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# Transcript of Hearing

**Date:** March 24, 2017

**Case:** Duggal, Group Daycare, In Re:

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Conducted on March 24, 2017

1 (1 to 4)

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----X</p> <p>4 In Re: :</p> <p>5 DUGGAL, GROUP : CU 17-09</p> <p>6 DAYCARE :</p> <p>7 -----X</p> <p>8</p> <p>9 HEARING</p> <p>10 Before Hearing Examiner Lynn A. Robeson</p> <p>11 Rockville, Maryland</p> <p>12 Friday, March 24, 2017</p> <p>13 9:45 a.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 139902</p> <p>24 Pages: 1 - 25</p> <p>25 Transcribed by: SUSAN E. WILSON</p>	<p>1 PROCEEDINGS</p> <p>2 LYNN A. ROBESON: This is a public hearing in the</p> <p>3 matter of (inaudible) case number 17-09, the application of</p> <p>4 Veenu Duggal.</p> <p>5 VEENU DUGGAL: Veenu.</p> <p>6 LYNN A. ROBESON: Veenu. Is it Duggal?</p> <p>7 VEENU DUGGAL: Yes.</p> <p>8 LYNN A. ROBESON: Ok, requesting a conditional use for</p> <p>9 a daycare facility for up to 12 children on property in R90</p> <p>10 zone at 17216 Vestry Court Rockville Maryland. My name is</p> <p>11 Lynn Robeson. I am the hearing examiner in the case. What I</p> <p>12 do is take all the evidence and testimony and I write a</p> <p>13 decision. If you disagree with my decision you have 10 days</p> <p>14 to request oral argument before the board of appeals but if</p> <p>15 you do that the board of appeals doesn't take any evidence.</p> <p>16 That is why we have a transcript here. So whatever you have</p> <p>17 to say you have to say it here. Ok? Now could you please</p> <p>18 state your names and address for the record?</p> <p>19 VEENU DUGGAL: Yes. My name is Veenu Duggal.</p> <p>20 LYNN A. ROBESON: Is it Duggal?</p> <p>21 VEENU DUGGAL: Yes ma'am. 17216 Vestry Court</p> <p>22 Rockville, 20855.</p> <p>23 LYNN A. ROBESON: Ok.</p> <p>24 GULSHAN (MARK) DUGGAL: I am Gulshan Duggal. Gulshan,</p> <p>25 I also go with Mark to these gentlemen, so they have that.</p>
<p>1 C O N T E N T S</p> <p>2 PAGE</p> <p>3 TESTIMONY OF ROBIN RICE 7</p> <p>4 TESTIMONY OF VEENU DUGGAL 10</p> <p>5 TESTIMONY OF GULSHAN (MARK) DUGGAL 16</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I am presenting Mrs. Duggal. She is my wife and I live at</p> <p>2 the same place. So my address is also 17216 Vestry Court</p> <p>3 Rockville, Maryland 20855.</p> <p>4 LYNN A. ROBESON: Ok. Now you can't present for her</p> <p>5 because that is an unauthorized practice of law. What you</p> <p>6 can do is testify on your own behalf. You can also act as</p> <p>7 an interpreter for her but you can't- You can testify on</p> <p>8 your own behalf, you can act as an interpreter but you</p> <p>9 can't represent her.</p> <p>10 GULSHAN (MARK) DUGGAL: Ok. I try to clarify that with</p> <p>11 the office and I was- They emailed specifically and then I</p> <p>12 called just to get clarification and I was told that I</p> <p>13 could represent her.</p> <p>14 LYNN A. ROBESON: No because I-</p> <p>15 GULSHAN (MARK) DUGGAL: Which is fine. I mean, she can</p> <p>16 speak as you explained we can handle it that way but since</p> <p>17 I was not here I tried to get a- I know of some attorneys</p> <p>18 come and they as an attorney they present but I am not an</p> <p>19 attorney.</p> <p>20 LYNN A. ROBESON: I know and that is why there are</p> <p>21 actually rules about this and that is why I can't</p> <p>22 (inaudible)-</p> <p>23 GULSHAN (MARK) DUGGAL: That is fine.</p> <p>24 LYNN A. ROBESON: It is actually, believe it or not it</p> <p>25 is a crime. So I can't-</p>

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2 (5 to 8)

