

Transcript of Hearing

Date: July 27, 2023

Case: Finkel and Chappel Objection (ADO 23-06)

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1	1 July 27, 2023
1 HONTGOMERY COUNTY OFFICE OF ZONING AND	1 APPEARANCES
2 ADMINISTRATIVE HEARINGS	
3x	3 LYNN HANNAN (Hearing Examiner)
4 IN RE: :	4 SARA BEHANNA (Kontgomery County Office of
5 FINKEL AND CHAPPELL OBJECTIONS: Case No.	5 Zoning and Administrative Hearings)
6 TO LICENSE APPLICATION NUMBER : ADO 23-06	6 FLAVIA FAVALI (Homeowner)
7 151423 - FLAVIA FAVALI :	7 CARRI BENNET (Public)
8x	8 ALEX FINKEL (Public)
9	9 DAN CHAPPELL (Public)
10	10 DAVID GOODFRIEND (Public)
11	11 KENNETH MACK (Public)
12	12
13 PUBLIC HEARING	13
14 BEFORE LYNN HANNAN, HEARING EXAMINER	14
15 Conducted Virtually	15
16 Thursday, July 27th, 2023	16
17 9:47 a.m. EST	17
18	18
19	19
20	20
21	21
22	22
23 Job No.: 499012	23 24
24 Pages: 1 - 83 25 Recorded By: Andrew D. Stromberg	25
25 Recorded by, Mildrew D. Scholberg	
	4
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7	7 By Mr. Goodfriend 30
8	8 By Ms. Flavia 37
9	9
10	10
11	11 EXHIBITS
12	12 (None marked)
13 Pursuant to Agreement, before Andrew D.	13
14 Stromberg, Court Reporter.	14
15	15
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5	7			
1 PROCEEDINGS	1 MR. FINKEL: Thank you.			
2 (Whereupon, the court reporter was duly	2 THE HEARING EXAMINER: All right, And			
3 sworn.)	3 any now, can I have the license Applicant			
4 THE REPORTER: All right. I am ready.	4 identify themselves for the record.			
5 THE HEARING EXAMINER: Okay. Well, I	5 MS. FAVALI: Flavia Favali.			
6 hate to repeat what I said. Earlier. I gave a	6 THE HEARING EXAMINER: Wait just a			
7 description of calling the case of ADU 2306,	7 second.			
8 objections to Leense Application Number 151423.	8 MS. FAVALI: Oh, I'm sorry.			
9 And we reviewed the constraints on using the Teams	9 THE HEARING EXAMINER: I see I see			
10 app, which is no chat, do not interrupt each other	10 Kenneth Mack raising his hand on the camera. Did			
11 because it garbles the testimony, and use the	11 you want to say something?			
12 raise your hand button, and I explained that the	MR. MACK: Oh. Well, did you want all			
13 appeal writes and suggested that whatever people	13 objectors who filed objection notices to identify			
14 need to say on the record should should be said	14 themselves? Because I filed one as well.			
15 here. I also explained that the hearing is	15 THE HEARING EXAMINER: Yes. So please			
16 informal, but with certain formalities, including	16 go ahead and state your name, address, and e-mail			
17 testimony under oath and subject to cross	17 address for the record.			
18 examination, and that the I'm sorry, the the	18 MR. MACK: My name is Kenneth Mack,			
19 cross examination is only questions.	19 that's K-E-N-N-E-T-H, last name Mack, M-A-C-K. My			
Now, will the objectors identify	20 address is 7708 Oldchester Road, and my e-mail			
21 themselves for the record, the people who filed an	21 address is kenneth.mack@gmail.com.			
22 objection? Mr. Chappell.	22 THE HEARING EXAMINER: Thank you. Is			
23 MR. CHAPPELL: Hi. Dan Chappell. I	23 there anyone else is there anyone else that			
24 live at	24 filed an objection?			
25 THE HEARING EXAMINER: Chappell. Sorry.	25 MS, JAITLY: Yes. I'm Georgia Jaitly,			
6	8			
1 MR. CHAPPELL: That's okay. I I live	1 J-A-I-L-T-Y. E-mail, jaitlyr@aol.com. Address,			
2 at 7707 Oldchester Road. E-mail address	2 7703 Oldchester Road, Bethesda 20817.			
3 dpchappell@gmail.com.	3 THE HEARING EXAMINER: Thank you.			
4 THE HEARING EXAMINER: Thank you. Ms.	4 Anyone else? Mr. Finkel, I see your hand raised.			
5 Bennet?	5 MR. FINKEL: Sorry. Lowering it.			
6 MS. BENNET: I'm Caressa Bennet,	6 THE HEARING EXAMINER: Okay, Thank you.			
7 C-A-R-E-S-S-A, Bennet, B-E-N-N-E-T, one T, and I	7 Anyone else? Ms			
8 live at 7705 Oldchester Road.	8 MS. BENNET: And I just I just wanted			
9 THE HEARING EXAMINER: And your e-mail?	9 to clarify for Georgia Jaitly. Georgia, I know			
10 MS. BENNET: My e-mail is	10 you filed a declaration, but did you also file an			
11 carri.bennet@wbd-us.com.	11 objection?			
12 THE HEARING EXAMINER: Thank you, Mr.	12 THE HEARING EXAMINER: No, this is not			
13 Finkel?	13 the time for that. This is			
14 MR. FINKEL: Hey, good morning. My name	14 MS. BENNET: I just I just don't want			
15 is Alex Finkel. I live at 7711 Oldchester Road.	15 the record to reflect something that's not			
16 My e-mail, I just put it on the chat. It's	16 correct, that's all.			
17 alexandrefinkel@gmail.com.	17 THE HEARING EXAMINER: And you can			
18 THE HEARING EXAMINER: Okay. Remember	18 correct it when you			
19 we're not going to use the chat	19 MS. BENNET: Okay.			
20 MR. FINKEL: Yeah, yeah. Sure.	20 THE HEARING EXAMINER: definitely			
21 THE HEARING EXAMINER: but it	21 testify.			
22 MR. FINKEL: Just for spelling it's	22 MS. BENNET: Okay.			
23 for spelling purposes.	23 THE HEARING EXAMINER: Okay? All right.			
24 THE HEARING EXAMINER: Yes. And you	24 With that, we will have we can start with Mr.			
25 said it on the record, so we're cool.	25 Finkel, as he was the first objector.			

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Ţ.	9	1	Tile to an O	11	
Ţ	Mr. Finkel, please raise your right	L	you like to say?		
2	hand,	2	MR. CHAPPELL: Similar to Mr. Finkel,		
3	Whereupon,	3	I've lived less time at the property. I I live		
4	ALEX FINKEL,	4	directly on the other side of 7709. I've I've		
5	being first duly sworn or affirmed to testify to	5	lived there for almost four years. In that time,		
6	the truth, the whole truth, and nothing but the	6	I I too, have not noticed the Applicant living		
7	truth, was examined and testified as follows:	7	at this property as her primary residence. I have		
8	THE HEARING EXAMINER: Okay. Go ahead.	8	noticed and spoken with and have relationships		
9	MR. FINKEL: So we so I I guess	1	with multiple tenants living at this property.		
	I'm speaking for myself. I mean, we we I	•	They come and go, sometimes after 30 days,		
	filed an objection. I've been a neighbor of of	•	sometimes after six months. It's really not a		
	Flavia's for 13 years. I live directly looking at	•	consistent cohort of residents living at this		
	her house to the left. I basically filed an		property. Currently, I estimate at least five		
	objection to the ADU because I think some of the	ı	different residents which living there.		
	pre-requirements of the ADU for the Applicant	15	•		
	required that the Applicant uses the that	:	license plates, but we've provided as an exhibit,		
17	residence as a primary residence for herself.	3	five different vehicles at the property. I don't		
18	· · · · · · · · · · · · · · · · · · ·	3	believe any of them belong to the Applicant. Some		
	there, Flavia has not used that residence at 7709		are out of state Florida tags that have been at		
	as her primary residence, and it has been used a		the property for greater than 60 days. We've also	• •	
21	rental property. And over the last, I would say,	21	submitted		
22	seven or eight years, she has compartmentalized	22			
23	that property into various little rooms'and has	23	said you're you're you've provided		
24	sublet rooms, or rent rooms, either for you	24	MR. CHAPPELL: It's it's within the		
25	know, through Airbnb or through apartments.com as	25	exhibits		
	10		Control of the State of the Sta	12	
1	a rental property. And I am very concerned about	1	THE HEARING EXAMINER: Okay.		
2	the intended use of the ADU, and I just want to	2	MR. CHAPPELL: in the case.		
3	make sure that, you know, it's it's being if	3	THE HEARING EXAMINER: I'm just I'm		
4	it's approved, that it's that it is utilized as	4	trying to share my screen.	;	
5	as as it has been portrayed on her on her	5	MR, CHAPPELL: Sure. Exhibit 7E.		
6	application.	6	THE HEARING EXAMINER: Okay.		
7	THE HEARING EXAMINER: Okay. I think I	7	MR. CHAPPELL: And so, may may I		
8	read somewhere that her driver's license states	8	proceed?		
9	that she lives in the apartment. Are you saying	9	THE HEARING EXAMINER: Yes.		
10	that that's not the case?	10	MR. CHAPPELL: We've also offered other	-	
11	MR. FINKEL: Yes, I am.		Exhibits, 7A through D. These are online rental		
12	THE HEARING EXAMINER: Okay, How can	12	postings rental postings.		
13	okay. Okay. Ms. Flavia, do you have any	13	THE HEARING EXAMINER: Now, what I'm		
	questions for Mr. Finkel?	14	showing you is just to make sure, this is		
15			this the Exhibit 7 that you're talking about?		
1	you.	16	MR. CHAPPELL: That is and this is a		
17	*	17	representation of the vehicles. In the first		
	like to go next? I see Mr. Chappell. Mr.	18	upper left, you can see, you know, there's		
	Chappell, please go please go ahead.	19	there's four vehicles in picture one behind the		
	Whereupon,		trees in the top left corner, and then just		
21	DAN CHAPPELL,		different angles. There's one parked against the		
1	being first duly sworn or affirmed to testify to		side of the house, the white van; two of the		
	the truth, the whole truth, and nothing but the		vehicles, the white car that you can kind of see		
	truth, was examined and testified as follows:		in the top left picture, but is represented in the		
24				ŧ	

