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Transcript of Hearing

Date: June 29, 2020

Case: Jawairia Iqbal Group Day Care

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<p>1 PROCEEDINGS</p> <p>2 HEARING EXAMINER CITARA MANIS: I'm calling the case. Today is</p> <p>3 June 29th, 2020, and it is 9:31 according to my clock. I'm calling</p> <p>4 conditional use case 20-04.</p> <p>5 THE COURT REPORTER: Excuse me. I apologize. Before you --</p> <p>6 before we begin, can I get a roll call so that I can identify who</p> <p>7 everyone is? Because I want to have this on the record.</p> <p>8 HEARING EXAMINER CITARA MANIS: I am going to have that happen. I</p> <p>9 have to call the case first.</p> <p>10 THE COURT REPORTER: I apologize.</p> <p>11 HEARING EXAMINER CITARA MANIS: Okay. Could you say your name for</p> <p>12 me?</p> <p>13 MS. IQBAL: Jawairia Iqbal.</p> <p>14 HEARING EXAMINER CITARA MANIS: Jawairia Iqbal. Okay, Group</p> <p>15 Daycare. The property is 108 East Melbourne Avenue, Silver Spring</p> <p>16 Maryland, Lot B, Block B in the R-60 zone. What subdivision is it?</p> <p>17 MS. IQBAL: I think it's --</p> <p>18 HEARING EXAMINER CITARA MANIS: I have Brookside Forest, but</p> <p>19 we'll confirm that.</p> <p>20 MS. IQBAL: Okay.</p> <p>21 HEARING EXAMINER CITARA MANIS: The legal description shows</p> <p>22 Highland View, Section 3 and adjacent parcel.</p> <p>23 This hearing is being held pursuant to notice of hearing issued</p> <p>24 May 14, 2020. This is an application to expand an existing 8-child</p> <p>25 daycare to allow a up to 12-children daycare.</p>	<p>1 know, not to call you for a witness unless you tell me so.</p> <p>2 MS. COX: Okay. Thank you.</p> <p>3 HEARING EXAMINER CITARA MANIS: Thank you. Okay. And I don't see</p> <p>4 anybody else. We have Nana and we have my technical -- Mr. Fry. But</p> <p>5 we won't hear from them unless I need them. Okay. So just -- so it</p> <p>6 looks like it's just you and me and of course, we have the court</p> <p>7 reporter who you heard his voice. And if we hear his voice again,</p> <p>8 we'll just stop because he is keeping a record of this.</p> <p>9 Actually, I am going to record this as well. Hold on for one</p> <p>10 second. Start recording.</p> <p>11 So what that means is the final record is written and it's the</p> <p>12 transcription and that's why we have a court reporter and he is</p> <p>13 transcribing it. Because we're doing remote, you know, it's all new</p> <p>14 to everybody for the most part. So we're recording it, but just so</p> <p>15 you know that the recording is strictly for the court reporter to use</p> <p>16 to make sure that the record is complete. It's not going to be</p> <p>17 something that's public, but I just wanted to let you know that you</p> <p>18 are being recorded. But he's only using it to make sure your</p> <p>19 testimony is heard correctly.</p> <p>20 MS. IQBAL: Okay.</p> <p>21 HEARING EXAMINER CITARA MANIS: And the exhibits in this case, I</p> <p>22 have access to all of them. I control everything so if you need to</p> <p>23 refer to something just let me know and I'll pull it up and if you</p> <p>24 need me to zoom in you have to say, can you get a little closer to</p> <p>25 that. So just so that you know if you try to fix it yourself.</p>
6	8
<p>1 My name is Tammy Citara Manis. I am the hearing examiner. I</p> <p>2 will take evidence and testimony and write a written decision. So at</p> <p>3 this point, I'd like to identify the parties. We'll start with the</p> <p>4 applicant, and then I will -- I see a list of people who are on this</p> <p>5 call that want to be identified and participate. So if you could</p> <p>6 State your name, and your address.</p> <p>7 MS. IQBAL: So my name is Jawaria Iqbal. Melbourne Ave -- I live</p> <p>8 at 108 E Melbourne Ave, Silver Spring MD 20901.</p> <p>9 HEARING EXAMINER CITARA MANIS: Okay. And are you represented, or</p> <p>10 are you representing yourself? Are you --</p> <p>11 MS. IQBAL: So yes, I'm the applicant.