

Summary of Administrative Review Board Proceedings for ISN 942

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the (Muslim) oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's ARB interview was conducted on 10 August 2006. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was very cooperative, attentive and cordial throughout the interview. A copy of the Pashtu translated Unclassified Summary was provided to the detainee upon his request.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2 - DMO-4, to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: (3.a.1) The detainee said he was forced to serve the Taliban three months out of every year since they came to power in 1992.

Detainee: *(through translator)* Yes, it is true.

Board Member: Can you clarify the time period for me? It says 1992 until they came to power. When did it end, 1992 until when?

Detainee: *(through translator)* I am an illiterate man. I really do not know much about those dates like 1992. When the Taliban came, there was five years there and all five years I was supposed to work with them three months for each year.

Board Member: So for five years you worked with the Taliban, ok. You said for three months out of every year, what did you do for the other nine months?

Detainee: *(through translator)* I was a driver at the time. I was driving my own bus.

Board Member: Where did you drive your bus?

Detainee: *(through translator)* It was not a bus, it was a truck. It was a loading truck, a big truck. Those trucks, they get the load to Kabul to Herat to Kandahar and Nimroz.

Designated Military Officer: (3.a.2) The detainee was a driver and fought in the Russian jihad for a commander of approximately 800 to 1000 soldiers. The commander became a military commander in Afghanistan after the jihad.

Detainee: *(through translator)* I've been with this person for one year and that is all. For one year I was the driver.

Designated Military Officer: (3.a.3) A source stated that Taliban fighters go to the military commander's compound in Helmand Province, Afghanistan. The fighters receive money, supplies and orders at the compound.

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Detainee: *(through translator)* Not true.

Designated Military Officer: (3.b.1) A source stated that the detainee was involved in a terrorist training camp near Khotal-e-Morcha mountain pass outside of Kandahar, Afghanistan.

Detainee: *(through translator)* I am an illiterate man. I do not know my A, B, C, D. How can I go somewhere to get some training? Those people can get the training; they have at least a little bit of literacy. I have never done that.

Board Member: Whether or not Mr. Razzak has received any training whatsoever, if so what training did he receive?

Detainee: *(through translator)* I have not been trained. When I was like four or five years old, my father sent me to a mosque and I could read a little bit but now I can not read or write. I am illiterate.

Board Member: So you never had any training in the use of small arm weapons?

Detainee: *(through translator)* I am a truck driver. I have never been trained in small or big arms.

Board Member: OK, did he ever carry weapons in his vehicles? Did he have weapons?

Detainee: *(through translator)* No.

Board Member: He did not fear for his safety at all while he was driving?

Detainee: *(through translator)* No.

Board Member: OK, thank you.

Designated Military Officer: (3.b.2) A source stated that the detainee was directly involved in assassination attempts. The source stated that the detainee also attempted to have other personnel participate in suicide missions. The detainee provided training on how to use explosive vests.

Detainee: *(through translator)* What is the reason I am accused of these things? I have never done that and I have never said that. Can you read my heart? I have never said it or done it so how can I be accused of such a crime.

Designated Military Officer: (3.c.1) A source stated that the detainee was originally a freedom fighter against the Soviets, a member of Hezb-e-Islami, the Taliban and al Qaida. The detainee is currently instructing others on how to resist interrogation tactics.

Detainee: *(through translator)* In the interview I swear to you and I told you in the interview that the Hezb-e-Islami accused me of wrong allegations. They put me in a hole which was six by six which he described it like it was eight feet down. I was there for four and a half months. The Taliban announced that if someone would capture him because he had escaped and helped those prisoners, that they would give one million dollars. If I was a member of the Taliban how would they put one million dollars if someone was to capture me. Why would Hezb-e-Islami put me in a ditch for four and a half months? So, these are false allegations.

Board Member: Is this why you stopped working for the Taliban, the one million dollar reward?

Translator: What was the question?

Board Member: He says there was a one million dollar reward.

Translator: If he would be arrested.

Board Member: Is that why he stopped working for the Taliban? He said he worked for the Taliban for five years?

Translator: That was compulsory everybody in Afghanistan is supposed to work for three months with the Taliban.

Board Member: Just for five years?

Translator: No, he did it for five years.

Board Member: Right, I'm asking why he stopped. Was it because of the escape?

Translator: Because he escaped and at that time he was not anywhere in Afghanistan. After the five years he said in the interview that there were some prisoners, very important people and he helped them because he was against the Taliban. Then he went to Iran and he was there for two years.

