

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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ACCESSORY APARTMENT LICENSE	:	Case No. AAO-14-02
OBJECTIONS	:	
-----x	:	

A hearing in the above-entitled matter was held on
May 16, 2014, commencing at 9:51 a.m., at the Office of
Zoning and Administrative Hearings, 100 Maryland Avenue,
Rita Davidson Memorial Hearing Room, Rockville, Maryland
20850 before:

Lynn A. Robeson
Hearing Examiner

<p style="text-align: right;">Page 2</p> <p>1 P R O C E E D I N G S</p> <p>2 MS. ROBESON: This is a public hearing in the</p> <p>3 matter of an accessory apartment objection filed by Anne M.</p> <p>4 Scott and Benjamin and Susan Overbey, separate objections,</p> <p>5 Case No. AAO-14-02 to a conditional finding made by DHCA,</p> <p>6 the Department of Housing and Community Affairs, to approve</p> <p>7 an accessory apartment license, License No. 83032 for</p> <p>8 property at 16820 Westbourne Terrace, Gaithersburg, Maryland</p> <p>9 20878.</p> <p>10 The purpose of the hearing -- this hearing was</p> <p>11 scheduled for today because we are required by statute to</p> <p>12 hold a hearing within 20 days of the date the objection is</p> <p>13 filed. We have multiple objections. One filed by Ms.</p> <p>14 Scott, and one filed by Mr. and Mrs. Overbey. We have</p> <p>15 attempted -- we got a postponement request from Ms. Scott</p> <p>16 stating that she could not make the May 16th, this hearing</p> <p>17 date, but she would be available on May 19th. We got a,</p> <p>18 received from Mr. Hubbard, the applicant, a request to</p> <p>19 extend the hearing date because he could not make the May</p> <p>20 19th hearing date.</p> <p>21 Our office, OZAH, has been back and forth with the</p> <p>22 applicants. I indicated to them on May 14th that I would</p> <p>23 convene this hearing solely to postpone the case, and</p> <p>24 requested the parties to come up with a new hearing date</p> <p>25 prior to this hearing so it could be announced at the</p>	<p style="text-align: right;">Page 4</p> <p>1 earlier than that, and request that the parties, if they can</p> <p>2 agree on a hearing date earlier than that, to waive, to</p> <p>3 allow notice of the hearing to be sent by e-mail, given that</p> <p>4 Ms. Hartman is in Afghanistan. So, today, Ms. Forbes is</p> <p>5 going to e-mail all the parties available hearing dates</p> <p>6 prior to the 26th. If the parties, the 26th should give all</p> <p>7 the parties sufficient time to make whatever arrangements</p> <p>8 with their jobs or their personal commitments in order to</p> <p>9 attend the hearing. I expect the hearing to be a priority</p> <p>10 so that this case does not drag on.</p> <p>11 So, Ms. Forbes will e-mail them the dates. If</p> <p>12 they can agree on a date prior to the 26th, we will send</p> <p>13 notice of the hearing by e-mail provided that all the</p> <p>14 parties agree to receive the notice by e-mail. I am not</p> <p>15 inclined to postpone this further given the purpose of the</p> <p>16 statute, which was to expeditiously address these licenses.</p> <p>17 With that, I am going to continue this case to June 26th at</p> <p>18 9:30 a.m. We are now adjourned.</p> <p>19 (Whereupon, at 9:58 a.m., the hearing was</p> <p>20 concluded.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 hearing.</p> <p>2 I then received e-mails from both the objectors</p> <p>3 and Mr. Hubbard, stating that he could make this date. Ms.</p> <p>4 Hartman is deployed in Afghanistan, and one of the problems</p> <p>5 in this case is that Ms. Hartman is in Afghanistan, and does</p> <p>6 not receive the e-mails quickly. The other problem is that</p> <p>7 Mr. Hubbard works in a secure facility, and has limited</p> <p>8 access to e-mail during the day. So with those time frames,</p> <p>9 I received an e-mail -- verbally, we had confirmation from</p> <p>10 Ms. Hartman, according to staff, we had confirmation from</p> <p>11 Ms. Hartman that she could make a proposed June 2nd date. I</p> <p>12 received an e-mail at 7:57 on May 15th, 7:57 p.m. on May</p> <p>13 15th, that she would not be able to attend the hearing</p> <p>14 because of operations.</p> <p>15 Therefore, and we've also been through multiple</p> <p>16 attempts to come up with a date, and personal or other</p> <p>17 commitments of the objectors and the applicants, have</p> <p>18 prevented us from coming up with a hearing date that is as</p> <p>19 close as possible to the May 16th, the 20 day time frame.</p> <p>20 The statute does allow the hearing examiner to postpone the</p> <p>21 case if the parties are unable to attend the hearing within</p> <p>22 the 20 day time period.</p> <p>23 Therefore, I am going to postpone this case to</p> <p>24 June 26th at 9:30 a.m. I expect I am also going to ask Ms.</p> <p>25 Forbes, of our office, to forward available hearing dates</p>	<p style="text-align: right;">Page 5</p> <p>1 C E R T I F I C A T E</p> <p>2 DEPOSITION SERVICES, INC., hereby certifies that</p> <p>3 the attached pages represent an accurate transcript of the</p> <p>4 electronic sound recording of the proceedings before the</p> <p>5 Office of Zoning and Administrative Hearings for Montgomery</p> <p>6 County in the matter of:</p> <p>7 Accessory Apartment License Objections</p> <p>8 AAO-14-02</p> <p>9</p> <p>10</p> <p>11 By:</p> <p>12</p> <p>13</p> <p>14 Keena Lukacinsky</p> <p>15 Transcriber</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Accessory Apartment License Objections
AAO-14-02