<p>5</p> <p>1 GULSHAN (MARK) DUGGAL: That is fine. 2 LYNN A. ROBESON: I don't want to get anybody in 3 trouble. 4 GULSHAN (MARK) DUGGAL: No problem. 5 LYNN A. ROBESON: So you can act as an interpreter if 6 you wish. If she needs an interpreter. You can submit your 7 own testimony but you can't represent her position. Ok? 8 GULSHAN (MARK) DUGGAL: Ok. That is fine. 9 LYNN A. ROBESON: One word- I see someone who just 10 walked in. Are you here to testify on this case? 11 ROBIN RICE: I need to do a disclosure. I think that I 12 am an applicant for a conditional use application but I 13 would like to testify but I don't want to do any 14 (inaudible) communication (inaudible) issues. My name is 15 Robin Rice. I have come to these types of hearings for 30 16 years and I think I can help with some information but if 17 there is an issue because I am an applicant as well then I 18 won't. 19 LYNN A. ROBESON: You have a pending application? 20 ROBIN RICE: You just got it. 21 LYNN A. ROBESON: Oh. Ok. 22 ROBIN RICE: So it won't be until July or something 23 but yeah my name you will find all over the place in 24 conditional use applications. 25 LYNN A. ROBESON: Ok come forward because I have got</p>	<p>7</p> <p>1 all the exhibits and I am going to add it to the exhibit 2 list as exhibit 29. Ok? Now, Ms. Rice can you explain to me 3 again, I don't understand why you are here? 4 ROBIN RICE: I deal with childcare provider for 30 5 years in the conditional use application that used to be 6 called special exception for (inaudible) children in more 7 of a (inaudible) now. I have shown up at a lot of these 8 hearings trying to assist applicants who are applying for 9 right- I am always for business owners to get the 10 conditional use applications but I would like to also 11 listen to the statement of operations to help them and help 12 the hearing so that there is not an issue as far as the 13 conditions are concerned. Because one of the conditions is 14 either in writing by the hearings and/or is implied that 15 you have to comply with the state regulations and what has 16 happened over the past 30 years is recently with good 17 intentions the hearings and the conditions that are written 18 down require you not to be in compliance with the state 19 regulations and that is an issue. I also like to try to 20 give support when I can to applicants. You will see my name 21 with a bunch of the conditional uses you will see a 22 testimony that created the zoning- 23 LYNN A. ROBESON: Right. 24 ROBIN RICE: On the first page. 25 LYNN A. ROBESON: Ok.</p>
<p>6</p> <p>1 to get you in on the record. Just before I start this is an 2 informal hearing but we do practice certain formalities. 3 The testimony is under oath and it is subject to cross 4 examination. So, you know each side can ask questions of 5 the other and in cross examination when I say any questions 6 of this witness that is just the time for questions. You 7 will get- Everybody will get a chance to say what they want 8 to say. Alright? Now, before would you please state your 9 name and address for the record? 10 ROBIN RICE: Yes ma'am. Robin Rice 5913 Wildflower 11 Court Derwood, Maryland 2855. 12 LYNN A. ROBESON: Ok. Now, what I am going to do 13 because before I get to you out of an abundance, I don't 14 know what you are going to say. Out of an abundance of 15 caution I am going to swear everyone in at once. Ok? So 16 everyone please raise their right hand. Do you solemnly 17 affirm under penalties of perjury that the statements that 18 you are about to make are the truth, the whole truth, and 19 nothing but the truth. 20 ROBIN RICE: I do. 21 VEENU DUGGAL: Yes, I do. 22 GULSHAN (MARK) DUGGAL: Yes, I do. 23 LYNN A. ROBESON: Ok. Thank you. Just a technical 24 matter I have the affidavit of posting for the sign. I am 25 going to add that to the exhibit list. I am going to admit</p>	<p>8</p> <p>1 ROBIN RICE: I mean it happens all the time but it is 2 really to try to be helpful. 3 LYNN A. ROBESON: Well I appreciate your trying to be 4 helpful. My concern is that what you say here can influence 5 your case. 6 ROBIN RICE: That is why I want to- 7 LYNN A. ROBESON: Yes. I understand and I appreciate 8 that. Unless you have something specific to say about this 9 conditional use which is what we are here for, I don't 10 think it is appropriate for me to get into more 11 generalized- I don't think it is appropriate to get into 12 generalized issues relating to childcare conditions unless- 13 Because my job today is to evaluate their proposed use and 14 I appreciate your helpfulness but I can't hear testimony 15 that could influence your case and I appreciate your 16 disclosing that. 17 ROBIN RICE: Yeah. Whatever your decision is whether I 18 can give into sharing all this is totally fine with me. I 19 am just trying to be helpful. 20 LYNN A. ROBESON: I understand. 21 ROBIN RICE: If I can give you an off the wall 22 completely not real example if the licensing requirements 23 are that you have to paint the house yellow and you say you 24 cannot paint the house yellow you've got a conflict of 25 interest between the state regulations and-</p>