</p> <p>12 HEARING EXAMINER CITARA MANIS: Fine, I just want to make sure</p> <p>13 we're not waiting for an attorney to pop up.</p> <p>14 MS. IQBAL: Okay.</p> <p>15 HEARING EXAMINER CITARA MANIS: No, okay. All right. And just so</p> <p>16 you know, that in addition to myself I do have technical help on the</p> <p>17 line. They're not going to say anything unless I ask for help. I also</p> <p>18 see that there's a Barbara Cox. I'm not sure if she's going to be --</p> <p>19 is -- going to be a witness or is --</p> <p>20 MS. COX: Hello.</p> <p>21 HEARING EXAMINER CITARA MANIS: Hello. Could you --</p> <p>22 MS. COX: I'm Barbara Cox. I'm an inspector with the Department</p> <p>23 of Permitting Services. This conditional use will be in my area and</p> <p>24 I'm just sitting in to watch.</p> <p>25 HEARING EXAMINER CITARA MANIS: Perfect. So I just wanted to, you</p>	<p>1 Your testimony will be under oath, so I'm going to ask you to</p> <p>2 raise your right hand.</p> <p>3 Do you promise to tell the truth, the whole truth, and nothing</p> <p>4 but the truth under the penalty of perjury?</p> <p>5 MS. IQBAL: Yes.</p> <p>6 HEARING EXAMINER CITARA MANIS: Perfect. So anything that you say</p> <p>7 is under oath. So basically, since we don't have any other witnesses</p> <p>8 and I don't see anybody popping up yet, do you know of anybody that</p> <p>9 had indicated that they were going to come to your -- participate in</p> <p>10 this?</p> <p>11 MS. IQBAL: (Audio break)</p> <p>12 HEARING EXAMINER CITARA MANIS: Okay. Okay. So then basically</p> <p>13 where we are, I've sworn you in. And you confirmed that you reside at</p> <p>14 the unit. Have you received the staff report that was issued; it's</p> <p>15 dated May 22nd, 2020. And then the Planning Board letter which is</p> <p>16 dated June 16th, 2020. Did you receive those?</p> <p>17 MS. IQBAL: Yes, and yes. Yes, I have.</p> <p>18 HEARING EXAMINER CITARA MANIS: Okay. Did you also see the</p> <p>19 correspondence from me with regards to the development chart?</p> <p>20 Basically, I believe you were on this -- I'll look at it. It is</p> <p>21 Exhibit 19. And the reason I ask you that is because I just -- that</p> <p>22 will be incorporated into -- let's see if we can get to 19.</p> <p>23 MS. IQBAL: Okay.</p> <p>24 HEARING EXAMINER CITARA MANIS: Do you see it?</p> <p>25 MS. IQBAL: Mine is opening up right now.</p>

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3 (9 to 12)

9	<p>1 HEARING EXAMINER CITARA MANIS: Do you see it on --</p> <p>2 MS. IQBAL: Oh, I see, yeah, I'm seeing it now.</p> <p>3 HEARING EXAMINER CITARA MANIS: Okay. So I just wanted to make</p> <p>4 sure that that is actually going to also be part of the record</p> <p>5 because when the staff report came out it didn't actually list the</p> <p>6 measurements --</p> <p>7 MS. IQBAL: Okay.</p> <p>8 HEARING EXAMINER CITARA MANIS: -- for your property. So I asked</p> <p>9 her to supplement that so I could have that. And in the staff report,</p> <p>10 is there any changes that you would want to make, or do you accept</p> <p>11 everything that they've put in there as your own testimony,</p> <p>12 understanding that as we go along I might have a few questions that</p> <p>13 you can modify it a little bit. Or, you can modify it however you</p> <p>14 want.</p> <p>15 MS. IQBAL: Perfect. I'm -- I don't know if it was the staff</p> <p>16 report, but there was a bit of a misunderstanding about the</p> <p>17 measurement of the fence.</p> <p>18 HEARING EXAMINER CITARA MANIS: Uh-huh?</p> <p>19 MS. IQBAL: Yes, which is actually I -- so originally, I</p> <p>20 thought -- I said seven feet, but it's actually under the</p> <p>21 restriction. I think it's six feet. So that was fine.</p> <p>22 HEARING EXAMINER CITARA MANIS: Six feet?</p> <p>23 MS. IQBAL: Yeah.</p> <p>24 HEARING EXAMINER CITARA MANIS: Okay. Let me pull up the staff</p> <p>25 report real quick.</p>	11	<p>1 MS. IQBAL: Uh-huh.</p> <p>2 HEARING EXAMINER CITARA MANIS: The hours of operations are</p> <p>3 limited to Monday through Friday 7:30 to 5:30.