

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

IN THE MATTER OF:

**Redley Capital Investments & Holding
Corporation**

Owner

OZAH Case No. CU 20-06

Montgomery County Department of Permitting
Services

Before: Khandikile Mvunga Sokoni, Hearing Examiner

ORDER RE-OPENING THE RECORD OF SHOW CAUSE PROCEEDING

The Hearing Examiner convened a show cause hearing on February 25, 2025 following the mailing of a notice of hearing sent on December 18, 2024 pursuant to §59.7.3.1.L of the Zoning Ordinance, to the following persons:

1. Shanrong Li, Resident Agent for Redly Capital Investment and Holding Corporation (by certified mail, return receipt requested).
2. Barbara Jay, Executive Director, Montgomery County Board of Appeals.
3. Benjamin Berbert, Planning.
4. Carrie Sanders, Planning.
5. Jennyffer Vargas, Permit & Code Enforcement Inspector, DPS.
6. Greg Nichols, Manager, SPES, Zoning & Site Plan Enforcement, DPS.
7. Victor Salazar, Program Manager II, Zoning & Site Plan Enforcement, DPS.
8. Elana Robinson, Assistant County Attorney, Office of the County Attorney.
9. Thomas, Howley, Program Manager II, DHCA.
10. Opponents: Kevin and Patricia Kelly; Basile Whitaker; Eric Bailey; Stephen Schertler; Harold Lowe; Lauren Cronise; and Rosanna Chan.

Despite due notice of the hearing there was no attendance by any representative of the Conditional Use Holder, or by the Department of Permitting Services.

Due to the non-attendance of DPS the Hearing Examiner was unable to make findings of fact required to make a decision as required by §59.7.3.1.L which provides in part:

L. Compliance and Enforcement

1. DPS and the Board of Appeals must establish a regular inspection program for conditional uses. DPS must perform the inspections according to the established schedule, and must perform additional inspections if DPS, the Board of Appeals, or the Hearing Examiner receive a complaint alleging failure to satisfy the terms or conditions of a conditional use. If a complaint is filed, **DPS must inspect the premises of the conditional use within 21 days after receiving the complaint¹**, or more promptly if requested by the Board of Appeals or the Hearing Examiner, to determine the validity of the complaint.
2. If the inspection finds a violation of the terms or conditions of the conditional use, DPS must direct the conditional use holder to correct the violation. **When the time to correct the violation expires, DPS must reinspect the premises.** If the violation has not been corrected, DPS must file a report with the Board of Appeals or the Hearing Examiner describing the nature of the violation, the corrective action ordered by DPS, and the time allowed to correct the violation.
3. If DPS finds that no violation exists, it must report to the Hearing Examiner or Board of Appeals that the conditional use satisfies the terms and conditions of the conditional use approval.
4. **If the Board of Appeals or the Hearing Examiner receives a written notice from DPS that the conditional use holder is violating the terms or conditions of a conditional use or the terms, conditions, or restrictions attached to the grant of any permit issued under the conditional use approval, the Board of Appeals or the Hearing Examiner must order the conditional use holder and the property owner to appear before the Board of Appeals or the Hearing Examiner to show cause why the conditional use should not be revoked.²**
7. If DPS finds that a conditional use has been abandoned, DPS must forward written notice of its findings to the last recorded holder of the conditional use and to the property owner. The conditional use holder and property owner, within 60 days after the date of sending notice, must submit a written statement confirming the abandonment or challenging it and requesting that the use be continued.
 - c. If neither the conditional use holder nor the property owner responds, DPS must notify the Board of Appeals or Hearing Examiner of its findings, and the Board of Appeals or Hearing Examiner, as appropriate must issue to the conditional use holder and the property owner an order to appear before them to show cause why the conditional use should not be revoked.
 - d. If neither the conditional use holder nor the property owner appears before the Board of Appeals or Hearing Examiner, as appropriate, to show cause why the conditional use should not be revoked, the deciding body must revoke the conditional use approval.

The following representatives of the Department of Housing and Community Affairs (DHCA) were in attendance at the Hearing: Tom Howley (Program Manager); John Lambert and James Galbraith.

At the Hearing on February 25, 2025, the Hearing Examiner closed the hearing and announced that the Record would remain open for 10 business days to allow for receipt of the Court Reporter's

¹ Text is bolded for emphasis.

² Subsections 5 and 6 omitted.

transcript. The Hearing Examiner now hereby reopens the Record beyond the 10 business days until further notice, pursuant to Rule 4.10 of the OZAH Rules of Procedure to obtain additional evidence, receive further evaluation by the appropriate government agencies, including for purposes of sending out new notices of hearing and convening an additional show cause hearing that DPS must attend.

Office of Zoning and Administrative Hearings



Khandikile Mvunga Sokoni
Hearing Examiner

Issued this 27th day of February 2025, to:

Shanrong Li, *Resident Agent* for Redly Capital Investment and Holding Corporation
(*by certified mail, return receipt requested*)
Barbara Jay, Executive Director
Montgomery County Board of Appeals
Benjamin Berbert, Planning
Carrie Sanders, Planning
Jennyffer Vargas, Permit & Code Enforcement Inspector, DPS
Greg Nichols, Manager, SPES, Zoning & Site Plan Enforcement, DPS
Victor Salazar, Program Manager II, Zoning & Site Plan Enforcement, DPS
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Rosanna Chan, Opponent