 16:18, 19:12, 25:7, 28:19, 34:11, 132:8, 180:7, 180:9, 189:15, 189:17, 208:12, 267:2, 268:6, 268:8
secondhand [1] - 224:5
section [1] - 142:16
secured [1] - 211:18
security [25] - 66:5, 72:7, 74:12, 76:11, 77:4, 77:9, 77:16, 88:16, 97:5, 97:12, 103:19, 105:16, 110:19, 111:7, 111:13, 111:16, 122:5, 122:15, 123:4, 124:16, 127:15, 129:16, 130:5, 131:5, 187:9
see [59] - 42:17, 42:18, 43:13, 45:11, 49:2, 49:12, 49:13, 49:14, 49:18, 50:1, 50:7, 52:6, 54:6, 60:13, 71:17, 72:2, 72:4, 72:16, 78:6, 84:18, 87:1, 87:4, 92:11, 92:19, 105:8,

106:12, 113:10, 121:8, 138:8, 138:16, 154:7, 168:3, 209:8, 213:11, 214:11, 220:12, 225:16, 226:4, 226:8, 227:6, 228:16, 228:19, 232:11, 233:10, 233:15, 233:16, 233:17, 237:12, 242:16, 249:4, 250:3, 251:15, 253:13, 253:15, 255:19, 257:19, 259:16, 264:19
seeing [12] - 7:5, 16:11, 102:7, 111:15, 132:11, 133:6, 189:11, 193:5, 205:17, 222:3, 260:19, 267:4
seeking [1] - 191:13
seem [1] - 108:14
seems [6] - 98:3, 107:11, 117:17, 159:18, 164:4, 203:1
seen [12] - 49:17, 52:14, 69:15, 105:11, 105:17, 217:11, 222:11, 234:2, 237:5, 249:3, 263:7
send [6] - 13:2, 13:10, 17:11, 100:2, 204:18, 206:19
sends [1] - 67:4
senior [1] - 231:12
sense [8] - 62:11, 70:12, 103:13, 104:7, 117:3, 127:8, 227:1, 231:16
sensor [1] - 112:15
sent [6] - 119:13, 125:14, 126:5, 128:11, 207:16, 211:13
separate [4] - 24:4, 32:18, 195:15, 255:1
separated [2] - 116:14, 120:16
separation [1] - 5:17
September [9] - 35:16, 113:14, 121:19, 138:12, 178:1, 201:17, 228:19, 268:2, 268:4
Sergeant [2] - 125:7, 125:9
SERGEANT [1] - 125:9
serial [2] - 254:6, 254:12
series [1] - 192:12
serious [9] - 41:5, 62:7, 64:3, 98:11, 129:3, 143:13, 147:17, 150:2, 155:16
seriously [5] - 70:6, 73:19, 93:7, 200:17, 251:13
seriousness [6] - 124:9, 124:10, 133:1, 149:3, 173:17, 174:9
serve [4] - 31:19, 155:17, 183:13, 202:14
served [3] - 8:7, 21:3, 149:14
service [12] - 193:6, 193:10, 193:11, 194:16, 204:12, 205:9, 206:9, 213:15, 216:12, 244:6, 244:15, 246:13
services [5] - 192:2, 192:9, 195:11, 203:13, 206:10
serving [3] - 9:2, 9:11, 182:10
set [7] - 34:18, 68:7, 169:2, 169:3, 218:14, 260:12, 271:10
setting [1] - 260:12
setup [1] - 231:9
setup-type [1] - 231:9
seven [6] - 8:10, 15:17, 24:11, 32:5, 244:7, 263:13
several [6] - 47:13, 112:10, 137:13, 143:18, 155:5, 160:8
severe [4] - 145:10, 150:6, 176:14
severity [3] - 76:19, 100:9, 124:8
sexy [1] - 167:2
shame [1] - 151:12
share [2] - 127:7, 245:9
she [6] - 37:10, 46:3, 46:4, 46:5, 213:4, 266:18
SHEEHAN [8] - 4:13, 4:19, 5:8, 5:15, 6:4, 6:12, 6:17, 7:16
Sheehan [1] - 4:13
SHEET [1] - 270:3
sheet [3] - 142:19, 270:5, 270:6
shift [13] - 37:7, 38:5, 39:6, 46:2, 46:3, 46:5, 56:17, 64:17, 71:11, 122:19, 218:3, 221:8
shifts [4] - 69:11, 69:14, 221:7, 244:19
ships [1] - 249:4
shoot [1] - 265:17
shoots [1] - 87:9
Shore [1] - 225:15
Short [1] - 190:16
short [6] - 22:16, 85:14, 158:12, 158:15, 181:10
short-short [1] - 181:10
short-term [2] - 158:12, 158:15
Shorthand [1] - 271:14
should [18] - 11:19, 36:6, 38:4, 61:7, 92:18, 144:13, 145:2, 148:7, 163:5, 164:6, 198:10, 203:2, 216:4, 235:15, 240:19, 246:3, 253:18, 258:5
should've [12] - 47:4, 54:19, 55:1, 55:3, 84:3, 100:16, 102:3, 102:12, 102:16, 104:3, 104:18, 142:14
show [4] - 46:19, 68:13, 159:15, 180:4
shown [1] - 142:12
shows [1] - 159:17
shut [2] - 47:4, 54:16
shutting [1] - 55:2
sic|"Panagopoulos"] [1] - 137:5
side [11] - 44:6, 44:11, 51:17, 52:4, 52:6, 53:12, 60:12, 72:15, 86:15, 164:1, 227:16
sides [1] - 248:16
sight [2] - 86:1, 86:7
Sign [1] - 270:6
sign [9] - 30:14, 31:13, 32:1, 93:13, 93:18, 106:13, 108:4, 127:5, 238:5
signage [4] - 31:18, 94:19, 95:2, 96:17
signal [6] - 53:17, 53:19, 54:4, 67:5, 113:8
signals [2] - 114:5, 221:17
significance [1] - 93:8
signify [7] - 132:12, 180:14, 189:18, 208:13, 267:5, 268:9, 269:1
signs [3] - 95:6, 109:11, 109:12
similar [6] - 76:1, 128:19, 169:8, 176:2, 199:6, 254:10
simple [4] - 3:5, 117:18, 167:1, 167:18
simply [7] - 57:11, 120:3, 146:4, 152:3, 204:18, 251:10, 251:17
since [17] - 30:9, 47:10, 48:11, 50:12, 55:17, 58:18, 59:10, 64:8, 64:9, 117:4, 177:17, 182:2, 211:8, 211:12, 215:4, 233:11, 233:12
single [2] - 75:7, 245:4
single-focused [1] - 245:4
sir [3] - 189:6, 210:15, 213:18
sit [2] - 145:2, 145:4
site [10] - 57:7, 80:1, 83:18, 97:4, 104:14, 108:3, 108:7, 108:12, 122:16, 137:14
sites [1] - 218:16
sitting [1] - 122:12
situation [38] - 13:12, 47:7, 62:7, 62:18, 62:19, 70:8, 73:13, 75:4, 76:1, 76:16, 82:6, 83:16, 84:4, 90:15, 91:10, 93:4, 93:5, 99:2, 100:8, 100:13, 103:9, 103:12, 106:15, 116:7, 117:17, 118:4, 119:12, 120:7, 123:9, 124:7, 130:18, 131:11, 131:15, 144:8, 156:2, 186:17, 245:10, 256:8
situational [1] - 260:18
six [5] - 15:18, 16:1, 24:11, 179:19, 241:14
size [3] - 22:18, 49:5, 49:7
skidded [1] - 223:15
skills [1] - 165:2
sleeping [6] - 80:1, 80:10, 104:14, 108:3, 123:1, 123:3
slicing [1] - 182:17
Slomiak [1] - 211:13
slow [1] - 15:13
small [5] - 13:17, 161:14, 183:5, 224:14, 234:16
smart [2] - 213:6, 213:7
smell [3] - 70:13, 73:4, 118:16
smelled [4] - 70:16, 70:19, 105:11, 106:1
smelling [1] - 102:12
smells [1] - 102:2
smoke [1] - 111:18
smoking [1] - 117:11
snow [2] - 229:3, 259:17
so [226] - 3:5, 4:8, 4:15, 5:6, 11:11, 12:6, 13:4, 17:10, 18:15, 20:5, 21:9, 22:3, 22:19, 23:8, 23:16, 24:6, 26:19, 31:15, 37:12, 37:15, 37:17, 38:7, 38:11, 39:3, 40:7, 40:10, 41:16, 42:8, 43:4, 45:3, 48:15, 49:10, 51:18, 52:5, 55:13, 56:13, 59:19, 60:4, 61:3, 62:3, 62:14, 62:17, 63:3, 64:16, 65:19, 68:14, 68:17, 69:17, 72:5, 74:3, 75:10, 75:11, 75:16, 78:3, 78:9, 79:2, 81:4, 81:15, 83:4, 83:14, 86:19, 87:13, 88:3, 88:7, 88:10, 88:17, 89:15, 90:11, 90:13, 90:14, 92:14, 93:14, 98:5, 98:9, 100:11, 102:9, 102:14, 104:16, 105:16, 106:10, 115:9, 115:11, 116:8, 116:14, 118:8, 119:3, 120:1, 120:5, 123:7, 124:1, 125:3, 128:6, 128:10, 129:19, 131:19, 132:18, 134:4, 138:1, 138:10, 138:15, 138:17, 141:10, 142:6, 143:3, 143:6,

144:3, 144:11, 145:6, 146:7, 146:19, 147:6, 147:8, 148:1, 149:1, 149:14, 152:1, 152:12, 152:19, 156:1, 156:19, 157:9, 158:1, 158:11, 160:3, 160:8, 160:13, 162:7, 163:16, 163:17, 164:6, 168:11, 169:18, 170:2, 170:5, 172:5, 172:12, 173:2, 173:16, 174:5, 175:8, 175:14, 176:1, 176:16, 178:3, 179:1, 179:11, 184:1, 184:5, 184:7, 185:8, 186:3, 187:8, 188:16, 189:11, 191:14, 192:3, 192:4, 192:9, 192:18, 193:19, 195:6, 196:11, 197:9, 198:14, 199:1, 200:16, 202:12, 203:1, 203:12, 204:2, 204:8, 206:16, 207:7, 209:8, 209:16, 210:18, 211:8, 212:10, 213:9, 213:14, 213:17, 214:7, 214:10, 215:17, 216:18, 217:18, 220:16, 221:4, 222:3, 222:4, 223:4, 223:9, 223:18, 224:2, 226:7, 227:15, 228:8, 229:7, 232:17, 236:2, 238:15, 239:11, 239:14, 240:11, 240:14, 241:11, 243:4, 243:7, 245:10, 249:16, 253:16, 253:17, 254:3, 256:3, 256:17, 258:15, 258:18, 259:1, 259:3, 259:13, 262:1, 262:7, 268:1

so.. [2] - 76:2, 258:1

soft [1] - 178:6

solace [1] - 108:2

sold [3] - 8:7, 21:2, 30:17

soldier [1] - 96:6

sole [3] - 18:18, 56:18, 146:14

solely [1] - 98:5

Solem [1] - 212:1

solution [1] - 256:5

some [106] - 3:5, 9:5, 18:11, 21:10, 26:12, 37:10, 38:8, 56:2, 62:12, 62:14, 62:15, 65:16, 65:17, 76:10, 76:12, 77:12, 78:17, 86:4, 88:8, 89:18, 90:5, 92:9, 94:2, 94:4, 95:2, 95:19, 98:1, 98:3, 100:14, 104:7, 105:4, 107:19, 108:1, 109:11, 111:10, 111:14, 112:1, 112:17, 113:5, 117:18, 120:3, 122:19, 123:5, 126:17, 130:19, 132:3, 139:12, 139:16, 153:19, 163:11, 166:2, 166:5, 169:7, 169:8, 174:16, 183:5, 185:18, 186:4, 186:7, 186:10, 187:3, 187:11, 190:11, 194:5, 195:10, 196:13, 197:16, 200:4, 201:9, 201:14, 202:5, 202:8, 202:18, 203:17, 206:1, 206:4, 207:4, 207:12, 210:11, 210:12, 211:2, 211:4, 214:3, 214:6, 214:18, 215:1, 216:3, 217:11, 225:16, 226:15, 230:9, 232:2, 237:5, 237:12, 241:7, 242:15, 245:9, 245:15, 248:14, 249:6, 253:14, 264:17, 266:3

somebody [18] - 42:10, 49:14, 50:1, 50:2, 62:5, 71:11, 92:12, 126:5, 141:3, 151:3, 165:5, 170:11, 196:17, 199:17, 224:5, 225:14, 226:8

somehow [2] - 12:15, 225:4

someone [19] - 40:1, 44:8, 81:6, 84:18, 86:9, 87:1, 94:10, 103:17, 122:4, 148:15, 148:16, 159:11, 204:17, 225:6, 225:12, 226:10, 228:12, 243:8, 256:17

someone's [1] - 92:5

Somerville [2] - 205:9

something [49] - 15:11, 23:9, 46:8, 49:9, 50:3, 54:5, 61:14, 61:19, 62:4, 62:13, 63:19, 64:3, 65:9, 66:14, 67:4, 68:11, 70:4, 78:11, 89:3, 91:2, 107:4, 112:7, 112:10, 113:10, 114:9, 114:12, 117:7, 121:9, 123:9, 131:2, 146:6, 152:12, 153:2, 153:13, 154:2, 158:17, 167:13, 195:8, 198:1, 203:9, 217:11, 224:6, 237:6, 247:9, 250:12, 259:13, 261:16, 261:18, 262:8

sometime [1] - 37:19

sometimes [5] - 58:9, 59:2, 60:3, 68:16, 162:10

somewhat [5] - 77:13, 136:13, 168:13, 186:13, 226:9

son [2] - 111:11, 121:13

sONESTA [2] - 2:3, 3:15

Sonesta [6] - 3:17, 3:18, 4:11, 4:14, 5:10, 5:11

Sonnabend [2] - 6:5, 6:6

SONNABEND [1] - 6:6

sons [1] - 121:13

Sonsei [1] - 161:5

Sonsie [1] - 181:13

soon [3] - 15:13, 72:1, 260:11

sooner [2] - 47:2, 259:16

sorry [5] - 145:1, 210:16, 232:5, 232:9, 265:18

sort [5] - 113:6, 166:18, 191:1, 230:9, 245:7

sort've [12] - 40:13, 73:9, 100:2, 100:19, 160:2, 198:3, 206:2, 206:13, 206:18, 227:16, 235:14, 248:15

sounded [1] - 40:6

sounds [9] - 38:14, 40:3, 74:19, 75:2, 127:8, 157:2, 234:6, 238:11, 266:5

source [1] - 96:2

space [10] - 149:5, 155:13, 167:16, 174:13, 179:12, 181:2, 211:7, 211:17, 262:10

spaces [1] - 242:19

speak [6] - 42:10, 66:18, 100:6, 148:18, 160:5, 258:5

speaking [5] - 51:13, 122:11, 134:4, 154:2, 155:9

speaks [1] - 160:6

special [4] - 125:18, 186:18, 196:6, 218:12

specific [3] - 94:2, 204:12, 206:18

specifically [4] - 129:12, 141:10, 141:11, 207:2

speculative [1] - 108:19

speed [1] - 232:18

spell [11] - 4:9, 8:14, 18:4, 26:6, 29:19, 36:12, 41:16, 123:16, 125:8, 162:18, 209:9

spelling [1] - 4:11

spellings [1] - 4:7

spend [6] - 166:11, 168:5, 182:16, 186:15, 187:6, 248:18

spending [1] - 167:11

spent [2] - 77:2, 111:14

spoke [9] - 51:3, 51:4, 66:4, 95:1, 111:16, 187:10, 211:9, 212:14, 227:4

spoken [1] - 247:19

spokes [1] - 223:19

spot [7] - 85:11, 86:11, 101:17, 200:1, 224:9, 231:7, 243:8

spots [4] - 72:12, 85:1, 103:15, 227:10

spotty [1] - 206:13

spread [1] - 245:15

spring [1] - 259:17

square [2] - 167:17, 224:14

Square [16] - 17:18, 164:3, 166:16, 185:7, 210:3, 210:8, 210:9, 211:10, 234:18, 235:1, 240:6, 240:7, 246:10, 257:3, 257:4, 262:10

squares [1] - 245:8

SQUEAKY [2] - 2:6, 20:15

Squeaky [2] - 20:16, 20:17

ss [1] - 271:3

St [1] - 59:2

Stadium [1] - 159:2

STAFF [1] - 1:8

staff [33] - 62:2, 81:3, 91:14, 91:15, 97:3, 97:7, 99:2, 100:1, 107:19, 117:6, 118:3, 119:8, 120:5, 124:2, 124:16, 128:14, 128:15, 129:2, 129:16, 129:17, 130:10, 131:6, 147:2, 149:8, 150:14, 156:4, 182:16, 191:17, 205:19, 208:5, 229:13, 250:3, 264:6