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	13			15
1	the street.	1	THE HEARING EXAMINER: Okay.	
2	This is kind of an average day for	2	MR. CHAPPELL: So I I believe, you	
3	for this house, and since she rents out each room	3	know, if you continue reading in some of these	
4	and in this house, you already have five	4	other exhibits, you can see bedrooms have all	
5	residents living there, you know. If an ADU is	5	beds, dressers, desk, flat screens, you know,	
6	granted and can hold up to an additional two, you	6	provided. That does not strike me as a single	
7	know, parking certainly is already congested, not	7	rental. This is kind of a nightly kind of come	
8	only on the property, but along the street.	8	live here in, you know, a single bedroom, all	
9	Adding additional, there's no space for, you know,	9	THE HEARING EXAMINER: Okay.	
10	other vehicles, really, in the driveway, much less	10	MR. CHAPPELL: nicely appointed and	
11	the ones that are currently there. Now, I'm not	11	able to sublet. And again, Zillow, this is a	
12	saying that's reason alone to object to the ADU.	12	rental property. You have, you know, access	
13	What this picture is intended to help support is	13	you have notes that there are two two spaces	
14	that I don't believe the Applicant owns five	14	that are accessed for ADU, which are the two doors	
	vehicles, much less two out-of-state vehicles.		that you would see on the side of the property	
16			providing access to those units, would be my	
	There are side doors on the house to provide		suspicion.	
	access to the various dwellings within the primary	18		
	residence. The other	1	when you layer in these these online postings	
20			behind the Applicant for rental in this property,	
	know that that they provide access to the		you know, some note you pay one-fifth of the	
	residence?		utilities. One-fifth of the utilities implies	
23			you're renting one bedroom. You know, it's	
	great that's a great question. If you go into		what we're trying to establish here in a nutshell	
	the other Exhibits A through D, these are online	•	is this is not the Applicant's primary residence,	
23	14		to the to hot the rappitude of primary residences,	16
1	postings that were made by the Applicant for	1	despite what her driver's license states. Despite	
2	rental of this property. And if you kind of look	2	what her real estate tax bill states receiving the	
3	at them, the highlighted in yellow, month-to-month	•	homestead tax credit, this is not her primary	
4	leases, nightly or weekly can be negotiated,	1	residence.	
5	shared housing	5	THE HEARING EXAMINER: Oh	
6	THE HEARING EXAMINER: I see.	6	MR. CHAPPELL: So no no, it is	
7	MR. CHAPPELL: with all the amenities		not. Now, if you look, there are three other	
8	of a hotel room and a house. There's a history of		residents in the in the Applicant's name	
9	· ·		throughout Prince George's County and other	
10			counties. I do believe one of those is her	
	this is registered as an Airbnb?		primary residence and where she's staying, but I'm	
12			not a private investigator. All I can do is	
	one point it might have been, and that might've		present to you what I've been able to uncover as,	
	been prior to my time, but I I defer to my		you know, a neighbor and a citizen, and what I've	
	other objectors to provide testimony of that. I		observed in the comings and goings of the	
	I cannot speak to that.		property. And maybe one of her vehicles gets left	
			overnight there, but on a rare, rare occasion.	
17 18		18	And the issue we're having is is I	
1	3			
•	with the Applicant about that, and granted,		think granting an ADU, you know, would create more	
	**		issues. Some of the tenants have been very lovely	
	add. But she has said to me it was at one time an		that she's put in the property. Some have had	
1			issues, been been evicted. I imagine there's	
1			maybe some some court records of that, you	
	, <u>, , , , , , , , , , , , , , , , , , </u>		know, over the last few years. I don't have	
175	an Airbab for long term rentals	15	googge to that or haven't found any but the	

25 access to that, or haven't found any, but the

25 an Airbnb for long term rentals.

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17	19			
1 neighborhood and this is why you see so many	1 you have any does anyone have any questions?			
2 objectors on this this call, is we've had	2 Well, Ms. Flavia, let's start with you. Do you			
3 issues with these residents, with abandoned	3 have any questions of Mr. Chappell?			
4 vehicles on the streets, you know, with some very	4 MS. FAVALI: No, not at this time. I			
5 rough, you know, individuals that have been hard	5 will later though, if that's okay, when I do my			
6 to to live with. I do believe if the Applicant	6 rebuttal.			
7 had lived in the the primary residence and	7 THE HEARING EXAMINER: Well this is			
8 maybe had sublet some of the rooms while she was	8 this is this is your time.			
9 living there, we wouldn't the neighborhood	9 MS. FAVALI: So I present I thought I			
10 wouldn't have such an issue with this. But let me	10 could present and then and then okay. I			
11 pause there, I guess.	11 won't ask any questions right now. I'll wait for			
12 THE HEARING EXAMINER: Now, you said	12 all your evidence and I'll do it all at the same			
13 parking was difficult. Is there is there room	13 time. I think that's the easiest and fastest.			
14 for people to park on the street?	14 THE HEARING EXAMINER: So let me make			
15 MR. CHAPPELL: It depends on which	15 sure I understand what you're saying. You would			
16 resident is living at the apartment at the time.	16 prefer just to refute everything rather than ask			
17 Sometimes they have big moving trucks. They are	17 questions now? Because I'm offering the			
18 employed by moving companies, or they have	18 opportunity to have you challenge the accurate			
19 refrigerant-looking large vehicles, and we've had	19 question him on his statements, but if you'd			
20 instances where they've parked on the street for a	20 rather wait but what you're saying is you would			
	21 rather wait to to			
21 month at a time, just totally congesting the 22 street. And then if one of the other residents is				
	· ·			
23 parking opposite of it, on the other side of the	1			
24 street, you have a very narrow thoroughfare and it	24 ask questions when you testify; you can't.			
25 blocks visibility. We have small children that play	25 MS. FAVALI: That's fine. I I've			
18	20			
1 in the street right there. You know, they're not	been living with him for years. I don't have I			
2 unattended but it's I mean, you're really	2 don't have to ask any questions. Thanks so much.			
3 squeezing through multiple vehicles.	3 So that's okay.			
We've had incidents where, you know,	THE HEARING EXAMINER: Thank you. Okay.			
5 they drive big, you know, vans for their	5 All right. Who would next like to testify that is			
6 employment and the tires are slit and, you know,	6 now, the testimony isn't limited to the			
7 they stay abandoned on the street for a month. Or	7 objectors; anybody can testify. I notice there's			
8 one of her residents moved back to Africa and left	8 12 people on this call, but anybody can come in			
9 a vehicle abandoned on the street for an extended	9 and testify. It doesn't have to be somebody who			
10 period of time as well. It's you know, it's	10 filed a formal objection. Okay. So I see Ms.			
11 been it's been challenging. And my point is,	11 Bennet's hand up. Ms. Bennet, can you please			
12 not only is her driveway, despite being a	12 raise your right hand? You're ahead of me.			
13 circular driveway, it's not suited to accommodate	13 Whereupon,			
14 five vehicles. They squeeze in there so one's	14 CARRI BENNET,			
15 always parked on the street, at the minimum. And	15 being first duly sworn or affirmed to testify to			
16 if you grant the ADU, which can house up to two	16 the truth, the whole truth, and nothing but the			
17 additional adults, you're going to really	17 truth, was examined and testified as follows:			
18 exasperate the parking situation on the street.	18 THE HEARING EXAMINER: Would you mind			
19 Again, in my mind, that's not the primary	19 just lowering your hand so there. Thank you.			
20 objection, but it is a contributing factor to what	20 Okay. What would you like to say?			
21 we are discussing here today.	MS. BENNET: For the record, I just want			
22 THE HEARING EXAMINER: All right.	22 to note, I did file a declaration, but I'll just			
23 Anything else?	23 repeat what's in the declaration, and that is that			
24 MR, CHAPPELL: That is all.	24 I've lived at 7705 Oldchester Road, so I'm on the			
25 THE HEARING EXAMINER: Me Blavia do	125 other side of Mr. Channell. I've lived there for			

25 other side of Mr. Chappell. I've lived there for

25

THE HEARING EXAMINER: Ms. Flavia, do

21 23 raining and things like that. 26 years. It's my primary residence. I lived 2 there -- or moved in when Flavia's parents were THE HEARING EXAMINER: Right. Okay. 2 All right. Anything else you'd like to say? still alive and living in the house. MS. BENNET: No, not at this time. I have had dogs consistently, two dogs. 5 I've walked past the house probably, when I'm THE HEARING EXAMINER: Okay, Ms. -- is it Ms. Favali? Please forgive me if I've been 6 home, like, every -- almost every day -- I've calling you the wrong -- the way Teams has it, I'm never noted -- and at least in the last seven or 8 eight years, I don't -- I don't recall ever seeing not -- I wasn't sure whether your first name is 9 her live at the house. I don't see her -- like, Flavia, but your second name, your last name is 10 you see neighbors going in and out of the house, 10 Favali. 11 carrying groceries, bringing things in, that would 11 MS. FAVALI: It's Favali. It's an 12 indicate that you lived there. 12 anagram. Same as my first, as my second. Yes. We've had lots of issues with the 13 It took me 27 years to get that name back. Yes, 14 parking. One of the things that really worried me 14 ma'am. THE HEARING EXAMINER: Okay, I -- I 15 and scared me was around the time of the issues 15 16 that we had during the insurrection at the 16 apologize. It just showed up reversed on my 17 capitol, there were a lot of out-of-state 17 teams. Okay. Ms. Flavia, do you have any 18 questions, ma'am, or do you want to defer to just 18 vehicles, a lot of pickup trucks parked there with 19 out-of-state license plates. Knowing what was 19 testify? 20 going on at that point in time, I did notice some 20 MS. FAVALI: Correct. THE HEARING EXAMINER: Okay. Thank you, 21 21 people that my -- it raised my radar up about who 22 then Ms. Bennet, you can be excused or you can 22 are these people; they haven't been here; I 23 haven't seen all of these vehicles. And maybe 23 hang around, whatever you wish. Do I have the 24 next person that wishes to testify to support, to 24 it's just the fear of what happened on January 6th 25 oppose the license issuance? Okay. I'm seeing --25 that was playing into my concerns, but it really 24 1 just a second. I see Mr. Mack. Mr. Mack, please 1 bothered me and I started talking -raise your right hand. Dan had recently moved in and we had Whereupon, 3 started talking about it, and I started learning 4 some things from him, and from some of the other 4 KENNETH MACK, being first duly sworn or affirmed to testify to 5 neighbors, and it really got my guard up. I avoid 5 the truth, the whole truth, and nothing but the 6 walking past there a lot of times unless it's truth, was examined and testified as follows: 7 broad daylight. I don't like the rock paths there 8 during the evenings because I just don't know what 8 THE HEARING EXAMINER: Mr. Mack, I apologize. Can you repeat your e-mail address? 9 kind of people I'll run into. So that's --- that's MR. MACK: Sure. It's Kenneth, 10 all I have. 10 THE HEARING EXAMINER: I'm just taking 11 K-E-N-N-E-T-H, dot, Mack, M-A-C-K, @gmail.com. THE HEARING EXAMINER: Thank you. Okay. 12 notes. Do you mind -- I know I asked you your 13 e-mail address, but do you mind repeating it? 13 What would you like to say? MS, BENNET: Yes. It's Carri, MR. MACK: Well, I don't need to repeat 15 C-A-R-R-I, dot, Bennet, B-E-N-N-E-T at wbd-us.com. 15 what everybody else has already said. I agree 16 with what everyone else has already said. I'll 16 THE HEARING EXAMINER: wbd.us or --17 just add that I live directly across the street 17 MS. BENNET: No; dash us.com. 18 from 7709. My address is 7708 Oldchester Road; THE HEARING EXAMINER: Okay. Thank you. 19 Now, you said you walk -- how many times a day do 19 I've lived here for over eight years. So my 20 office actually looks out directly at the front of 20 you walk past the house? 21 7709, so I have good and continuous view of the MS. BENNET: It -- it would be probably, 22 comings and goings. And I have also had, over the 22 on average, once -- like, I'll say -- because I --23, years, opportunities to speak with Ms. Favali and 23 I do travel for work quite a bit. I'd say, on 24 various tenants as they've come and gone. It's 24 average -- I'll lets just say call it twice a week 25 absolutely clear that Ms. Favali does not live at 25 when -- when I'm home. I don't, though, when it's

