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Transcript of Hearing

Date: February 4, 2022

Case: Jennifer Rodriguez-Aguilar Group Day Care

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Transcript of Hearing
February 4, 2022

1 (1 to 4)

1	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1	1	C O N T E N T S	3
2	FOR MONTGOMERY COUNTY, MARYLAND		2	PAGE	
3	-----x		3	Transcript of the proceedings	4
4	In Re: :		4		
5	JENNIFER RODRIGUEZ-AGUILAR : CU 22-05		5	E X H I B I T S	
6	GROUP DAY CARE CENTER :		6	(None)	
7	-----x		7		
8			8		
9	HEARING		9		
10	(Held Remotely)		10		
11	Before Hearing Examiner Lynn Robeson Hannan		11		
12	Rockville, Maryland		12		
13	Friday, February 4, 2022		13		
14	9:31 a.m.		14		
15			15		
16			16		
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19			19		
20			20		
21			21		
22			22		
23	Job: 431078		23		
24	Pages: 1 - 15		24		
25	Transcribed by: Molly Bugher		25		
1	A P P E A R A N C E S	2	1	P R O C E E D I N G S	4
2	ON BEHALF OF MONTGOMERY COUNTY OFFICE OF ZONING AND		2	HEARING EXAMINER ROBESON HANNAN: I'm calling the	
3	ADMINISTRATIVE HEARINGS:		3	case of Jennifer C. -- Application of Jennifer C. Rodriguez-	
4	LYNN ROBESON HANNAN, HEARING OFFICER		4	Aguilar for a Group Day Care at 13011 Freeland Road,	
5			5	Rockville, Maryland 20853. The property is located in the	
6	ON BEHALF OF THE APPLICANT:		6	R60 zone. The Applicant seeks to expand an existing daycare	
7	JENNIFER RODRIGUEZ-AGUILAR, PRO SE		7	from 8 to 12, which does require a conditional use in the R60	
8			8	zone.	
9	ALSO PRESENT TELEPHONICALLY:		9	Just a few notes about -- we're doing all our	
10	CINDY AGUILAR, SPANISH INTERPRETER		10	meetings virtually and someday maybe we will get to do it in	
11	REID MILLER		11	person. But you will see at the top of your screen that the	
12	MELISSA GOLDBERG		12	hearing is being recorded. It's recorded anyway by the court	
13	BILLIE JOSEPH		13	reporter. The recording on Microsoft Teams -- sometimes it's	
14	BENJAMIN G. GOLDBERG		14	hard to make out what people are saying on Microsoft Teams so	
15	JESSE GREER, COURT REPORTER		15	it just acts as a backup for the court reporter. So I wanted	
16			16	to point that out.	
17			17	And a few words about this process. It's formal,	
18			18	but it does have certain -- it's informal, but it does have	
19			19	certain formalities. And one is that testimony is under oath	
20			20	and subject to cross-examination. And so a word about	
21			21	another aspect of the Teams, please don't interrupt because	
22			22	that makes it really hard for the court reporter to	
23			23	understand what's going on. If you have the opportunity, at	
24			24	the top of the screen there is a raise your hand button.	
25			25	Does everybody see where that is?	

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2 (5 to 8)