staffing [1] - 106:6

staging [1] - 249:3

stairs [1] - 85:19

stairway [1] - 86:4

stairways [3] - 72:19, 73:2

stairwell [2] - 85:10, 85:15

stairwells [3] - 84:14, 85:2, 85:6

stake [1] - 153:1

stand [3] - 45:11, 99:17, 233:1

standard [5] - 193:10, 194:3, 194:4, 197:4, 204:6

standards [3] - 191:9, 197:9, 201:8

standing [4] - 87:1, 227:8, 233:1, 242:15

standpoint [1] - 246:5

stands [3] - 242:14, 243:1, 243:12

start [17] - 36:3, 71:12,

159:13, 160:13, 168:15, 175:1, 175:2, 190:6, 201:2, 206:5, 220:15, 224:3, 226:8, 233:11, 247:4, 247:5, 261:11
started [12] - 3:5, 37:17, 37:18, 73:18, 74:1, 149:13, 191:11, 200:12, 239:6, 255:16, 259:16, 260:1
starting [5] - 152:7, 156:18, 226:12, 248:3, 260:5
starts [1] - 229:6
state [12] - 4:8, 8:13, 18:4, 26:5, 29:18, 36:12, 41:15, 45:19, 123:16, 125:7, 162:18, 209:9
State [1] - 170:10
stated [5] - 64:7, 64:11, 110:18, 122:1, 212:18
states [2] - 32:1, 47:19
Station [1] - 22:5
status [4] - 154:16, 171:5, 178:14, 215:19
stay [5] - 12:3, 12:7, 86:4, 89:13, 228:3
stayed [1] - 40:17
staying [1] - 96:18
stays [1] - 89:2
steady [1] - 163:8
steaks [1] - 184:6
steep [1] - 232:12
stemming [1] - 113:13
step [5] - 123:15, 175:15, 176:16, 178:6, 265:19
stepped [1] - 188:13
stepping [1] - 5:9
steps [8] - 13:8, 17:9, 86:2, 92:15, 97:15, 99:1, 113:16, 117:18
still [11] - 28:3, 31:18, 31:19, 52:12, 52:13, 62:11, 117:3, 175:13, 205:10, 232:7, 232:8
stock [4] - 17:19, 18:16, 266:11
stolen [1] - 92:5
stop [5] - 20:10, 62:13, 117:7, 149:4, 223:7
stopped [1] - 101:15
stopping [1] - 117:12
stops [1] - 243:1
storage [1] - 211:17
store [2] - 10:12, 157:9
stories [1] - 115:14
storing [1] - 182:18
Storrow [2] - 236:11, 236:14
story [1] - 24:10
street [3] - 187:12, 216:15, 227:11
Street [21] - 21:15, 21:17, 22:1, 23:3, 26:3, 26:15, 29:11, 29:16, 34:6, 36:17, 134:15, 137:19, 163:13, 163:16, 164:14, 181:14, 186:5, 186:11, 186:18, 241:7, 245:17
streets [1] - 248:15
stress [3] - 81:11, 126:18, 223:17
stretch [1] - 22:7
strictly.. [1] - 27:5
strides [1] - 92:9
strike [1] - 97:18
strong [3] - 128:10, 231:17, 232:1
structure [3] - 115:13, 116:5, 206:12
structured [1] - 264:8
strung [1] - 252:2
student [1] - 213:3
students [8] - 213:2, 213:5, 213:16, 219:12, 219:14, 220:19, 221:3, 223:13
studying [1] - 96:7
stuff [3] - 57:2, 145:7, 249:7
stylish [1] - 167:2
subcommittee [1] - 200:7
subject [1] - 96:13
subjugate [1] - 96:16
submit [10] - 82:10, 83:7, 83:12, 84:5, 93:12, 114:6, 165:1, 165:5, 194:10, 229:18
submitted [15] - 7:8, 7:9, 16:16, 19:10, 20:2, 25:5, 28:17, 33:12, 126:15, 128:3, 129:15, 135:19, 136:4, 137:7, 140:1
submitting [1] - 141:5
subs [1] - 9:2
subscribe [2] - 237:7, 270:17
substances [1] - 119:16
substantial [4] - 84:15, 133:5, 139:12, 146:16
subway [3] - 125:19, 235:4, 258:18
succeed [1] - 177:5
success [1] - 234:17
successful [5] - 152:6, 215:12, 215:18, 246:4, 259:6
successfully [1] - 148:9
such [12] - 44:14, 51:12, 70:13, 77:6, 100:1, 124:19, 128:11, 129:17, 135:16, 217:3, 250:15, 263:11
suffering [1] - 147:2
sufficient [4] - 90:13, 97:15, 118:7, 199:17
Suffolk [1] - 271:3
suggest [8] - 82:16, 83:2, 93:11, 94:1, 117:14, 134:6, 191:11, 220:14
suggested [1] - 106:6
suggesting [3] - 89:18, 118:6, 246:2
suggestion [3] - 93:10, 112:3, 121:8
suggestions [3] - 84:6, 84:10, 129:14
summarize [1] - 171:12
summary [2] - 181:8, 186:4
summertime [1] - 245:5
sums [1] - 146:16
Sundays [1] - 16:3
super [1] - 206:12
supervisory [1] - 83:9
supply [1] - 198:8
supplying [1] - 199:7
support [7] - 23:3, 210:11, 211:14, 215:5, 247:15, 247:18
supporting [1] - 82:12
supportive [1] - 212:4
supposed [5] - 44:14, 44:16, 54:12, 145:7, 224:4
Sure [1] - 174:3
sure [58] - 4:19, 13:11, 20:1, 20:12, 38:1, 39:5, 50:11, 59:10, 60:10, 88:12, 89:17, 90:3, 90:12, 91:5, 91:9, 91:15, 92:5, 92:15, 93:1, 100:2, 104:3, 105:12, 107:10, 107:12, 110:3, 113:10, 114:8, 116:11, 116:12, 118:7, 120:9, 124:2, 133:9, 137:1, 143:2, 145:2, 145:12, 149:4, 157:4, 158:2, 164:13, 176:15, 182:10, 202:7, 202:15, 203:12, 206:11, 206:12, 216:16, 231:10, 233:2, 236:6, 236:13, 244:16, 248:11, 249:8, 252:8
surprise [1] - 69:17
surprised [1] - 46:16
surprisingly [1] - 218:19
surrounding [1] - 9:3
surveillance [9] - 77:16, 78:1, 78:13, 78:14, 82:17, 85:13, 101:17, 101:18, 111:13
sushi [4] - 167:2, 170:9, 182:17, 183:5
Sushi [1] - 160:10
suspected [1] - 46:7
suspend [1] - 199:10
suspended [1] - 144:15
suspension [11] - 140:9, 142:9, 144:17, 144:18, 145:11, 145:15, 154:6, 154:10, 178:2, 178:17, 179:3
suspicious [1] - 157:3
swap [1] - 148:15
swap-out [1] - 148:15
swipe [1] - 113:4
switch [3] - 116:6, 116:15, 120:14
switched [1] - 116:14
switches [1] - 116:10
system [23] - 48:18, 51:17, 53:9, 66:6, 67:10, 72:8, 75:1, 78:2, 84:16, 89:10, 111:1, 111:2, 112:1, 112:2, 112:13, 112:15, 112:17, 121:6, 155:12, 214:8, 216:10, 216:14, 236:10
systematically [1] - 75:17

T

T [7] - 18:9, 26:10, 36:19, 42:7, 209:11
T-U-B-I-N [1] - 209:11
taillights [1] - 221:17
take [40] - 15:14, 20:11, 22:19, 40:18, 40:19, 41:7, 48:1, 48:14, 57:19, 62:12, 70:5, 74:18, 75:11, 76:6, 76:9, 90:17, 92:15, 98:1, 99:13, 108:2, 117:6, 121:17, 128:16, 134:7, 138:18, 157:7, 161:4, 162:3, 190:12, 211:2, 216:4, 218:15, 231:11, 231:13, 232:12, 235:16, 238:1, 238:14, 261:10, 264:6
Taken [1] - 190:16
taken [14] - 82:14, 97:15, 101:5, 109:2, 113:17, 127:3, 132:19, 140:4, 148:18, 155:15, 175:9, 190:19, 264:10, 264:16
takes [1] - 57:17
taking [9] - 10:19, 55:19, 93:7, 120:8, 137:11, 152:8, 200:17, 213:14, 222:16
talk [8] - 59:15, 65:11, 163:19, 174:4, 198:17, 201:5, 216:8, 217:1
talked [7] - 74:14, 139:18, 152:17, 175:6, 240:16, 251:15, 258:9
talking [7] - 6:12, 43:2, 64:7, 160:11, 169:19, 187:11, 234:15
tapes [1] - 92:19
tarnish [1] - 157:18
taste [1] - 184:12
tasteful [1] - 237:14
tasting [1] - 218:11
tax [1] - 12:13
taxi [6] - 227:9, 231:1, 243:1, 243:11,

243:12, 246:13
Taxi [1] - 195:19
Taxicab [1] - 191:10
taxicab [12] - 192:5, 192:17, 194:15, 195:12, 195:16, 196:11, 199:6, 199:11, 202:6, 202:17, 242:13, 251:1
TAXICABS [2] - 2:13, 191:3
taxicabs [3] - 191:7, 243:10, 255:5
taxies [1] - 257:12
team [1] - 164:10
tech [1] - 89:1
technical [1] - 97:6
Technique [2] - 25:19, 26:16
technology [4] - 192:16, 193:3, 203:11, 248:7
telephone [3] - 67:4, 196:6, 198:16
tell [17] - 37:11, 41:4, 44:16, 51:18, 54:15, 58:14, 58:19, 60:1, 114:11, 138:2, 151:10, 151:13, 161:2, 169:2, 200:8, 234:11, 245:12
telling [2] - 151:9, 223:14
tells [1] - 93:6
temperature [1] - 182:12
ten [30] - 9:6, 24:14, 43:8, 44:19, 45:1, 48:8, 48:9, 54:10, 55:2, 56:9, 109:4, 156:9, 157:14, 161:13, 167:19, 177:8, 182:5, 185:11, 220:2, 220:4, 220:5, 220:7, 220:11, 255:16, 256:2, 261:16, 262:7, 262:16, 262:18
tend [7] - 59:3, 65:3, 226:13, 227:10, 228:1, 228:8, 243:7
tends [1] - 247:8
term [4] - 122:18, 158:12, 158:15, 169:12
terms [35] - 4:16, 8:18, 14:16, 18:11, 26:12, 52:19, 58:7, 58:9, 61:1, 78:1, 94:12, 99:11, 104:17, 118:2, 118:12, 143:14, 146:18, 147:6, 152:7, 155:9, 178:4, 186:9, 193:5, 193:8, 195:5, 195:14, 197:3, 197:4, 197:14, 200:14, 204:2, 206:9, 215:17, 250:14
test [1] - 182:14
testified [1] - 102:2
testifying [1] - 74:11
testimony [7] - 35:13, 60:16, 75:14, 90:9, 104:12, 113:13, 163:12
than [38] - 37:11, 40:18, 40:19, 46:19, 50:14, 58:7, 58:8, 59:1, 60:7, 61:8, 62:10, 65:5, 66:11, 69:19, 88:10, 89:11, 95:9, 101:5, 106:10, 109:5, 109:7, 120:3, 121:2, 125:1, 165:3, 176:5, 177:19, 179:14, 183:15, 184:16, 200:5, 201:6, 226:15, 246:18, 247:19, 259:16, 264:12, 265:4
thank [30] - 7:16, 7:17, 17:5, 17:10, 17:13, 25:13, 29:6, 35:1, 42:4, 87:18, 124:1, 125:3, 125:5, 126:7, 128:4, 133:12, 133:13, 133:17, 134:2, 134:3, 134:5, 164:16, 190:9, 209:1, 209:12, 261:5, 261:6, 263:17, 263:19, 266:6
thankfully [1] - 106:17
thanks [1] - 186:1
that [822] - 5:9, 6:1, 6:10, 6:17, 7:7, 7:11, 9:5, 9:11, 11:10, 11:13, 11:14, 12:5, 12:13, 12:15, 13:2, 13:6, 13:7, 13:8, 13:15, 13:18, 14:12, 20:6, 20:7, 20:11, 21:16, 22:17, 22:18, 23:9, 23:13, 24:9, 25:4, 27:8, 28:6, 28:16, 33:5, 34:1, 35:12, 36:4, 36:9, 37:5, 37:6, 37:11, 37:19, 38:2, 38:3, 38:5, 38:14, 38:17, 39:6, 39:13, 39:18, 40:1, 40:12, 41:1, 41:5, 41:6, 41:9, 43:9, 43:14, 43:17, 43:19, 45:11, 46:4, 46:6, 46:7, 46:8, 46:10, 46:11, 46:16, 46:17, 46:18, 46:19, 47:1, 47:14, 48:5, 48:10, 48:14, 48:15, 49:9, 49:12, 49:16, 50:7, 50:14, 50:15, 51:3, 51:4, 51:5, 51:6, 51:7, 51:9, 51:15, 53:9, 53:17, 54:5, 54:6, 54:9, 54:12, 54:15, 54:16, 55:6, 55:8, 55:10, 55:13, 56:4, 56:6, 56:13, 58:2, 58:7, 58:9, 58:11, 58:16, 58:17, 60:11, 60:17, 61:4, 61:7, 61:13, 61:15, 62:9, 62:11, 62:15, 62:16, 62:17, 62:19, 63:9, 63:11, 63:13, 63:17, 63:19, 64:11, 64:13, 64:15, 65:3, 65:4, 65:6, 65:7, 65:13, 65:15, 65:16, 66:14, 66:16, 67:2, 67:7, 67:12, 68:17, 69:4, 69:8, 69:15, 69:16, 69:17, 70:2, 70:3, 70:5, 70:6, 70:10, 70:11, 70:14, 70:19, 71:2, 71:7, 71:9, 74:4, 74:16, 75:2, 75:5, 75:11, 75:12, 75:14, 75:18, 75:19, 76:10, 76:17, 77:5, 77:8, 77:9, 77:17, 77:18, 77:19, 78:1, 78:3, 78:10, 78:12, 78:15, 79:2, 79:5, 79:16, 80:1, 80:4, 80:9, 80:14, 80:16, 80:18, 80:19, 81:3, 81:4, 81:12, 81:17, 82:4, 82:10, 82:12, 82:14, 82:15, 82:17, 83:2, 83:3, 83:7, 83:8, 83:10, 83:13, 83:14, 84:8, 84:10, 85:4, 85:13, 87:9, 87:13, 88:4, 88:12, 89:3, 89:4, 89:6, 89:13, 89:16, 89:17, 89:19, 90:3, 90:9, 90:12, 91:5, 91:6, 91:7, 91:9, 91:18, 92:4, 92:6, 92:7, 92:12, 92:15, 93:3, 93:6, 93:11, 93:12, 93:13, 93:14, 93:15, 93:18, 93:19, 94:1, 94:2, 94:5, 94:7, 94:8, 94:9, 94:13, 94:17, 94:19, 95:8, 95:11, 95:12, 95:19, 96:1, 96:4, 96:12, 96:17, 96:19, 97:8, 97:10, 98:1, 98:4, 98:12, 98:16, 98:17, 98:18, 99:11, 99:16, 100:4, 100:7, 100:8, 100:12, 100:14, 100:16, 101:3, 101:7, 101:8, 101:14, 102:5, 102:8, 102:9, 102:10, 102:14, 102:18, 103:2, 103:10, 104:6, 104:13, 104:15, 104:16, 104:18, 105:4, 105:7, 105:12, 105:13, 105:17, 105:18, 105:19, 106:3, 106:8, 106:11, 107:5, 107:8, 107:9, 107:10, 107:12, 107:13, 107:14, 107:16, 107:19, 108:2, 108:4, 108:9, 108:14, 108:16, 109:3, 109:5, 109:8, 109:10, 109:12, 109:18, 109:19, 110:6, 110:7, 111:2, 111:15, 111:17, 112:1, 112:7, 112:14, 112:16, 112:17, 112:18, 113:7, 113:8, 113:9, 113:12, 113:15, 113:17, 114:3, 114:6, 114:18, 115:8, 115:13, 115:16, 115:18, 116:17, 117:9, 117:15, 117:16, 117:18, 118:7, 118:12, 118:13, 118:17, 118:18, 119:1, 119:9, 119:18, 120:2, 120:6, 120:10, 120:11, 120:18, 121:1, 121:6, 121:10, 121:14, 122:2, 122:8, 122:13, 122:16, 123:8, 124:2, 124:5, 124:6, 124:10, 124:13, 124:14, 125:3, 125:11, 125:12, 125:18, 126:3, 126:4, 126:5, 126:19, 127:3, 127:4, 127:5, 127:6, 127:11, 127:16, 127:17, 127:18, 127:19, 128:2, 128:10, 128:11, 128:12, 128:15, 128:17, 128:18, 128:19, 129:4, 129:8, 129:10, 129:11, 129:14, 130:3, 130:8, 130:16, 130:19, 131:2, 131:5, 131:10, 131:11, 131:15, 132:3, 132:4, 132:6, 132:19, 133:6, 133:11, 133:15, 134:6, 135:8, 135:13, 135:15, 135:19, 136:1, 136:7, 136:9, 136:19, 137:1, 137:2, 137:14, 137:17, 138:1, 138:12, 140:2, 140:3, 140:7, 140:9, 140:11, 140:12, 141:8, 141:12, 141:15, 141:18, 142:2, 142:3, 142:8, 142:9, 142:11, 142:14, 143:7, 143:12, 143:13, 143:14, 143:15, 143:18, 143:19, 144:2, 144:4, 144:5, 144:9, 144:12, 144:13, 144:17, 145:7, 145:8, 146:5, 146:9, 146:13, 146:16, 146:19, 147:2, 147:4, 147:6, 147:7, 147:8, 147:10, 147:12, 147:14, 148:6, 148:8, 148:10, 149:5, 149:10, 149:19, 150:1, 150:6, 150:7, 150:9, 150:17, 151:5,