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Transcript of Hearing Conducted on July 27, 2023

1 I assume she has come by more often than not to the residence and that it is rented to multiple check on things; I don't know, but I have not seen 2 tenants with significant turnover. 3 her. And that there have been significant And I, again, I sit here in my office issues about parking at one time. I'm just giving this as one example. There was a large truck. It right now. I'm looking at the house as we speak. So it's -- it's directly in front, and so I -- my 6 was an over-sized truck. Because I recall looking point being that I have a very clear view of the up on the regulations, the maximum size truck that house. So one is that I don't see her coming and 8 could park on a residential street overnight, and 9 going; and the second reason is that, over the 9 it was over that size, and it was parked partly on 10 years, I've had the opportunity to speak with her 10 -- you know, blocking my view. 11 and to speak with her tenants. In every In other words, it was not on 7709 side 11 12 conversation, it's been absolutely evident that 12 of the street, but in front of our house, 13 she is not one of the many residents who live in 13 partially. And I raised this with Ms. Favali, and 14 that house. 14 as I recall -- this is just my memory, that she THE HEARING EXAMINER: Why is it 15 15 said that that that particular tenant had stopped 16 evident? Why is it evident? 16 paying his rent and that she had moved to evict MR. MACK: Well, I mean, for one -- I 17 them. And eventually, you know, after a number of 17 18 remember once one of the tenants invited me in to 18 weeks, maybe -- maybe longer -- I can't recall 19 have a chat and so forth, and we were talking 19 exactly how long that the truck was finally 20 about the various tenants who do live in the 20 removed. 21 house, and we all know that she's not one. So it But it's that constant thing. There was 22 didn't come up. He didn't say -- he didn't look 22 a pick up truck, I remember, in front of her 23 me in the eye and say, and you know she doesn't 23 house. The tires were slashed or they were flat 24 live here. Of course she doesn't live here. 24 for some reason, you know, some reason. I guess 25 She's not -- it's -- it would have been completely 25 they were slashed. I'm not sure the cause of 1 inconsistent with the whole nature of the 1 that. But it's -- it's pretty dense and congested discussions for her, oh, by the way, she too lives 2 at times, and so there's that concern. But, 2 3 here. again, I agree the main issue is the technical issue of primary residence. It's -- it's 4 And similarly, in my discussions with Flavia, the discussions have been also with the obviously not a primary residence. assumption. She never said to me, you know, I THE HEARING EXAMINER: Well, you say 7 it's absolutely clear and it's obvious, but, right don't live in this house. I mean, it was obvious. 8 now, I need you to explain to me why it's obvious It would have been bizarre for her even to say such a thing. The whole nature of the discussion 9 10 was about how many tenants she had, how it's MR. MACK: Sure. 10 THE HEARING EXAMINER: -- so I can make 12 -- I have to make a factual finding as to whether 13 she lives there, and I have to say what are your 14 reasons for saying that. 15 there. It was implicit ---15 MR. MACK: Okay. I have two main 16 16 reasons for saying that. One is because I rarely 17 ever see her here and I have a pretty continuous 17 18 --

MR. MACK: I have not seen Flavia at the 22 -- I have not seen her in the house, coming by the 23 house. And that's just me. It may be that she 24 was there, you know, at a time I didn't see, but I 25 have not seen her there in months personally. And

19

20 Can you define rarely?

THE HEARING EXAMINER: Define rarely.

11 difficult to find tenants, how much she charges 12 the tenants, and so on and so forth. So it's just 13 completely outside of the scope for it to have 14 even come up that -- of whether or not she lived THE HEARING EXAMINER: Right. MR. MACK: -- that she did not, so no 18 one would have had to have said such a thing. 19 THE HEARING EXAMINER: I understand. MR, CHAPPELL: May I testify next? 20 21 MR. MACK: In a similar --THE HEARING EXAMINER: Just a second. 22 23 Mr. Mack, is there anything else that you would 24 like to add to what you've said? And take your 25 time. We have time.

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Transcript of Hearing Conducted on July 27, 2023

29 MR, MACK: I guess I don't have more to 2 say. I do have some questions about 3 landlord-tenant zoning rules in -- in this area, which go somewhat outside of the scope of today's particular issue. But, you know, it's -- it's obviously on the back of my mind, and perhaps other people's minds, is this whole regime of 8 renting out a house on this street with many 9 families/tenants, in a single house, is that -- is 10 that okay here under the laws, and would you need 11 -- if so, would you need a license for that? But 12 -- I don't want to distract from the main issue, 13 but that obviously is a question that's very -- in 14 my mind. Is the fundamental regime here legal to 15 begin with? What's going on? THE HEARING EXAMINER: Understood. And 17 those would be questions for DHCA, and I suggest 18 that you feel free to meet with DHCA and -- so you 19 can understand the juxtaposition between what's 20 legal and what isn't. Okay. Ms. Favali ---21 Favali, any questions of Mr. Mack, or do you wish 22 to defer to your own testimony? MS. FAVALI: Thank you. I'll defer to 24 my own testimony. Appreciate you. THE HEARING EXAMINER: Thank you. I see 25 1 a hand up from Mr. Chappell, and -- was there 2 anyone else who wanted to -- I heard a voice, but I wasn't sure it was Mr. Chappell. MR. GOODFRIEND: I'm sorry. That was --that was me. It's David Goodfriend, and I have to drop off at 10:30, so I was --6

Favali lives at the address in question. I just want to supplement that with an additional --THE HEARING EXAMINER: So you adopt your statement as your own testimony here? MR, GOODFRIEND: Correct. THE HEARING EXAMINER: Okay. What do you want to add to that? MR, GOODFRIEND: About three years ago -- so this was prior to the pandemic -- one of the 10 renters at 7709 Oldchester spoke with me at the 11 foot of my driveway and said that he was having 12 trouble in the house, and having trouble getting 13 Flavia over to the house to deal with it, which 14 would indicate to me that, at least at that time, 15 Ms. Favali was not living at the house. If she 16 were living at the house, it would have been very 17 easy for the renter to find her; end of statement. The only other thing I want to add for 18 19 your, sort of, general understanding of our 20 neighborhood, is that the people before you don't 21 run around protesting the renting-out of houses on 22 our street. In fact, the house right across the 23 street from me, and next door to Mr. Mack, is 24 owned by the Bowen family, but rented out to a 25 different family. We have no problem with that. 32

THE HEARING EXAMINER: Okay. We'll go ahead with you, and please -- did you state --9 well, did you state your -- well, we'll swear you 10 in. Do you -- raise your right hand. 11 Whereupon, DAVID GOODFRIEND, 13 being first duly sworn or affirmed to testify to 14 the truth, the whole truth, and nothing but the

15 truth, was examined and testified as follows:

THE HEARING EXAMINER: Now, did you

17 state -- have you -- please state your name,

18 address, and e-mail address for the record.

MR, GOODFRIEND: My name is David

20 Goodfriend. My e-mail address is

21 David@dcgoodfriend.com. My residence is 7713

22 Oldchester Road, Bethesda, Maryland 20817. I live

23 next door to Mr. Finkel, and my testimony is as

24 follows: I've already submitted a declaration

25 establishing facts that go to whether or not Ms.

They're good neighbors. They are renters, but that's very distinguishable from a multi-unit, short-term rental property on our street. So I don't want --

THE HEARING EXAMINER: Why do you say short-term?

MR. GOODFRIEND: For the same reasons that Mr. Chappell pointed out. Daily rentals, weekly rentals, monthly rentals of individual

10 homes within the house.

11 THE HEARING EXAMINER: Rooms, you mean.

12 Individual rooms?

MR. GOODFRIEND: Yes. What did I say? 13

14 Yes. Individual rooms. Sorry. Individual rooms

15 within the house. That's distinguishable from a

16 monthly or annual lease agreement for an entire

17 house on the street to use as a primary residence.

18 And nobody on this Zoom call has ever objected to

19 the latter. It happens on our street; it's fine.

20 But the -- again, the central question before you

21 is whether or not Ms. Favali is a resident of the

22 property. And I just want to refer you back to my

23 declaration statement that, in my observation, she

24 is not, and -- and I apologize for having to

25 leave, though.