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3 (9 to 12)

<p>9</p> <p>1 LYNN A. ROBESON: Ok you can raise that in your case. 2 ROBIN RICE: Ok. 3 LYNN A. ROBESON: And I invite you to raise that in 4 your case but not in this case. Alright? You will have a 5 chance to say what you want to say in your case but I can't 6 allow you to first of all, while you have an application 7 pending as you said I can't allow you to advocate a 8 position that is not directly related to the criteria for 9 approval in this case. 10 ROBIN RICE: The issue isn't the same now but- 11 LYNN A. ROBESON: What do you mean the same? 12 ROBIN RICE: One of the conditions that I have been 13 seeing in the recent past for large family daycare of 12 14 children is that- Now I am testifying it. 15 LYNN A. ROBESON: You know what I am not going to- You 16 can raise it in your case. When your time comes you can 17 raise it. I don't want to get into it because to me it is a 18 slippery slope if I start to let things in. So I think- You 19 know, I appreciate you're trying to be helpful but you will 20 get an opportunity to testify in your own case. 21 ROBIN RICE: Then it won't help them but that is ok. 22 LYNN A. ROBESON: No, you know what I don't know what 23 to tell you. 24 ROBIN RICE: Ok. I would like to be able to ask some 25 questions?</p>	<p>11</p> <p>1 single criteria we ask you if you want to adopt the 2 technical staff report as your own testimony because the 3 technical staff report addresses all the legal criteria. Do 4 you follow what I am saying? 5 VEENU DUGGAL: Yes. 6 LYNN A. ROBESON: So the question is- So what I do is 7 rather than taking you through do you meet all the 8 development standards of the R90 zone. I just say do you 9 wish to adopt the findings of the technical staff report, 10 the planning staff report as your own testimony? 11 VEENU DUGGAL: Yes ma'am. 12 LYNN A. ROBESON: Ok. I am sorry. 13 VEENU DUGGAL: Except you know the recommendation over 14 here for number 5, did you see that? 15 LYNN A. ROBESON: Ok. 16 VEENU DUGGAL: It says that no more than 6 children 17 may plan outside at any one time except for up to 4 times a 18 year. Then, during special events no more than 12 children 19 are permitted to be outside at any one time. So I would 20 only like it if that they can do it like an hour a day to 21 play the kids outside, all of them. 22 LYNN A. ROBESON: Oh up to 12? 23 VEENU DUGGAL: Yes. Because my neighbors they are not 24 home next door and the kids want to play outside. We have a 25 large play area. The weather is good. It would be nice for</p>
<p>10</p> <p>1 LYNN A. ROBESON: No. No. No. No. 2 ROBIN RICE: Do you want me to leave? 3 LYNN A. ROBESON: No you don't have to leave. It is a 4 public hearing. I am just not going to let you participate 5 because you are not- I understand what you are doing but I 6 can't have- I can't try your case as part of their case. Do 7 you understand what I am saying? 8 ROBIN RICE: Yes ma'am. I will just listen or whatever 9 you want me to do. 10 LYNN A. ROBESON: Ok. Thank you. Alright. So, Ms. 11 Veenu- 12 VEENU DUGGAL: Veenu, it is ok. 13 LYNN A. ROBESON: And please give me the pronunciation 14 of Duggal. 15 VEENU DUGGAL: Duggal. 16 LYNN A. ROBESON: Duggal? 17 VEENU DUGGAL: Yes. 18 LYNN A. ROBESON: Ok. What I- have you had a chance to 19 review the staff report in this case? 20 VEENU DUGGAL: Yes. 21 LYNN A. ROBESON: And do you- It recommends approval. 22 Do you have any disagreements with what it says? 23 VEENU DUGGAL: Do you want me to read this? 24 LYNN A. ROBESON: No. Just tell me- What we do rather 25 than making you in your direct testimony go through every</p>	<p>12</p> <p>1 the kids to go with siblings if they are to play outside 2 with them together instead of taking- I can go. So that is 3 the only issue I have in trying to- 4 LYNN A. ROBESON: Now, you have 8 children there now 5 correct? 6 VEENU DUGGAL: Yes. They all go outside at one time. 7 LYNN A. ROBESON: Do you have a particular hour that 8 is best? 9 VEENU DUGGAL: I would like in the morning time like 10 11 to 12 before their nap time so that they can get 11 exercise and play outside. 12 LYNN A. ROBESON: What if I changed the condition? 13 Because that is a time where fewer people are home. The 14 concern is of course you don't want it really early and you 15 don't want it toward the evening. What if I changed the 16 condition from between 11 to 12? 17 VEENU DUGGAL: That is fine. 18 LYNN A. ROBESON: Just so I know it is not going to be 19 8:30 or 9 in the morning. 20 VEENU DUGGAL: That is perfect. The 11 to 12 is a good 21 time. 22 LYNN A. ROBESON: Ok. I have to write this down or I 23 forget. 24 VEENU DUGGAL: All the other conditions are fine. 25 LYNN A. ROBESON: So you do wish with that change, do</p>