151:11, 152:3, 152:12, 152:15, 152:19, 153:2, 153:15, 153:17, 154:1, 154:2, 156:4, 156:7, 157:2, 157:4, 157:5, 157:6, 157:7, 157:8, 157:9, 157:18, 158:2, 158:6, 158:8, 158:9, 158:10, 158:18, 159:4, 159:16, 159:17, 160:15, 160:19, 161:3, 161:11, 163:6, 163:9, 163:18, 164:4, 164:7, 165:8, 166:2, 166:4, 166:6, 167:16, 167:18, 168:4, 168:6, 168:10, 168:13, 169:11, 169:13, 169:17, 170:2, 170:5, 172:1, 172:3, 172:14, 172:16, 172:17, 172:18, 173:7, 174:12, 175:5, 175:9, 175:17, 176:4, 176:10, 176:19, 177:4, 177:5, 177:13, 177:18, 177:19, 178:7, 180:2, 181:2, 182:10, 182:11, 182:13, 182:14, 183:3, 183:6, 183:18, 184:4, 184:7, 184:12, 185:8, 185:13, 185:14, 185:16, 186:8, 186:15, 187:1, 187:2, 187:3, 187:6, 187:8, 187:12, 187:13, 188:7, 188:13, 188:18, 190:14, 191:12, 191:14, 192:7, 192:11, 193:5, 193:7, 194:1, 194:9, 194:17, 194:18, 195:4, 195:7, 196:14, 197:2, 197:7, 197:9, 197:17, 197:19, 198:19, 199:3, 199:6, 199:13, 200:8, 200:9, 200:16, 200:17, 201:5, 201:6, 201:18, 202:9, 202:10, 202:11, 202:12, 202:16, 202:17, 202:18, 203:3, 203:5, 203:7, 203:9, 203:13, 203:16, 204:1, 204:5, 204:9, 205:12, 205:13, 206:1, 206:3, 206:6, 206:11, 206:13, 206:17, 207:1, 207:7, 207:8, 207:11, 207:19, 208:10, 209:18, 209:19, 210:16, 210:17, 210:19, 211:8, 212:5, 212:7, 212:9, 212:11, 212:16, 213:15, 214:2, 214:16, 214:19, 215:8, 215:9, 215:12, 215:19, 216:9, 216:13, 216:16, 217:8, 217:11, 217:12, 217:17, 218:5, 218:7, 218:12, 219:1, 219:9, 220:9, 220:10, 221:7, 221:9, 222:14, 223:14, 223:17, 224:1, 224:15, 226:9, 226:12, 226:15, 226:16, 227:5, 229:12, 229:15, 230:1, 231:1, 231:5, 231:7, 231:16, 232:3, 232:11, 233:17, 234:19, 235:3, 235:7, 235:19, 237:6, 237:16, 238:6, 238:15, 239:2, 239:6, 239:10, 239:19, 240:9, 241:4, 241:18, 242:14, 242:16, 242:17, 245:2, 245:7, 247:19, 248:2, 248:12, 249:5, 249:8, 249:19, 250:8, 251:3, 251:9, 251:12, 251:14, 252:9, 252:10, 253:7, 254:1, 255:3, 255:10, 255:12, 256:15, 257:5, 257:12, 257:15, 258:13, 258:14, 259:2, 259:8, 260:3, 260:4, 261:14, 261:16, 262:3, 262:4, 262:5, 263:9, 263:12, 265:8, 265:10, 270:17

that' [1] - 6:9

that's [78] - 5:8, 11:16, 24:9, 57:6, 59:14, 61:4, 62:1, 72:3, 73:12, 75:14, 75:17, 81:18, 84:15, 87:9, 87:11, 88:15, 90:7, 98:6, 100:3, 109:17, 111:4, 114:2, 115:1, 119:10, 120:1, 121:7, 122:3, 126:6, 127:11, 128:1, 129:19, 138:10, 139:14, 143:3, 146:7, 148:1, 158:4, 158:5, 160:11, 161:9, 162:1, 163:9, 164:9, 170:18, 171:1, 171:7, 171:8, 172:10, 174:1, 180:5, 181:6, 183:3, 184:15, 197:10, 199:17, 200:2, 202:14, 205:10, 215:13, 216:7, 217:13, 219:6, 222:15, 230:3, 235:2, 235:9, 237:10, 238:4, 245:12, 245:17, 251:3, 251:7, 255:18, 259:3, 259:11, 263:9, 264:10

the [1727] - 3:3, 3:7, 3:9, 3:12, 3:16, 4:11, 4:17, 5:1, 5:2, 5:3, 5:4, 5:8, 5:14, 5:16, 5:17, 6:1, 6:2, 6:4, 6:13, 7:4, 7:7, 7:8, 9:2, 10:9, 10:14, 11:3, 11:4, 11:6, 11:7, 11:8, 11:14, 11:19, 12:1, 12:10, 12:13, 12:18, 13:2, 13:5, 13:6, 13:12, 13:15, 13:16, 14:5, 14:7, 14:8, 15:4, 15:6, 15:7, 15:12, 15:16, 16:5, 16:12, 16:15, 17:7, 17:9, 17:11, 18:4, 18:17, 19:1, 19:9, 20:3, 20:4, 20:11, 21:11, 21:14, 21:19, 22:4, 22:5, 22:11, 23:4, 24:5, 25:4, 26:6, 26:15, 26:17, 26:18, 27:1, 27:4, 27:12, 27:13, 28:4, 28:9, 28:16, 29:8, 29:12, 29:19, 30:11, 30:13, 30:14, 30:15, 30:17, 31:2, 31:6, 31:8, 31:13, 31:17, 31:18, 31:19, 33:10, 33:12, 33:19, 34:4, 34:7, 35:7, 35:8, 35:9, 35:11, 35:12, 35:18, 35:19, 36:3, 36:6, 36:13, 37:4, 37:5, 37:6, 37:7, 37:12, 37:13, 37:15, 37:16, 38:3, 38:4, 38:5, 38:10, 38:11, 38:13, 39:1, 39:2, 39:3, 39:4, 39:5, 39:6, 39:8, 39:9, 39:10, 39:12, 39:13, 39:14, 39:19, 40:1, 40:2, 40:3, 40:12, 41:7, 41:8, 41:13, 41:16, 42:9, 42:12, 42:13, 42:15, 42:16, 42:18, 43:3, 43:15, 43:16, 43:17, 43:18, 44:6, 44:7, 44:8, 44:10, 44:11, 44:17, 45:2, 45:3, 45:7, 45:8, 46:2, 46:3, 46:5, 46:16, 46:18, 47:1, 47:5, 47:7, 47:8, 47:13, 47:14, 47:15, 47:16, 47:19, 48:2, 48:4, 48:5, 48:6, 48:11, 48:14, 48:15, 49:1, 49:2, 49:4, 49:5, 49:6, 49:7, 49:9, 49:10, 49:14, 49:15, 49:17, 49:18, 49:19, 50:2, 50:4, 50:7, 50:8, 50:13, 50:14, 50:15, 50:16, 50:18, 50:19, 51:2, 51:3, 51:4, 51:5, 51:6, 51:7, 51:8, 51:12, 51:13, 51:16, 51:17, 52:1, 52:4, 52:6, 52:8, 52:10, 53:4, 53:5, 53:6, 53:7, 53:8, 53:11, 53:13, 53:18, 54:2, 54:4, 54:9, 54:10, 54:15, 54:16, 54:18, 55:6, 55:10, 55:15, 56:3, 56:5, 56:6, 56:7, 56:8, 56:12, 56:14, 56:15, 56:19, 57:7, 57:8, 57:10, 57:11, 57:14, 57:16, 57:18, 58:4, 58:7, 58:9, 58:11, 58:12, 58:19, 59:6, 59:7, 59:10, 60:4, 60:8, 60:11, 60:12, 60:17, 60:18, 61:1, 61:4, 61:5, 61:9, 61:17, 62:1, 62:2, 62:5, 62:6, 62:8, 62:10, 62:16, 62:18, 63:1, 63:2, 63:5, 63:6, 63:7, 63:11, 63:12, 63:13, 64:1, 64:5, 64:7, 64:9, 64:10, 64:14, 64:17, 65:15, 66:4, 66:5, 66:9, 66:13, 67:3, 67:5, 67:14, 68:1, 68:4, 68:5, 68:10, 68:13, 68:14, 68:15, 69:2, 69:3, 69:4, 69:5, 69:10, 70:2, 70:6, 70:7, 70:11, 71:1, 71:8, 71:10, 71:11, 71:13, 71:16, 71:17, 72:1, 72:2, 72:6, 72:7, 72:10, 72:11, 72:13, 72:14, 72:15, 72:16, 72:19, 73:2, 73:3, 73:4, 73:5, 73:8, 73:9, 73:10, 73:11, 73:12, 73:15, 73:19, 74:1, 74:4, 74:5, 74:9, 74:10, 74:14, 75:1, 75:6, 75:8, 75:9, 76:1, 76:8, 76:9, 76:10, 76:13, 76:16, 76:19, 77:4, 77:5, 77:11, 77:12, 77:15, 77:16, 77:18, 77:19, 78:1, 78:2, 78:3, 78:5, 78:6, 78:11, 78:13, 78:15, 79:2, 79:5, 79:6, 79:7, 79:9, 79:13, 79:16, 79:17, 80:3, 80:4, 80:5, 80:6, 80:7, 80:8, 80:10, 80:11, 80:13, 80:14, 80:16, 80:17, 81:4, 81:11, 81:12, 81:15, 81:16, 81:19, 82:8, 82:11, 82:16, 82:17, 82:18, 83:4, 83:7, 83:11, 83:13, 83:14, 83:16, 83:17, 83:18, 84:7, 84:8, 84:9, 84:13, 84:14, 84:15, 84:18, 84:19, 85:1, 85:3, 85:5, 85:7, 85:10, 85:11, 85:16, 85:17, 85:18,

85:19, 86:4, 86:7, 86:12, 86:14, 86:15, 86:16, 86:17, 86:19, 87:1, 87:2, 87:5, 87:8, 87:10, 87:11, 87:12, 87:14, 87:15, 87:16, 87:19, 88:4, 88:6, 88:8, 88:9, 88:11, 88:13, 88:18, 89:1, 89:3, 89:5, 89:14, 89:16, 90:6, 90:8, 90:10, 90:16, 91:2, 91:9, 91:12, 91:16, 91:17, 91:19, 92:6, 92:9, 92:11, 92:15, 92:17, 92:18, 93:1, 93:2, 93:4, 93:7, 93:10, 93:11, 93:12, 93:15, 94:5, 94:8, 94:9, 94:11, 94:13, 94:14, 94:17, 94:19, 95:6, 95:18, 95:19, 96:7, 96:18, 97:3, 97:4, 97:14, 98:3, 98:8, 98:11, 98:13, 98:14, 98:15, 98:16, 98:17, 98:18, 99:1, 99:2, 99:8, 99:14, 99:15, 100:8, 100:9, 100:14, 100:15, 100:18, 101:2, 101:3, 101:4, 101:7, 101:13, 101:14, 101:15, 101:17, 101:18, 101:19, 102:1, 102:4, 102:7, 102:9, 102:13, 102:14, 102:16, 102:18, 102:19, 103:3, 103:4, 103:5, 103:8, 103:10, 103:12, 103:13, 103:16, 103:17, 104:1, 104:2, 104:3, 104:4, 104:5, 104:7, 104:9, 104:10, 104:13, 104:14, 104:15, 104:16, 105:5, 105:6, 105:7, 105:8, 105:9, 105:11, 105:13, 105:17, 105:19, 106:1, 106:3, 106:10, 106:12, 106:17, 106:18, 107:4, 107:6, 107:8, 107:9, 107:10, 107:13, 107:14, 107:15, 107:16, 107:17, 108:2, 108:3, 108:5, 108:7, 108:8, 108:13, 108:14, 108:18, 109:1, 109:2, 109:3, 109:5, 109:6, 109:7, 109:8, 109:10, 109:12, 109:15, 109:19, 110:1, 110:3, 110:5, 110:9, 110:19, 111:1, 111:2, 111:8, 111:15, 111:18, 112:2, 112:8, 112:11, 112:13, 112:14, 112:19, 113:8, 113:9, 113:12, 113:13, 113:14, 113:18, 113:19, 114:4, 114:5, 114:6, 114:7, 114:11, 114:19, 115:4, 115:5, 115:9, 115:18, 116:2, 116:4, 116:5, 116:9, 116:13, 116:15, 117:1, 117:5, 117:6, 117:8, 117:11, 117:12, 117:16, 117:18, 118:1, 118:5, 118:8, 118:10, 118:19, 119:1, 119:3, 119:15, 119:16, 119:19, 120:4, 120:6, 120:12, 120:18, 121:7, 121:15, 121:16, 121:17, 122:1, 122:3, 122:5, 122:8, 122:9, 122:14, 122:17, 122:19, 123:1, 123:2, 123:3, 123:7, 123:8, 123:9, 123:13, 123:16, 124:2, 124:3, 124:7, 124:8, 124:10, 124:13, 124:14, 124:15, 124:17, 124:18, 125:2, 125:8, 125:11, 125:12, 125:14, 125:15, 125:17, 125:19, 126:3, 126:4, 126:9, 126:19, 127:1, 127:5, 127:6, 127:16, 128:2, 128:3, 128:6, 128:11, 128:12, 128:14, 128:15, 129:4, 129:5, 129:6, 129:12, 129:13, 129:14, 129:15, 129:16, 129:17, 129:19, 130:3, 130:5, 130:8, 130:9, 130:14, 131:14, 131:15, 131:17, 131:19, 132:1, 132:2, 132:7, 132:18, 133:1, 133:7, 133:8, 133:14, 134:7, 135:2, 135:3, 135:7, 135:11, 135:13, 135:19, 136:2, 136:4, 136:10, 136:11, 136:14, 136:17, 136:18, 137:1, 137:3, 137:4, 137:9, 137:11, 137:12, 137:15, 137:19, 138:3, 138:5, 138:7, 138:8, 138:11, 138:13, 138:14, 138:18, 138:19, 139:1, 139:2, 139:3, 139:4, 139:9, 139:10, 139:19, 140:2, 140:6, 140:7, 140:12, 140:17, 140:19, 141:2, 141:4, 141:12, 141:13, 141:14, 141:16, 142:3, 142:4, 142:5, 142:12, 142:16, 142:18, 142:19, 143:1, 143:3, 143:7, 143:8, 143:11, 143:12, 144:3, 144:7, 144:11, 144:13, 144:14, 144:17, 145:3, 145:6, 145:7, 145:8, 145:9, 145:14, 146:7, 146:10, 146:11, 146:13, 146:14, 146:17, 146:18, 146:19, 147:4, 147:5, 147:9, 147:10, 147:11, 147:14, 147:16, 148:1, 148:2, 148:3, 148:8, 148:11, 148:16, 148:17, 149:1, 149:2, 149:3, 149:4, 149:5, 149:10, 149:12, 149:13, 149:14, 149:18, 150:3, 150:4, 150:6, 150:7, 150:12, 150:14, 150:16, 150:18, 151:2, 151:6, 151:10, 151:11, 151:15, 151:16, 152:5, 152:8, 152:13, 152:19, 153:1, 153:4, 153:5, 153:9, 153:18, 153:19, 154:1, 154:4, 154:15, 154:16, 155:13, 155:14, 156:1, 156:2, 156:4, 156:7, 156:15, 157:6, 157:13, 157:19, 158:12, 158:17, 159:1, 159:6, 159:7, 159:9, 159:17, 160:3, 160:5, 160:6, 160:10, 160:14, 160:19, 161:6, 161:7, 161:12, 162:2, 162:9, 162:11, 162:12, 162:19, 163:2, 163:10, 163:11, 163:14, 163:15, 164:1, 164:2, 164:7, 164:10, 164:12, 164:18, 164:19, 165:4, 165:8, 165:19, 166:2, 166:3, 166:7, 166:8, 166:12, 166:18, 167:4, 167:7, 167:14, 167:19, 168:2, 168:3, 168:4, 168:5, 168:13, 169:3, 169:9, 169:10, 169:11, 169:12, 169:15, 169:19, 170:3, 170:9, 170:10, 170:11, 170:17, 171:2, 171:5, 171:10, 171:12, 171:15, 171:16, 171:17, 171:19, 172:3, 172:4, 172:15, 172:16, 172:18, 173:6, 173:8, 173:9, 173:10, 173:14, 173:17, 173:18, 173:19, 174:6, 174:8, 174:11, 174:12, 174:13, 174:14, 174:15, 174:16, 174:17, 174:19, 175:3, 175:9, 175:11, 175:14, 175:15, 175:17, 175:18, 176:3, 176:4, 176:15, 176:16, 176:17, 177:2, 177:4, 178:1, 178:5, 178:8, 178:14, 178:17, 179:10, 179:12, 179:18, 180:1, 180:4, 180:5, 181:6, 181:10, 181:16, 181:17, 181:18, 181:19, 182:6, 182:7, 182:10, 182:13, 182:14, 182:15, 182:18, 183:7, 183:9, 183:12, 183:15, 183:16, 184:3, 184:8, 184:14, 184:15, 185:3, 185:6, 185:8, 185:13, 185:14, 185:16, 185:17, 186:4, 186:6, 186:10, 186:12, 186:17, 187:1, 187:2, 187:7, 187:10, 187:12, 188:4, 188:8, 188:9, 188:10, 188:13, 188:14, 188:15, 188:16, 189:4, 189:5, 189:9, 189:10, 189:12, 189:16, 190:18, 190:19, 191:2, 191:6, 191:9, 191:12, 191:13, 192:1, 192:4, 192:7, 192:10, 192:11, 192:14, 192:15, 193:4, 193:6, 193:8, 193:18, 193:19, 194:1, 194:3, 194:10, 194:12, 194:13, 194:14, 194:15, 194:16, 194:17, 194:18, 194:19, 195:2, 195:6, 195:8, 195:9, 195:17, 196:1, 196:2, 196:7, 196:15, 196:18, 197:3, 197:4, 197:9, 197:11, 197:16, 198:2, 198:3, 198:8, 198:12, 198:13, 198:18, 199:4, 199:6, 199:7, 199:8, 199:11, 199:13, 199:14, 200:1, 200:4, 200:7, 200:13, 200:16, 200:18, 200:19,