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35 first one to be sworn in. THE HEARING EXAMINER: No, that's fine. 2 THE HEARING EXAMINER: Just checking. Ms. -- Ms. Favali, do you have any questions now? And can you give me -- this -- the recording did MS, FAVALI: No. I'll defer them -not work. Can you give me your e-mail address thank you so much -- for my -- to my testimony. I'm sorry. I'll say everything in my testimony, again? MR. FINKEL: Yeah. It's Alexandre, 6 yes. A-L-E-X-A-N-D-R-E, finkel@gmail.com. THE HEARING EXAMINER: Okay. Mr. THE HEARING EXAMINER: One word? Goodfriend, you may be excused. Okay. Now, is 8 9 there anyone else that wishes -- what I'm looking MR. FINKEL: Yes, ma'am. THE HEARING EXAMINER: No dot? 10 10 for -- or this is your chance to say why the 11 primary objection here is that Mrs. Favali doesn't MR, FINKEL: No dot. 11 12 live -- or Ms. Favali doesn't live here. Is there 12 THE HEARING EXAMINER: Okay. Thank you. 13 anyone else that wants to speak to that, or to add 13 MR, FINKEL: Thank you. THE HEARING EXAMINER: Okay. I see Mr. 14 anything to what they've already said? I have Mr. 14 15 Chappell's hand up. 15 Finkel's hand raised. Mr. Finkel, you're still 16 MR. CHAPPELL: Yes. 16 under oath. I think you're muted. THE HEARING EXAMINER: Mr. Chappell, did 17 MR. FINKEL: It happens at every Team's 17 18 you want to add something? 18 call. So I guess I -- I -- I hit the jackpot. MR. CHAPPELL: I just want to reiterate, 19 What I was going to say is, just for some further 20 I too have had conversations with residents. 20 evidence, that Ms. Favali does not reside in the 21 They've shown up at my property. Some in tears. 21 property and it is not her primary residence. 22 You know, this was 2020 and '21. People coming in 22 I've had several instances of -- of short-term 23 renters coming to my front door at night when they 23 from out of state to provide medical services 24 during COVID to the hospitals. They would -- they 24 show up to the property asking me for keys to her 25 would show up at my doorstep crying, asking for 25 house because the homeowner is not present. I've 34 36 1 cleaning supplies based on the condition of the 1 had people show up at 9:00, 9:30. Like Miss Carri home, and the bathrooms were unlivable, 2 [sic], I -- I do -- Ms. Bennet. I do travel. I unsanitary. They would not come to me if the 3 have small kids. It's extremely transient. It's -- it's -- it's just something that I -- . Applicant lived at the property; they would go knock on her bedroom door and say, you know, your You know, I'm -- I am -- I am extremely bathroom is unsanitary, or the house is not what 6 concerned about the intended use of the ADU based you said online when I rented it from you. 7 on what I've seen for that property for the last 8 13 years. I've lived there 13 years. I have I have had personal conversations with the Applicant who has said this is not her primary 9 never seen Ms. Favali spend the night at the 10 residence to me, that she needs it for the rental 10 property, ever. I know what car she drives. She 11 comes up, does some gardening, clears some trees, 11 income. I don't take issue with that. I don't 12 take issue, as -- as Mr. Goodfriend said, with 12 does some stuff, and leaves. I don't know how 13 homes being rented. That is -- everyone needs a 13 else to prove to you that she does not live in the 14 place to live, and that is her business in her 14 property. She has never stayed overnight in that 15 property in the 13 years that I've been her 15 home. I just take issue with -- you know, with --16 next-door neighbor. 16 with the exhibits we've provided with the vehicles THE HEARING EXAMINER: I'm just taking 17 and the online postings to rent out rooms. 17 The conversations we have each, in this 18 notes. That's -- that's the delay. 18 19 neighborhood, had with the residents and with the MR. FINKEL: No problem. 19 20 Applicant, it's -- it's -- it's all indicative THE HEARING EXAMINER: Okay. Anything 20 21 that she does not, in fact, live there. And, 21 else? 22 hopefully, it's -- it's sufficient evidence to --22 MR. FINKEL: Nothing for me. Thank you. 23 to call into question whether this is her primary THE HEARING EXAMINER: Mr. -- Mr. 23 24 residence, along with the, you know, other 24 Finkel, were you sworn in before?

25

MR. FINKEL: I was. Yeah, I was the

25 addresses that are -- that are in her name.