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4 (13 to 16)

<p>13</p> <p>1 you wish to, do you agree to the conditions of approval 2 with that change? 3 VEENU DUGGAL: Yes ma'am. 4 LYNN A. ROBESON: Ok. Now you submitted a number of 5 things that you were required to submit. You submitted some 6 photos, landscape plan, a (inaudible) plan which is this. 7 If you wish to translate I can- 8 GULSHAN (MARK) DUGGAL: No, she understands. She is 9 just not confident but she understands everything. She can 10 speak. That is all. 11 LYNN A. ROBESON: It is ok. 12 GULSHAN (MARK) DUGGAL: It is ok. She is looking at 13 that. 14 ROBIN RICE: Ok. Sorry about that. 15 LYNN A. ROBESON: Ok. You submitted this. You also 16 submitted a, I think a landscape and lighting plan it is on 17 graph paper. This is exhibit 13 and exhibit- Oh this is a 18 floor plan. Exhibit 13 is the floor plan. Exhibit 14 is the 19 landscape and lighting plan. You also submitted your plot 20 and photos that are exhibit 15 and so my question is, do 21 these still accurately depict, show what the property is 22 like? 23 VEENU DUGGAL: Yes. Exactly, yes. 24 LYNN A. ROBESON: Ok. Now, I have one question on- My 25 question on the conditions. Look at condition number 4 that</p>	<p>15</p> <p>1 and like if you said that if they come early or they don't 2 obey or something they can wait on the street and 3 (inaudible) the parents can drop the child and they can 4 wait outside for 5 minutes on the street you know. There is 5 no problem for that. 6 LYNN A. ROBESON: Ok. Now what happens- But still- 7 Well what they want you to do is stagger the times, not 8 wait on the street. They don't want more than 2 vehicles 9 coming to this site within 15 minutes. So, my question is 10 would you be willing to terminate them if they don't 11 comply? Bottom line is you can lose the special- You can't 12 help her ok. Bottom line is you can lose the special 13 exception if you don't comply. So maybe I just need to say 14 that so you understand. 15 VEENU DUGGAL: Yes. I apply that to the parents that 16 they need to follow that. 17 LYNN A. ROBESON: Now the Planning Board, have you 18 seen their recommendation? 19 VEENU DUGGAL: Yes I think we got that. That was for 20 that right? We have that page? 21 GULSHAN (MARK) DUGGAL: Yes. 22 VEENU DUGGAL: It is this one. 23 GULSHAN (MARK) DUGGAL: Letter March 7th I transmit a 24 letter? 25 LYNN A. ROBESON: Yes. (inaudible) Ok they said</p>
<p>14</p> <p>1 they recommended. 2 VEENU DUGGAL: Yes ma'am. I read it. 3 LYNN A. ROBESON: Ok. It says the applicant must 4 provide parental agreements for all children to the hearing 5 examiner indicating the drop-off and pickup times will be 6 staggered as conditioned. 7 VEENU DUGGAL: Yes. 8 LYNN A. ROBESON: Do you have that? 9 VEENU DUGGAL: Yes. 10 LYNN A. ROBESON: Ok. Why don't you bring that up and 11 that I am going to admit that as exhibit, I think it is 30. 12 VEENU DUGGAL: We will have 10 that is why it would be 13 nice if one extra (inaudible) 14 LYNN A. ROBESON: I see what you are saying. Now, so 15 he said 2 vehicles. Ok. That is- He changed it to 2 16 vehicles. Alright. Now the other question and that is going 17 to be- Now what happens if they don't obey that? Because it 18 is a condition of approval that it has to happen. So you 19 know I just want you to know that if you disobey it they 20 can file an enforcement- If the parents don't comply they 21 can file an enforcement action against you. 22 VEENU DUGGAL: Yes ma'am. I can give you one example 23 if it helps you. We have a street parking and like my 24 driveway is very big. It is for 6 cars but it is not a 25 parking issue and if I see that like 1 parent is dropping</p>	<p>16</p> <p>1 something about your deck. 2 VEENU DUGGAL: Yes ma'am 3 LYNN A. ROBESON: Now, they said that it is not part 4 of this special exception but it actually is or the 5 conditional use but it actually is part of the conditional 6 use. So my question is whether you would agree to a 7 condition requiring you to repair the deck? 8 VEENU DUGGAL: We already did it, ma'am. 9 LYNN A. ROBESON: I am sorry? 10 VEENU DUGGAL: We already did it. 11 LYNN A. ROBESON: Oh you already- Can I see the- You 12 got your- 13 VEENU DUGGAL: Yes. The deck. (inaudible) 14 LYNN A. ROBESON: I see the (inaudible) 15 VEENU DUGGAL: You can see the whole deck (inaudible) 16 LYNN A. ROBESON: Ok. 17 VEENU DUGGAL: So that when we started repairing it- 18 LYNN A. ROBESON: Is that the only- They said it was 19 structurally unsound? 20 VEENU DUGGAL: No. It (inaudible) for the last 20 21 years you know. It is not like we got it- 22 LYNN A. ROBESON: Well what if I put a condition on 23 this says you will keep the deck in good repair. 24 VEENU DUGGAL: Yes. 25 LYNN A. ROBESON: Ok. So let me mark this as an</p>