201:4, 201:7, 201:12, 201:15, 201:16, 201:18, 202:6, 202:14, 202:15, 202:17, 203:4, 203:6, 203:7, 203:8, 203:10, 204:1, 204:3, 204:5, 204:7, 204:14, 205:13, 205:15, 205:18, 205:19, 206:1, 206:3, 206:4, 206:6, 206:7, 206:8, 206:9, 206:10, 206:11, 206:13, 206:14, 206:15, 206:17, 206:19, 207:1, 207:2, 207:6, 207:8, 207:9, 207:16, 208:3, 208:5, 208:7, 209:6, 209:9, 209:13, 209:15, 210:1, 210:12, 210:16, 210:17, 211:1, 211:3, 211:4, 211:5, 211:8, 211:11, 211:13, 211:16, 211:19, 212:5, 212:6, 213:3, 213:4, 213:5, 213:8, 213:11, 213:18, 213:19, 214:1, 214:3, 214:7, 214:9, 214:17, 215:1, 215:2, 215:3, 215:8, 215:11, 215:15, 215:16, 216:3, 216:8, 216:11, 216:14, 216:16, 216:19, 217:7, 217:12, 217:15, 217:18, 217:19, 218:1, 218:2, 218:5, 218:7, 218:16, 218:18, 219:1, 219:4, 219:10, 219:12, 219:15, 219:16, 220:1, 220:4, 220:9, 220:10, 220:16, 220:18, 220:19, 221:3, 221:5, 221:6, 221:8, 221:19, 222:1, 222:5, 222:7, 222:12, 222:14, 222:15, 222:16, 222:17, 222:19, 223:4, 223:5, 223:6, 223:9, 223:10, 223:14, 223:15, 223:17, 224:7, 224:9, 225:7, 225:12, 225:14, 226:17, 227:1, 227:2, 227:5, 227:11, 227:16, 228:2, 228:11, 228:19, 229:3, 229:5, 229:8, 229:12, 229:18, 230:1, 230:2, 230:11, 230:14, 230:17, 230:18, 231:7, 231:10, 231:12, 231:13, 231:14, 231:16, 232:12, 232:17, 232:18, 233:5, 233:11, 233:14, 233:15, 233:16, 234:4, 234:12, 234:15, 234:16, 235:1, 235:3, 235:8, 235:16, 236:4, 236:5, 236:10, 237:8, 237:9, 237:10, 237:11, 237:12, 237:17, 238:5, 238:6, 238:14, 238:18, 239:1, 239:4, 239:6, 239:8, 240:3, 240:11, 240:15, 240:16, 240:17, 240:18, 241:1, 241:2, 241:3, 241:7, 241:9, 241:10, 241:11, 242:1, 242:3, 242:4, 242:9, 242:15, 243:2, 243:4, 243:10, 243:15, 244:13, 244:14, 244:17, 244:18, 245:1, 245:3, 245:5, 245:6, 245:7, 245:10, 245:11, 245:18, 246:3, 247:3, 247:4, 247:5, 247:13, 247:18, 248:2, 248:5, 248:6, 248:9, 248:14, 248:17, 249:6, 249:10, 249:13, 249:18, 249:19, 250:3, 250:4, 250:5, 250:9, 250:13, 251:5, 251:10, 251:11, 251:12, 251:14, 252:1, 252:12, 252:17, 253:2, 253:6, 253:9, 253:10, 253:16, 254:4, 254:5, 254:6, 254:7, 254:10, 254:11, 254:14, 254:18, 255:5, 255:6, 255:7, 255:8, 255:11, 256:4, 257:12, 257:15, 258:3, 258:4, 258:5, 258:14, 258:15, 258:16, 258:18, 259:2, 259:10, 259:11, 259:14, 259:15, 259:17, 259:19, 260:2, 260:8, 260:14, 260:16, 261:8, 261:17, 261:19, 262:2, 262:4, 262:15, 262:18, 263:12, 264:6, 264:8, 264:9, 264:10, 264:11, 264:12, 264:14, 264:15, 265:1, 265:2, 265:11, 265:14, 265:16, 265:19, 266:17, 266:18, 267:11, 268:4, 269:8, 270:4, 270:5, 270:5, 270:16, 270:17, 271:5, 271:7, 271:9

THE [6] - 1:17, 270:1, 271:17, 271:18, 271:19, 271:19

The [5] - 3:16, 8:9, 21:4, 56:9, 191:4

theater [1] - 229:3

theft [1] - 111:17

their [46] - 22:19, 23:6, 23:8, 23:10, 23:17, 36:12, 44:2, 50:19, 53:5, 65:7, 75:9, 86:10, 91:16, 111:13, 113:15, 114:16, 121:13, 129:1, 130:4, 132:4, 140:16, 168:9, 168:17, 168:18, 169:16, 187:14, 193:9, 195:12, 195:14, 195:16, 199:1, 199:10, 202:18, 207:9, 211:17, 213:2, 213:6, 227:7, 228:3, 228:6, 245:9, 253:16, 258:17

them [112] - 11:12, 22:13, 22:19, 25:1, 40:7, 41:3, 43:9, 44:9, 44:16, 44:18, 45:2, 45:8, 47:5, 50:17, 50:18, 52:6, 54:15, 54:17, 55:1, 55:2, 58:14, 59:12, 59:16, 60:1, 60:13, 65:16, 65:17, 71:14, 72:2, 86:11, 87:13, 88:14, 89:6, 89:8, 94:11, 95:10, 96:16, 96:17, 96:19, 100:17, 101:14, 107:15, 108:15, 109:3, 110:2, 111:14, 120:16, 122:14, 140:16, 148:11, 153:18, 160:18, 161:1, 168:8, 169:10, 188:2, 188:3, 188:18, 188:19, 198:4, 198:19, 199:2, 200:5, 205:10, 207:4, 212:3, 218:15, 219:9, 221:11, 221:15, 224:9, 225:3, 227:14, 228:13, 228:14, 230:6, 231:11, 231:13, 232:10, 233:13, 233:16, 233:19, 234:2, 234:4, 234:5, 234:6, 238:2, 239:11, 240:3, 245:9, 248:4, 249:2, 249:3, 249:5, 249:7, 252:3, 252:10, 254:19, 256:13, 262:8, 262:15, 262:16, 263:2, 263:7, 263:8, 263:16, 267:15, 267:18

themselves [5] - 23:1, 90:11, 90:18, 197:8, 252:10

then [53] - 12:2, 31:6, 40:12, 41:11, 44:17, 47:5, 48:11, 49:19, 50:16, 51:11, 53:6, 54:4, 56:12, 57:6, 57:15, 57:17, 58:3, 58:4, 58:18, 59:10, 59:17, 61:16, 63:2, 76:5, 77:14, 88:15, 95:10, 99:4, 103:18, 113:9, 116:16, 135:9, 138:15, 145:4, 158:7, 161:11, 213:12, 214:4, 215:10, 215:12, 217:1, 217:12, 218:7, 221:1, 221:8, 226:2, 226:6, 244:17, 245:11, 255:3, 260:8, 262:8, 268:1

then.. [1] - 256:18

there [212] - 9:3, 10:7, 13:7, 14:6, 16:5, 19:3, 23:4, 24:6, 25:2, 27:16, 31:13, 37:8, 37:10, 37:13, 38:7, 38:10, 39:9, 40:1, 40:5, 40:6, 40:14, 41:1, 43:1, 43:2, 43:5, 43:7, 46:7, 46:11, 46:18, 46:19, 49:13, 49:15, 50:14, 52:3, 52:4, 54:5, 54:9, 55:7, 56:6, 58:12, 59:6, 59:15, 60:1, 60:7, 60:10, 62:9, 62:15, 63:5, 70:3, 70:6, 70:17, 72:17, 73:4, 73:7, 73:8, 78:9, 81:8, 83:2, 84:2, 89:2, 89:8, 89:13, 92:1, 93:19, 94:2, 94:18, 95:1, 95:8, 98:1, 98:5, 100:14, 100:15, 101:3, 102:15, 103:15, 104:19, 105:1, 105:6, 105:10, 107:19, 109:4, 110:8, 112:9, 113:16, 116:16, 119:15, 120:2, 120:16, 122:15, 123:1, 123:12, 126:9, 128:12, 133:3, 133:6, 133:19, 136:16, 137:7, 137:16, 140:3, 140:8, 141:7, 142:1, 142:4, 142:7, 142:8, 142:15, 142:16, 143:11, 143:18, 143:19, 144:1, 144:4, 144:5, 144:12, 146:4, 146:8, 146:9, 146:15, 148:5, 148:10, 149:7, 149:8, 149:9, 150:17, 151:7, 153:12, 154:6, 154:9, 156:10, 157:14, 158:1, 158:16, 159:7, 159:11, 160:8, 160:15, 160:16,

161:13, 162:15, 163:16, 165:8, 165:9, 166:1, 166:8, 168:8, 168:19, 170:1, 170:19, 171:2, 175:13, 177:18, 182:1, 183:2, 183:17, 185:15, 187:18, 189:3, 195:18, 196:3, 200:15, 202:12, 205:15, 207:18, 211:13, 214:11, 215:1, 216:6, 217:1, 217:8, 217:10, 217:14, 218:9, 218:13, 221:6, 222:18, 223:1, 227:5, 229:2, 231:4, 234:4, 234:13, 235:12, 235:18, 236:13, 238:1, 240:2, 243:4, 243:6, 243:10, 244:14, 245:9, 247:2, 249:1, 250:8, 251:10, 252:1, 252:2, 252:3, 254:9, 259:13, 260:12, 261:2, 265:11, 265:12

there' [1] - 88:8

There's [1] - 61:10

there's [87] - 23:13, 24:6, 36:4, 38:14, 44:7, 47:6, 49:8, 49:14, 52:3, 53:18, 57:1, 58:13, 59:14, 60:19, 62:4, 62:11, 63:2, 63:8, 66:12, 72:9, 72:12, 73:1, 77:7, 78:17, 84:6, 88:6, 90:13, 90:16, 90:19, 91:5, 93:15, 97:2, 104:10, 104:15, 110:6, 112:15, 113:5, 113:10, 113:11, 117:3, 117:5, 124:16, 130:9, 131:4, 142:18, 146:9, 147:19, 150:11, 152:14, 154:7, 166:9, 167:3, 173:10, 182:12, 184:1, 184:5, 188:4, 202:8, 212:7, 213:6, 213:8, 217:5, 217:16, 223:16, 224:1, 224:3, 226:7, 227:8, 227:12, 230:14, 232:17, 233:7, 233:9, 239:18, 239:19, 240:6, 241:4, 244:19, 249:9, 250:15, 252:9, 255:9, 258:15, 258:17

therefor [1] - 270:5

therefore [1] - 196:11

these [24] - 32:18, 44:3, 88:19, 89:12, 91:18, 94:3, 129:9, 136:3, 150:1, 172:5, 184:7, 193:2, 194:6, 198:7, 198:14, 201:8, 201:12, 205:11, 207:3, 247:7, 253:14, 264:6, 264:17, 266:13

They [1] - 248:4

they [245] - 5:2, 14:16, 22:18, 22:19, 30:14, 37:9, 39:18, 40:12, 40:14, 40:16, 40:17, 41:1, 41:4, 41:5, 41:6, 41:9, 41:10, 41:11, 42:12, 43:19, 44:1, 44:5, 44:9, 45:12, 46:7, 50:13, 50:17, 52:2, 52:5, 53:8, 55:5, 55:8, 55:14, 56:10, 56:14, 59:16, 59:17, 60:3, 60:12, 61:13, 61:16, 62:7, 65:6, 65:18, 65:19, 66:1, 66:10, 66:15, 67:17, 67:18, 68:4, 68:5, 69:5, 71:12, 71:16, 72:3, 72:4, 73:4, 76:12, 78:10, 78:12, 79:3, 79:11, 83:4, 86:11, 87:15, 90:3, 90:9, 90:10, 91:19, 92:1, 92:7, 92:11, 98:5, 98:17, 98:19, 99:9, 102:6, 104:5, 104:6, 104:18, 105:7, 110:2, 111:12, 111:15, 114:18, 116:9, 116:10, 116:14, 116:15, 119:9, 119:13, 119:14, 120:13, 120:15, 125:13, 125:17, 126:1, 126:4, 129:8, 131:15, 132:1, 132:3, 136:18, 137:12, 141:13, 143:13, 147:1, 148:6, 150:5, 155:9, 155:17, 160:9, 160:17, 161:1, 163:4, 164:7, 166:11, 168:16, 168:17, 169:4, 169:5, 169:6, 169:12, 173:10, 173:11, 175:19, 176:1, 176:4, 177:13, 183:12, 185:19, 187:11, 188:18, 192:3, 193:13, 193:14, 193:15, 195:11, 195:14, 195:16, 195:19, 196:1, 196:12, 197:8, 198:19, 199:7, 200:8, 200:9, 200:10, 203:14, 204:18, 205:3, 211:3, 212:18, 212:19, 213:2, 213:7, 213:10, 218:8, 219:10, 220:3, 220:15, 220:18, 221:1, 221:4, 221:12, 221:15, 221:16, 222:5, 223:3, 223:4, 224:8, 227:6, 227:10, 227:14, 227:19, 228:1, 228:2, 228:3, 228:4, 228:6, 228:8, 228:11, 228:14, 229:1, 229:16, 230:12, 230:19, 231:6, 231:10, 233:4, 233:8, 233:13, 234:12, 236:12, 237:5, 237:19, 238:1, 238:19, 240:1, 240:19, 241:19, 243:6, 243:11, 244:4, 247:4, 247:5, 247:17, 248:6, 248:13, 249:4, 249:5, 249:12, 253:6, 253:7, 254:12, 254:13, 254:19, 256:18, 257:12, 258:5, 263:2, 266:15, 267:16

they'd [4] - 22:11, 127:5, 196:13, 241:1

they'll [6] - 61:15, 226:13, 228:3, 228:5, 228:13, 231:8

they're [66] - 23:11, 25:2, 51:1, 59:18, 60:3, 60:13, 61:13, 61:14, 75:3, 79:16, 85:16, 85:17, 86:12, 86:18, 88:14, 96:18, 116:3, 116:6, 119:12, 136:13, 145:13, 163:3, 163:19, 164:2, 166:11, 183:11, 200:7, 200:10, 201:1, 205:4, 218:5, 218:6, 221:2, 223:5, 223:16, 223:18, 224:4, 227:15, 227:17, 228:7, 232:6, 232:7, 232:8, 232:9, 232:16, 233:8, 233:13, 233:14, 234:4, 237:13, 237:14, 241:16, 241:18, 243:4, 244:3, 244:6, 244:18, 248:8, 248:13, 249:12, 249:15, 253:12, 254:15

they've [5] - 65:8, 116:12, 160:19, 233:11, 233:12

thing [30] - 13:5, 15:6, 22:18, 47:13, 47:15, 70:2, 74:14, 114:18, 116:7, 117:2, 118:10, 122:13, 131:18, 139:19, 182:13, 203:4, 212:5, 222:15, 223:4, 231:9, 241:9, 246:11, 247:4, 247:13, 249:6, 250:15, 251:10, 255:7, 258:11, 261:7

things [32] - 43:10, 45:16, 47:13, 62:9, 76:10, 82:9, 93:2, 93:10, 114:17, 126:17, 127:12, 143:17, 143:19, 144:2, 146:9, 150:17, 151:19, 154:9, 158:12, 160:10, 161:17, 168:16, 170:11, 172:18, 174:18, 180:3, 183:6, 184:7, 192:13, 200:9, 213:4, 218:11

think [221] - 31:4, 36:5, 40:15, 41:10, 43:7, 43:19, 44:1, 44:5, 47:7, 48:14, 51:14, 58:3, 61:19, 63:12, 65:2, 69:12, 70:15, 70:19, 73:1, 73:18, 77:8, 82:4, 83:16, 85:2, 85:13, 86:9, 86:10, 88:4, 88:5, 92:1, 92:3, 92:17, 93:19, 94:3, 94:16, 95:6, 96:17, 97:2, 98:1, 98:10, 98:14, 102:1, 102:5, 102:9, 103:1, 104:5, 105:10, 105:15, 106:3, 106:9, 106:14, 106:15, 107:2, 107:4, 107:13, 108:9, 109:18, 112:9, 112:11, 112:16, 114:12, 118:1, 118:5, 118:6, 119:3, 119:5, 119:16, 120:1, 120:2, 120:7, 121:7, 121:12, 121:14, 121:18, 122:14, 123:5, 123:8, 123:14, 124:13, 126:16, 127:8, 128:1, 130:16, 131:8, 131:10, 133:6, 138:17, 139:13, 139:16, 140:10, 142:10, 142:12, 143:4, 147:13, 147:15, 148:5, 148:14, 149:2, 149:14, 149:18, 150:5, 150:9, 153:19, 154:4, 154:5, 159:12, 159:19, 160:3, 160:10, 160:14, 160:19, 165:6, 165:18, 172:13, 173:17, 174:9, 175:5, 175:18, 175:19, 176:4, 177:10, 178:7, 183:6, 184:15, 184:18, 187:8, 188:6, 197:7, 197:10, 197:11, 197:19, 199:16, 200:3, 200:12, 200:16, 201:3, 203:4, 203:19, 204:3, 204:4, 206:4, 206:16, 206:17, 209:15, 210:11, 210:19, 213:2,