</p> <p>4 MS. IQBAL: Yes.</p> <p>5 HEARING EXAMINER CITARA MANIS: Okay. I'm going to come back to</p> <p>6 that because I noticed that you have your transportation schedule of</p> <p>7 when the children will come in, they come in at 7; is that more</p> <p>8 appropriate that it be 7 to 5:30? Or --</p> <p>9 MS. IQBAL: It will be -- it will be around -- it's mostly about</p> <p>10 7:30, 7:30 to 5:30.</p> <p>11 HEARING EXAMINER CITARA MANIS: Okay. So you want to keep it</p> <p>12 at -- okay. Well then, we'll look at your transportation because you</p> <p>13 have your -- it's when you open up to receive the children.</p> <p>14 MS. IQBAL: Yes. So I think we can do 7:30 then.</p> <p>15 HEARING EXAMINER CITARA MANIS: Okay.</p> <p>16 MS. IQBAL: (Audio break) the transportation.</p> <p>17 HEARING EXAMINER CITARA MANIS: Okay. Well, let's do this. I'm</p> <p>18 going to put an asterisk next to that and we can -- because</p> <p>19 basically, I can add to these conditions. I can modify these</p> <p>20 conditions, these are recommendations, and these are just the</p> <p>21 differences I see in reading your -- reading all the evidence</p> <p>22 together.</p> <p>23 MS. IQBAL: Okay.</p> <p>24 HEARING EXAMINER CITARA MANIS: And so -- you understand with</p> <p>25 regards to number three, the applicant must schedule staggered drop</p>
10	<p>1 MS. IQBAL: It should now meet the standards.</p> <p>2 HEARING EXAMINER CITARA MANIS: Yes, that's -- because that was</p> <p>3 one of their conditions, I believe that you comply with that. Did</p> <p>4 they not measure it when they were out there, or did they just --</p> <p>5 MS. IQBAL: No. We have to be the one providing everything.</p> <p>6 HEARING EXAMINER CITARA MANIS: Okay. So you are basically</p> <p>7 amending saying that it is under --</p> <p>8 MS. IQBAL: Yes.</p> <p>9 HEARING EXAMINER CITARA MANIS: -- and is Staff aware of that?</p> <p>10 MS. IQBAL: Yes, yes.</p> <p>11 HEARING EXAMINER CITARA MANIS: Okay. All right. So with the</p> <p>12 exception of the fence, everything in the staff report, do you accept</p> <p>13 as your own testimony?</p> <p>14 MS. IQBAL: Yes.</p> <p>15 HEARING EXAMINER CITARA MANIS: Okay. And let's see, that's the</p> <p>16 rest of it. And let me just pull up the staff -- I'm going to pull it</p> <p>17 up for you too. Or do you have a copy? I'm going to go to page 2 of</p> <p>18 the staff report.</p> <p>19 MS. IQBAL: I'm opening it up.</p> <p>20 HEARING EXAMINER CITARA MANIS: Sorry. It is Exhibit 15, so we'll</p> <p>21 go to page 2. You'll see the Staff's recommendations.</p> <p>22 MS. IQBAL: Uh-huh.</p> <p>23 HEARING EXAMINER CITARA MANIS: With the conditions of approval.</p> <p>24 Number one, that the group daycare must be limited to a maximum of 12</p> <p>25 children and up to 2 non-resident employees.</p>	12	<p>1 off and pickup of children with a maximum of two vehicles dropping</p> <p>2 off or picking up of children during any 15-minute period.</p> <p>3 MS. IQBAL: Yes.</p> <p>4 HEARING EXAMINER CITARA MANIS: You understand that? Okay. No</p> <p>5 more than eight children may play outside at any one time and outside</p> <p>6 play may not occur prior to 9:00 a.m.</p> <p>7 And number six -- this is the one that you will coordinate with</p> <p>8 the Department of Permitting Services to approve a fencing enclosure</p> <p>9 for the rear yard that is in compliance with the county codes and</p> <p>10 policies. So you're saying that the information that was originally</p> <p>11 presented, at seven feet, it's actually --</p> <p>12 MS. IQBAL: Uh-huh.</p> <p>13 HEARING EXAMINER CITARA MANIS: -- lower than that. It's how --</p> <p>14 MS. IQBAL: Yes. Even at the previous hearing they have stated</p> <p>15 that there was a misunderstanding and they fixed it to six feet.</p> <p>16 HEARING EXAMINER CITARA MANIS: Okay. And when you say the</p> <p>17 previous hearing, you're talking about the Planning Board?</p> <p>18 MS. IQBAL: The Planning Board.</p> <p>19 HEARING EXAMINER CITARA MANIS: So they're aware of that?</p> <p>20 MS. IQBAL: Yes.</p> <p>21 HEARING EXAMINER CITARA MANIS: It just wasn't changed on this.</p> <p>22 Okay. That's just -- I wanted to make sure. Okay. Now, when I was</p> <p>23 showing that you could see that, right?</p> <p>24 MS. IQBAL: Yes, yes.</p> <p>25 HEARING EXAMINER CITARA MANIS: Okay.</p>