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37
                                                                                                                          39
         THE HEARING EXAMINER: Okay. Thank you.
                                                                 1 house before I was renting rooms, before I -- I
   Any questions, Ms. Favali?
                                                                    did have a license at the time to rent rooms; I
                                                                    did not have anything rented. I was trying to
3
         MS. FAVALI: No, ma'am.
                                                                3
                                                                    figure out my strategy for the house because, you
         THE HEARING EXAMINER: Okay. Is there
4
   anyone else that would like to testify that is --
                                                                    know, I'm a single mom with six kids, and a
                                                                    teacher. And at that point --.
   opposes the issuance of this license? Okay.
                                                                          Now, DHA -- and I know I'm on phone, but
   Hearing none, Ms. Favali, this is -- do you mind
                                                                    DH -- when I got my landlord license signed, they
   giving me your e-mail address again?
         MS. FAVALI: Yes. Flavia, F-L-A-V-I-A,
                                                                    had this wonderful landlord-tenant handbook which
                                                                 10 you're supposed to have in your house, which I do,
10 4222@comcast.net.
                                                                 11 because people do pay one-fifth of the utilities,
         THE HEARING EXAMINER: I'm sorry,
11
                                                                 12 because I have five people living in there. So
12 F-L-A-V-I-A4222?
                                                                 13 for the first few years, I was not the -- it was
         MS. FAVALI: 4 -- 2 -- three 2s,
                                                                 14 not my primary residence. I had a primary
14 4222@comcast.net.
                                                                15 residence. Alexandre, I had the primary residence
15 Whereupon,
             FLAVIA FAVALI,
                                                                16 -- funny story -- over at 6412 40th Avenue, and
                                                                 17 then ---
17 being first duly sworn or affirmed to testify to
                                                                          THE HEARING EXAMINER: Ms. Favali, I'm
18 the truth, the whole truth, and nothing but the
                                                                18
19 truth, was examined and testified as follows:
                                                                 19 sorry to interrupt. Can you slow down a little
                                                                 20 because I'm having -- I take notes while you're
20
         THE HEARING EXAMINER: Thank you. Okay.
                                                                21 talking, and I'm having trouble keeping -- keeping
21 What -- what do you have to say?
         MS. FAVALI: I'll -- I'll go from -- I
                                                                22 up.
22
                                                                          MS, FAVALI: Okay. So -- so it wasn't
23 guess I should go from top to -- I was taking
                                                                23
                                                                24 my primary residence when I bought it. Before I
24 notes. I can go from top to bottom, or from
25 bottom to top. I'll go from top to bottom, right,
                                                                25 bought it, I purchased a room rental license. And
                                                         38
                                                                                                                          40
                                                                 1 it's very explicit on page -- on DHCA Page 47 --
1 notes from the meeting.
                                                                   46. How many single people may occupy one rental
         THE HEARING EXAMINER: Okay; you can go.
                                                                    property? Up to five single unrelated people may
  I don't know what order you're --
                                                                   live together as a housekeeping unit, sharing one
         MS, FAVALI: Okay then, Okay, So Mr.
5 Finkel's objection: So, yes, we've been neighbors
                                                                   kitchen if a landlord does not live on the
                                                                   property -- I didn't for a while. Up to four
  for 13 years, Mr. Finkel, and when you came in the
                                                                   unrelated -- oh five. Okay, five. So if I live
  -- so this is for every -- I'm going to try to
8 take everybody's answer at the same time. So
                                                                   on the property, there's five; if I don't live on
                                                                   it, it's four. I do everybody month-to-month
9 before you broke ground, Mr. Finkel, you and Larry
                                                                10 because, like the box truck, when -- not you, Mr.
10 Cafritz, your builder, came over, knocked on my
                                                                11 Mack -- but when Eileen called me and apprised me,
11 door. It was not my principal residence. I
                                                                12 I was there. She was pissed off -- excuse me.
12 didn't even own the residence; my dad owned the
13 residence. He was still living. He was in his
                                                                13 She was mad at the truck. I gave him his 30-day
                                                                14 notice. I thought that was very easy to do, same
14 90s. My mom had just passed. She was in her 90s.
                                                                15 with everybody who -- and it was a street that the
15 And you asked to rent or to have -- how much of a
                                                                16 police wouldn't do ---
16 charge for water and electric? I said, Take all
17 you want. I said, The boy walking down the street
                                                                17
                                                                         THE HEARING EXAMINER: Can you just slow
                                                                18 down and take a deep breath?
18 will be living in this house long after I'm gone,
19 and that was Caleb John Mskitis, my son.
                                                                19
                                                                         MS. FAVALI: I'm sorry. Yes. Yes. I'm
                                                                20 sorry.
         So I apprised you that I was going to
                                                                         THE HEARING EXAMINER: No; I just -- I
21 try to buy the house, if I could. I paid a lot
22 more for you -- for a townhouse house than you
                                                                22 want to make sure I understand what you're saying.
23 did, so I knew I -- I was only a teacher. I knew
                                                                23 I can't write as fast as you're talking. Thank
24 I was going to have to rent rooms. Then you built
                                                                24 you.
```

25

25 your house. Larry was awesome. He came into my

MS. FAVALI: So I bought the house. I

1 bought it with— 2 THE HEARING EXAMINER: I didn't hear 3 that. Hold—just— 4 MS, FAVALI: Before I purchased the 5 house, I bought a room rental license to carry 6 over when I did buy and I rented rooms. The— 7 Alex's builder, Mr. Cafritz, came over and showed 8 mo—because my parents were in their 90s. At 9 that point, I knew I had bad bones. I didn't know 10 they were as bad as they are now, but they were. 11 Inceded some help. So I asked Mr. Cafritz how I 12 could design it for an ADU in the house, and he 13 showed me where to put the levlator in, the stops. 14 Like, Alex, you have your pantry and your closet 15 upstairs, you can knock that out for an elevator 16 if you need one. Larry showed me where to put the 17 stops on so I could go up to your size, 35 feet, 18 and put an upstairs in. So that is my plan B. It 19 would hook ugly, but that's where my—when I 20 bought the house, that was my goal. 21 Unless I was scooped up and moved out 22 with Prince Charming, I'm—I thought I was 23 always allowed to rent rooms. I've had a license 24 for—since I bought the house. I pay my 25 landlord license fee. And everybody's 30 days, 1 and I—because, that way, I can move them out. 2 Yes, I do have—every one has a TV, 6 if they want one. Some people don't like IV, like 7 me. Everybody has a bed, and a desk, and I often 2 was Ray. He built the house—everyone has a TV, 6 if they want one. Some people don't like IV, like 7 me. Everybody has a bed, and a desk, and I often 2 was Ray. He built the house are everyone has a TV, 6 if they want one. Some people don't like IV, like 7 me. Everybody has a bed, and a desk, and I often 8 was Ray. He built the house are everyone has a TV, 6 if they want one on Crugislist, and I —so I don't know 10 how if got there. And if I rent the whole house 11 hence the past is inches the last 10 — 11 Hence Thank you. 12 the least I have the mout. 13 THE HEARNO EXAMINER: When —when was 14 valley Noving and Relab. I then was going to— 12 had external fixators on, so I couldn't readly 23 mobilize, and	_	Conducted Or	1	27, 2010	42
2 THE HEARING EXAMINER: I didn't hear 3 that. Hold – just – 4 MS. FAVALI: February 22.1 was at Camp 5 house, I bought a room rental license to carry 6 over when I did buy and I rented rooms. The – 7 Alex's builder, Mr. Cafritz, came over and showed 8 me – because my parents were in their 90s. At 9 that point, I knew I had ab domes. I didn't know 10 they were as bad as they are now, but they were. 11 I needed some help. So I asked Mr. Cafritz how I 12 could design it for an ADI in the house, and he 13 showed me where to put the elevator in, the stops. 14 Like, Alex, you have your partry and your closet 15 upstatis, you can knock that out for an elevator 16 if you need one. Larry showed me where to put the 17 stops on so I could go up to your size, 35 feet, 18 and put an upstatis in. So that is my plan B. It 19 would look ugly, but that's where my – when I 20 bought the house, Lital was my goal. 21 Unless I was scooped up and moved out 22 with Prince Charming, I'm. – I thought I was 23 always allowed to rent rooms. Tve had a ficense 24 for – since I bought the house. I pay my 25 landlord license fee. And everybody's 30 days, 14 and II— because, that way, I can move them out. 27 vest, I do have — every room is — and if you look 30 on my Facebook page — I've never changed it since 4 the day I put up a house that Ray built; my dad 5 was Ray. It built the house has a TV, 6 if they want one. Some people don't like TV, like 7 me. Everybody has a bed, and a desk, and I often 8 change the beds. So yes, I do rent rooms 9 month-to-month. 10 Now, when Mr. Calhoun apprised me that 11 they were coming out with legislation for Airbnb, 12 Kickled them all — I didn't do Airbnb anymore. 13 So — to answer the question, so — hang on. So, 14 yes, it's an apartment. I never put it on 15 Apartment.com; I don't know how it got there. 16 only rent on Craigslist, and I — so I don't know 17 how it got there. And if I rent the whole house 18 on Zillow, Zillow has apprised me that it's \$6,000 19 a room rontal — for a house rental, and Thu	1	41		collarbanes Throke one of my collarbanes Twee	43
3 that. Hold—just— 4 MS. FAVALI: Before I purchased the 5 house, I bought a room rental license to carry 6 over when I did buy and I rented rooms. The— 7 Alex's builder, Mr. Cafritz, came over and showed 8 me—because my parents were in their 90s. At 9 that point, I knew I had bad bones. I didn't know 10 they were as bad as they are now, but they were. 11 I needed some help. So I saked Mr. Cafritz how I 12 could design it for an ADU in the house, and he is showed me where to put the elevator in, the stops. 14 Like, Alex, you have your pantry and your closet 15 upstairs, you can knock that out for an elevator 16 if you need one. Larry showed me where to put the 17 stops on so I could go up to your size, 35 feet, 18 and put an upstairs in. So that is my plant B. It 9 would look ugly, but that's where my — when I 20 bought the house, that was my goal. 21 Unless I was secoped up and moved out 22 with Prince Charming, I'm — I thought I was always allowed to rent rooms. I've had at license 24 for — since I bought the house. I pay my 25 landlord license fee. And everybody's 30 days, 21 and I — becamse, that way, I can move them out. 2 Yes, I do have — every room is — and if you look 3 on my Facebook page — I've never changed it since 4 the day I put up a house that Ray built; my dad 5 was Ray. It built the house — everyone has a TV, 6 if they want one. Some people don't like TV, like 7 me. Everybody has a bed, and a desk, and I often 8 was Ray. It built the house had a license 2 the first was also and a desk, and I often 18 feep to month-to-month. 10 Now, when Mr. Calhoun apprised me that 11 they were coming out with legislation for Airbub, 21 kickled them all — I didn't do Airbub anymore. 3 so — to answer that question, so — hang on. So, 14 yes, it's an apartment. I never put it on 15 Apartment.com; I don't know how it got three. 1 for a house rental, and Tho only will all and the lact comersation I had. — 17 HB HEARING EXAMINER: When — when was 11 till they were coming out with legislation for Airbub, 21 kickled them	1			· · · · · · · · · · · · · · · · · · ·	