213:17, 214:8, 214:14, 214:15, 214:17, 214:18, 215:16, 216:2, 216:4, 217:2, 219:2, 219:8, 219:15, 219:16, 219:19, 220:1, 220:2, 220:4, 222:2, 222:14, 226:4, 226:16, 229:5, 229:7, 229:10, 230:8, 230:11, 230:13, 233:19, 234:1, 234:2, 234:14, 234:16, 234:18, 234:19, 235:2, 235:6, 235:7, 235:18, 235:19, 236:6, 238:19, 240:5, 240:11, 240:15, 240:19, 241:1, 241:3, 241:13, 241:18, 241:19, 242:2, 245:2, 245:13, 245:19, 246:2, 246:8, 248:1, 250:7, 251:9, 252:11, 256:15, 258:4, 259:4, 259:18, 260:13, 262:17, 263:9, 263:12, 265:10, 267:14
thinking [3] - 122:12, 127:10, 196:17
thinks [1] - 250:3
third [1] - 222:17
THIS [1] - 271:17
This [2] - 3:7, 271:7
this [243] - 5:13, 5:14, 9:8, 9:9, 9:15, 10:15, 13:4, 13:10, 22:1, 22:2, 30:19, 37:2, 38:16, 38:18, 41:1, 45:6, 45:19, 47:6, 47:10, 47:14, 47:15, 51:14, 53:14, 55:3, 60:2, 61:10, 64:8, 66:18, 69:13, 73:16, 74:15, 76:7, 76:18, 78:5, 78:8, 79:5, 79:17, 80:12, 81:8, 84:5, 89:10, 91:10, 93:5, 93:16, 94:4, 95:16, 96:2, 96:9, 96:12, 97:10, 98:5, 99:16, 99:18, 100:13, 101:1, 103:9, 103:12, 105:3, 106:13, 106:15, 106:19, 107:1, 107:5, 108:1, 108:4, 108:10, 110:10, 111:7, 111:11, 113:17, 116:7, 117:9, 117:17, 118:4, 119:12, 121:14, 121:19, 122:2, 122:17, 123:10, 124:4, 124:7, 124:11, 128:9, 128:19, 129:13, 129:15, 130:17, 131:3, 131:10, 131:11, 131:17, 133:2, 133:16, 133:19, 135:8, 135:15, 135:17, 136:19, 137:7, 137:10, 137:14, 137:17, 137:18, 138:6, 138:10, 142:13, 143:7, 143:8, 145:13, 145:14, 146:1, 146:5, 146:15, 146:17, 147:2, 148:5, 148:7, 148:14, 148:15, 148:19, 149:5, 149:15, 150:8, 151:3, 151:16, 152:2, 152:7, 152:12, 152:17, 152:18, 154:5, 155:1, 155:4, 155:7, 155:11, 155:15, 155:16, 157:12, 157:16, 158:3, 158:7, 158:15, 159:12, 159:19, 160:2, 160:7, 160:12, 160:17, 161:19, 162:4, 162:17, 163:5, 163:12, 164:7, 164:11, 165:10, 165:17, 166:13, 166:14, 166:15, 168:19, 171:13, 171:14, 171:15, 172:7, 172:9, 175:1, 175:12, 175:14, 176:8, 176:15, 177:2, 177:11, 177:14, 177:17, 178:4, 178:6, 179:12, 179:15, 181:2, 183:15, 187:11, 188:1, 188:7, 188:11, 189:5, 191:2, 191:12, 191:19, 193:12, 194:2, 194:11, 195:1, 195:7, 195:13, 195:19, 200:17, 201:19, 202:7, 203:10, 205:16, 215:4, 215:15, 216:2, 216:14, 225:5, 225:13, 226:1, 233:10, 235:14, 238:13, 244:8, 246:12, 247:1, 247:12, 250:7, 250:12, 251:13, 252:11, 259:1, 259:4, 259:16, 259:18, 259:19, 260:2, 260:11, 260:13, 265:3, 270:5, 270:6, 271:11
Thomas [1] - 212:14
Thompson [1] - 210:5
thorough [2] - 83:4, 122:5
thoroughfare [1] - 240:18
thoroughfares [1] - 241:8
those [62] - 7:12, 19:14, 25:9, 29:2, 33:15, 34:13, 45:5, 54:11, 60:7, 61:11, 64:18, 72:11, 78:19, 80:6, 82:1, 82:9, 85:8, 87:7, 90:1, 90:3, 92:19, 93:8, 94:6, 94:9, 94:15, 97:11, 99:1, 101:13, 106:4, 106:9, 109:12, 112:18, 113:1, 113:5, 114:8, 116:10, 122:13, 127:12, 132:12, 133:11, 138:16, 139:17, 143:17, 180:13, 189:17, 190:18, 198:17, 201:4, 203:13, 208:3, 208:12, 218:13, 233:16, 243:5, 252:7, 260:17, 261:10, 261:11, 267:4, 268:8, 269:1
though [3] - 73:14, 86:12, 249:6
thought [19] - 46:18, 54:9, 70:2, 73:12, 76:12, 100:13, 112:1, 112:3, 121:19, 145:3, 146:5, 196:4, 209:17, 227:14, 231:2, 238:13, 239:5, 246:12, 258:13
thoughtful [1] - 164:12
thoughts [4] - 69:8, 198:10, 207:19, 251:18
thousand [1] - 167:17
three [20] - 9:4, 13:7, 15:2, 15:5, 15:6, 41:9, 48:10, 57:17, 65:17, 103:2, 116:1, 143:4, 179:19, 190:13, 192:13, 231:11, 252:15, 253:3, 262:19
three-minute [1] - 190:13
through [41] - 21:5, 23:6, 36:14, 38:3, 42:10, 43:15, 43:16, 43:18, 50:13, 57:19, 71:13, 76:3, 79:9, 80:12, 82:2, 82:3, 83:3, 83:10, 94:10, 97:14, 102:19, 103:4, 103:5, 103:7, 112:2, 122:9, 122:12, 155:1, 155:7, 168:4, 176:8, 194:7, 201:19, 227:18, 229:8, 231:6, 240:2, 254:10, 254:18, 259:14
throughout [1] - 220:16
throw [3] - 39:2, 44:18, 177:3
Thursday [2] - 244:17, 244:19
tied [2] - 203:18, 204:1
till [5] - 12:4, 81:18, 212:9, 221:5, 221:8
Tim [1] - 189:7
time [68] - 7:18, 9:9, 39:12, 41:1, 49:3, 51:6, 52:8, 52:10, 54:9, 54:16, 62:3, 66:14, 68:2, 74:14, 74:16, 77:2, 78:4, 78:7, 81:12, 81:19, 83:8, 88:8, 91:9, 91:19, 98:3, 100:18, 101:13, 101:14, 102:1, 102:14, 103:10, 105:5, 105:14, 106:1, 111:14, 113:1, 118:1, 120:11, 133:13, 138:5, 153:18, 154:4, 155:1, 157:6, 158:18, 170:6, 171:3, 174:13, 183:10, 186:16, 190:19, 193:14, 207:4, 210:17, 218:2, 224:2, 234:12, 240:16, 244:8, 248:18, 257:8, 258:4, 261:18, 261:19, 262:9, 264:11
TIME [1] - 1:14
time-consuming [1] - 170:6
timeline [2] - 127:19, 169:16
times [8] - 14:10, 41:3, 49:16, 65:17, 68:7, 80:19, 243:4
Timoleon [3] - 134:16, 134:17, 137:5
TIMOLEON [26] - 134:17, 134:18, 154:17, 156:9, 157:10, 158:14, 161:2, 162:5, 162:9, 165:7, 165:13, 167:1, 168:15, 170:8, 170:16, 181:10, 182:5, 182:9, 183:17, 184:4, 185:1, 185:5, 187:5, 188:12, 189:7, 190:9
tip [3] - 217:7, 218:9, 219:9
tip-based [2] - 217:7, 218:9
tips [6] - 216:10, 216:19, 218:8, 218:18, 219:8, 249:16
to [1075] - 3:4, 3:5, 5:1, 8:4, 8:7, 8:10, 8:11, 8:19, 9:1, 10:10, 10:11, 10:14, 11:8, 11:10, 11:14, 11:19, 12:2, 12:7, 12:13, 12:15, 13:4, 14:3, 14:5, 14:13, 15:1, 15:7, 15:8, 15:9, 16:15, 17:7, 18:11, 18:15, 19:1, 19:6, 19:8, 19:9, 20:10, 20:19, 21:2, 21:5, 21:18, 22:6, 22:7, 22:14, 22:16, 23:11,

23:12, 23:15, 25:1, 26:4, 27:1, 27:2, 29:17, 30:14, 30:15, 30:17, 32:4, 32:18, 33:10, 33:11, 34:4, 34:8, 35:18, 36:3, 36:5, 36:9, 37:2, 37:8, 37:16, 38:3, 38:16, 38:18, 38:19, 39:1, 39:2, 39:3, 39:19, 40:7, 40:11, 40:18, 41:6, 41:13, 41:19, 42:3, 42:9, 42:10, 42:15, 43:10, 43:11, 43:19, 44:2, 44:11, 44:13, 44:14, 44:16, 44:17, 44:18, 44:19, 45:1, 45:2, 45:3, 45:6, 45:8, 45:10, 45:11, 45:16, 46:1, 46:6, 46:10, 46:12, 47:8, 47:16, 47:17, 48:10, 49:1, 49:5, 49:6, 50:4, 50:8, 50:15, 50:16, 51:1, 51:5, 51:7, 51:8, 51:11, 51:12, 51:13, 51:15, 51:18, 52:18, 53:5, 53:7, 54:3, 54:5, 54:12, 54:14, 54:15, 54:17, 54:18, 55:8, 55:15, 56:7, 56:14, 57:13, 57:14, 57:15, 57:18, 58:1, 58:11, 58:12, 58:14, 59:3, 59:15, 60:18, 61:3, 61:10, 61:11, 61:16, 61:19, 62:2, 62:12, 62:13, 62:16, 62:18, 63:1, 63:3, 63:4, 63:13, 63:19, 64:2, 64:10, 64:15, 65:3, 65:8, 66:9, 66:13, 67:2, 67:3, 67:5, 67:12, 67:13, 67:14, 69:2, 69:8, 69:17, 70:10, 71:1, 71:4, 71:7, 71:12, 72:2, 72:3, 72:4, 73:5, 73:15, 74:11, 74:12, 74:13, 74:18, 75:1, 75:2, 75:3, 75:6, 75:10, 75:14, 75:16, 75:17, 75:18, 76:1, 76:5, 76:6, 76:8, 76:11, 76:12, 76:15, 76:17, 77:1, 77:3, 77:10, 77:13, 77:14, 77:17, 78:6, 78:10, 78:18, 79:1, 79:2, 79:8, 79:10, 79:12, 79:18,	80:5, 80:13, 81:1, 81:11, 81:13, 81:17, 81:19, 82:1, 82:11, 82:14, 82:19, 83:5, 83:7, 84:6, 84:9, 84:12, 84:13, 84:18, 85:5, 85:11, 85:16, 86:4, 86:10, 87:4, 87:13, 88:6, 88:8, 88:9, 88:12, 88:14, 88:15, 89:3, 89:4, 89:8, 89:9, 89:17, 89:18, 89:19, 90:2, 90:8, 90:12, 90:17, 91:3, 91:5, 91:9, 91:13, 91:14, 91:18, 92:4, 92:14, 92:15, 93:1, 93:2, 93:3, 93:12, 94:1, 94:3, 94:4, 94:6, 94:14, 94:19, 95:2, 95:14, 96:1, 96:4, 96:11, 96:12, 96:13, 96:16, 96:19, 97:3, 97:4, 97:7, 97:12, 97:13, 97:18, 97:19, 98:2, 98:4, 98:18, 99:1, 99:4, 99:5, 99:6, 99:12, 99:13, 99:16, 99:18, 100:2, 100:6, 100:8, 101:12, 101:13, 101:16, 102:1, 102:3, 102:4, 102:5, 102:6, 102:7, 102:8, 102:9, 102:11, 103:2, 103:4, 103:5, 103:6, 103:13, 103:16, 103:19, 104:8, 104:9, 104:15, 105:2, 105:5, 105:6, 105:11, 106:5, 106:6, 106:8, 106:11, 106:12, 106:16, 106:19, 107:3, 107:11, 107:16, 108:4, 108:6, 108:7, 108:8, 108:9, 108:13, 108:14, 109:1, 109:3, 109:8, 109:14, 109:16, 109:17, 110:1, 110:5, 110:9, 110:19, 111:2, 111:16, 112:3, 112:4, 112:7, 112:8, 112:13, 112:15, 112:19, 113:1, 113:10, 113:11, 113:12, 113:13, 114:5, 114:6, 114:9,	114:11, 114:13, 114:16, 116:6, 116:9, 116:11, 116:12, 116:17, 117:6, 117:7, 117:13, 117:14, 117:16, 117:17, 117:18, 117:19, 118:7, 118:10, 118:13, 118:19, 119:1, 119:4, 119:8, 119:10, 120:2, 120:6, 120:9, 120:13, 120:14, 121:5, 121:12, 121:17, 122:2, 122:3, 122:9, 122:13, 123:6, 123:10, 123:13, 124:6, 124:17, 124:19, 125:10, 125:15, 125:17, 125:19, 126:1, 126:5, 126:6, 126:10, 126:14, 126:18, 127:2, 127:3, 127:6, 127:16, 128:11, 128:12, 128:13, 128:14, 128:16, 128:19, 129:5, 129:6, 129:8, 129:11, 129:12, 129:13, 130:5, 131:2, 131:8, 131:9, 131:10, 131:16, 132:6, 133:2, 133:7, 133:8, 133:9, 133:14, 134:16, 135:9, 135:10, 135:13, 135:17, 135:19, 136:2, 136:4, 136:5, 136:6, 136:7, 136:9, 136:10, 136:11, 136:15, 136:17, 136:19, 137:1, 137:3, 137:7, 137:8, 137:14, 137:17, 138:3, 138:4, 138:8, 138:13, 138:14, 138:15, 138:18, 138:19, 139:3, 139:6, 139:11, 140:4, 141:4, 141:6, 141:8, 142:10, 142:18, 143:1, 143:2, 143:11, 143:16, 144:4, 144:11, 145:6, 145:7, 145:8, 145:10, 146:2,	146:10, 146:11, 146:12, 146:16, 146:17, 147:7, 147:8, 147:10, 147:11, 148:3, 148:11, 148:18, 148:19, 149:1, 149:3, 149:8, 149:17, 150:1, 150:3, 150:4, 150:7, 150:8, 150:9, 150:14, 150:16, 150:19, 151:3, 151:5, 151:9, 151:13, 151:17, 152:2, 152:5, 152:15, 153:1, 153:2, 153:7, 153:19, 154:19, 155:3, 155:13, 155:14, 155:16, 155:17, 156:2, 156:7, 156:10, 156:12, 156:15, 157:7, 158:2, 158:3, 158:7, 158:19, 159:2, 159:3, 159:10, 159:12, 159:13, 159:14, 159:15, 160:4, 160:5, 160:6, 160:9, 160:12, 160:18, 161:1, 161:5, 161:6, 161:7, 161:18, 162:16, 163:5, 163:10, 163:14, 164:2, 164:3, 164:11, 164:12, 164:14, 165:1, 165:5, 165:7, 165:16, 165:17, 166:7, 166:11, 166:12, 166:13, 167:13, 167:14, 167:18, 168:5, 168:15, 168:16, 168:17, 168:19, 169:2, 169:6, 169:9, 169:12, 170:3, 170:7, 171:10, 171:11, 171:15, 171:16, 171:17, 172:1, 172:3, 172:4, 172:7, 172:8, 172:9, 172:10, 172:14, 172:15, 172:17, 173:11, 173:13, 173:17, 174:2, 174:6, 174:8, 174:15, 174:19, 175:12, 176:2, 176:4, 176:18,	176:19, 177:2, 177:5, 177:13, 177:14, 177:15, 178:3, 178:4, 178:7, 178:9, 178:17, 179:10, 179:12, 179:13, 179:15, 179:18, 180:3, 182:13, 182:17, 183:2, 183:12, 184:9, 185:16, 185:17, 186:8, 186:16, 186:18, 187:10, 187:17, 188:6, 188:13, 188:19, 189:4, 189:11, 190:5, 190:7, 190:10, 191:1, 191:5, 191:6, 191:7, 192:5, 192:10, 192:14, 192:17, 193:2, 193:4, 193:7, 193:12, 193:13, 193:15, 193:16, 193:17, 193:18, 194:5, 194:6, 194:9, 194:10, 194:12, 195:4, 195:8, 195:16, 196:1, 196:5, 196:10, 196:12, 196:13, 196:17, 196:18, 197:6, 197:7, 197:8, 197:9, 197:11, 197:14, 197:15, 197:16, 198:1, 198:2, 198:6, 198:8, 198:15, 198:17, 199:3, 199:4, 199:6, 199:14, 199:17, 199:19, 200:4, 200:6, 200:7, 200:11, 200:12, 200:18, 201:1, 201:4, 201:5, 201:7, 201:9, 201:12, 201:15, 202:15, 203:1, 203:6, 203:16, 203:17, 203:18, 204:1, 204:3, 204:4, 204:5, 204:6, 204:15, 204:19, 205:10, 205:11, 205:13, 205:16, 205:19, 206:5, 206:8, 206:9, 206:11, 206:12, 206:16, 206:19, 207:5, 207:6, 207:7, 207:8, 207:12, 207:16, 208:6,

209:6, 209:13, 209:17, 209:19, 211:2, 211:3, 211:14, 212:9, 213:1, 213:3, 213:13, 213:16, 214:6, 214:10, 214:15, 215:2, 215:3, 215:7, 215:17, 216:3, 216:8, 216:18, 217:3, 217:10, 217:13, 217:15, 217:18, 218:1, 218:15, 218:17, 219:6, 219:16, 219:18, 220:12, 220:14, 221:1, 221:3, 221:7, 222:1, 222:15, 222:17, 222:18, 223:3, 223:4, 223:5, 223:10, 223:11, 224:3, 224:4, 224:5, 224:7, 224:8, 224:16, 225:3, 225:19, 226:11, 226:13, 226:18, 227:6, 227:10, 228:1, 228:5, 228:8, 228:9, 228:12, 228:14, 228:18, 228:19, 229:12, 230:4, 230:11, 231:2, 231:17, 232:12, 233:1, 233:13, 233:19, 234:3, 234:11, 235:2, 235:5, 235:12, 235:13, 236:1, 236:7, 236:12, 236:16, 237:7, 238:7, 238:14, 238:18, 239:8, 239:10, 240:8, 241:7, 241:12, 242:3, 242:18, 243:7, 243:11, 243:12, 243:13, 244:12, 244:14, 245:8, 245:12, 245:14, 246:3, 246:19, 247:1, 247:8, 247:10, 247:12, 247:17, 247:19, 249:13, 249:18, 250:7, 250:9, 250:13, 251:4, 251:5, 251:10, 251:12, 251:15, 251:16, 252:6, 252:10, 253:3, 253:5, 253:10, 253:12, 253:13, 254:2, 254:10, 255:2, 255:5, 255:8, 255:12, 255:17, 255:19, 256:3, 256:18, 257:2, 257:4, 257:5, 257:6, 257:12, 257:13, 257:15, 258:4, 258:5, 258:6, 259:3, 259:6, 259:11, 259:12, 259:15, 260:1, 260:2, 260:10, 260:11, 260:13, 260:15, 260:18, 261:1, 261:8, 261:9, 261:14, 261:15, 262:3, 262:13, 263:11, 263:14, 263:15, 264:6, 264:15, 264:17, 264:18, 265:6, 265:10, 266:17, 267:12, 268:4, 268:16, 268:17