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4 (13 to 16)

13	15
<p>1 MS. IQBAL: I had --</p> <p>2 HEARING EXAMINER CITARA MANIS: Perfect, because that was one of</p> <p>3 the things we were learning how to do. Make sure you could see it and</p> <p>4 I could see it at the same time.</p> <p>5 MS. IQBAL: Oh, no, no, no. I have it open separately. I could</p> <p>6 not see it from your 3end.</p> <p>7 HEARING EXAMINER CITARA MANIS: You could not see it on -- well,</p> <p>8 that's not good.</p> <p>9 MS. IQBAL: I just have (audio break) open.</p> <p>10 HEARING EXAMINER CITARA MANIS: Hold on one second. I think I</p> <p>11 know why. Okay. Now can you see it?</p> <p>12 Now can you see it on the screen?</p> <p>13 MS. IQBAL: No.</p> <p>14 HEARING EXAMINER CITARA MANIS: Okay. Huh. Share. Okay. Sorry.</p> <p>15 MS. IQBAL: Yes, now I see it.</p> <p>16 HEARING EXAMINER CITARA MANIS: Okay. So anyway. I apologize, I</p> <p>17 assumed you saw that. That was my rookie mistake. So this is page 2.</p> <p>18 This is Exhibit 15 so you can see the Exhibit numbers up at the top.</p> <p>19 So I will keep that open if we need to go to other pages so that you</p> <p>20 can see what I'm seeing.</p> <p>21 MS. IQBAL: Perfect.</p> <p>22 THE COURT: Us talking about the same page, that's always a good</p> <p>23 plan, right?</p> <p>24 Okay. So with regards to those in Exhibit 7, I just want to --</p> <p>25 these are -- Exhibit 7. It says the photos that are in the staff</p>	<p>1 MS. IQBAL: Very recent, yes.</p> <p>2 HEARING EXAMINER CITARA MANIS: -- five months, year, whatever?</p> <p>3 Well, obviously --</p> <p>4 MS. IQBAL: Oh, yeah, five months for sure, at least.</p> <p>5 HEARING EXAMINER CITARA MANIS: Okay.</p> <p>6 MS. IQBAL: Just like that, yeah.</p> <p>7 HEARING EXAMINER CITARA MANIS: Last year. Okay. That's good, I</p> <p>8 just needed to make sure that they are accurate, and they represent</p> <p>9 your property. Okay.</p> <p>10 Your -- with regards to the size with the daycare. I'm going to</p> <p>11 pull up that map. So I see on - this is one of the -- it's in</p> <p>12 Exhibit 7 that you submitted, it's also in the staff report, but this</p> <p>13 is an accurate representation of the daycare rooms?</p> <p>14 MS. IQBAL: Yes.</p> <p>15 HEARING EXAMINER CITARA MANIS: And this -- I noticed that the</p> <p>16 rooms don't have any measurements so let me just -- is the living</p> <p>17 room part of it or is that your house?</p> <p>18 MS. IQBAL: Separate.</p> <p>19 HEARING EXAMINER CITARA MANIS: That's separate. Okay. So it's --</p> <p>20 MS. IQBAL: In the house, yeah.</p> <p>21 HEARING EXAMINER CITARA MANIS: So it's bathroom 1, 2 and</p> <p>22 playroom? Bathroom and kitchen of course, correct? Is the playroom</p> <p>23 enclosed?</p> <p>24 MS. IQBAL: Yes, the playroom is enclosed.</p> <p>25 HEARING EXAMINER CITARA MANIS: So those three rooms equal 750</p>
14	16
<p>1 report as well as in this Exhibit 7, you can see this?</p> <p>2 MS. IQBAL: Yes, I can.</p> <p>3 HEARING EXAMINER CITARA MANIS: Did you take those photos or who</p> <p>4 took those photos?</p> <p>5 MS. IQBAL: I took the photos. That's from the Google Map.</p> <p>6 HEARING EXAMINER CITARA MANIS: These are all Google Map photos?</p> <p>7 MS. IQBAL: Yeah.</p> <p>8 HEARING EXAMINER CITARA MANIS: That's fine. Do they accurately</p> <p>9 represent the condition of the property as it exists today? as it</p> <p>10 exists today?</p> <p>11 MS. IQBAL: Yes.</p> <p>12 HEARING EXAMINER CITARA MANIS: Okay. No significant changes.</p> <p>13 MS. IQBAL: No.</p> <p>14 HEARING EXAMINER CITARA MANIS: I mean it (audio break) but we</p> <p>15 just have to make sure. And do you know when these -- when did you</p> <p>16 download these photos? Generally.