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5 (17 to 20)

<p>17</p> <p>1 exhibit. This will be 31 photos of deck repair and this 2 will be 31A which is the photo of the one with the nails 3 coming out. Sorry to take so long. Then 31B is the repair. 4 These (inaudible) deck. Now, what I am going to say- I 5 think I am going to make the condition that you have to 6 keep it in structurally sound and safe condition and the 7 reason is you known I am not asking you to stain it or 8 anything like that. I am only asking you to keep it 9 structurally sound. Ok?</p> <p>10 VEENU DUGGAL: Yes.</p> <p>11 LYNN A. ROBESON: Ok. Is there anything else you would 12 like to say in support of the application?</p> <p>13 GULSHAN (MARK) DUGGAL: No ma'am. I think we are good.</p> <p>14 LYNN A. ROBESON: Mr. Duggal?</p> <p>15 VEENU DUGGAL: We are doing this daycare because of 16 demand and I have parents you know who is one time come and 17 I can show you that siblings are watching- I have also been 18 the daycare for 28 years and it is all recommendation from 19 the neighborhood and these parents they want to bring the 20 siblings. They are expecting. They are not like until 21 September and October and I said I would like to have that 22 for 12 kids and help the families in the neighborhood.</p> <p>23 LYNN A. ROBESON: Ok. Now Mr. Duggal. Why can't I say 24 that?</p> <p>25 GULSHAN (MARK) DUGGAL: You said it perfectly. Even</p>	<p>19</p> <p>1 licensing people when they come for inspection which 2 happens every year to their credit they are very thorough 3 in everything including checking the deck and checking all 4 the outside area and so something like that you know that 5 man came over it was very (inaudible) they would know I 6 would have fixed it except that I didn't know and have the 7 planning people call me and say you know there is a railing 8 out and I says oh. Because we don't use the deck in the 9 winter and kids are not going out. So we didn't know. So we 10 kept up with all of this and I think there is plenty of 11 place for park which is absolutely no issues in my 12 neighborhood. Like I said it is a very spacious 13 neighborhood. So that is it.</p> <p>14 LYNN A. ROBESON: Ok. Now Mrs. Rice, thank you very 15 much. I am going to let you say if there is, because this 16 is a public hearing. I am asking you to limit yourself 17 solely to the issue you see with the conditions. Ok? And I 18 am going to let you explain that as it applies to this case 19 but I don't want to veer anywhere else in your testimony.</p> <p>20 ROBIN RICE: Ok. I will be very careful. Can I see the 21 conditions? (inaudible)</p> <p>22 LYNN A. ROBESON: Well you can have my copy.</p> <p>23 ROBIN RICE: If I can ask a question. If 1 of the 24 children that you are caring for wants to stay in your 25 daycare and they are above age 7, would you continue to</p>