4 MS. FAVALI: Before I purchased the 5 house, I hought a room rental license to carry 6 over when I did buy and I rented rooms. The - 7 Alex's builder, Mr. Cafritz, came over and showed 8 me because my parents were in their 90s. At 9 that point, I knew I had bad bones. I didn't know 10 they were as bad as they are now, but they were. 11 I needed some help. So I saked Mr. Cafritz how I 12 could design it for an ADU in the house, and he 13 showed me where to put the elevator in, the stops. 14 Like, Alex, you have your pantry and your closet 15 upstairs, you can knock that out for an elevator 16 if you need one. Larry showed me where to put the 17 stops on so I could go up to your size, 35 feet, 18 and put an upstairs in. So that is my plan B. It 19 would look ugly, but that's where my - when I 20 bought the house, that was my goal. 21 Unless I was scooped up and moved out 22 with Prince Charming, I'm - I thought I was 23 always allowed to rent rooms. I've heat a license 24 for - since I bought the house. I pay my 25 landford license fee. And everybody's 30 days. 42 1 and I - because, that way, I can move them out. 2 Yes, I do have - every room is - and if you look 3 on my Facebook page I've never changed it since 4 the day I put up a house that Ray built; my dad 5 was Ray. He built the house - everyone has a TV, 6 if they want one. Some people don't like TV, like 10 Now, when Mr. Calloun apprised me that 11 they were coming out with legislation for Airbnb, 12 I kicked them all I didn't do Airbnb anymore. 13 So to answer that question, so - hang on. So, 14 yes, it's an apartment. I never put it on 15 Apartment.com; I don't know how it got there. I 16 only rent on Craigalist, and I so I don't know 17 how it got there. And if I rent the whole house 18 on Zillow, Zillow has apprised me that it's \$6,000 19 a room rental for a house creatal, and I'm only 19 Coss Hoaylia. 20 Addicted to Dilaudid. I then went to Potomae 21 Ms. FAVALI: For six months, I had not 22 Thad external fixators on, so I coul	1				
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		getting \$4,000. So, actually, putting it on a	20	THE HEARING EXAMINER: When were you	•
21 whole house sounds like a very nice plan. 21 no. When were you hospitalized?	21				
Okay. So the Florida tags. That's Jeff 22 MS. FAVALI: February 22nd.				•	
23 South. He's lived there for three years. He's 23 THE HEARING EXAMINER: Okay.		·	1	•	
24 the head IT guy at Walter Reed. Interesting story 24 MS. FAVALI: So, the last six months			,		
25 of life. Two weeks before he broke two of his 25 Ken is right, except I did have a thank you party	25		<u>. </u>		

45 47 Friday -- and I stayed there -- for all the people you this. Where's your toothbrush? that helped me the last six months. I couldn't MS. FAVALI: I have a toothbrush in my 3 get food. I couldn't drive. I couldn't do car. I have a toothbrush everywhere. I have a toothbrush at Oldchester. If you open up the -anything. I was desperate. THE HEARING EXAMINER: Well, where you in my room, if you open up the drawer, I have a toothbrush. during this time? 6 THE HEARING EXAMINER: Which room is MS. FAVALI: I started with Holy Cross. 8 8 I went there by gurney. I then went by gurney to yours? 9 Potomac Valley Nursing and Rehab; I then went to MS. FAVALI: I have the one to the far 10 right. You walk up the stairs -- so, my house, as 10 one of my kids' houses; and then I finally got the 11 you walk up -- so, my house, as you walk up the 11 approval with Dr. Cooper to start driving again. 12 stairs, there's three rooms, the room to the 12 I'm now in physical therapy, so I should be fine. 13 right, the room to the middle, and the room to the 13 I have eight more weeks of physical therapy. THE HEARING EXAMINER: Where are you 14 left. The room to the right has my clothes, has 15 my toothbrush in that house. Every -- every place 15 right now? MS. FAVALI: Right now, I'm at my office 16 I have has a toothbrush. I brush my teeth a lot 17 at 4222 Kennedy Street; that's in Hyattsville, 17 too. And my son -- and why I do so many 18 properties is my son, who I have a toothbrush in 18 20781, and I'm leaving in about two hours to go to 19 South Carolina for about a week. I'm building 19 his house, he needs to get -- at Home Depot -- his 20 manufactured homes there. 20 wisdom teeth out, and he doesn't have enough money 21 for the -- dental is so bad, he has to get ---THE HEARING EXAMINER: Well, I guess the 22 question here is have you been living at the 22 anyway, that's a long -- I need not elaborate. 23 But, yes, I have a toothbrush a lot of places, and 23 house? 24 I have a toothbrush at my gym. 24 MS. FAVALI: Not for the past six 25 months. I have not spent one night there, no. I 25 THE HEARING EXAMINER: Okav. 46 48 1 couldn't get into -- I couldn't get -- I couldn't MS. FAVALI: I did have my permanent 2 even get a wheelchair -residence, my principal residence at 6412 until I then moved, several years ago, to Bethesda. I THE HEARING EXAMINER: Just stop. Just 4 stop. Stop, because we want to hear what you say, then -- the last time I talked to John -- Don and we can't do it if you go too fast. So, what [sic] Chappell was over four years ago, when I replaced my left ankle. I was then suggesting -about before six months; were you living at the 7 house? I just did a --- a living --- what was it called --8 MS. FAVALI: Well, I'm very blessed. an accessibility and a livability, where you can access -- you can actually get into your house. I 9 I'm over 70, and I've retired from teaching, and 10 have ramps. I got the -- the -- I got -- I did 10 so, now, I travel extensively. So, the two weeks 11 ramps. I did everything proper, not understanding 11 before I broke my collarbone, I was sailing in the 12 San Juan -- no, that's going in August -- I was 12 that this last accident would so impact me, I 13 sailing in the Sea of Cortez, totally away from 13 would not even be able to get into my bedroom. I 14 just got off the cast a month ago for the -- yes. 14 cell phone reception. 15 I'm going back to tutoring come this September and THE HEARING EXAMINER: Okay. So, that's 15 16 being the librarian at a little school, volunteer. 16 two weeks before you broke your --THE HEARING EXAMINER: Okay. Why do you MS. FAVALI: San Juan. 17 17 THE HEARING EXAMINER: -- collarbone. 18 need the ADU if you already have it rented out? 18 19 What about before that? MS. FAVALI: The AD [sic] or my bedroom? 20 My bedroom is not rented. I -- I rent four MS. FAVALI: This time last year, this 21 exact time last year, I was in Sicily, Catania. I 21 bedrooms. So, the last -- the four people that 22 was sailing for about a month with some friends. 22 are in the bedroom --23 I'm leaving to go to San Juan the end of August. THE HEARING EXAMINER: No, no, no, no, 24 no, no. No; an ADU is a separate dwelling unit. 24 I'm going to Egypt for the month of October.

25

THE HEARING EXAMINER: Well, let me ask

25

MS. FAVALI: Because when I had my ankle

49 51 replaced four years ago, my left ankle replaced, Bethesda Cares' veterans at one point. I got -- I there's so much arthritis -- says -- says Dr. -- that didn't work. So, you're right. Veterans have a lot of PTSD. My son is a veteran. Yes, I Cooper at Georgetown, there's so much arthritis that he can't do any more surgeries, so he know. My dad was a veteran; okay? I never did replaced the ankle with titanium. I set it off at register it as an Airbnb when -- when I was apprised that I had to. I just got rid of the every airport. I fell on my right ankle this Airbnb. I do monthly because I think monthly is time. the easiest for me as a homeowner. If I don't So, like, an example, Jeff, he lives at 9 the house. He broke two of his collarbones. He's like somebody or if somebody doesn't like me, they 10 can -- after 30 days, they can terminate. 10 back riding his bicycle. You see him a lot; the 11 guy is riding his bicycle. I can't even get on a Everybody has one-fifth. I like to have 11 12 bicycle. My collarbone is not -- see, my 12 one-fifth because we're a family; right? 13 collarbone has not even healed, and that was --13 Everybody uses the electricity. If somebody wants 14 it 30 degrees and somebody wants it 80 degrees, we 14 no, I can't -- February 22nd. So, my bones don't 15 have to agree. Everybody pays one-fifth. No one 15 heal. So, the AD was going to be -- the counters 16 were lower; the plugs were lower; the bed is the 16 leaves the water running a long time. That's --17 I've always done that because I just think that's 17 right size. So, I can wheel myself into someplace 18 smart. I never -- a prior owner -- hang on. 18 where I could be in, and I can wheel myself out. 19 Renting one bedroom established a nutshell -- I 19 I could do it upstairs in the house, but it would 20 don't know what -- three other residents and 20 look really ugly, or it would be more expensive, 21 applicants' names on our records, and he would 21 the AD in the backyard. 22 have issues with the issues. But I thought if I can live simply, 22 23 others can simply live. So, I thought -- it's 576 23 Okay. So, I -- I was blessed to go to 24 -- in my crutches, I went to see our county 24 square feet. It's not that big. I mean, how many 25 people are you going to put stuff in there? But, 25 executive, and that particular time, he was 50 52 1 that way, I would be able to wheel -- this happens pontificating the diversity in Montgomery County. 2 again, which is like -- in all likelihood, this So, as of now, I have a Spanish guy, an African American, a white guy, me, and a Muslim, and 3 will happen again, because my bones have 4 osteochondrosis, osteopenia, osteoarthritis, and I everybody works together. I love the diversity in 5 have fibromyalgia. So, my bones are shot. One my house, but I might just rent to a whole house -- a whole family, if you want me to. That would 6 fall breaks an ankle, a tibia, and a fibula. For work. 7 you or anybody else on -- online, you might break 8 something, but you wouldn't have the catastrophe About the vehicles, when my neighbors were complaining about the vehicles, I put in -- I 9 that I would have. I had external fixators, which 10 were out three feet from my ankle. Then when that 10 went to Montgomery County licensing, I paid the 11 \$30,000, and I put a handicapped accessible 11 got healed, I went to the internal fixators. I 12 driveway in. So, there already is a driveway that 12 have two plates, about six screws, in one foot. 13 can fit four cars. There's also a driveway that So, proactively, when I bought the 13 14 goes all the way to the back, where my ADU should 14 house, I knew I was going to put an elevator in 15 be. I could not access the room for six months. 15 and go up. Now, because of housing shortages, 16 I couldn't even drive for six months. Driveway 16 Montgomery County is so progressive, they're doing 17 not suited to accommodate five -- I think that the 17 ADUs. I thought this would be the cheapest -- not 18 driveway is fine. Yes, my parents lived there. 18 maybe the cheapest -- this would be the simplest 19 thing to do, to have a one-bedroom one-bath in the 19 It was their chateau. It's my -- I hope it's 20 mine. Who knows what happens? backvard, which nobody can see.

21

22 else?

THE HEARING EXAMINER: Okay, Anything

23 MS. FAVALI: So, let's see. Let me go 24 through everybody's notes, So, yes. I did rent

25 to -- I did rent the house, the whole house, to

I'm sorry about the oversized truck. As

22 soon as Eileen (phonetic) -- now, Eileen in our

23 neighborhood is not here. She's the one who

24 always apprises me; I'm tired of this truck; get 25 rid of it. I called the police immediately.

55

56

Transcript of Hearing Conducted on July 27, 2023

	Conducted of		
	53	Ī	
1	So, whatever you I mean, I I	1	I talked to Mr. Goodfriend once when I was
2	I've always I've only talked to Alex once, and	2	planting. I was there last Friday. I'm sorry.
3	that was the e-mail I got. That got me Alex. You	3	All the cars came because I had a party. Spent
4	gave me this e-mail. Based on you sent me this	4	spent overnight there Friday night. I think
5	e-mail on February the 5th at 7:44 in the morning	5	that's about all.
6	(indiscernible): Good morning, Flavia. Now, I've	6	THE HEARING EXAMINER: Okay. It's time
7	never talked to you except once 13 years ago, when	7	now for anyone who wishes to be able to ask Ms.
8	before you built the house, as far as I know.	8	Favali questions on what she just said. So, just
9	Based on the hearsay around the neighborhood, I	9	raise your hand if you have questions. Okay.
10	haven't talked to any of anybody except Eileen	10	Well, okay. Mr. Finkel, go ahead.
11	once when she called me about February 15th	11	MR. FINKEL: So, first of all, I I
12	about the neighborhood.	12	just have one question to Ms. Favali. Do you live
13	It seems as though the interaction	13	→ do you live in the house?
14	the intention of this process is being	14	MS, FAVALI; Yes.
15	misinterpreted. This is not a lawsuit or anything	15	MR. FINKEL: Is is that your primary
16	against you. Yes, I will go and my my lawyer	16	residence?
17	or my trust attorney because when I left	17	MS. FAVALI: Yes. Are you telling me to
18	Montgomery County with six kids I have a trust	18	come and bring you flowers every time I bend my
19	attorney, Francis Kreysa. He said, do this	19	head to come over?
20	yourself. He'll be with me on my appeal. It's	20	THE HEARING EXAMINER: No. Ms Ms.
21	not a lawsuit or anything against you. I didn't	21	Favali, you don't need to you don't need
	have time to get him. He's busy today. He's	22	MS. FAVALI: I'm sorry.
23	actually traveling. I am raising a concern to the	23	THE HEARING EXAMINER: to do that.
	County around this ADU, given the use as a full	24	MR. FINKEL: I just want to
	rental property.	25	THE HEARING EXAMINER: We we're
	54	T	
1	Well, I thinking from AD from	1	trying I am trying to make factual fair
2	landlord-Tenant handbook on page I already told	2	findings. You don't need to attack.
3	you what page it was, that I I'm allowed to do	3	MS. FAVALI: (Indiscernible).
4	this. I've been paying my my my rental fee	4	MR. FINKEL: Under I just want to
5	forever. They told me not to do do the ADU.	5	make
6	So, I'm more confused. I'm confused about how I	6	THE HEARING EXAMINER: Now, you need to
7	should do this, but I'll do wherever you want. I	7	stop talking because I'm talking. Will everyone
0	A alternate to distance from the immersible the	0	atan talking and walve going to let Mr. Finkel

