



March 10, 2025

Kathleen Byrne, Hearing Examiner
Office Of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Conditional Use 24-18 (Potomac MMA, LLC)

Dear Hearing Examiner Byrne:

Thank you for forwarding the email communication that you received on February 28 from Mr. Northridge ("Post-Record Email" or "Email").

The Applicant objects to opening the record to include the Post-Record Email, which I did not receive until Friday afternoon March 7, 2025.

As you know, the record in this case closed on February 23 (10 days after the February 13 hearing date). I spoke with Mr. Northridge about this issue for the first time on Monday February 17 and for the last time on Friday February 21. He had ample time to ask that this information be included in the record prior to the record closing.

Moreover, nothing in the Post-Record Email is inconsistent with the hearing testimony. Mr. Northridge (an attorney) participated in the public hearing, asked questions of the applicant's engineer, and testified directly on the matters raised in the Email. See Hearing Transcript pp. 53 - 56; 76-79. The applicant testified that he is an employee (Tr. p. 20), that he has students who "help out," (Tr. p. 20) and that beyond himself he has no employees. See generally Tr. pp. 20 - 21. The Email itself describes the person who spoke with Mr. Northridge as an "instructor" (not an employee). I explained to Mr. Northridge in my calls with him that at all times the individual in question was one of 12 students, not a 13th participant in any class. I also explained that more experienced students routinely help instruct more junior students in martial arts classes. Unfortunately, Mr. Northridge neglected to include this information in the Email. The events described by Mr. Northridge in his Post-Record Email are consistent with the hearing record.

Admittance of the Email would greatly and unnecessarily add to the time and expense of this hearing process. The Email is entirely based on hearsay. This extra burden is unwarranted when the statements allegedly made by the student are consistent with the hearing testimony.

We object to re-opening the record to admit this email because:

- (a) it was filed five days after the record closed (with no good cause given for the delayed submission);
- (b) the applicant testified under oath that he is the sole employee;
- (c) the applicant has agreed to conditions of approval which limit the number of employees to one and the number of students in each class to 12; and
- (d) to reopen the record to accept this late-filed information is prejudicial to my client in that it unnecessarily extends the time for a written decision thus inserting unnecessary delay and expense into the process.

Exhibit 41
OZAH Case No: CU 24-18

For all of these reasons we ask that you decline to reopen the record.

Respectfully submitted,

Michele McDaniel Rosenfeld

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