Board Member: So, can you ask him if from 1992 to 1997 he worked for five years with the Taliban and then helped these people escape.

Translator: He helped the people escape and then the Taliban said we would give one hundred rupees to anyone that would capture him.

Board Member: Could you confirm that with him please?

Detainee: *(through translator)* It is because that those three people were important people. One of them was Ismail Khan which he is now a secretary and one was the son of the vice president of Afghanistan, Haji Qadir which he is dead now, and one was General Qassim. Those three people escaped and I helped them out by being their driver. That is why the Taliban put out one million dollars as a reward.

Board Member: That is why you stopped working for the Taliban, because you helped with the escape? I'm trying to put together the connection.

Translator: He first said that for each year it was compulsory for every Afghan man to work three months. Since he was in Afghanistan he had to work three months or the Taliban would shoot him.

Board Member: Ok, so he left 1997?

Translator: He left, he was not there anymore.

Designated Military Officer: (3.c.2) The Hezb-e-Islami Gulbuddin has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration and establish a fundamentalist state. Hezb-e-Islami Gulbuddin has long-established ties with Usama bin Laden.

Detainee: *(through translator)* It does not concern me. I do not see where it concerns me, not anyone of them is my father or brother.

Designated Military Officer: (3.c.3) A source stated that the detainee was part of the main security escort for Usama bin Laden.

Detainee: *(through translator)* If I was with Laden, then how could I be a driver. If you go to Afghanistan and look through those books, in there you would see my name because they always write it in the book. They give me a ticket when I go and pay the custom duty on it. You will find me that I was a driver. If I was a driver and was going to Kabul, Kandahar, and Herat then how could I be with Bin Laden? I am only one person.

Designated Military Officer: (3.c.4) A source stated that the detainee was paid to smuggle 50 Arab family members out of Afghanistan and into Zabul, Iran through Afghanistan's Nimroz Province.

Detainee: *(through translator)* I was in Iran for two years. There were a lot of people with me there. Please ask those people that had I been there for the full two years I have never been back to Afghanistan. How could I do that? So, he denies that.

Designated Military Officer: (3.c.5) A source stated that the detainee was high in the al Qaida hierarchy and acted as a smuggler and facilitator. The detainee received money and weapons from Syria. The source stated that al Qaida's operational leader provided weapons to the detainee.

Detainee: *(through translator)* If I was such a high rank person, how can I be a poor driver and I have told you that all of these times that I have been a truck driver you can check my records. If there was any absence then the allegation would be true, but I would prove it that I have never been out of my own truck.

Designated Military Officer: (3.c.6) The detainee provided details of weapons shipments and weapons smuggling routes of Jamiat Islami.

Detainee: *(through translator)* I swear by the God which I would stand before him that these are untrue allegations. I have no idea, I have never heard it.

Board Member: Can he tell us what type of shipments he did take on his truck and where he took them?

Detainee: *(through translator)* From the Nimroz Province that before he said the truck belonged to another person his name was Haji Amunullah, he is from Nimroz. So, that is the place where the truck owner lives. From Nimroz we were bringing cement, fertilizers, petrol, diesel, and kerosene.

Board Member: Was that the same shipment he was asked to do while he worked with the Taliban?

Detainee: *(through translator)* In five years for three months I was with the Taliban. One three months they took me to Bamiyan which is the Hazra people, once to Logar, one time they took me to Parwan and Mimana all these different provinces. Each time they took me to a different provinces and I was all the time traveling here and there. There they would use me as a truck driver and I was taking water and food these things from here to there.

Board Member: So, the answer is no. To his knowledge he never had weapon shipments?

Detainee: *(through translator)* They wouldn't trust me that much. Only the trusted people would carry ammunition. I was only working with what was needed like food and water.

Designated Military Officer: (3.c.7) The Jamiat Ulema e Islami is a radical Sunni religious-political party best known for its anti-United States threats, vocal support of Usama Bin Ladin and sponsorship of some 3,000 religious schools.

Detainee: *(through translator)* Just for information for you that does not concern me. Yes, sir.

Designated Military Officer: (3.c.8) The detainee was identified as a senior leader of a 40-man unit for the Taliban in Afghanistan. A source stated that the unit receives money, weapons and support from al Qaida and continually plans to kill Americans.

Detainee: *(through translator)* As a driver all I needed was a helper, which was my son. He was with me on my own truck. That is all I needed and I don't know these allegations.

Designated Military Officer: (3.c.9) A source stated that the detainee was the number two commander of the unit and also the Taliban Supreme Commander in Helmand Province, Afghanistan.