<p>5</p> <p>1 You have to answer yes. 2 Can Ms. Rodriguez Aguilar -- you are on mute. 3 MS. RODRIGUEZ-AGUILAR: Yes. 4 HEARING EXAMINER ROBESON HANNAN: Okay. Do you 5 see where the hand is? 6 MS. RODRIGUEZ-AGUILAR: Yes. 7 HEARING EXAMINER ROBESON HANNAN: Okay. Good. 8 Also, please do not use the chat; we do not use 9 the chat because all the information has to be on the record, 10 and I can't monitor the chat while I'm trying to listen to 11 you. All right? The order of proceeding is we go with Ms. 12 Rodriguez-Aguilar, first. And then cross-examination, and 13 then we go to anyone else who is not in support of the 14 Applicant that would like to testify. Okay? And their 15 testimony will be under oath as well. 16 Does anyone have any questions about the process? 17 Okay. Hearing none, what I'm going to do is we 18 will start with Ms. Aguilar. Now, are there people here -- I 19 see a lot of names here on the list of who is in the meeting. 20 Are there people here who are not going to be called by Ms. 21 Aguilar or are in opposition. 22 UNIDENTIFIED SPEAKER: I'm in between my parents 23 so maybe some is there? We're supporting, for support. 24 HEARING EXAMINER ROBESON HANNAN: Okay. Oh, I see 25 Reid Miller, father of three children. Okay. You're brave,</p>	<p>7</p> <p>1 Ms. Aguilar, can you turn your camera on because I need to 2 see you raise your right hand. 3 MS. C. AGUILAR: I did turn it on, yes. I'm 4 ready. 5 HEARING EXAMINER ROBESON HANNAN: I'm not seeing 6 you. 7 MS. C. AGUILAR: I see myself here. 8 MS. RODRIGUEZ-AGUILAR: And I can see her too. 9 HEARING EXAMINER ROBESON HANNAN: Okay. 10 MS. C. AGUILAR: I'm Cindy Aguilar. 11 HEARING EXAMINER ROBESON HANNAN: Let me do this. 12 I'm going to unpin. This is technical talk. 13 (Off the record discussion - technical issues.) 14 HEARING EXAMINER ROBESON HANNAN: Now, I see you. 15 MS. C. AGUILAR: All right. 16 HEARING EXAMINER ROBESON HANNAN: Thank you. 17 MS. C. AGUILAR: You're welcome. 18 HEARING EXAMINER ROBESON HANNAN: Please raise 19 your right hand. 20 Do you solemnly affirm that you will translate 21 accurately and fairly, exactly what Ms. Rodriguez-Aguilar 22 says? 23 MS. C. AGUILAR: Yes. 24 HEARING EXAMINER ROBESON HANNAN: Okay. Thank 25 you. You can put your hand down now.</p>
<p>6</p> <p>1 that's all I have to say. 2 All right. So, let's go -- 3 MS. C. AGUILAR: (inaudible). 4 HEARING EXAMINER ROBESON HANNAN: Yes? 5 MS. C. AGUILAR: I'm Cindy Aguilar. I'm 6 Jennifer's sister. I would like to see if you guys are going 7 to have a translator for her? 8 HEARING EXAMINER ROBESON HANNAN: We don't at the 9 moment because we weren't informed. We need seven days 10 notice to be able to get one. Now -- 11 MS. C. AGUILAR: Do you -- okay. Okay, maybe 12 they -- 13 HEARING EXAMINER ROBESON HANNAN: Now -- 14 MS. C. AGUILAR: Okay. It's fine, I can translate 15 for her. 16 HEARING EXAMINER ROBESON HANNAN: Okay. Then I 17 have to -- can you turn on your camera? 18 MS. C. AGUILAR: Oh sure. 19 HEARING EXAMINER ROBESON HANNAN: I have to swear 20 in give you the translator oath. 21 MS. C. AGUILAR: Okay. Well, I will do my best. 22 My English is good but I'm trying -- 23 MS. RODRIGUEZ-AGUILAR: Just in case. So I 24 understand, but I want to understand everything clearly. 25 HEARING EXAMINER ROBESON HANNAN: No, it's fine.</p>	<p>8</p> <p>1 So let's go back to Ms. Aguilar. 2 Ms. Aguilar, do you want to say anything about 3 your -- let me do this because this is what we do when 4 attorneys aren't involved. 5 Have you read the staff report recommending 6 approval? 7 MS. C. AGUILAR: We did read it. 8 HEARING EXAMINER ROBESON HANNAN: Well, you can't 9 testify. She can say it in Spanish, if she doesn't 10 understand, and then you can translate. 11 MS. RODRIGUEZ-AGUILAR: Yes, I did -- together. 12 HEARING EXAMINER ROBESON HANNAN: Okay. And have 13 you had the opportunity to look at some of the emails that 14 have gone back and forth in the last couple of days between 15 staff and myself? 16 MS. RODRIGUEZ-AGUILAR: Yes. 17 HEARING EXAMINER ROBESON HANNAN: Okay. All those 18 items, all those documents spell out the criteria for 19 approval. And do you wish to adopt the findings of staff in 20 their staff report and emails as your own testimony? 21 MS. RODRIGUEZ-AGUILAR: No, I think everything is 22 clear. 23 HEARING EXAMINER ROBESON HANNAN: But I need her 24 to adopt -- or I'm asking her does she want to adopt it. 25 Does she agree with all the findings and conclusions in the</p>