TO [2] - 270:1, 271:18

today [6] - 156:3, 166:2, 177:1, 187:10, 211:15, 242:11

toe [1] - 68:13

together [3] - 188:19, 199:2, 236:2

told [10] - 43:9, 45:8, 47:5, 55:2, 60:17, 69:4, 89:1, 89:12, 112:1, 224:8

tolerant [1] - 93:3

tolerate [1] - 188:2

tolerated [2] - 100:1, 117:9

tomorrow [2] - 20:11, 133:15

tonight [7] - 71:11, 77:10, 106:7, 129:11, 172:17, 206:2, 208:6

tonight's [1] - 126:15

too [24] - 38:13, 38:14, 47:6, 62:1, 62:4, 62:13, 73:10, 74:7, 88:7, 91:7, 117:19, 119:4, 197:15, 219:7, 220:3, 227:14, 234:14, 234:16, 234:17, 235:7, 238:15, 240:6, 260:9

too.. [1] - 235:10

took [6] - 37:6, 40:13, 98:19, 167:16, 223:14, 229:4

top [3] - 183:7, 184:12, 227:11

Top [5] - 17:15, 18:14, 161:6, 161:7, 181:16

TOP [2] - 2:5, 17:14

total [3] - 10:2, 220:7, 220:9

touched [1] - 213:5

tough [2] - 183:2, 217:13

tour [2] - 218:14, 249:4

Tourism [1] - 210:5

tourist [2] - 260:19, 263:16

tourists [4] - 220:19, 240:2, 245:5, 245:9

tours [2] - 218:10, 218:11

town [4] - 254:4, 254:10, 254:11, 254:19

Town [2] - 263:7, 263:8

towns [2] - 65:15, 226:9

trade [1] - 46:3

traffic [5] - 96:1, 101:14, 104:2, 245:11, 248:16

train [1] - 231:13

trainable [1] - 182:15

trained [1] - 97:10

training [11] - 79:7, 83:4, 129:7, 182:16, 183:3, 193:8, 223:3, 224:2, 231:5, 231:7, 253:17

transact [1] - 107:11

transactions [1] - 123:7

transcript [10] - 76:9, 80:4, 98:15, 122:1, 210:17, 270:4, 270:6, 270:16, 270:17, 271:7

TRANSCRIPT [1] - 271:18

transfer [6] - 17:19, 171:17, 171:18, 172:7, 172:15, 266:11

transferring [1] - 156:3

transient [1] - 81:1

transition [1] - 158:13

transmit [3] - 125:15, 125:19, 126:1

transpiring [1] - 120:13

transportainment [1] - 246:14

transportation [5] - 218:17, 251:5, 252:9, 258:14, 260:14

Transportation [1] - 212:17

trash [8] - 13:14, 14:3, 14:7, 14:16, 24:1, 24:4, 24:7

travelers [2] - 96:3, 96:15

travels [1] - 225:12

Travis [1] - 210:7

treasurer [1] - 27:13

treat [2] - 96:19, 124:6

treatment [1] - 95:15

treats [1] - 94:7

tremendous [1] - 113:19

tremendously [1] - 59:14

tried [4] - 101:16, 102:6, 111:16, 150:9

trips [1] - 68:17

troubled [2] - 117:15, 206:3

troubling [1] - 139:11

truck [1] - 243:5

trucks [1] - 14:6

true [3] - 115:1, 235:1, 271:8

truly [1] - 157:5

truthful [2] - 119:7, 151:1

try [7] - 80:13, 81:13, 152:2, 174:5, 177:12, 228:12, 260:1

trying [30] - 9:1, 57:13, 61:3, 61:19, 62:18, 63:3, 74:13, 75:10, 75:16, 77:2, 88:6, 90:2, 90:12, 92:14, 116:11, 133:14, 138:8, 144:11, 146:2, 177:15, 188:6, 196:17, 198:2, 200:18, 207:8, 215:17, 217:15, 228:9, 233:19, 241:12

TUBIN [80] - 209:11, 210:19, 214:12, 214:14, 217:5, 219:4, 220:8, 220:18, 221:12, 221:16, 222:9, 223:2, 224:12, 225:9, 227:4, 227:17, 228:17, 229:14, 229:18, 230:11, 231:6, 231:19, 232:5, 232:8, 232:16, 233:2, 233:7, 234:3, 234:10, 234:14, 235:18, 236:6, 236:12, 236:18, 237:8, 238:8, 238:17, 239:4, 239:14, 239:18, 240:19, 241:13, 241:19, 242:7, 242:10, 242:19, 243:17, 244:1, 244:4, 244:7, 244:11, 244:16, 245:13, 246:11, 246:18, 247:13, 249:9, 249:15, 250:17, 251:1, 251:19, 252:7, 252:15, 252:19, 253:6, 253:12, 254:4, 254:9, 254:17, 255:7, 257:16, 260:4, 260:8, 261:7, 263:3, 263:8, 263:19, 265:4, 265:18, 266:5

Tubin [1] - 209:11

Tuesday [2] - 1:13, 3:8

Tuna [1] - 22:5

tunc [2] - 135:15, 136:14

turn [5] - 28:6, 77:14, 137:17, 221:17, 223:15

turned [2] - 78:10, 166:4

turning [1] - 152:10

turns [1] - 109:4

TV [2] - 8:12, 92:11

two [65] - 5:1, 5:9, 6:6, 20:2, 24:14, 25:19, 32:18, 35:12, 39:7, 40:15, 44:7, 45:6, 50:14, 50:16, 55:5, 55:10, 55:14, 55:15, 56:17, 72:10, 72:13, 80:10, 82:18, 103:1, 115:14, 116:8, 119:13, 120:16, 135:7, 140:8, 144:5, 144:16, 146:15, 149:7, 155:8, 156:10, 158:5, 161:15, 166:1, 167:3, 173:9, 181:8,

204:17, 217:5, 217:6, 219:5, 221:7, 225:7, 231:7, 242:3, 244:19, 247:17, 252:13, 252:14, 252:19, 253:1, 255:14, 256:5, 256:11, 259:4, 259:9, 260:1, 260:7
two-day [1] - 140:8
two-hour [1] - 231:7
two-minute [1] - 181:8
two-year [1] - 25:19
twos [1] - 43:19
type [3] - 111:6, 112:17, 231:9
types [2] - 59:12, 217:6
typically [5] - 60:17, 81:12, 232:19, 252:13, 253:2

U

U [6] - 123:19, 125:10, 134:19, 209:11, 223:15, 258:8
U-turn [1] - 223:15
UBER [3] - 195:8, 195:9, 195:10
uncommon [1] - 80:2
uncover [1] - 259:11
UNDER [1] - 271:19
under [10] - 30:13, 147:16, 148:7, 161:4, 182:13, 195:13, 195:19, 217:3, 217:7, 254:14
underground [1] - 211:18
underneath [1] - 72:12
understand [27] - 63:5, 77:19, 80:7, 83:5, 83:6, 84:17, 88:1, 90:9, 97:14, 97:17, 112:14, 115:16, 119:9, 120:10, 131:1, 133:1, 141:3, 151:2, 167:10, 172:13, 174:5, 182:14, 185:19, 186:16, 215:15, 244:10, 248:12
understanding [5] - 52:12, 139:2, 158:9, 171:13, 257:8
understands [7] - 76:19, 91:15, 93:7, 95:12, 149:2, 149:19
understood [4] - 50:8, 83:11, 100:3, 176:4
undetected [1] - 118:9
unfolded [1] - 116:8
unfortunate [1] - 123:11
unfortunately [1] - 96:9
uniformly [1] - 75:4
unique [2] - 240:5, 245:14
units [1] - 224:11
universal [1] - 233:5
University [3] - 95:14, 212:15, 212:18
unless [5] - 55:14, 86:3, 89:8, 90:7, 165:9
UNLESS [1] - 271:19
unpaid [1] - 12:12
unregulated [1] - 216:17
unreturned [1] - 201:10
until [10] - 12:3, 12:7, 41:2, 73:19, 101:13, 124:17, 165:3, 212:10, 244:18, 259:17
unusual [1] - 81:18
up [65] - 15:7, 15:13, 22:13, 23:7, 23:17, 36:2, 38:16, 40:10, 40:11, 40:18, 41:10, 43:10, 44:17, 45:3, 45:8, 49:5, 49:6, 49:10, 53:9, 55:5, 56:2, 57:6, 57:8, 57:15, 60:2, 68:13, 69:15, 70:1, 70:4, 75:13, 87:16, 108:7, 115:6, 125:15, 126:5, 145:2, 145:4, 152:8, 161:12, 166:12, 169:2, 169:3, 169:7, 169:8, 200:6, 200:19, 204:19, 206:12, 215:10, 215:12, 222:2, 224:4, 224:7, 226:14, 228:13, 232:12, 235:19, 236:1, 243:12, 253:3, 255:17, 256:17, 257:1, 260:2, 260:12
update [1] - 209:17
updates [1] - 232:10
upgraded [1] - 74:19
upgrading [1] - 112:2
upon [4] - 7:2, 83:17, 94:14, 102:12
upstairs [2] - 7:1, 72:10
us [44] - 4:16, 8:18, 14:5, 18:10, 21:10, 26:12, 30:14, 37:2, 41:14, 60:17, 68:14, 85:5, 96:10, 117:17, 133:1, 138:9, 138:13, 141:4, 146:7, 147:8, 150:5, 150:19, 151:1, 151:9, 151:10, 151:11, 151:12, 151:13, 166:10, 172:9, 172:14, 181:4, 183:12, 183:19, 184:8, 198:17, 199:3, 199:7, 205:4, 207:9, 214:10, 243:11, 247:12, 256:6
use [17] - 44:15, 45:6, 47:19, 83:5, 94:12, 98:5, 109:4, 125:19, 192:17, 206:8, 231:5, 243:2, 243:5, 243:11, 244:14, 249:5, 250:13
used [4] - 10:11, 49:1, 89:3, 137:15
using [2] - 55:5, 55:15
usually [7] - 38:17, 45:13, 45:16, 50:2, 59:13, 61:13, 72:3
utilize [1] - 83:5
utilizing [1] - 213:7

V

V [1] - 258:8
V-A-N-B-E-U-Z-E-K-O-M [1] - 258:8
vacate [1] - 54:18
vacated [1] - 56:10
validity [1] - 138:19
value [8] - 95:2, 97:3, 168:1, 171:5, 171:6, 171:7, 171:9, 174:11
Van [1] - 6:5
VAN [3] - 6:7, 123:17, 123:19
VanBeuzekom [3] - 123:18, 247:16, 258:8
VANBEUZEKOM [5] - 124:10, 258:7, 260:7, 260:10, 261:3
variety [3] - 203:12, 249:2, 249:4
various [3] - 161:14, 198:15, 207:6
vehicle [3] - 195:14, 196:14, 254:16
vented [2] - 155:13, 167:16
ventilation [1] - 170:1
verbal [1] - 95:10
Veritas [2] - 211:12, 211:17
version [1] - 181:11
very [76] - 7:16, 7:17, 25:13, 42:4, 49:12, 85:7, 85:9, 85:14, 88:19, 89:7, 89:10, 93:3, 96:10, 96:11, 98:15, 103:9, 106:5, 111:12, 115:17, 121:4, 121:5, 124:1, 125:1, 126:7, 126:16, 127:2, 127:9, 133:17, 147:17, 150:2, 152:10, 161:16, 164:5, 166:6, 166:17, 167:8, 167:9, 167:17, 170:19, 171:1, 175:8, 182:10, 182:15, 183:1, 183:5, 183:9, 186:18, 187:9, 187:13, 188:1, 188:12, 190:9, 190:11, 191:14, 200:6, 200:7, 200:17, 208:19, 209:1, 212:3, 212:18, 221:2, 221:11, 228:18, 232:6, 233:13, 246:4, 248:15, 256:10, 258:3, 259:5, 260:17, 263:17, 266:6
veteran [1] - 159:3
vetted [1] - 173:10
via [1] - 168:5
viability [2] - 174:15, 211:5
viable [2] - 179:12, 228:16
victualer [6] - 8:4, 20:19, 29:11, 29:16, 34:6, 173:5
video [2] - 53:19, 111:13
videotape [2] - 89:4, 89:5
view [13] - 51:17, 78:2, 86:16, 92:17, 101:11, 102:4, 103:3, 139:5, 139:9, 181:2, 255:16
view-by-view [1] - 78:2
viewed [2] - 100:9, 106:19
views [4] - 78:3, 78:7, 179:13, 207:9
Vineyard [1] - 263:4
violating [1] - 117:10
violation [1] - 94:15
violations [1] - 143:12
virtually [1] - 179:11
visible [1] - 79:3
visit [3] - 97:4, 171:3, 188:17
visited [3] - 101:14, 104:4, 105:6
visiting [1] - 82:7
visitors [2] - 124:3, 221:1
visual [2] - 53:17, 112:17
visually [1] - 196:8
voices [1] - 40:7
volume [1] - 270:6
voluntary [1] - 216:19
vote [4] - 35:12, 132:6, 172:10, 172:14
voted [1] - 133:4
vulcanize [1] - 257:15
vulnerable [1] - 81:1

W

wage [1] - 262:2
wagyu [2] - 184:1, 184:5
wait [5] - 45:13, 45:16, 177:14, 227:3, 227:6
waited [1] - 45:14
waiting [5] - 28:3, 149:8, 239:5, 248:14, 259:16
wake [1] - 108:7
walk [7] - 57:14, 79:9, 80:12, 81:7, 97:13, 185:11, 235:5
walk-through [2] - 79:9, 80:12
walked [5] - 99:8, 115:6, 168:18, 224:7, 238:16
walking [4] - 36:2, 57:19, 167:10, 258:17
walkthrough [1] - 101:9
walkway [2] - 186:19, 187:2
walls [2] - 169:7, 169:8
wander [1] - 91:1
want [52] - 11:19, 12:7, 20:10, 74:9,