Detainee: *(through translator)* People would laugh at me while I was in Afghanistan. The truck I had the engine was made in Japan and the truck was American and some parts of the truck were made in Russia. So, it was a combination of Russia, American, and Japan made parts and people would laugh at me what kind of truck is that.

Designated Military Officer: (3.c.10) The detainee stated that the 40-man unit's commander gave the detainee his satellite phone number so President Karzai could contact the 40-man unit's commander and order him to turn in the rest of his weapons if President Karzai desired it.

Detainee: *(through translator)* What person said that to what you have stated. To who, where? I don't know about it at all. He denies it.

Designated Military Officer: (3.c.11) A source stated that the 40-man units' leaders stayed in contact through satellite telephones.

Detainee: *(through translator)* In my whole life I do not know the numbers and now you are speaking of satellite phones. I do not know what that is.

Designated Military Officer: (3.c.12) The detainee was detained as a suspected member of a Taliban organization.

Detainee: *(through translator)* It is yours, it does not concern me because you accuse me of being a member of Taliban and I was against them.

Designated Military Officer: (3.d.1) The detainee helped an individual escape from a Ministry of Intelligence Prison in Kandahar, Afghanistan.

Detainee: *(through translator)* It was not one there but three prisoners. Of course I had helped them.

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Board Member: Have you tried to contact these three people to vouch for you? You said that they were important people in the government.

Detainee: *(through translator)* Yes, I contacted them by letters which somebody would write them. We made the program how to help them to escape.

Board Member: No, since you have been here have you contacted these individuals?

Detainee: *(through translator)* Yes, I had written them several letters but I have not received any answers. I had written them since I had helped them why don't they ask for me?

Board Member: How long ago did you write the letters?

Detainee: *(through translator)* I have not sent one time but many times maybe each year I had sent them letters. I do not remember about the dates but during all my years here I have sent them letters.

Board Member: How long ago did you help them escape? You mentioned you helped them escaped and went to Iran for two years about how long ago was that?

Detainee: *(through translator)* At the end of the era of the Taliban. After five years of the Taliban, almost the end of them, when the Taliban was still there.

Board Member: Then you came back from Iran after two years? Why did you come back?

Detainee: *(through translator)* The council of Afghanistan who has given us expenses. They said now there is Karzai, it is a legal government you should go back to your country. I have also told you that in the interview.

Board Member: Reference to the people he helped escape, can he give us a little detail on how he did that? Did he do it alone? What help did he get?

Detainee: *(through translator)* I planned it myself. I was lying in a basement for three months, since I was very much against the Taliban and they were the cruelest and dirty people. Then an idea came to me, what can I do against the Taliban? The only incentive was the Taliban, which I was very much against since they have hurt my feelings. I then I told myself if I can only escape them. I had planned it, then I wrote them in a letter that I planned to escape to Iran. Now he is going to give more details. It is a long story of course. My son was working with Unicom Company in Afghanistan, a gas company. My son could speak English and the Taliban needed a translator. He told my son that needed that job to come and learn a little bit of computer because they were going to go to Dubai and the people coming from Dubai they needed an English translator. They put my son in the intelligence office and taught him a little bit about computers. Then I used

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my son since he was in intelligence when I planned this I wrote a letter to Wali Ismail Khan wrote me a letter back and told me to take it to Iran, to my son. I took Ismail Khan's letter to his son and his son gave me 20,000 dollars to buy a car with it. Then we bought a car. His son also consulted Rabani, which was head of the government at the time. Because when the Taliban took power a lot of the country did not recognize them. Still Rabani was like the president. He consulted Rabani and twice he said he took the letter from the son to the father and the father back to the son. On the second time he gave me the money and said ok it is alright.

Board Member: Let me interject something for a minute. Rather than go through the whole long story, what I am really looking for is did he personally go to the prison? Was he personally involved with smuggling them out or escaping them and if so, that is what I am interested in. That is what I want to hear about.

Detainee: *(through translator)* It was at night time, I brought a Land Cruiser which is a jeep type of car and I was waiting in a dark place. My son did it, because he was in the intelligence and he was entrusted by the Taliban. He took all three of them out and put them in the car, including my son and then we escaped.

Board Member: Ok, that answered my question because initially I asked him if he done this by himself. He actually had a considerable amount of help, not only from his son but also from some other folks that gave him money. That was my point, so he did have some assistance.

Detainee: *(through translator)* Yes.