<p>18</p> <p>1 better then-</p> <p>2 LYNN A. ROBESON: Is there anything that you would 3 like to add as the co-owner? Do you agree to be bound by 4 all the conditions of approval?</p> <p>5 GULSHAN (MARK) DUGGAL: Yes I certainly do.</p> <p>6 LYNN A. ROBESON: And anything else you would like to 7 say?</p> <p>8 GULSHAN (MARK) DUGGAL: Just to echo what she said 9 that it is for the last really 2 or 3 years we have seen 10 big surge in demand. She has seen a big surge in demand and 11 quite frankly I had to help her out with this application 12 and-</p> <p>13 LYNN A. ROBESON: Well you do a good job.</p> <p>14 GULSHAN (MARK) DUGGAL: And I didn't have time to do 15 it before and now I have a little time and she kept on 16 pounding on me that you know everybody is screaming that 17 need-</p> <p>18 LYNN A. ROBESON: Oh. So it is you-</p> <p>19 GULSHAN (MARK) DUGGAL: So I was (inaudible) So I 20 finally did it and so I am happy that she can hopefully get 21 approved and we can help people. It will be just a very- We 22 have a very spacious area and it is very good, in my 23 opinion, very good setup and really just- Like for example, 24 the deck you know regardless of regulation it is, you know 25 I help her. It is our first concern is the safety and the</p>	<p>20</p> <p>1 care for that child?</p> <p>2 VEENU DUGGAL: No.</p> <p>3 ROBIN RICE: Or you want to stop when they are 7?</p> <p>4 VEENU DUGGAL: Yes. Over the years like you said 30 5 years. I am doing 28 years. I own my own daycare. I never 6 had a child after that. Because I am not next to the 7 school. So people that do it. I am very far away from the 8 school.</p> <p>9 LYNN A. ROBESON: Ok. No. I asked you to express your, 10 well go ahead.</p> <p>11 ROBIN RICE: I will just say one other thing. The 12 regulations requiring us to take the kids outside. If you 13 are restricted to doing it between 11 and 12 and it is 14 raining between 11 and 12 how are you going to be in 15 compliance with the state and the condition?</p> <p>16 VEENU DUGGAL: I think nobody can take the kids out if 17 it is raining outside.</p> <p>18 LYNN A. ROBESON: I am not going there. Ok? You can 19 raise that. You are cross examination is limited to what 20 they testified to. So I am not going to let you go into it.</p> <p>21 Ok?</p> <p>22 ROBIN RICE: My only real comment was if it is raining 23 we can't be in compliance with the state.</p> <p>24 LYNN A. ROBESON: Ok and you can bring that up in your 25 own case. Do you have any questions?</p>

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6 (21 to 24)