8 don't want to distract from the issue with the 9 regime. Feel free to be -- DCHA [sic]. Okay. 10 You're supposed to go to DHCA. Okay. David 11 Goodfriend, Okay, So, I guess I have to figure out -- so, 13 you don't -- so, I -- I'm hearing that no one 14 objects to renting out a whole house because you 15 -- because there's other rentals in the 16 neighborhood; you just object to me renting out 17 rooms. But I believe that -- you know, that I --18 I paid a room rental fee, but it's totally legal 19 for -- for four or five, if I live there, rooms in 20 the house. And so, every --- we share one kitchen. 21 There's one washer, dryer. 22 What else should I say? I love -- I --23 what else should I say? Hang on. (Indiscernible) 24 in 13 years. I've talked to Don twice, once about

25 my left ankle. I don't talk to anybody, really.

ou need to 8 stop talking, and we're going to let Mr. Finkel 9 finish his question. Now, you've got to come back 10 to the camera, Ms. -**l** 1 1 MS. FAVALI: Oh -- oh, I'm sitting down. 12 Sorry. I was standing up. Sorry. I'm sitting 13 down. Sorry. MR. FINKEL: I just -- I just wanted to 15 make sure that Ms. Favali, under oath, is making a 16 statement that she lives in the property full-time 17 as her primary residence. That's the only 18 question that I have. MS. FAVALI: I -- I just told you the 20 travel schedule I've made. So, barring travel, 21 yes ---22 MR. FINKEL: Okay. MS. FAVALI: -- and barring physical --23 24 barring the problem that I can't access my house.

THE HEARING EXAMINER: Okay. I have

_	Conducted on July 21, 2023				
		57		59	
1	some additional questions. Ms. Bennet, you're up.		1 when I switched my principal residence from		
2	MS. BENNET: Yes. I my my		2 40th Avenue to because I rented it to a whole		
	question is for the record, and I don't know if		3 family, a family of recovered alcoholics, five		
4	the record is going to reflect this properly, and		4 years ago. So, maybe five, six years ago was when		
	I may have missed it. But I'm not sure if she was		5 I took it off my principal I made it my		
	sworn under oath before she started giving her		6 principal residence. Yes, sir.		
	testimony, and I don't know if, procedurally, she		7 MR. CHAPPELL: And so, for for the		
	can retroactively adopt it under oath if it wasn't		8 past five years, and I think the individuals have		
	taken		9 said, you know, in the past 20 years, but that		
10	THE HEARING EXAMINER: She can, We'll		10 would include the past five years that they		
	re-swear her just in case. Ms. Favali, please		11 MS, FAVALI: Uh-huh.		
	raise your right hand. Do you solemnly affirm		MR. CHAPPELL: have not observed you.		
	that's that's not your right.		13 So, for the past five years, you're claiming		
	MS. FAVALI: Oh, I'm sorry. I'm sorry.		14 you've you've lived there		
14	· · · · · · · · · · · · · · · · · · ·		15 MS. FAVALI: Uh-huh.		
15	Whereupon, FLAVIA FAVALI,		16 MR. CHAPPELL: as your primary		
16	•		17 residence? Okay.		
17	being first duly sworn or affirmed to		1		
	testify to		•		
19	the truth, the whole truth, and nothing		19 I have a bunch of lawyers, and I have not had my		
	but the		20 lawyer I'm going to defer that question until I		
21	truth, was examined and testified as		21 actually know what my primary residence. But I		
	follows:		22 put down the state of Maryland. I said I'm moving		
23	THE HEARING EXAMINER: Okay. Go ahead.		23 from 6412, from my Homestead Act, to Bethesda. I		
	Anyone else? Mr. Chappell? Mr. Chappell, you're		24 didn't think it was this big of a deal, but I'm		
25	muted.		25 going to make sure I do that, and I'll come back		
1					
		58	200 pt 100 miles 200 pt 100 pt	60	
1	MR. CHAPPELL: I I beat Mr. Finkel, I	58	1 to you with my appeal how would that be or	60	
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Conducted on July 27, 2023				
61		63		
1 County, lived there for 48 years, moved out of	1 should take, but I'm praying about it. And I'm			
2 Montgomery County and took my six kids with me,	2 scared because I'm now at risk through a fall and			
3 came back as soon as I could. I had between	3 if another fall happens to me I just told you,			
4 leaving Montgomery County and probably 2002, 2003,	4 like, one of my housemates, Jeff, who's been there			
5 I had a trust attorney. He will be his name is	5 for six four I know three years three			
6 Francis Kreysa, K-R-E-Y-S-A. He is my trust	6 years. I know Jeff I don't know, so he's been			
7 attorney. So, if I die, everything is taken care	7 there two years. And I was there at January 6th.			
8 of. Because I feel like an accident waiting to	8 I stayed at Bethesda, for sure, for the whole			
9 happen with my bones, so and if anything	9 January 6th. I have six five kids			
10 happens, everything is done. I owe nothing. Does	10 THE HEARING EXAMINER: Uh-oh.			
11 that answer your question? What was your	11 THE REPORTER: Did we want to go off the			
12 question, Dan? I'm sorry.	12 record for a second?			
13 MR, CHAPPELL: I keep trying to	13 THE HEARING EXAMINER: Yes, please.			
14 understand. You keep alluding that you've left	14 THE REPORTER: Okay.			
15 the county and you don't live at the property.	15 (Whereupon, a discussion was held off			
	16 the record.)			
16 I'm just trying to understand the the claim	l			
17 that you you do live there. I guess what my				
18 last question, the people on this call don't	18 THE REPORTER: We're on. We're we're			
19 understand why you need the ADU. I know you're	19 back on the record.			
20 citing the health issues, along with your your	20 THE HEARING EXAMINER: Thank you.			
21 extensive worldly travels. What is what is	21 Ms. Favali, do you can you take your			
22 what is the intent of the ADU? Are you're	22 camera and sit? Do you need to sit down?			
23 going to move in there and continue to rent out	23 MS. FAVALI: No, it's okay. It's okay.			
24 the primary individual rooms?	24 I have to move my computer. It's okay. I'm fine,			
- 10 C TATALT. T T 1	IOE Has fine			
25 MS. FAVALI: I was I was trying to be	25 I'm fine.			
62		64		
1 proactive because I only got this diagnosis	1 THE HEARING EXAMINER: Now, I didn't	64		
62 1 proactive because I only got this diagnosis 2 January February I got this diagnosis June	1 THE HEARING EXAMINER: Now, I didn't 2 pick up your your connection froze.	64		
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65 67 MS. FAVALI: Perfect. Can I c-mail that chance to do rebuttal. to Ms. Johnson? Ms. Johnson seems to be wonderful MR. CHAPPELL: That's fine, I'll -- I'll 2 at sending things out. Is that how it can go? 3 Because I didn't think you were supposed to send THE HEARING EXAMINER: 'That's when I 4 hear you starting to go. me an e-mail, Alex. But yes, I can do that if that's okay now. MR, CHAPPELL: Yeah. I think we've THE HEARING EXAMINER: You can send it established she has multiple tenants living in her to Ms. Johnson. What we do is we leave the record residence. THE HEARING EXAMINER: Okay, don't -open. We need ten days to get the transcript 10 typed up. So, we leave the record open, but you 10 we're not there yet. We still have Ms. Bennet to 11 would have to provide it by a certain date so that 11 ask questions. Ms. Bennet, did you want to ask 12 -- before those ten days expire, and then we have 12 questions? MS. BENNET: Yes. Yes. I just wanted 13 to give people a right to comment on it. So, if 14 you can get it in within --14 to get a clarification from Ms. Favali about a MS. FAVALI: I will have in it; yeah. 15 15 room rental license that she has, if she could 16 provide that, or some sort of -- she said there 16 I'll just have to send it. I just have to go back 17 to my e-mail. And I can maybe do it right now, 17 was, on a page number -- I'm not from -- I don't 18 because I think I sent it to --18 know the -- the -- how that all works, but it THE HEARING EXAMINER: What? No, don't 19 sounded like she had some evidence that supported 20 that it was legal for her to be renting to 20 do it now. Don't -- don't do it now. Okay. All 21 right. 21 multiple tenants in the house. So, I didn't know 22 MS. FAVALI: But yes, the Montgomery 22 if we could get that information from you. 23 County knows that, every year -- exactly the names MS. FAVALI: Perfect. Can I talk now? 23 24 of the tenants ---THE HEARING EXAMINER: Yes. 24 THE HEARING EXAMINER: Understood. 25 25 MS. FAVALI: So -- so, when I bought the 66 68 1 house, it's -- it's -- I've had the same room MS. FAVALI: -- and the rooms they rent. 2 rental license over the years, maybe the 11 -- ten THE HEARING EXAMINER: Oh, you submit 2 those surveys every year to the county? 3 plus years -- I think it's 76210, but I'm not MS. FAVALI: I do, because I never 4 completely sure -- and they asked me back in April 5 -- and they know who lives -- Montgomery County --5 raising my rent. I -- I'm very proud of the fact that ---6 I think -- now, I'm under oath, so I don't really 6 THE HEARING EXAMINER: They have the 7 know for sure. But, you see, this landlord-tenant 7 8 book I got when I got my signed DCHA, they names of the tenants? MS. FAVALI: And that hasn't changed. 9 actually sent me a survey back in May or April, 10 So, if you just go into -- if you go into room 10 wanting to know who the tenants were, what their 11 car -- I believe -- oh my gosh -- who the tenants 11 rental, there's different kinds of licenses --12 which I'm not a pricer. I think I might have done 12 were and where they worked for the Montgomery 13 County survey, and they want -- they were more 13 the wrong license, to be honest with you. But 14 from my point of view, I did a room rental license 14 interested in me not raising rents for rent 15 for five -- for four or five rooms. They all have 15 stabilization, I believe. So, I actually sent 16 to be, like, Egras (phonetic). 16 back in the bowels of -- and I can go pick that up They all have to have smoke alarms. 17 for you and send it to you by the -- by close of 17 18 They ought to have, like, some standards so you 18 business tomorrow. DCHA, they have my license for 19 every year. I just paid \$98 online, and they --19 don't kill them, actually. And I send that every 20 year. So, your bowels of their -- of your -- of 20 and if there's ever a problem, they will come and 21 your -- should have them in there submitted months 21 inspect. Did that answer your question? MS. BENNET: Yes; and I would appreciate 22 ago. 22 23 it if you could e-mail that. I think you have all 23 THE HEARING EXAMINER: Okay. 24 our e-mails. If you could e-mail that to us, we 24 MS, FAVALI: I have to do that every 25 year. I do not let anybody (indiscernible) 25 would very much appreciate that.

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Transcript of Hearing Conducted on July 27, 2023

1 correct, does Ms. Favali indeed live in the house, THE HEARING EXAMINER: Can you send us the most recent survey that you've turned in? and that's all we need to discuss. THE HEARING EXAMINER: Okay, That --3 3 MS. FAVALI: I will try to. Well, that's more rebuttal. Do I hear any more actually, my computer -- in all honesty, no, because I've had a -- with having no access to a questions? Okay. Seeing none, I'm going to let those in opposition -- I'll take Mr. Finkel's computer for five months, sometimes -- remember, I testimony, but this is your chance to, you know, was -- think about this. My kids wanted money. I can't move. I can't go anywhere. I can't go to comment or make final evidentiary things to rebut 9 Ms. Finkel's testimony -- Ms. Favali's testimony. 9 the bank, I can't -- and I was frauded [sic]. 10 So, if anyone wants to say something in closing, So, I -- in April, truth told -- this is 10 11 or you can say whatever you want, you know, based 11 unbelievable. But in April, I sent a -- I'll do 12 on what she testified to. So, does anyone have 12 it slow. I sent a \$500 check to IRS with an 13 extension to make sure I get the -- my taxes on 13 final words? Those in opposition -- this is a 14 chance for those in opposition to either rebut 14 time, my check number, my date of birth, and my 15 what she said factually or say what you want to 15 soc with the extension; right? Now, that check 16 never got cashed. I did get a refund on my 16 say, I see Ms. Bennet's hand up. 17 TurboTax. However, last week -- or -- yeah, last 17 18 18 week -- I'm on oath. In the last two weeks, M&T 19 -- that \$500 check was presented to M&T, my bank 20 that I've had for over 20 years before I even left 20 lives there, other than saying she has a 21 my husband, and that was presented for 2,500. 22 That was frauded, so they shut down everything. 23 My computer got hacked. I cannot get access to 23 and living there as her primary residence and 24 anything, ma'am. I'm kind of like --25 we're all out and about doing our business and THE HEARING EXAMINER: Okay. Well, I 25 living there and talking to one another as can ask DHCA for it. MS, FAVALI: And they had this survey we go, as any neighborhood would do. and Xavier I know, told me to get this license and not this license. There was a man there by the I'm just finding it very strange that -name of Xavier. THE HEARING EXAMINER: Okay. I think --6 vacations and trips and sailing trips. Which 7 okay. 8 Mr. Finkel, your hand is raised. MR. FINKLE: So, just to clarify the 10 could be your end. So --10 record, Ms. Favali raised an e-mail that I sent to 11

THE HEARING EXAMINER: Ms. Bennet. MS. BENNET: Yes. I'm just finding it 19 very odd that she cannot support the fact that she 21 toothbrush in a medicine cabinet in a room, and 22 that somehow she can go in and out of the house, 24 nobody can observe, in the neighborhood, when 72 neighbors and seeing each other on -- you know, as I mean, I understand she's been injured for some time, but, yet, she can go on a whole bunch of seems dangerous to me, Flavia, just because you could easily slip on a boat and just be -- that MS. FAVALI: I've always thought that. 12 Yeah. MS. BENNET: -- your -- your -- your --

11 her in -- I don't know when, a couple of months 12 ago. After a conversation with one of our 13 neighbors, word got back to me that she was going 14 around the neighborhood saying that I was -- I was 15 suing her through this objection. I reached out 16 to her and said this is nothing against you or 17 your rights; this is -- we, as a neighborhood, 18 just want to understand the intended use of the 19 ADU and to make sure that the -- the ADU 20 application is truthful. That's all we were trying to do, nothing 22 more than that. This is not a personal attack on 23 Ms. Favali. This is not a personal attack on her

24 rights. This has nothing to do with that. This

25 is - simply comes down to, is the application