Designated Military Officer: (3.d.2) The individual is an exiled Afghan commander.

Detainee: *(through translator)* To be a commander is a high job. I was a poor guy and I did not even have a helper to my old truck.

Presiding Officer: I believe this item is referring to the individual he helped escape. That is what this one is about. He helped an individual escape from the prison and this point says that who he helped escape was an Afghan commander.

Translator: In the translation we have said that he was a

Presiding Officer: No, this particular point is referring to the individual that he helped to escape.

Detainee: *(through translator)* I did not have much information. All I knew that there were innocent people and I would help them and I asked God to help me on that.

Designated Military Officer: (3.d.3) In early 2004, the exiled Afghan commander was known to have distributed approximately 40,000 small arms of unknown origin to former mujahedin fighters and personal associates located in Herat Province, Afghanistan.

Detainee: *(through translator)* It does not concern me.

Board Member: What happened to the Land Cruiser he purchased?

Detainee: *(through translator)* Hit a mine and my son's foot was amputated and my hand was broken. It was destroyed.

Designated Military Officer: (3.d.4) A source stated that the detainee received weapons shipments, plastic explosives, night-vision equipment, missiles, small arms and ammunition from Syria. The weapons come from Syria to Zahedan, Iran and were smuggled into Afghanistan.

Detainee: *(through translator)* Can you tell me when I was getting these weapons? I have no idea, what time was that? Which year was that which they were giving me these from Syria all those weapons and I was taking them? What time was that when I was gone or somewhere else? He denies it.

Board Member: Have you ever had possession of night vision optical device or anything similar to that?

Detainee: *(through translator)* I have never used a simple night vision. I am a very humble and ignorant person. These people have given me a lot of credit.

Board Member: Have you ever seen night vision devices?

Detainee: *(through translator)* No, I have never seen night vision goggles.

Designated Military Officer: (3.d.5) A source stated that military weapons were delivered to the detainee who aided in its distribution to a terrorist team. The source stated that the detainee also had a night vision and telescoping optical device to use during mission preparation and for surveillance on United States Forces.

Detainee: *(through translator)* If I had night vision goggles, what happen to that? Where is that? I have never seen it.

Designated Military Officer: (3.d.6) A source stated that the detainee was knowledgeable of an assassination plot against President Karzai the day before it occurred.

Detainee: *(through translator)* I have never said that. Did that person who said that I had that information was he reading my heart or my brain?

Designated Military Officer: (3.d.7) On 2 November 2001, sources indicated that senior Taliban officials were extremely concerned about stopping opposition leader Hamid Karzai. During conversations between the detainee and a senior Taliban leader, they discussed the fact that Karzai had escaped a Taliban attack.

Detainee: *(through translator)* I have stated that I had been in two years in Iran and we were watching what was going on in Afghanistan between the government of the United States and the Taliban. So, the two years I stayed there we were looking at it on the TV. I do not know anything else which I am accused of.

Designated Military Officer: (3.d.8) A source stated that the detainee attempted to have two other individuals kill the Kandahar, Afghanistan Governor.

Detainee: *(through translator)* What a big giant dabe (monster) and a big professor I was that he could do all of these things. That I am accused of such big things.

Designated Military Officer: (3.d.9) A source stated that in 2002, the detainee claimed that there were still suicide pilots in the United States who could carry out their missions.

Detainee: *(through translator)* I can not find my way out to find a little bit of food for my children. How can get information that there are still some suicidal people in the United States? There is a saying in Afghanistan that if you want to mark a bald person then give him a comb and tell him to comb his hairs.

Designated Military Officer: (4.a) The detainee claims he is not a Taliban member.

Detainee: *(through translator)* Yes, I am against the Taliban. I am not with the Taliban. I don't deny this when I say I am very much against. The source of my problems is the Taliban. If there were no Taliban, then I would not have been in prison.

Designated Military Officer: (4.b) The detainee vehemently denies that he is currently associated with the Taliban.

Detainee: *(through translator)* Not only now, I have never had assistance from Taliban. I have never given them any assistance. I was always against the Taliban.

Designated Military Officer: (4.c) The detainee states that the Taliban is a stupid organization.

Detainee: *(through translator)* I would say it for ever that they are the most stupid organization.

Designated Military Officer: (4.d) An individual that was part of a 40-man team was under the command of Abdul Razaq.

Detainee: *(through translator)* Nobody was under me.

Designated Military Officer: (4.e) The individual described Abdul Razaq as having dark eyes, a full beard, and taller than himself. The individual claims this Abdul Razaq is not the same person as the detainee.