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3 (9 to 12)

<p>9</p> <p>1 staff report?</p> <p>2 MS. RODRIGUEZ-AGUILAR: Yes.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay. You know</p> <p>4 what, I forgot I swore Ms. Aguilar in, but I didn't swear Ms.</p> <p>5 Rodriguez-Aguilar.</p> <p>6 Is your name Aguilar Rodriguez, or Rodriguez</p> <p>7 Aguilar?</p> <p>8 MS. RODRIGUEZ-AGUILAR: For me, is Rodriguez is my</p> <p>9 married last name. Aguilar is my single name.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Okay. No, it's</p> <p>11 fine, I just wanted to clarify because the application says</p> <p>12 Rodriguez.</p> <p>13 MS. RODRIGUEZ-AGUILAR: Rodriguez-Aguilar</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay. That's</p> <p>15 what is right. Okay. Now, please raise your right hand.</p> <p>16 And if you need to translate Ms. Aguilar, please</p> <p>17 do so.</p> <p>18 Do you solemnly affirm under penalties of</p> <p>19 perjury --</p> <p>20 Do you want to translate Ms. Aguilar?</p> <p>21 MS. RODRIGUEZ-AGUILAR: Just in case I don't</p> <p>22 understand something or when I cannot express well.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. All</p> <p>24 right. That's fine.</p> <p>25 Ms. Aguilar-Rodriguez, do you solemnly affirm</p>	<p>11</p> <p>1 same. Just the picture is in the summer, but now it is</p> <p>2 winter, but it is the same everything.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay. Now, one</p> <p>4 more thing. Is there anything else you would like to say?</p> <p>5 MS. RODRIGUEZ-AGUILAR: Just that we would love to</p> <p>6 have opportunity; this is my goal.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay. Thank</p> <p>8 you.</p> <p>9 Is there anyone here that has questions of Ms.</p> <p>10 Aguilar? Just questions. I'm going to open it up for</p> <p>11 whoever wants to testify, but if there's anyone else that has</p> <p>12 questions on Ms. Aguilar's testimony -- I'm sorry. Aguilar-</p> <p>13 Rodriguez, please either -- please raise your hands.</p> <p>14 Okay. Seeing none -- yes, Ms. Aguilar-Rodriguez?</p> <p>15 MS. RODRIGUEZ-AGUILAR: Sorry.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Would you</p> <p>17 like to say something Ms. Aguilar-Rodriguez?</p> <p>18 MS. RODRIGUEZ-AGUILAR: No. No.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. Great.</p> <p>20 Okay. Is there anyone else? There looks like there's a lot</p> <p>21 of people here. Is there anyone else that wishes to testify?</p> <p>22 I'll just point out that the criteria for approval are in the</p> <p>23 staff report. So if you briefly say that the daycare is</p> <p>24 worthwhile you can do so, but the testimony really should</p> <p>25 address the criteria for approval of a conditional use.</p>
<p>10</p> <p>1 under penalties of perjury that the statements you have made,</p> <p>2 and the statements you are going to make are the truth, the</p> <p>3 whole truth, and nothing but the truth?</p> <p>4 MS. RODRIGUEZ-AGUILAR: Si. Yes.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. So you</p> <p>6 have agreed with the findings and conclusions of the staff</p> <p>7 report. Is there anything that you would like to say in</p> <p>8 support of the conditional use?</p> <p>9 MS. RODRIGUEZ-AGUILAR: Just saying again that we</p> <p>10 would love to get an opportunity to expand my business. I'm</p> <p>11 working for I'm working for a lot of time with my families</p> <p>12 and we want to do that one and help my community and bringing</p> <p>13 jobs for other people to because I have to -- you know, extra</p> <p>14 help for me. So we would love to help my community and my</p> <p>15 families that right now I have enrolled.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Now you</p> <p>17 have submitted a lot of documents to support the application.</p> <p>18 And they are listed --</p> <p>19 Sorry, I'm trying to share my screen and it's not</p> <p>20 going well. Pardon me.</p> <p>21 Well, they're listed on the website, and that</p> <p>22 includes the conditional use plan, the pictures. Do all</p> <p>23 those fairly and accurately represent the conditions</p> <p>24 surrounding the conditional use?</p> <p>25 MS. RODRIGUEZ-AGUILAR: Yes. Actually it is the</p>	<p>12</p> <p>1 So with that, I'll open it up to anyone who wishes</p> <p>2 to say something.</p> <p>3 Okay. Seeing none, we're going to conclude the</p> <p>4 hearing. We have to keep the record open for 10 days. And</p> <p>5 so that after 10 days I have 30 days to write a report and</p> <p>6 decision. If you disagree with my decision you are free --</p> <p>7 you have the ability to request -- to appeal to the Board of</p> <p>8 Appeals and the instructions will be on the decision.</p> <p>9 Did you understand that Ms. Aguilar-Rodriguez.</p> <p>10 I'm sorry. I don't know why I keep --</p> <p>11 MS. RODRIGUEZ-AGUILAR: It's fine. Yes, I</p> <p>12 understand.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Forgive me.</p> <p>14 MS. RODRIGUEZ-AGUILAR: I understand.</p> <p>15 Okay. Perfect, thank you.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. So with</p> <p>17 that I have to keep the record open for 10 days to receive</p> <p>18 the transcript. So today is the 4th, so that would be -- let</p> <p>19 me just make sure that the 14th is not a holiday. Well, it</p> <p>20 is a holiday for many, but I mean a -- okay. So the record</p> <p>21 will remain open until the 14th to receive the transcript.</p> <p>22 I have 30 days after that to issue the decision.</p> <p>23 We do try to do it more quickly because I know you're anxious</p> <p>24 to get started. So with that, any other -- anyone else have</p> <p>25 any comments?</p>