76:17, 81:19, 84:18, 91:5, 91:14, 94:3, 96:1, 96:13, 96:19, 97:19, 106:12, 106:19, 109:14, 116:17, 119:4, 120:9, 125:10, 126:14, 126:18, 136:9, 136:11, 141:4, 143:2, 164:11, 167:13, 177:5, 178:7, 181:2, 185:12, 197:15, 197:16, 200:8, 200:9, 200:10, 206:7, 214:18, 228:14, 235:5, 235:13, 236:7, 239:10, 255:12, 256:18, 259:5, 260:10, 262:3
wanted [11] - 55:8, 126:6, 133:7, 138:13, 149:1, 166:13, 199:3, 227:6, 257:4, 259:3, 259:12
wants [1] - 151:3
warm [2] - 185:13, 214:1
warned [1] - 40:7
warning [9] - 38:18, 38:19, 45:2, 45:11, 109:11, 109:12, 117:8, 128:11, 131:11
warnings [1] - 94:3
was [251] - 6:9, 9:3, 9:5, 10:7, 10:8, 26:17, 27:12, 27:18, 28:1, 31:1, 31:4, 37:4, 37:5, 37:10, 37:12, 37:14, 38:8, 38:10, 39:8, 39:9, 39:13, 39:14, 39:16, 40:1, 40:5, 40:11, 40:15, 41:3, 41:5, 41:10, 42:3, 42:16, 42:17, 43:1, 43:9, 45:19, 46:3, 46:11, 50:14, 51:5, 54:5, 55:6, 56:6, 56:8, 56:14, 56:16, 58:3, 60:10, 62:5, 62:7, 68:7, 69:15, 69:17, 71:1, 73:4, 73:13, 74:3, 77:15, 78:2, 78:12, 80:4, 80:5, 80:8, 80:9, 82:17, 84:1, 84:2, 89:8, 95:6, 100:15, 100:18, 101:2, 101:3, 101:12, 102:4, 103:13, 104:13, 104:14, 104:16, 105:6, 105:11, 105:13, 106:7, 107:10, 107:14, 107:17, 108:12, 109:4, 109:12, 110:7, 111:7, 113:14, 114:18, 115:7, 115:17, 119:15, 120:11, 120:12, 121:1, 121:7, 121:19, 122:11, 122:12, 124:12, 125:13, 125:14, 125:16, 126:16, 128:12, 130:15, 130:17, 131:12, 131:17, 135:9, 136:1, 136:16, 137:2, 137:7, 137:11, 137:17, 140:8, 140:9, 141:8, 141:11, 141:15, 142:1, 142:6, 142:8, 142:13, 142:14, 142:15, 143:9, 143:10, 144:4, 144:6, 144:7, 144:12, 144:13, 144:18, 145:7, 146:1, 146:3, 146:19, 147:2, 147:4, 147:5, 147:6, 147:9, 147:11, 148:10, 149:5, 149:11, 149:18, 151:6, 152:1, 152:3, 152:9, 152:13, 152:14, 153:18, 154:2, 154:3, 154:9, 154:11, 154:13, 156:7, 159:7, 159:11, 160:3, 161:10, 167:16, 167:18, 167:19, 168:18, 168:19, 169:1, 169:7, 169:12, 169:17, 170:1, 170:2, 170:4, 172:3, 175:1, 175:2, 175:3, 176:1, 176:5, 176:10, 176:13, 177:18, 178:1, 178:17, 181:17, 183:2, 183:3, 185:13, 192:14, 193:4, 193:18, 197:8, 201:16, 204:19, 207:13, 210:16, 211:2, 212:16, 213:5, 219:16, 220:10, 220:11, 222:17, 224:12, 226:1, 227:5, 229:3, 231:2, 234:1, 234:2, 235:19, 238:8, 238:13, 238:15, 249:6, 249:17, 249:19, 251:19, 252:12, 259:13, 260:17, 260:19, 261:1, 264:14, 264:15, 269:9
Washington [1] - 95:17
wasn't [22] - 31:5, 52:7, 52:9, 55:7, 58:3, 76:16, 127:10, 137:2, 142:9, 144:14, 145:2, 146:1, 151:17, 152:3, 159:11, 170:3, 185:18, 210:15, 212:5, 229:14, 248:1, 261:3
wasting [1] - 239:9
watch [7] - 46:6, 57:11, 73:15, 100:19, 101:8, 104:6, 107:15
watched [1] - 106:5
watching [1] - 73:19
waterfront [2] - 240:1, 245:3
Watson [1] - 36:17
way [40] - 23:8, 48:10, 50:18, 61:15, 62:9, 75:17, 80:7, 90:18, 94:7, 94:10, 95:6, 100:9, 112:4, 113:8, 113:11, 120:4, 131:12, 131:14, 133:11, 142:16, 145:10, 152:8, 152:15, 159:17, 166:7, 182:18, 182:19, 192:15, 204:3, 213:6, 215:2, 217:18, 219:1, 224:7, 230:12, 248:16, 250:10, 251:15, 262:3, 265:7
ways [7] - 77:3, 103:19, 108:1, 183:14, 203:12, 223:7, 249:5
we [332] - 3:5, 4:19, 6:11, 12:15, 13:17, 14:4, 14:5, 15:11, 19:3, 20:3, 23:2, 29:8, 29:9, 31:5, 31:6, 31:18, 36:5, 36:11, 38:15, 41:16, 42:2, 46:3, 47:12, 47:14, 47:15, 47:16, 48:1, 48:14, 48:18, 50:18, 53:9, 68:6, 68:13, 74:13, 75:11, 75:13, 77:2, 77:10, 80:16, 81:19, 83:12, 84:8, 85:4, 87:6, 87:12, 89:3, 89:4, 89:6, 89:8, 89:11, 92:18, 92:19, 93:11, 94:13, 94:16, 95:5, 95:6, 95:7, 95:8, 95:9, 95:10, 95:16, 95:19, 96:3, 96:7, 98:10, 99:2, 100:2, 101:16, 101:19, 102:16, 102:18, 103:18, 105:16, 106:3, 106:7, 109:15, 110:6, 111:19, 113:18, 116:8, 119:10, 121:8, 121:19, 123:14, 125:18, 125:19, 130:11, 130:12, 130:16, 131:2, 133:7, 134:6, 134:7, 135:5, 135:9, 135:14, 135:19, 136:6, 136:19, 138:5, 138:6, 138:8, 138:10, 138:12, 138:15, 139:12, 139:16, 139:17, 140:14, 140:16, 140:17, 141:10, 142:12, 143:7, 144:9, 144:11, 144:17, 145:11, 147:7, 147:10, 148:13, 149:1, 149:8, 150:9, 150:14, 150:18, 151:13, 151:16, 152:16, 152:17, 154:4, 154:6, 155:4, 155:7, 155:14, 156:1, 156:4, 156:19, 157:4, 158:1, 159:5, 159:8, 161:8, 161:16, 161:17, 163:8, 163:12, 163:18, 164:7, 164:12, 166:4, 166:12, 167:2, 167:7, 167:13, 167:15, 167:16, 167:17, 168:3, 168:18, 169:1, 169:10, 169:13, 169:19, 170:1, 170:17, 170:18, 171:18, 172:2, 172:6, 172:10, 173:16, 173:17, 174:1, 174:8, 174:9, 174:17, 174:19, 176:18, 177:5, 177:10, 177:11, 177:12, 177:14, 177:18, 178:3, 181:2, 181:4, 182:16, 183:4, 183:5, 183:6, 183:8, 183:9, 183:10, 183:13, 183:19, 184:5, 184:15, 185:8, 186:11, 187:1, 187:11, 190:6, 190:8, 190:10, 190:12, 191:1, 191:11, 191:12, 191:14, 191:15, 191:16, 192:3, 192:12, 192:16, 193:1, 193:7, 194:1, 194:2, 194:6, 197:1, 197:2, 197:10, 197:15, 198:11, 198:15, 198:17, 198:18, 199:3, 199:5, 199:8, 200:12, 201:18, 201:19, 202:9, 202:10, 202:11, 202:17, 203:2, 203:5, 203:8, 203:11, 203:12, 203:13, 204:4, 204:5, 204:11, 206:2, 206:3, 206:7, 206:10, 206:11, 207:1, 207:3, 207:5, 207:7, 207:9, 207:11, 207:16, 208:3, 209:8, 214:2, 214:8, 215:16, 215:18, 216:4, 216:17, 218:10, 218:12, 219:4, 222:18, 223:1, 224:15, 225:4, 227:9, 227:19, 228:11, 230:5, 230:6, 230:8, 231:1, 235:13, 235:15, 237:17, 238:1, 238:6, 238:15, 240:15, 242:17,

243:7, 243:12, 244:16, 250:10, 251:3, 251:15, 256:10, 257:15, 258:2, 259:19, 260:14, 261:2, 264:5, 264:16, 264:17, 265:10, 265:13, 265:15, 267:12
We [3] - 9:17, 32:12, 43:9
we'd [2] - 197:11, 251:6
we'll [12] - 13:10, 15:14, 17:11, 218:15, 231:11, 231:12, 243:2, 243:5, 243:9, 249:9, 259:17, 266:2
We're [1] - 59:16
we're [59] - 3:9, 18:16, 21:15, 22:5, 22:14, 23:2, 26:14, 26:19, 28:3, 61:19, 75:12, 84:5, 88:5, 91:12, 105:15, 117:16, 117:18, 135:7, 135:14, 145:13, 149:4, 156:1, 156:10, 156:18, 164:3, 167:8, 170:18, 170:19, 172:8, 173:3, 176:14, 177:1, 177:15, 178:3, 183:6, 185:5, 185:13, 185:15, 193:5, 193:6, 194:9, 198:13, 200:17, 200:18, 203:1, 207:8, 211:7, 213:14, 213:18, 230:8, 230:9, 241:9, 250:7, 250:13, 251:4, 258:15, 261:1, 269:6
we've [6] - 85:4, 106:11, 126:16, 181:7, 198:1, 251:15
weak [1] - 101:17
weapons [1] - 62:8
wear [1] - 253:10
weather [3] - 214:1, 229:6, 229:7
website [4] - 23:5, 192:18, 201:17, 206:18
websites [1] - 207:15
weddings [1] - 218:12
week [11] - 8:10, 14:10, 14:11, 14:17, 15:17, 32:6, 65:17, 65:18, 162:1, 244:7
weekend [3] - 95:16, 96:7, 234:4
weeks [2] - 82:18, 156:10
weighed [1] - 174:12
welcome [2] - 188:3, 190:5
well [65] - 21:16, 30:14, 31:8, 32:10, 37:5, 43:6, 47:13, 47:15, 52:9, 55:7, 56:7, 56:19, 57:13, 57:16, 58:8, 61:6, 65:1, 69:12, 81:5, 85:9, 87:7, 99:11, 108:13, 125:4, 127:3, 128:2, 128:13, 135:6, 137:3, 137:13, 140:18, 147:13, 150:9, 152:1, 161:1, 164:11, 165:5, 165:11, 165:13, 173:14, 176:9, 177:10, 178:16, 179:9, 188:1, 190:8, 211:17, 212:16, 215:14, 219:10, 221:2, 222:6, 225:7, 231:10, 232:5, 233:14, 238:15, 240:12, 243:11, 245:12, 247:15, 247:18, 254:6, 255:11, 260:7
Well [1] - 40:3
went [26] - 21:18, 39:3, 40:14, 42:9, 46:12, 47:16, 48:6, 48:7, 48:9, 70:10, 72:4, 105:7, 112:2, 143:1, 149:5, 169:1, 178:18, 201:10, 211:9, 225:12, 225:19, 226:2, 229:2, 234:3, 242:1, 257:6
were [119] - 37:9, 39:10, 41:1, 43:2, 43:5, 43:17, 43:18, 43:19, 44:1, 44:3, 45:10, 46:18, 46:19, 48:3, 50:14, 50:15, 50:17, 54:9, 55:14, 55:19, 58:11, 58:17, 62:9, 64:7, 66:1, 66:15, 69:5, 73:7, 74:14, 74:18, 76:13, 77:10, 78:9, 79:19, 81:11, 81:15, 81:17, 86:9, 94:12, 98:16, 99:9, 101:8, 103:12, 104:6, 104:19, 105:10, 106:18, 107:10, 108:3, 108:17, 114:18, 116:2, 116:10, 116:14, 120:10, 120:15, 120:16, 120:18, 122:2, 125:12, 125:13, 126:1, 132:3, 132:4, 133:6, 136:2, 137:16, 138:8, 142:3, 142:4, 142:7, 143:14, 144:5, 145:3, 146:9, 147:2, 154:1, 154:4, 155:9, 166:2, 166:11, 169:6, 169:12, 169:19, 170:1, 172:18, 175:8, 185:8, 185:15, 185:19, 187:11, 193:12, 194:18, 195:16, 196:12, 201:18, 201:19, 212:3, 212:18, 217:1, 220:14, 223:1, 227:14, 230:19, 234:12, 238:6, 240:16, 248:10, 249:12, 252:3, 252:18, 256:2, 257:3, 264:11, 267:15, 267:16, 268:2
weren't [8] - 47:1, 54:12, 93:4, 143:13, 144:11, 199:7, 209:16, 249:12
West [2] - 21:1, 22:4
Weston [7] - 157:13, 161:12, 167:16, 181:19, 183:16, 184:3, 185:4
what [164] - 6:9, 8:18, 10:7, 10:8, 10:14, 11:16, 14:15, 18:11, 21:12, 22:14, 24:9, 26:12, 27:10, 31:13, 32:2, 38:17, 39:14, 41:3, 42:17, 44:13, 46:17, 47:4, 56:8, 57:3, 59:11, 61:7, 61:8, 61:18, 65:11, 66:9, 66:12, 69:1, 69:4, 69:8, 69:9, 71:4, 72:2, 72:3, 73:12, 74:11, 74:17, 75:10, 75:16, 80:6, 81:9, 81:14, 83:6, 83:14, 84:1, 84:2, 89:1, 89:12, 92:14, 94:11, 97:17, 98:10, 100:2, 105:11, 105:13, 105:15, 107:17, 111:15, 112:3, 113:18, 114:11, 115:9, 117:14, 118:5, 120:12, 125:11, 125:13, 131:1, 133:9, 138:8, 138:13, 141:10, 141:15, 142:19, 145:12, 147:9, 148:18, 149:4, 149:18, 151:17, 152:7, 152:14, 153:4, 154:15, 155:8, 156:19, 158:18, 158:19, 162:2, 164:17, 167:12, 168:17, 169:6, 169:9, 169:19, 170:18, 171:4, 171:13, 171:18, 172:6, 172:10, 172:13, 173:17, 174:1, 174:6, 174:9, 174:18, 175:3, 176:16, 176:18, 177:10, 178:8, 178:9, 178:14, 182:6, 183:4, 183:14, 184:13, 184:15, 184:17, 185:3, 185:15, 185:19, 186:7, 186:16, 188:5, 190:6, 193:6, 193:12, 197:15, 198:5, 198:9, 198:17, 202:15, 203:4, 203:15, 204:6, 207:2, 209:17, 210:18, 214:11, 217:2, 220:14, 222:7, 225:18, 226:4, 226:19, 228:16, 235:5, 238:4, 241:14, 242:15, 248:12, 250:3, 254:8, 259:4, 260:19, 262:5, 265:18
what's [3] - 39:16, 104:7, 116:12
what.. [1] - 215:13
whatever [15] - 80:9, 97:6, 99:13, 104:19, 117:11, 150:4, 169:16, 202:14, 214:16, 218:8, 221:8, 235:7, 259:11, 260:12, 261:11
whatnot [1] - 122:10
whatsoever [2] - 142:2, 182:11
when [64] - 15:7, 20:6, 37:12, 38:17, 42:9, 46:3, 49:11, 49:17, 51:2, 51:11, 53:1, 55:7, 58:13, 60:15, 61:8, 64:7, 65:11, 66:18, 67:17, 68:7, 69:3, 70:10, 70:19, 73:4, 73:7, 74:13, 82:5, 92:1, 99:8, 101:13, 110:2, 113:5, 114:15, 121:6, 124:11, 125:19, 126:5, 138:5, 139:17, 140:14, 141:7, 142:13, 147:15, 150:6, 151:15, 152:1, 152:16, 154:4, 156:7, 167:15, 169:19, 177:18, 198:14, 200:14, 209:16, 219:9, 239:6, 244:6, 247:4, 258:12, 261:15
whenever [1] - 124:12
where [69] - 10:10, 10:14, 13:13, 13:15, 13:19, 22:1, 22:4, 23:5, 52:2, 59:6, 59:13, 62:18, 63:10, 74:4, 75:4, 76:1, 81:16, 85:12, 86:1, 90:15, 91:1, 95:7, 95:8, 99:2, 99:9, 103:17, 114:18, 117:4, 133:10, 146:6, 149:12, 155:17, 161:9, 166:10, 185:17, 185:18, 187:11, 197:4, 199:7, 212:10, 213:10, 213:11, 217:9, 217:14, 223:3, 226:10, 227:2, 227:12, 227:19, 228:1, 228:4, 228:14, 234:1, 234:2, 235:13, 235:14, 235:15, 237:5, 237:10,

237:18, 237:19, 239:7, 240:8, 240:17, 243:15, 248:13, 249:3, 263:1
whereas [1] - 245:16
WHEREOF [1] - 271:10
Whereupon [1] - 269:8
whether [27] - 76:12, 84:2, 84:14, 97:2, 102:14, 102:19, 113:2, 150:11, 151:7, 154:6, 157:18, 158:4, 160:17, 172:8, 173:3, 173:19, 183:11, 195:3, 195:18, 218:2, 220:10, 230:19, 234:18, 235:3, 255:16, 256:4
which [70] - 16:2, 22:4, 31:7, 38:4, 45:5, 47:10, 51:1, 52:1, 53:7, 62:5, 72:4, 74:10, 77:4, 77:6, 80:1, 81:12, 88:1, 103:1, 103:16, 104:6, 106:4, 107:16, 108:4, 109:7, 110:4, 111:1, 111:19, 125:16, 125:18, 133:1, 136:15, 151:6, 152:9, 155:10, 155:14, 157:14, 167:5, 168:3, 169:13, 171:17, 181:12, 182:1, 183:13, 184:8, 184:10, 187:12, 187:19, 188:7, 189:5, 190:7, 191:2, 194:7, 199:1, 211:6, 211:7, 211:14, 213:5, 214:4, 217:19, 219:11, 222:2, 223:15, 227:18, 238:8, 238:14, 245:8, 245:18, 255:2, 256:6, 264:7
while [6] - 55:19, 64:1, 113:15, 137:10, 154:3, 248:13
Whiskey [2] - 161:7, 181:17
who [47] - 12:18, 37:7, 50:8, 50:17, 75:7, 75:8, 81:2, 86:8, 87:7, 95:14, 95:16, 95:17, 96:6, 96:15, 101:12, 102:4, 108:12, 110:9, 123:13, 126:10, 148:13, 148:15, 148:16, 151:3, 151:10, 152:18, 159:11, 162:16, 165:6, 165:16, 165:19, 180:4, 186:12, 189:4, 196:17, 198:17, 205:8, 205:15, 211:12, 211:13, 225:6, 226:11, 231:17, 247:14, 248:1, 258:3, 259:17
who's [1] - 226:10
whoever [1] - 68:17
whole [8] - 48:11, 115:18, 118:17, 200:18, 255:4, 258:14, 260:5, 260:14
Whole [1] - 21:17
wholeheartedly [1] - 122:11
wholly [1] - 26:16
why [28] - 13:4, 30:11, 36:11, 43:9, 54:14, 55:4, 55:6, 87:11, 110:13, 121:8, 131:17, 135:14, 138:10, 143:3, 146:8, 148:1, 160:11, 168:10, 170:18, 171:1, 183:3, 194:19, 235:9, 235:12, 235:15, 257:5, 257:8, 263:9
wide [4] - 219:19, 241:18, 252:13, 253:7
width [3] - 241:10, 241:11, 242:6
will [72] - 3:3, 8:9, 11:10, 12:5, 13:2, 13:14, 21:5, 23:16, 35:11, 46:19, 49:5, 49:6, 58:10, 58:12, 60:1, 61:8, 68:5, 85:10, 87:7, 89:13, 93:14, 118:3, 122:4, 123:9, 128:6, 149:5, 153:2, 157:4, 157:5, 157:17, 158:1, 158:7, 158:16, 161:2, 161:19, 162:2, 163:4, 168:2, 171:13, 172:8, 176:7, 179:9, 179:18, 180:2, 183:15, 183:17, 184:7, 184:18, 185:1, 191:5, 194:7, 195:3, 196:10, 198:7, 209:5, 212:12, 213:12, 214:16, 215:15, 218:13, 222:13, 223:12, 225:17, 226:10, 233:9, 233:17, 237:12, 238:14, 240:11, 243:6, 263:13, 268:3
WILLIAM [8] - 4:13, 4:19, 5:8, 5:15, 6:4, 6:12, 6:17, 7:16
William [1] - 4:13
willing [6] - 96:11, 121:5, 132:6, 188:12, 200:11, 230:4
willingly [1] - 198:7
Willis [1] - 211:11
winded [1] - 55:5
wine [2] - 26:1, 218:11
winter [1] - 260:8
Winthrop [7] - 137:19, 163:13, 163:16, 164:13, 186:5, 186:11, 186:18
wires [1] - 225:4
wise [2] - 97:15, 118:2
wish [1] - 190:8
with [202] - 3:5, 5:2, 5:10, 5:14, 7:8, 8:8, 13:12, 16:5, 17:7, 21:3, 24:14, 35:9, 36:8, 36:16, 37:8, 40:7, 42:2, 45:15, 46:16, 47:17, 47:18, 48:4, 48:18, 48:19, 51:3, 51:4, 53:4, 53:5, 58:1, 63:9, 63:17, 63:19, 64:10, 66:9, 68:12, 69:1, 69:8, 70:11, 71:7, 74:12, 75:2, 76:10, 77:11, 81:10, 82:11, 83:1, 84:13, 85:7, 86:15, 86:16, 89:13, 91:2, 91:8, 92:4, 92:9, 95:2, 99:7, 99:16, 107:11, 111:11, 111:14, 112:8, 113:3, 114:2, 116:16, 118:6, 121:12, 122:10, 122:14, 123:6, 123:7, 124:7, 127:19, 128:1, 128:2, 129:5, 129:16, 130:9, 131:16, 131:19, 132:3, 133:1, 136:9, 136:16, 136:18, 137:17, 137:19, 139:6, 139:7, 140:4, 142:4, 143:8, 144:8, 145:13, 150:1, 150:4, 150:19, 152:7, 153:3, 153:13, 153:18, 156:3, 156:14, 157:11, 160:15, 160:16, 163:14, 164:1, 164:13, 165:4, 171:10, 172:5, 172:9, 174:8, 174:15, 176:8, 176:9, 178:18, 179:13, 183:10, 184:12, 186:11, 186:12, 186:16, 186:17, 187:3, 188:10, 188:13, 188:19, 190:14, 191:7, 192:7, 192:13, 193:19, 194:8, 194:13, 194:15, 196:5, 196:15, 197:5, 198:6, 199:7, 199:9, 201:7, 203:10, 203:19, 208:5, 209:19, 210:2, 210:12, 210:18, 211:4, 211:9, 211:16, 211:19, 212:14, 213:8, 214:19, 215:5, 215:9, 216:17, 220:15, 223:12, 224:1, 225:15, 227:1, 227:4, 230:12, 231:10, 234:5, 235:8, 236:1, 237:16, 240:2, 243:19, 245:2, 247:6, 248:6, 248:15, 250:9, 253:1, 254:18, 255:13, 255:16, 255:19, 256:6, 256:11, 256:13, 257:8, 258:13, 259:8, 259:13, 260:18, 261:14, 262:11
within [15] - 69:10, 83:8, 87:8, 94:1, 94:9, 94:17, 114:4, 167:4, 187:7, 193:14, 203:14, 206:10, 206:14, 235:16, 260:3
without [14] - 23:10, 23:11, 55:11, 68:14, 85:11, 88:4, 90:11, 91:7, 92:8, 92:12, 103:6, 118:9, 148:9, 253:16
withstand [1] - 219:18
WITNESS [1] - 271:10
woman [5] - 95:16, 118:13, 118:14, 119:13, 232:11
women [3] - 232:4, 232:7, 232:8
Women [1] - 232:5
won [1] - 95:17
won't [1] - 100:1
wonder [2] - 97:1, 250:2
wonderful [1] - 96:8
wonderfully [1] - 124:6
wondering [4] - 73:8, 198:5, 225:4, 256:4
wood [1] - 115:12
word [3] - 124:8, 225:12, 263:12
word's [1] - 48:14
words [2] - 6:7, 94:5
work [17] - 11:13, 22:11, 23:9, 49:11, 158:19, 163:14, 164:13, 166:2, 166:6, 167:7, 174:18, 183:10, 188:13, 188:19, 208:19, 218:18, 237:16
worked [4] - 21:16, 181:11, 211:16, 229:19
working [23] - 22:2, 37:5, 52:5, 52:7, 52:8, 52:9, 52:12, 52:13, 52:14, 52:15, 56:1, 56:17, 57:6, 72:16, 75:7, 76:11, 113:15, 125:14, 137:9, 152:8, 186:14, 215:4, 249:15
works [5] - 67:3, 67:8, 67:9, 162:10, 218:19
world [1] - 162:10
worried [1] - 92:10
worse [4] - 58:19, 59:4, 70:2, 73:6
worth [2] - 169:12, 169:17
worthy [1] - 173:4