21	<p>1 ROBIN RICE: No.</p> <p>2 LYNN A. ROBESON: Ok. Can I have my report back so I</p> <p>3 don't lose it? I am known to lose things. Thank you very</p> <p>4 much. Ok. With that today is the 24th. We leave the record</p> <p>5 open for 10 calendar days because that is what it takes. We</p> <p>6 have to cite to the transcript and that is how long it</p> <p>7 takes under their contract to get us the transcript.</p> <p>8 Unfortunately, I didn't bring my calendar with me. So it is</p> <p>9 the 24th today. April 3rd is when the record is going to</p> <p>10 close. Now if April 3rd is a Saturday or a Sunday I can't</p> <p>11 recall off the top of my head, it will be, the record will</p> <p>12 close the following Monday. I have 30 days to write my</p> <p>13 report and decision. If you disagree with anything in my</p> <p>14 decision you have 10 days to request oral argument before</p> <p>15 the Board of Appeals and there are instructions how to do</p> <p>16 that but we will try to get your decision out more quickly.</p> <p>17 We try not to use the entire 30 days. I am just telling you</p> <p>18 the process.</p> <p>19 GULSHAN (MARK) DUGGAL: Can (inaudible) I am sorry.</p> <p>20 LYNN A. ROBESON: Yes.</p> <p>21 GULSHAN (MARK) DUGGAL: The comment towards the</p> <p>22 condition she made, I just want to make sure I understand.</p> <p>23 Condition number 5 about kids playing outside.</p> <p>24 LYNN A. ROBESON: Hold on. Let me catch up with you</p> <p>25 because I can't remember which-</p>	23
22	<p>1 GULSHAN (MARK) DUGGAL: The one which you said that</p> <p>2 you could add 12 children for 1 hour.</p> <p>3 LYNN A. ROBESON: Yes.</p> <p>4 GULSHAN (MARK) DUGGAL: I just want to make sure that</p> <p>5 that is just an add-on. It is in addition to this. We are</p> <p>6 not just saying that we just want to do that. We are saying</p> <p>7 that we should be. So it says no more than 6 children may</p> <p>8 play outside. So that is left in place. Everything is left</p> <p>9 in place. Yes, 6 children we can take them out the way it</p> <p>10 is written. It is left in place but in addition to this she</p> <p>11 should be able to, what she said was that she should be</p> <p>12 allowed to just 1 time for 1 hour during the day.</p> <p>13 LYNN A. ROBESON: And I have between 11 and 12.</p> <p>14 GULSHAN (MARK) DUGGAL: 11 to 12.</p> <p>15 LYNN A. ROBESON: Yes and I will write the condition</p> <p>16 to make it clear. I can say something like no more than 6</p> <p>17 children may play outside at any one time except up to 12</p> <p>18 children may play outside between 11 AM and 12 PM and up to</p> <p>19 4 times a year for special events. How is that?</p> <p>20 GULSHAN (MARK) DUGGAL: Thank you. That was our</p> <p>21 intention.</p> <p>22 LYNN A. ROBESON: Ok. Alright. Anything else?</p> <p>23 GULSHAN (MARK) DUGGAL: No.</p> <p>24 LYNN A. ROBESON: Ok. So with that I am going to</p> <p>25 adjourn the hearing. The record will be close on April 3rd</p>	24
	<p>1 or the next business day if April 3rd is a Saturday or</p> <p>2 Sunday and I have 30 days to write my decision. If you</p> <p>3 disagree again we will try to get the decision out more</p> <p>4 quickly than 30 days and if you have any issues with it you</p> <p>5 can request oral argument before the board of appeals.</p> <p>6 GULSHAN (MARK) DUGGAL: Just-</p> <p>7 LYNN A. ROBESON: Yes. Go ahead.</p> <p>8 GULSHAN (MARK) DUGGAL: When you say that it close</p> <p>9 between now and that day, is there anything happening or</p> <p>10 does that mean our- In town, so posting the sign-</p> <p>11 LYNN A. ROBESON: You have to keep the sign up.</p> <p>12 GULSHAN (MARK) DUGGAL: Have to keep the sign all the</p> <p>13 way until we get your decision?</p> <p>14 LYNN A. ROBESON: I think you have to keep it up at</p> <p>15 least 10 days after-</p> <p>16 GULSHAN (MARK) DUGGAL: Your decision.</p> <p>17 LYNN A. ROBESON: Yes in case somebody wants to or in</p> <p>18 case you wish to request oral argument.</p> <p>19 GULSHAN (MARK) DUGGAL: So the record is open means</p> <p>20 what can possibly happen in that period?</p> <p>21 LYNN A. ROBESON: Ok. Being the record open is that I</p> <p>22 can only accept evidence while the record is open and it is</p> <p>23 just to keep evidence from flying in at the last minute.</p> <p>24 Which is an informal way of saying is and the only reason</p> <p>25 the record is open is that we have to get the transcript</p>	

Transcript of Hearing  
Conducted on March 24, 2017

7 (25 to 28)

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CERTIFICATE OF TRANSCRIBER

I, Susan E. Wilson, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording as provided; and that I am neither counsel for, related to, nor employed by and of the parties to this case and have no interest, financial or otherwise, in its outcome.



SUSAN E. WILSON