</p> <p>17 MS. IQBAL: Around when I was -- when I signed up for -- you know</p> <p>18 when I was filing all these applications earlier this year.</p> <p>19 HEARING EXAMINER CITARA MANIS: Okay.</p> <p>20 MS. IQBAL: Earlier this year. They're very recent given those</p> <p>21 cars are pretty recent.</p> <p>22 HEARING EXAMINER CITARA MANIS: Oh.</p> <p>23 MS. IQBAL: Their position is in the same way.</p> <p>24 HEARING EXAMINER CITARA MANIS: So would you say those are recent</p> <p>25 within the last --</p>	<p>1 square feet? That's what it says on the staff report.</p> <p>2 MS. IQBAL: Yeah.</p> <p>3 HEARING EXAMINER CITARA MANIS: Yes, okay. Is -- does the daycare</p> <p>4 have a name now?</p> <p>5 MS. IQBAL: It's a -- it's the Family Child Care. It's still</p> <p>6 operating on the very old name.</p> <p>7 HEARING EXAMINER CITARA MANIS: Family Child Care is what it's</p> <p>8 called?</p> <p>9 MS. IQBAL: Yes.</p> <p>10 HEARING EXAMINER CITARA MANIS: Okay. And it's been in operation</p> <p>11 since 2008?</p> <p>12 MS. IQBAL: Yes.</p> <p>13 COURT REPORTER: Excuse me. Before we get -- I'm sorry for the</p> <p>14 interruption, I apologize. There's a little bit of talking over one</p> <p>15 another. If you could just pause just one brief second, give a little</p> <p>16 beat before you respond to her questions, I would appreciate that.</p> <p>17 Thank you.</p> <p>18 HEARING EXAMINER CITARA MANIS: No problem. We want you to have a</p> <p>19 clear record.</p> <p>20 Okay. So the outdoor play area is, let's see. So the fence</p> <p>21 height is -- excuse me. Sorry, I had a visitor.</p> <p>22 The outdoor play area. Can you just describe to me the fencing</p> <p>23 and where it is located on the property? And the fence is in the back</p> <p>24 yard.</p> <p>25 MS. IQBAL: So if you can put up the exhibit of the layout, the</p>

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5 (17 to 20)

<p style="text-align: right;">17</p> <p>1 whole backyard is actually fenced. Yeah. If you just go a little bit 2 up. Yeah, the layout. So the driveway is the entry side, it's about 3 five feet and then the side of (audio break) six feet and then the 4 side one is about six feet. 5 HEARING EXAMINER CITARA MANIS: I just wanted to let you know 6 that I had -- we had a brief blip there. So if you could re-explain 7 the fencing for me. 8 MS. IQBAL: So the fencing is the entire, like, separating the 9 property, the back -- the property in the back. And our property, 10 it's all fenced. It's about six feet. 11 HEARING EXAMINER CITARA MANIS: And how about the fencing on the 12 left side of the property if you're looking outside the back? 13 MS. IQBAL: It's about five feet. 14 HEARING EXAMINER CITARA MANIS: Okay. So it is different? 15 MS. IQBAL: Five feet and six feet because, you know, the 16 property's kind of made, like, in a kind of hill-ish area so it's, 17 like, five feet and then six feet. 18 HEARING EXAMINER CITARA MANIS: Okay. Okay. And that's what I 19 wanted to find out. And where -- you have lighting? Just briefly 20 explain where the lighting is, the exterior lighting 21 MS. IQBAL: The exterior lighting, it's all against the back of 22 the house. So it's all lighted up, that area. It's like it's all 23 (inaudible) fixtures. 24 HEARING EXAMINER CITARA MANIS: Okay. It's all -- I don't. Is 25 that something in your background? Is that why I just -- I could hear</p>	<p style="text-align: right;">19</p> <p>1 members. 2 HEARING EXAMINER CITARA MANIS: Okay. 3 MS. IQBAL: And they all reside. 4 HEARING EXAMINER CITARA MANIS: Okay. Just wanted to confirm that 5 because you said no employee will be driving because everybody lives 6 there. 7 MS. IQBAL: Yes, just in case, you know. Because my -- if we 8 (audio break) an employee, so we made a space for that. 9 HEARING EXAMINER CITARA MANIS: Okay. Perfect. Okay. Hours of 10 operation. Just so that we're clear on the hours of operation, staff 11 says 7:30 to 5:30, but it conflicts with your transportation 12 statement. It shows -- let me see if I can pull that back up. Hold 13 for a second. I'll be right back. 14 So yeah, there's the staff pictures. So I'm to page -- I think 15 it's in -- here we go. Okay. So I'm looking at -- yeah, it starts -- 16 Can you see the transportation (audio break)? 