would [252] - 8:6, 21:1, 22:11, 22:12, 41:15, 48:8, 48:16, 50:16, 51:15, 52:2, 54:4, 55:13, 57:5, 57:19, 63:18, 69:1, 71:4, 71:14, 71:19, 72:3, 74:7, 76:4, 76:5, 76:14, 79:3, 79:8, 80:12, 81:4, 82:6, 82:9, 82:10, 82:13, 82:16, 83:2, 83:7, 83:10, 83:12, 83:16, 83:19, 84:11, 85:5, 86:9, 86:11, 89:4, 93:11, 93:12, 93:16, 93:17, 93:19, 94:1, 95:9, 95:10, 96:17, 97:11, 99:12, 100:5, 100:6, 101:5, 101:19, 102:8, 102:15, 102:16, 105:2, 105:12, 106:1, 108:11, 109:19, 110:4, 110:9, 112:3, 112:18, 114:6, 114:12, 116:15, 118:10, 118:12, 118:16, 119:16, 120:6, 121:6, 123:13, 123:15, 126:10, 127:2, 127:4, 127:6, 127:14, 127:16, 128:10, 128:18, 129:2, 129:4, 130:2, 133:4, 135:13, 136:6, 136:10, 138:9, 138:18, 141:8, 141:15, 142:6, 143:6, 143:14, 143:15, 143:16, 144:3, 144:19, 145:4, 145:8, 145:15, 146:6, 146:7, 147:10, 147:13, 148:10, 149:10, 149:14, 149:17, 151:5, 152:5, 152:13, 159:5, 159:8, 159:9, 162:16, 164:4, 164:7, 164:17, 165:1, 165:7, 165:8, 165:14, 166:6, 169:14, 171:11, 171:14, 172:10, 173:7, 174:16, 175:4, 175:8, 177:10, 177:11, 177:12, 181:1, 185:11, 185:12, 189:4, 192:3, 195:13, 195:14, 195:19, 196:1, 196:12, 196:14, 197:8, 197:13, 198:17, 199:2, 200:3, 201:5, 203:18, 203:19, 204:6, 205:15, 205:17, 209:8, 212:9, 212:12, 212:19, 213:2, 213:9, 213:15, 214:2, 214:10, 214:14, 214:15, 214:18, 215:3, 215:7, 216:1, 216:2, 216:8, 216:18, 216:19, 217:2, 217:3, 218:17, 219:3, 219:11, 219:18, 219:19, 220:1, 220:2, 220:5, 220:9, 220:14, 220:15, 221:7, 229:5, 229:6, 229:8, 229:9, 230:3, 230:5, 231:16, 235:16, 235:19, 236:6, 236:10, 236:16, 237:14, 239:7, 240:5, 240:17, 241:4, 242:16, 246:2, 246:4, 246:8, 246:12, 247:12, 250:10, 253:17, 255:8, 255:18, 256:9, 256:15, 257:11, 259:9, 259:15, 259:18, 260:3, 260:16, 261:9, 264:5, 264:8, 265:4, 265:19

would've [7] - 101:9, 101:11, 105:17, 105:19, 108:10, 110:1, 120:7

wouldn't [13] - 66:15, 106:12, 106:19, 216:6, 235:18, 236:7, 236:12, 255:12, 257:5, 257:9, 260:4, 261:12

wraps [1] - 237:17

written [10] - 79:6, 82:5, 82:10, 84:1, 92:16, 93:11, 97:16, 195:6, 201:12, 207:5

wrong [4] - 114:19, 153:13, 153:14, 168:19

wrote [1] - 46:5

www.reportersinc.com [1] - 1:18

Y

Y [2] - 1:8, 18:9

yeah [23] - 20:12, 24:11, 26:14, 49:14, 58:2, 59:8, 60:5, 60:9, 63:16, 63:17, 63:18, 65:2, 66:14, 70:6, 102:5, 154:13, 227:17, 237:8, 239:14, 244:4, 244:7, 254:4

year [21] - 24:15, 25:19, 89:2, 89:13, 149:6, 154:12, 158:4, 161:8, 169:14, 169:15, 181:18, 218:2, 225:7, 229:1, 229:2, 240:2, 242:1, 254:19, 259:15, 259:18, 260:2

Year's [3] - 59:1, 80:19, 106:4

year-round [1] - 229:2

years [27] - 9:5, 9:6, 10:3, 10:4, 10:6, 19:3, 21:15, 22:1, 22:3, 24:14, 27:12, 69:13, 85:3, 95:17, 98:13, 112:10, 157:15, 158:5, 161:3, 161:13, 163:8, 167:19, 182:5, 185:11, 187:7, 188:2, 222:16

yellow [1] - 222:1

yep [1] - 33:1

yes [35] - 6:14, 6:16, 12:8, 12:11, 14:1, 14:14, 17:9, 23:15, 27:17, 30:6, 32:7, 34:2, 42:13, 47:12, 87:6, 102:15, 134:9, 162:10, 167:1, 173:1, 173:13, 174:17, 179:3, 191:18, 201:9, 214:13, 221:16, 231:19, 243:17, 244:1, 250:19, 253:6, 253:17, 266:15, 268:1

yet [5] - 6:10, 6:18, 37:16, 163:4, 223:10

York [3] - 31:8, 31:9, 111:12

You [1] - 60:1

you [534] - 3:12, 4:7, 4:8, 4:16, 6:1, 6:12, 6:17, 7:16, 7:17, 8:17, 8:19, 9:8, 9:10, 10:1, 10:2, 11:2, 11:13, 11:18, 12:2, 12:6, 12:9, 12:18, 13:8, 13:10, 13:12, 14:3, 15:1, 15:8, 15:11, 16:12, 17:5, 17:10, 17:11, 17:13, 18:1, 18:4, 18:11, 19:5, 20:5, 20:10, 21:10, 21:13, 22:16, 23:11, 23:16, 24:1, 24:18, 25:13, 26:11, 27:8, 27:15, 28:8, 29:6, 30:4, 30:8, 30:10, 30:17, 33:19, 35:1, 35:11, 36:5, 36:14, 37:2, 39:2, 39:17, 41:15, 42:4, 42:9, 42:10, 42:14, 43:4, 43:10, 43:13, 44:4, 44:12, 44:14, 44:18, 45:6, 45:9, 45:10, 45:11, 45:19, 46:10, 46:11, 46:17, 47:1, 47:9, 47:17, 47:18, 49:2, 49:4, 49:12, 49:13, 50:7, 50:8, 51:11, 51:17, 51:18, 53:1, 53:2, 53:11, 53:16, 54:2, 54:8, 54:9, 54:11, 54:14, 55:6, 55:18, 55:19, 56:11, 57:9, 57:10, 58:5, 58:6, 58:14, 58:19, 59:6, 59:12, 60:10, 60:11, 62:2, 62:3, 62:17, 63:1, 63:4, 63:9, 63:13, 64:6, 64:7, 64:10, 64:13, 65:6, 65:11, 65:15, 66:3, 66:12, 66:18, 67:7, 67:18, 68:12, 69:2, 69:4, 70:10, 70:12, 70:18, 70:19, 71:14, 73:7, 73:8, 73:15, 74:4, 74:14, 74:17, 74:18, 74:19, 75:4, 75:7, 75:12, 75:17, 76:3, 76:4, 78:3, 81:12, 82:3, 83:19, 84:10, 84:12, 85:18, 86:4, 86:19, 87:3, 87:9, 87:18, 88:4, 88:10, 88:18, 90:5, 90:12, 90:13, 90:14, 91:10, 92:4, 92:5, 92:9, 93:1, 94:10, 94:11, 94:14, 97:2, 97:18, 97:19, 98:1, 98:14, 99:2, 99:4, 99:7, 99:12, 106:9, 107:10, 109:4, 110:13, 111:6, 111:7, 111:8, 112:11, 112:16, 113:3, 113:7, 113:10, 113:16, 114:3, 114:6, 114:7, 114:11, 114:15, 117:3, 117:4, 117:14, 117:15, 118:3, 118:7, 118:10, 118:16, 120:1, 120:9, 121:12, 121:14, 122:1, 122:2, 122:4, 122:7, 122:16, 122:17, 123:3, 123:9, 123:15, 124:1, 124:13, 125:3, 125:5, 126:7, 127:5, 128:4, 128:7, 130:19, 132:19, 133:7, 133:10, 133:13, 133:15, 133:17, 134:2, 134:3, 134:5, 136:11, 137:6, 138:2, 140:9, 140:11, 140:12, 140:19, 141:8, 141:18, 142:17, 143:4, 143:12, 144:19, 145:3, 145:8, 146:6, 147:8, 147:15, 147:18, 148:14, 149:19, 150:3, 150:6, 151:9, 151:10, 151:13, 153:15, 154:7, 155:1, 157:2, 157:4, 157:8, 160:1, 160:11, 160:13, 160:16, 161:2, 161:15, 163:11, 163:18, 164:4, 164:16, 165:11, 165:12, 166:17, 168:2, 168:8, 168:12, 168:17, 171:2, 171:11, 172:1, 172:10, 175:5, 175:7, 175:8, 179:2, 179:16, 182:10, 183:8, 183:19, 184:2, 184:5, 184:18, 185:11, 185:12,

186:3, 186:8, 186:15, 187:18, 188:6, 190:7, 190:8, 190:9, 190:10, 190:14, 190:18, 192:17, 193:12, 195:6, 197:14, 197:16, 198:10, 199:16, 199:19, 200:5, 201:4, 201:5, 201:6, 202:7, 203:11, 204:19, 206:16, 207:11, 207:14, 209:1, 209:9, 209:12, 209:13, 209:15, 210:11, 213:11, 213:12, 214:8, 215:3, 215:9, 216:3, 216:4, 216:6, 216:7, 216:8, 217:2, 217:7, 217:9, 217:13, 217:14, 217:16, 218:4, 218:10, 219:2, 219:5, 219:9, 219:19, 220:14, 221:5, 221:6, 223:1, 223:6, 223:8, 223:15, 224:11, 225:16, 225:17, 226:4, 226:5, 226:6, 226:10, 226:13, 226:15, 227:10, 227:11, 227:18, 228:3, 228:11, 228:16, 229:1, 229:11, 230:17, 230:19, 231:5, 232:9, 232:14, 232:17, 232:19, 233:1, 233:9, 233:10, 233:15, 233:16, 233:17, 234:15, 234:17, 234:19, 235:3, 235:4, 235:11, 235:14, 236:7, 236:13, 236:19, 237:7, 237:11, 237:12, 237:14, 238:18, 239:15, 239:16, 240:1, 240:3, 240:10, 240:16, 241:2, 241:6, 241:7, 242:16, 243:15, 245:15, 245:16, 245:17, 246:12, 246:14, 247:1, 247:3, 247:12, 248:6, 249:8, 250:7, 250:17, 251:19, 253:14, 254:1, 254:2, 254:11, 254:19, 255:8, 255:18, 256:13, 256:16, 257:1, 257:2, 257:5, 257:6, 257:19, 258:9, 258:12, 258:16, 259:5, 259:8, 259:10, 261:3, 261:4, 261:5, 261:6, 261:8, 261:15, 261:16, 261:19, 262:4, 262:14, 263:2, 263:9, 263:10, 263:12, 263:13, 263:17, 263:19, 264:19, 265:5, 265:7, 265:10, 266:6, 266:14, 267:14, 267:15, 268:2

you'd [1] - 214:18

You're [1] - 38:12

you're [71] - 5:7, 9:11, 10:10, 10:14, 10:18, 17:6, 18:19, 30:11, 34:17, 36:9, 38:15, 44:13, 44:19, 49:10, 51:13, 54:1, 62:15, 62:16, 62:18, 63:3, 75:11, 75:19, 86:1, 86:7, 89:17, 89:18, 89:19, 90:2, 90:15, 91:13, 92:15, 97:17, 98:4, 117:10, 123:1, 124:6, 127:18, 127:19, 151:9, 151:11, 156:7, 157:5, 157:6, 158:12, 162:4, 162:7, 168:7, 169:18, 170:14, 172:5, 172:14, 179:15, 181:2, 186:8, 198:9, 204:17, 217:10, 222:2, 223:8, 223:9, 223:10, 223:12, 226:17, 232:17, 232:18, 240:6, 242:5, 256:17

you've [13] - 20:2, 33:5, 91:13, 93:3, 97:14, 99:4, 110:16, 116:11, 202:6, 214:9, 215:16, 220:6, 227:1

young [3] - 170:17, 188:13, 232:6

younger [1] - 95:7

your [114] - 4:7, 4:8, 7:18, 8:14, 11:14, 13:14, 18:4, 24:13, 24:18, 26:6, 26:13, 27:11, 27:19, 29:19, 32:3, 37:2, 41:16, 42:2, 46:1, 46:12, 47:18, 51:11, 52:11, 52:19, 55:19, 62:12, 62:19, 63:6, 68:13, 69:1, 69:8, 69:9, 70:10, 74:12, 74:19, 75:3, 75:18, 82:2, 87:19, 88:12, 88:16, 90:1, 90:7, 90:15, 90:17, 91:3, 91:8, 91:15, 91:17, 93:6, 97:7, 97:8, 97:19, 98:2, 98:7, 108:14, 110:16, 113:6, 114:4, 116:5, 116:6, 118:1, 118:3, 119:8, 120:5, 121:5, 121:13, 123:5, 123:16, 124:1, 125:8, 130:3, 131:6, 133:13, 133:14, 142:10, 153:16, 156:3, 159:12, 162:19, 164:17, 168:11, 171:12, 173:13, 179:13, 179:16, 179:17, 184:5, 184:6, 184:18, 184:19, 188:8, 188:9, 189:5, 193:15, 198:5, 199:4, 204:2, 204:19, 209:9, 226:19, 231:5, 241:14, 256:3, 258:19, 260:15, 263:15, 266:7

yourself [5] - 62:17, 75:19, 118:4, 168:2, 209:10

Z

Z [3] - 123:19, 191:18, 258:8

zero [2] - 161:8, 165:10

zones [3] - 243:3, 243:5, 256:13