14 your -- your -- it just doesn't add up. It 15 doesn't make sense to me if -- I came into this 16 very late, and -- when I filed my objection. I 17 think, you know, if there's more -- if we had more 18 time, we could, you know, take statements from the 19 tenants on whether she actually lived there or not 20 and do more to provide the evidence that I think 21 the Hearing Examiner is looking for. So, I -- I 22 -- I -- I just -- I just -- I am saying that just 23 in sum because it doesn't -- the -- none of this 24 adds up to me, so --THE HEARING EXAMINER: Okay, Anyone 25

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                                                                          THE HEARING EXAMINER: Okay. And --
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   else?
                                                                 2
                                                                          MS. FAVALI: And the survey, I'll try to
2
         MS. FAVALI: Can I say something?
3
         THE HEARING EXAMINER: It's not usually
                                                                 3
                                                                    retrieve from my restored e-mail, but I lost -- I
                                                                    lost just so much. It was just -- when you --
   permitted, but, you, know go ahead.
                                                                    when you get frauded, it's amazing what you lose,
         MS. FAVALI: To answer your question --
                                                                    and I never realized that.
         THE HEARING EXAMINER: Well, first, let
                                                                 6
                                                                          THE HEARING EXAMINER: Okay. Okay. We
7 me first, let me just see if anyone else in
                                                                    -- I don't want any more testimony, okay? Because
   opposition wants to say anything. Okay. Hearing
                                                                    we're done with that. Now, the ten days ends
9 none. Ms. Favali, all you're able to talk about
10 is what Ms. Bennet just said. At this point in
                                                                 10 August 7th. So, once she gets her license in,
                                                                 11 then people have the opportunity to comment within
11 the statement, it's not a time for new testimony.
                                                                 12 ten days. So, by August 7th. And then the record
12 It's not a time for anything else. You can only
                                                                 13 is closed. It -- it's -- it's not -- Mr. Finkel?
13 talk about what Ms. Bennet just said, which that
14 -- which was, as -- as I understood it, she was
                                                                 14
                                                                          MR, FINKEL: I'm sorry, I just have a
                                                                 15 question. What -- what is -- what is the -- what
15 saying, your testimony doesn't add up. But I
                                                                 16 -- what is the license that we're seeking, and
16 don't want to have more testimony, because they
17 will get an opportunity to rebut your extra
                                                                 17 what is the intent of reviewing the license?
18 testimony again.
                                                                 18
                                                                          THE HEARING EXAMINER: It's a license --
                                                                 19 what the code says is that you have the right to
19
         MS. FAVALI: So, I am single. I'm a
                                                                 20 object. Ms. -- it's Ms. Favali's license, or the
20 member of Singles On Sailboats, and you can just
                                                                 21 ADU; you're objecting to that. The code gives you
21 go onto the website, and see my picture in Sicily,
                                                                 22 the right to object if the director makes a
22 last -- this time last year; France, the year
23 before. You -- you -- it all collaborates, yes.
                                                                 23 preliminary finding that all the requirements are
                                                                 24 met. So, you're objecting to the director's
24 And it just so happens, I broke it a week after I
                                                                 25 preliminary finding that Ms. Favali lives at the
25 got off to see a Cortez boat, and I'm going back
                                                          74
                                                                                                                            76
1 on San Juan the end of August, when my doctor,
                                                                 1
                                                                    house.
2 hopefully, will clear me from this particular
                                                                 2
                                                                          MR, FINKEL: Okay.
                                                                          THE HEARING EXAMINER: So -- so -- so
   injury, yes. And I'm very blessed, I can go
                                                                 3
                                                                    what I will do -- I have 30 days after August 7th,
   sailing, yes. I might as well sail while I can,
                                                                    when the record closes. We are leaving the
  is how I look at it.
         THE HEARING EXAMINER: Okay. Does
                                                                    hearing record open to accept her rental license
                                                                    and to have anybody comment on the rental license,
   anyone have any questions based on what Ms. Favali
                                                                    but nothing else; okay, and then -- then the
  just stated? Okay. Hearing none. Ms. Favali,
  you said you could get your license to us.
                                                                    record closes. There can't be any more
                                                                 10 submissions after August 7th. And then I have 30
         MS. FAVALI: Yes, I will do that to Ms.
10
                                                                 11 days to write my decision.
11 Nana Johnson by close of business tomorrow.
                                                                          So then, after I -- you will get an
         THE HEARING EXAMINER: Okay. Can
                                                                 12
                                                                 13° e-mail notifying you that I've issued my decision,
13 everybody make sure that Ms. Johnson has their e
14 mail so -- because the only thing I'm going to do,
                                                                 14 and then if anyone disagrees with my decision,
                                                                 15 there's, I think it's, 30 days that you can appeal
15 at this point is leave the record open for ten
                                                                 16 to the Circuit Court. But DHCA has to -- if I say
16 days for Ms. -- so when do you think you can get
                                                                 17 she doesn't -- if I make a finding that she
17 that license?
                                                                 18 doesn't live there, then DHCA cannot issue the --
         MS. FAVALI: I can do it right now, if
                                                                 19 they have to deny the license. If I make a
19 you just want to give me -- I can do it right now,
20 if you just give me two seconds.
                                                                 20 finding that she does live there, then DHCA can
                                                                 21 grant the license, subject to all the other stuff
         THE HEARING EXAMINER: No, you don't
                                                                 22 that -- you know, housing codes, things that --
22 have to do it now; two seconds after is fine.
                                                                 23 that she would have to do.
         MS. FAVALI; Okay. And I'll just -- and
24 I'll just e-mail it to Nana Johnson. I'll try to
                                                                 24
                                                                          So, that's how -- the basic structure
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25 copy and paste everybody else. Yes.

25 is, you're objecting to DHCC's -- DHCA's

79 77 record open, probably for a little longer. 1 preliminary finding that Ms. Favali lives at the MS. BENNET: And does that require a 2 premise as the primary residence, that it is her formal motion, or do we just do it by e-mail and 3 primary residence. So, I have 30 days from August just submit it, and then you can reject it, or --4 7th, which would be September 6th, which may be THE HEARING EXAMINER: You -- you can 5 Labor Day, so, you know -- let me just see. Okay submit it as long as you copy everybody in this hearing. MS, BENNET: September 6th is a 7 MS. BENNET: Okay. 8 Wednesday. THE HEARING EXAMINER: So, when Nana THE HEARING EXAMINER: -- it's not; it's 10 sends you the license, okay, she's going to 10 Wednesday. So, I have until August 6th to issue 11 include everybody on the e-mail. Now, keep in 11 the decision, and you will receive notification 12 mind that nobody can e-mail just me, because 12 from Ms. Johnson, that the decision has been 13 issued, as well as a copy of the decision. 13 that's ex parte. MS. BENNET: Right. 14 MS. BENNET: I'm sorry. You said August THE HEARING EXAMINER: Anything you send 15 15 6th, but I think you meant September 6th. 16 has to be copied to everybody. THE HEARING EXAMINER: I did. 16 MS, BENNET: Okay. 17 MS. BENNET: Okay. 17 THE HEARING EXAMINER: So, is this -- as 18 THE HEARING EXAMINER: I did mean that. 19 this is going, the record is open until -- it's 19 So, right now, the record closes August 7th. Ms. 20 open until August 7th. Do you think you can get 20 Favali is going to get her license to Ms. Johnson, 21 the additional information you want to get by 21 and Ms. Johnson is going to e-mail it to 22 August 7th, or --22 everybody. If you -- if anyone feels that they --MS. BENNET: If I can't -- if I can't, 23 you may want to just send Nana your e-mails ---24 may I ask for an extension of the closing of the 24 just -- I wrote them down, but some -- sometimes I 25 record? I don't know, because I need to see it. 25 get them wrong -- and then we can't get you the 80 So, I'm not -- I don't know. And I don't know 1 information. So, she'll e-mail that to Nana 2 today. Please give your e-mail -- make sure Nana when I'm actually going to get it. THE HEARING EXAMINER: You -- you could. 3 has your correct e-mails, and she will get it to You could do that. you. And you have until August -- until August MS. BENNET: Okay. Thank you. 6th to comment on -- on the -- on what she THE HEARING EXAMINER: What is it that 6 submits. Ms. Bennet, do you have your hand up 7 you want to get? 7 again? MS. BENNET: I'd rather not say at this MS, BENNET: Yes, I -- I just -- as far 9 as going to your being able to comment on the point. THE HEARING EXAMINER: Okay. Well, what 10 license that she holds to have multiple tenants in 10 11 I'll do is, I'll leave the record open until 11 the house, are we able to supplement anything 12 August 7th. If you need an extension of time, you 12 related in -- into the record related to that 13 send that request, and I'll decide whether it's 13 license? Can we submit something related to the 14 warranted or not. Okay? 14 license in -- as a -- I'm just trying to MS. BENNET: Thank you very much. 15 15 understand the procedures. So, we have an THE HEARING EXAMINER: Okay. So, right 16 opportunity, you said, until August 7th, once we 17 now, the record is open until August 7th. Ms. 17 see the license, to comment on --18 Favali is going to get the rental license to Nana THE HEARING EXAMINER: Well, usually, 18 19 today. Everyone make sure Nana has your correct 19 it's just comments. I can -- I can let you submit 20 something, but then I need extra time for Ms. 20 e-mails, and she will send it out as soon as she 21 gets everyone's e-mails. Do not copy -- do not 21 Favali to comment on anything new you submit. 22 try to contact me individually. You can CC me on MS, BENNET: Okay. 22 23 what you submit, but don't copy me without copying THE HEARING EXAMINER: So, if she gets 23 24 everybody else. All right? Okay. With that,

25 this hearing is adjourned. Any other -- well, let

24 it out to you, and you get -- you want to

25 introduce something else, I'd have to leave the

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1 me just say, because we've been through a lot of 2 stuff, any other questions? Okay. 3 MR. FINKEL: Thank you. 4 THE HEARING EXAMINER: Thank you very 5 much, and the hearing is adjourned. 6 MS. BENNET: Thank you. 7 MR. FINKEL: Thank you very much. 8 THE REPORTER: Stand by one second. 9 Okay, and then I guess everyone left. You guys 10 are good. Thank you. 11 MR. FINKEL: Thank you. 12 (Off the record at 11:29 a.m.) 13 14 15 16 17 18 19 20 21 22 23	81	CERTIFICATION OF TRANSCRIPT I, Karen M. Galvez, do hereby certify that the foregoing transcript, to the best of my ability, knowledge, and belief, is a true and correct record of the proceedings; that said proceedings were reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome. Law M. Jalva Karen M. Galvez Planet Depos, LLC August 7, 2023 Range M. Galvez 11 12 13 14 15 16 17 18 19 20 21 22 23	83
23 24 25		23 24 25	I I
CERTIFICATE OF COURT REPORTER I, Andrew D. Stromberg, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.	U 2		
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Consideration of the feedback of the conference			