

**BEFORE THE MONTGOMERY COUNTY  
COMMISSION ON HUMAN RIGHTS  
Case Review Board**

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6660 / Fax (240) 777-6665  
www.montgomerycountymd.gov/OZAH**

**AMECIA STARKS,**

*Complainant,*

v.

**DIG-IT! GAMES, LLC**

*Respondent.*

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Human Rights Commission  
HRC No. E-06001/E-06228  
OZAH Referral No. HR 20-02

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Before: Tammy J. CitaraManis, Hearing Examiner

**HEARING EXAMINER'S REPORT AND RECOMMENDATION OF DISMISSAL OF  
THE CASE BASED ON THE PARTIES' JOINT STIPULATION OF  
DISMISSAL WITH PREJUDICE**

The purpose of this Report and Recommendation is to close the record and to recommend that the Case Review Board of the Montgomery County Commission of Human Rights (Case Review Board) dismiss the above-captioned matter pursuant to the parties joint Stipulation of Dismissal dated March 20, 2020 (Stipulation of Dismissal). Dkt. 46. The hearing was scheduled for April 30, May 1, 4-6, 2020. Dkt. 30.

Complainant in the above-captioned matter alleges unlawful discrimination in employment on the basis of race, sex, age and retaliation. The Respondent denied these allegations. The Director

of the OHR determined that reasonable grounds exist to believe that a violation of Chapter 27 of the Montgomery County Code occurred in both cases and conciliation failed.

By Orders dated August 26, 2019, the Case Review Board referred the above-captioned complaints to the Office of Zoning and Administrative Hearings (OZAH) for the purpose of conducting a public hearing on all outstanding issues in the case, and thereafter submitting a written Report and Recommendation to the Case Review Board.

On September 6, 2019, the Hearing Examiner issued a Scheduling and Procedures Order and Order Consolidating Cases governing discovery, pre-hearing submissions and setting a hearing date (Scheduling Order). Dkt. 7. A pre-hearing conference was held on September 24, 2019. Counsel for both parties attended and agreed to the pre-hearing schedule and the hearing date proposed in Paragraph 7 of the Scheduling Order. By Orders dated November 20, 2019, and February 11, 2020, the Scheduling and Procedures Order was modified with the parties consent to extend the dates for completion of discovery, for submission of all pre-hearing statements and motions and to reschedule the hearing. Dkts. 16 and 30. A Notice of Hearing was issued February 26, 2020, scheduling the hearing for April 30, May 1, 4-6, 2020. Dkt. 38. Complainant's pre-hearing statement and exhibits were electronically filed March 2, 2020.<sup>1</sup> Dkt. 41.

By Order dated March 11, 2020, the Hearing Examiner granted the parties Consent Motion to Extend the Deadline for Motions to Allow a Witness to Testify by Skype from March 9, 2020, to March 19, 2020. The ten (10) day extension was requested in order to provide the parties with additional time to finalize the terms of a settlement agreement. Dkt. 45.

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<sup>1</sup> Complainant did not file hard-copies of the seven (7) exhibits electronically filed with her Pre-Hearing Statement. With the exception of two (2) exhibits, the remaining exhibits were in excess of 100 pages each. Complainant's counsel, Erik J. Williams, advised that only hard copies of the Pre-Hearing Statement would be sent to the parties to "preserve environmental resources." Dkt. 41(a). Therefore, the record transmitted back to the Case Review Board does not include hard copies of Complainant's pre-hearing exhibits.

By e-mail dated March 20, 2020, from Complainant's counsel, Erik J. Williams, advised that the parties had reached a settlement agreement in the above-captioned matter and filed an executed joint Stipulation of Dismissal which states in pertinent part that the parties “. . . stipulate and agree that all claims pending in this action shall be dismissed with prejudice, without any admission of liability, and with each party to pay its own fees and costs.” Dkt. 46.

Pursuant to Montgomery County Code § 27-7(i)(1) “[t]he case review board must issue a final decision on a complaint according to Section 2A-10, of this Chapter and Commission rules.” Section 2A-10(a) of the Montgomery County Administrative Procedures Act (MCAPA) provides in pertinent that “any decision stipulated or consented to by the parties need only be reflected by an appropriate written order or consent decree.”

Sections 2A-10(g) of the MCAPA provides:

(g) *Informal disposition.* Where appropriate to the nature of the proceedings and the governing laws, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

The parties jointly executed Stipulation of Dismissal is an appropriate “informal disposition” of above-captioned matter as provided in Section 2A-10(g), and as a result, there is no reason to conduct a formal hearing. Therefore, the Hearing Examiner accepts the parties Stipulation of Dismissal and all other previously filed documents into the administrative record and hereby closes the record.

Since the Hearing Examiner does not have the authority to issue a final decision on behalf of the Montgomery County Human Rights Commission or its Case Review Board, the Hearing Examiner is returning the case file to the Case Review Board with the recommendation that the Case Review Board accept the parties' Stipulation of Dismissal. Dkt. 46. Given the parties' joint stipulation and request to dismiss “all claims pending in this action” with prejudice, the Hearing

Examiner further recommends that the Case Review Board dismiss the Complaints pursuant to the terms of the parties' executed Stipulation of Dismissal with Prejudice.

Dated: March 27, 2020



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Tammy J. CitaraManis  
Hearing Examiner

Copy to:

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