17 MS. IQBAL: Yeah, I've (audio break). 18 HEARING EXAMINER CITARA MANIS: Okay. It says it starts at -- 19 you're starting at 7:00 accepting children. 20 MS. IQBAL: Yes. So again, we -- I mean -- to be -- like, okay. 21 We initially thought 7, but if we -- we will be doing 7:30 more or 22 less, more likely. 23 HEARING EXAMINER CITARA MANIS: Okay. 24 MS. IQBAL: And this is a very rough estimation of how most 25 people will be coming in. But now, that it looks like, you know, a</p>
<p style="text-align: right;">18</p> <p>1 other voices. 2 Okay. And the number of children, up to 12. 3 MS. IQBAL: Yes. 4 HEARING EXAMINER CITARA MANIS: And the age range is four months 5 to four years? 6 MS. IQBAL: Yes. 7 HEARING EXAMINER CITARA MANIS: Okay. And it sounds like you have 8 a lot of siblings? 9 MS. IQBAL: Oh, I only have one, that's it, and he is in college 10 right now. 11 HEARING EXAMINER CITARA MANIS: Oh no, I meant sibling children 12 that are in daycare. 13 MS. IQBAL: Oh, yes. (Laughs) 14 HEARING EXAMINER CITARA MANIS: Okay. Are any of the children 15 that are in the count, do they reside in the house that would be part 16 of the daycare? 17 MS. IQBAL: No. We don't -- currently -- like -- 18 HEARING EXAMINER CITARA MANIS: And just clarify for me, the 19 staff all resides in the house? It's family? 20 MS. IQBAL: Yes. 21 HEARING EXAMINER CITARA MANIS: And the possibility of having 22 non-resident employees? 23 MS. IQBAL: We just mention it just in case that we will be 24 having an employee, but at this moment, if we are having expectation 25 for 12 children, I mean, the four staff members are all our family</p>	<p style="text-align: right;">20</p> <p>1 lot of family that have moved in the neighborhood, it seems like they 2 all mostly will be walking. We may not be getting enough, like, maybe 3 one or two cars. 4 HEARING EXAMINER CITARA MANIS: Okay. All right. But right here 5 it says 7, so we can -- even though you might not actually start the 6 daycare stuff at 7:30 you're accepting children at 7, so I can put it 7 from 7 to 5:30. 8 MS. IQBAL: Perfect, that's fine. 9 HEARING EXAMINER CITARA MANIS: Because that way it'll keep your 10 transportation schedule more in line. And that way it also gives you 11 the flexibility if someone does need to come at 7, you -- 12 MS. IQBAL: Yeah. 13 HEARING EXAMINER CITARA MANIS: Okay. But it sounds like you may 14 have maybe one or two parents drive. 15 MS. IQBAL: Yes. 16 HEARING EXAMINER CITARA MANIS: Everybody else walking. That's 17 very nice. And just with regards to the staggering in case you have 18 more car drivers, the every 15 minutes is -- means that you can only 19 have two cars in a 15-minute period. That way you don't have tons of 20 people coming at one time. 21 MS. IQBAL: Uh-huh. 22 HEARING EXAMINER CITARA MANIS: Okay. No parking restrictions on 23 the roads? 24 MS. IQBAL: Yeah. 25 HEARING EXAMINER CITARA MANIS: Waldon and East Melbourne. Okay.</p>


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6 (21 to 24)

<p style="text-align: right;">21</p> <p>1 The entrance to the daycare is off of the driveway? 2 MS. IQBAL: Yes. 3 HEARING EXAMINER CITARA MANIS: At the end of the driveway? 4 MS. IQBAL: It's like in front of the driveway. 5 HEARING EXAMINER CITARA MANIS: Okay. 6 MS. IQBAL: Yeah. 7 HEARING EXAMINER CITARA MANIS: All right. And with regards to 8 the bicycle parking, I know you asked -- did you ask for a waiver of 9 the design specifications? 10 MS. IQBAL: Yes. 11 HEARING EXAMINER CITARA MANIS: Yes. Okay. And I see that staff 12 supported that, correct? 