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4 (13 to 16)

<p style="text-align: right;">13</p> <p>1 All right. Thank you very much and you will be 2 notified when the decision comes. Okay? 3 MS. RODRIGUEZ-AGUILAR: Okay. Thank you so much. 4 HEARING EXAMINER ROBESON HANNAN: Thank you. 5 MS. RODRIGUEZ-AGUILAR: How much? 6 HEARING EXAMINER ROBESON HANNAN: Yes? 7 MS. RODRIGUEZ-AGUILAR: And the cost that we have 8 to -- the sign that we have outside we have to have it these 9 10 days, right before we return -- 10 HEARING EXAMINER ROBESON HANNAN: No, you have to 11 keep it up 30 days after the decision. 12 MS. RODRIGUEZ-AGUILAR: Okay. 13 HEARING EXAMINER ROBESON HANNAN: And that's just 14 in case someone wants to appeal. 15 MS. RODRIGUEZ-AGUILAR: Okay. 16 HEARING EXAMINER ROBESON HANNAN: So once I issue 17 the decision, you have to keep it up for 30 more days. And 18 then you can return it to OZHA to our office to get a refund. 19 MS. RODRIGUEZ-AGUILAR: Okay. So in 30 -- 20 HEARING EXAMINER ROBESON HANNAN: If you return it 21 in usable condition you get a refund of \$100. 22 MS. RODRIGUEZ-AGUILAR: Okay. Thank you. 23 Okay. Perfect. 24 HEARING EXAMINER ROBESON HANNAN: I understood 25 that. Okay. Thank you very much.</p>	<p style="text-align: right;">15</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Molly Bugher, do hereby certify that the 3 foregoing transcript is a true and correct record of the 4 recorded proceedings; that said proceedings were transcribed 5 to the best of my ability from the audio recording as 6 provided; and that I am neither counsel for, related to, nor 7 employed by and of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10  11 _____ 12 Molly Bugher, CDLT-161 13 Date: February 10, 2022 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">14</p> <p>1 MS. RODRIGUEZ-AGUILAR: Thank you. Have a good 2 day. 3 HEARING EXAMINER ROBESON HANNAN: At this time, 4 I'm concluding the hearing. 5 (The recording was concluded at 9:49 a.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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