Detainee: *(through translator)* It is for sure that I am not Abdul Razaq that I am accused of these allegations.

Board Member: What would you do if you were released? What are your plans?

Detainee: *(through translator)* I have stated it before that if you release me that with all of my power I would be with you. Whatever you can use me for. I would always help.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Presiding Officer had the Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form, Exhibit EC-B.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

I am a Muslim and you (linguist) are a Muslim. I will tell the truth because it is part of our faith. I have a very big enemy, Mohammad Jan, who has killed my three brothers, my three sons and my father. This enemy has accused me of these and other allegations.

At the time of Noor Mohammad Taraky, who was the first communist president, I was the driver of a bus in Nimroz Province and went to Kabul Afghanistan to get parts for my truck. On the way back from Kabul when I came to Kandahar I was arrested with the bus owner Haji Aminullah. We were accused of false allegations.

After one year and four months Noor Mohammad Taraky was killed by his vice president Hafizullah Amin. I had been in prison for 11 to 12 months when I was released because the allegations were false.

I did not have any power against my enemy. I moved from Kandahar to Helmand Province, Afghanistan where I became the driver for the commander, Abdul Wahed. I was the driver for Abdul Wahed for one year when the Hezb-e-Islami Gulbuddin arrested

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me in Helmand and took me to Pakistan. I stayed in Baluchistan for four and one half months in a ditch that was about six feet by six feet by 8 feet deep.

I was not the one who had contacts with the Hezb-e-Islami Gulbuddin, it was Mohammad Jan. After four and one half months the Hezb-e-Islami Gulbuddin leader accused me of being a communist and had tried to kill Hezb-e-Islami Gulbuddin people. Hezb-e-Islami Gulbuddin obtained information from other people and determined that these allegations were false and released me.

Next came the era of the Taliban. These are very dangerous and dirty people. They made me work for them three months a year. I worked for them five years but only three months a year. During the five years I learned the Taliban was cruel and had a deviation of Islam. I could not bear it anymore.

There were some very powerful men in prison that I helped escape. Ismail Khan, Haji Zahir, son of vice president Haji Qadir and General Qassim. I went to Mashad Iran for two years with my three sons, three daughters, and my wife, where the Afghanistan Counsel gave me a house and paid my expenses. After two years in Iran, the US and Taliban war begin. We were watching the events on TV when President Karzai came into power. The Afghanistan Council said they would no longer pay my expenses since there was a legal government in power.

Presiding Officer: Please ask Mr. Razakk if he needs a brief recess?

Detainee: *(through translator)* He said of course I would like to say something. What do you want me to say about what?

Presiding Officer: There will be an opportunity for him to make a statement. I was just wondering if he needed to have a brief recess.

The Detainee made the following statement:

Detainee: *(through translator)* He said I am very much open to the American that they will work to help my country. They will give us opportunity and make progress. I am with you and God knows it. The interrogator asks me questions, I have told them I am with you and I like you people and I hope that you will help the poor country. They put me here in prison and then what benefit would you take from me? I said I would be with you. I will work with you and you can use me for something. If you keep me here you can not take any benefits from me. I am here on all false accusation and allegations. Say my family is somewhere, I will be with you. I won't care even if I get killed. Whatever duty you would give to me I would do.

Presiding Officer: Mr. Razzak, do you have any other statements you wish to make at this time?

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Detainee: *(through translator)* Not anymore because there are a lot to explain in my heart. Never been your enemy. Never will be your enemy I will always be with you. These false allegations and I have an enemy that has killed my sons and now there is fire in my heart. I have told the interrogators that if I had used my feet, hands, my tongue any part of my body against you people then cut my head right now. I am accused of things I don't know. Killed my three sons and now this is four years and I am here and I haven't received any letters from my wife or my family. This is really hard on me.

Presiding Officer: Mr. Razzak, does this conclude your statement?

Detainee: *(through translator)* (no answer)

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: You mentioned Mohammad Jan is your big enemy. Why is he your enemy? Why does he not like you?

Detainee: *(through translator)* He is kind of a relative to me. Like his father's sister was my father's sister. They were sisters so we are kind of relatives. It is a long story that he is telling because there are some kind of jealousies when some turns against them and they start to become enemies to each other. We were like cousins and cousins are naturally rivals in Afghanistan.

Board Member: Your family is in Afghanistan right now?

Detainee: *(through translator)* I do not know in all four years. I have not received any letters. When I came here someone told me they went to Iran. I do not know where they are now.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



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