13 MS. IQBAL: Yes. 14 HEARING EXAMINER CITARA MANIS: Okay. All right. Do you have any 15 additional documentation that you need to give me today? I know Ms. 16 Johnson contacted you early and you were quick to provide everything 17 that I had asked for, which was great. Anything come up between then 18 and now? 19 MS. IQBAL: No. No, I -- yeah, I hope everything -- you have 20 everything that you need and if you need anything from my end, I will 21 provide. 22 HEARING EXAMINER CITARA MANIS: Excellent. Do you have any 23 questions? 24 MS. IQBAL: Yeah. I do have some questions about, like -- so if 25 this is approved, do I have to contact my supervisor who is currently</p>	<p style="text-align: right;">23</p> <p>1 take 12 children until this has been approved. 2 MS. IQBAL: Exactly. 3 HEARING EXAMINER CITARA MANIS: And so once the record closes, I 4 have 30 days in which to write a decision and then I'll send that 5 decision. You have an appeal right if you don't like my decision and 6 you want to appeal it to the Board of Appeals, you'll be given a 7 notice as to how to do that. If you don't appeal it, then after the 8 appeal period then it becomes a final decision, and you're good to 9 go. And then, you know, seek your permits or whatever you need for 10 operating the daycare in accordance with the Maryland regulations. 11 MS. IQBAL: All right. 12 HEARING EXAMINER CITARA MANIS: Do you have a certificate from 13 the state? A license from the state for -- 14 MS. IQBAL: For eight. It's under my mother's, Fauzia Iqbal's, 15 name, yes. 16 HEARING EXAMINER CITARA MANIS: Okay. So you will be applying for 17 that in your name, or is it going to be in -- or you all coproviders? 18 HEARING EXAMINER CITARA MANIS: 19 MS. IQBAL: We will be coproviding. 20 HEARING EXAMINER CITARA MANIS: Okay. So yes, I do have her 21 Affidavit of Compliance so she -- both of you understand as providers 22 that you must comply with the state regulations and any zoning 23 regulations. So you will -- so her -- she will have to update that to 24 a 12 care. 25 MS. IQBAL: Yes.</p>
<p style="text-align: right;">22</p> <p>1 overseeing the eight-capacity limit and then inform her that we will 2 be expanding to 12? How does that work? 3 HEARING EXAMINER CITARA MANIS: Well, my -- what my role to do is 4 to review the application; we've got staff's recommendation, we've 5 got the Planning Board's recommendation and will make a decision 6 based on this -- what we've done today and what is in the record. So 7 it's important that everything's in the record. 8 MS. IQBAL: Okay. 9 HEARING EXAMINER CITARA MANIS: And then when -- I have to leave 10 the record open. Like when we close this -- when we leave today, when 11 we sign off, I need to give the court reporter 10 days to produce the 12 transcript. So I leave the record open for that amount of time. 13 MS. IQBAL: Okay. 14 HEARING EXAMINER CITARA MANIS: And then once -- and I will -- we 15 will say the time at the end, the record will close. That means I'm 16 not accepting any more evidence, so that's why I'm asking you if you 17 have anything. And certainly, if something comes up that you think is 18 absolutely needs to be put into the record or for me to consider in 19 my decision, you can ask, and I can open the record for that purpose. 20 But it sounds like we've got everything so far, and I haven't, you 21 know, heard anything that I need anything else. 22 But in terms you letting your staff know, I mean that's up to 23 you. 24 MS. IQBAL: Okay. 25 HEARING EXAMINER CITARA MANIS: Yeah. But you definitely can't</p>	<p style="text-align: right;">24</p> <p>1 HEARING EXAMINER CITARA MANIS: I mean, whatever the safety 2 standards are that they need from you. There's one other thing. Oh, 3 with regards to the staggering of drop off and pickup, I will be 4 adding -- and I just want to make sure you're aware of this and if 5 you have any questions. We'll be adding to that requirement that you 6 incorporate a paragraph -- and I can send you that language, 7 basically, saying that the parents agree to the time slot you've 8 given them in the contract so that they are accountable as well. 9 MS. IQBAL: Perfect. 