

**BEFORE THE MONTGOMERY COUNTY
COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Case Review Panel**

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
(240) 777-6660
www.montgomerycountymd.gov/OZAH**

IN THE MATTER OF:

MARY TRIANTIS

Complainant

v.

AMERICANA CENTRE CONDOMINIUM, INC.

Respondent

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Before: Lynn Robeson Hannan, Hearing Examiner

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**OZAH Case No. CCOC 24-
01/CCOC Case No. 2021-
096**

HEARING EXAMINER’S REPORT AND RECOMMENDATION OF DISMISSAL

I. STATEMENT OF THE CASE

The Commission on Common Ownership Communities (CCOC) referred the above-captioned case to OZAH on October 3, 2023. The Hearing Examiner issued a Scheduling Order on October 10, 2023, which, in part, scheduled a pre-hearing conference on October 30, 2023. Dkt. 4. Counsel for both parties attended the pre-hearing conference and agreed to a revised hearing schedule. The Hearing Examiner issued a Revised Scheduling Order memorializing the agreed-upon schedule, setting a hearing date on Respondent’s Motion to Dismiss for December

15, 2023, and a hearing date on the merits for April 19, 2023. Dkt. 5. The Hearing Examiner issued an Order Partially Approving Interrogatories on November 6, 2023. Dkt. 6.

Subsequently, both parties submitted a joint Motion to Dismiss the case because “[T]he parties reached a settlement,” and requested that the Hearing Examiner dismiss the case and remove it from the docket.¹ Dkt. 7.

II. RECOMMENDED DECISION

Given both parties’ decision not to pursue the case, there is no reason to conduct a formal hearing. Therefore, the Hearing Examiner accepts the voluntary dismissal and all previously filed documents into the administrative record and hereby closes the record.

Sec. 2A-10(g) of the Montgomery County Administrative Procedures Act 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’ mutual decision not to proceed with the case is clearly a basis for dismissal. On this record, the Hearing Examiner recommends that the Case Review Panel dismiss the case as requested by both parties.

Dated: November 17, 2023

Respectfully submitted,



Lynn Robeson Hannan
Hearing Examiner

¹Because the Hearing Examiner does not have authority to make a final disposition of the case, she does not issue an Order Dismissing the Case but recommends that the CCOC Case Review Panel dismiss the case.

COPIES TO:

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Counsel for the Complainant

Winta Mengisteab, Esq.

Counsel for the Respondent

Ramon Espin, Executive Director, CCOC

Ife Fabayo, CCOC

Walter Wilson, Esq.

Office of the County Attorney