10 HEARING EXAMINER CITARA MANIS: Yeah. So it basically it's just, 11 it's like a three-sentence asking that the parents -- you put it in 12 their contract and they -- or it's -- whatever agreement you have 13 between them that they are -- these are their time slots to come. 14 MS. IQBAL: Perfect. Sounds great. 15 HEARING EXAMINER CITARA MANIS: All right. So at this point I'm 16 going to accept all of the evidence into the record, which at this 17 point I have Exhibits 1 through 25 that have been provided. And you 18 do (audio break) that you sent in. I'm going to accept all of those 19 into the record unless you have any objection to that, which I don't 20 expect, but we have to ask that. And I'm going to double check and 21 make sure that there is nobody -- I still see on my list of people 22 who are listening to this meeting -- I do not see any other names 23 other than that I called -- that I've already mentioned so far. 24 So with that I am going to -- where's my calendar. We're going 25 to leave the record open -- so today is the 29th of June. I'm going</p>

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7 (25 to 28)

<p>25</p> <p>1 to --</p> <p>2 Well, let me ask the court reporter. With July 4th coming up, do</p> <p>3 you need more than through -- can you get the transcript out before</p> <p>4 the -- by the 10th of July?</p> <p>5 THE COURT REPORTER: We generally deliver 10-day, 10 business</p> <p>6 days. So let me see here.</p> <p>7 HEARING EXAMINER CITARA MANIS: Okay. That's why I'm asking</p> <p>8 because I believe the County will be closed on the 3rd.</p> <p>9 THE COURT REPORTER: It looks like it would be eight days on the</p> <p>10 10th.</p> <p>11 HEARING EXAMINER CITARA MANIS: Okay. Then we'll go to the 13th/</p> <p>12 THE COURT REPORTER: Yes, please.</p> <p>13 HEARING EXAMINER CITARA MANIS: Okay. That's -- thank you for</p> <p>14 that. I just wanted to make sure.</p> <p>15 So the record will remain open until July 13th and so that we</p> <p>16 get the transcript, and then from the 13th I have 30 days in which to</p> <p>17 write the decision and get it to you. And that should be it. If you</p> <p>18 have (audio break) you certainly can. Let' before we close, just make</p> <p>19 sure the court reporter doesn't have any more questions for us</p> <p>20 because it's real important that he have our correct spelling and the</p> <p>21 name and the address if he has any question.</p> <p>22 THE COURT REPORTER: Thank you. Are we going to go off the record</p> <p>23 now?</p> <p>24 HEARING EXAMINER CITARA MANIS: We are. I just wanted to give you</p> <p>25 one last moment to make sure we were all giving you what you need.</p>	<p>27</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, Molly Bugher, do hereby certify that the foregoing</p> <p>3 transcript is a true and correct record of the recorded proceedings;</p> <p>4 that said proceedings were transcribed to the best of my ability from</p> <p>5 the audio recording as provided; and that I am neither counsel for,</p> <p>6 related to, nor employed by and of the parties to this case and have</p> <p>7 no interest, financial or otherwise, in its outcome.</p> <p>8</p> <p>9 </p> <p>10 _____</p> <p>11 MOLLY BUGHER, CDLT-161</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>26</p> <p>1 (Discussion of spellings.)</p> <p>2 HEARING EXAMINER CITARA MANIS: Okay. With that, having no other</p> <p>3 reason to keep this hearing going I'm going to leave it open until</p> <p>4 July 13th, and again, if you have any questions or concerns you know</p> <p>5 how to contact Ms. Johnson.</p> <p>6 MS. IQBAL: Uh-huh.</p> <p>7 HEARING EXAMINER CITARA MANIS: She relays things to me. And if</p> <p>8 not, then the record will close on July 13th and I'll write my</p> <p>9 decision and get it out to you.</p> <p>10 ATTORNEY 1: Perfect. Sounds great.</p> <p>11 HEARING EXAMINER CITARA MANIS: Okay. Well to everybody, be safe.</p> <p>12 Happy 4th and --</p> <p>13 (The recording was concluded.)</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>	

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