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Accessory Apartment License Objections
AAO-14-02

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OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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OPPOSITION TO THE ACCESSORY APARTMENT : Case No.: AAO-14-02
LICENSE NO. 83032 :
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A hearing in the above-entitled matter was held on
July 21, 2014, commencing at 9:45 a.m., at the Office of
Zoning and Administrative Hearings, 100 Maryland Avenue,
Rita Davidson Memorial Hearing Room, Rockville, Maryland
20850 before:

Lynn A. Robeson
Hearing Examiner

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A P P E A R A N C E S

On Behalf of the Respondent:

Marc R. Emden, Esq.

200A Monroe Street, Suite 200

Rockville, Maryland 20850

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C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
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By Mr. Emden:		25/134		
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E X H I B I T S

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46	Layout of House	124
47	Photo of Slate Walkway	140

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P R O C E E D I N G S

MS. ROBESON: I am calling the case of AAO-14-02, an objection by Anne M. Scott and Benjamin and Susan Overbey to a condition finding made by DHCA to approve an accessory apartment, license no. 83032 for property at 16820 Westbourne Terrace, Gaithersburg, Maryland. My name is Lynn Robeson. I am the hearing examiner for this case. I am going to be taking all the evidence and testimony and I will make a decision in the matter. That decision is appealable if you, if anyone disagrees with my decision, you can appeal that decision to the Circuit Court. And what happens is once I issue my decision, the DHCA must follow what I do, so they will either issue or deny the license based on the decision, my decision in this case.

I just wanted to -- now, I notice that there's a number of people in the, in the background. Is anyone here wishing to testify today? Okay. And, Ms. Scott, are they supportive of your case --

MS. SCOTT: Yes.

MS. ROBESON: -- as they're neighbors?

MS. SCOTT: Right.

MS. ROBESON: Okay.

MS. SCOTT: We have Susan Hayduk and her husband Paul.

MS. ROBESON: Okay. We don't --

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MS. SCOTT: Okay.

MS. ROBESON: -- want to go there. I can't go there yet.

MS. SCOTT: Okay.

MS. ROBESON: Sir, do you have, are you able to hear? I saw you sort of leaning forward and I wasn't sure. Okay. All right. These proceedings, for everyone here, these proceedings are informal but they do have certain formalities. All your testimony is under oath and subject to cross-examination. You're entitled to an opening statement and then we take Ms. Scott's testimony and that is subject to cross, anyone else who wishes to testify on the special exception. The unusual thing about this is that what the topics that are relevant today and that your testimony should address is whether any of the conditional findings made by DHCA, whether you believe they're correct or you disagree with them and whether parking is inadequate. My review of the objections that you filed and the Overbey's filed --

MS. SCOTT: Yes.

MS. ROBESON: -- are that parking is inadequate, the home is not the primary, the owner's primary residence, other individuals are living in the first floor of the home, because you cannot have an accessory apartment and other people living there that are not the residents, and other

<p style="text-align: right;">Page 6</p> <p>1 objections that allege, and the law governing inadequate 2 parking is parking is deemed inadequate if the available on- 3 street parking for residents within 300 feet of the proposed 4 accessory apartment would not permit a resident to park on 5 street near his or her residence on a regular basis and the 6 proposed accessory apartment is likely to reduce the on- 7 street parking within 300 feet of the accessory apartment. 8 So that is the definition for whether parking is inadequate, 9 so that's what you should address your testimony to. 10 With that, the order of the hearing is each person 11 gets to make an opening statement if you wish, it's not 12 required, then we go with the objector's testimony, the 13 applicant's testimony and the housing inspector's testimony, 14 and then each of you get rebuttal time based on the 15 testimony, all right? So with that, do any of the parties 16 wish an opening statement? Miss -- 17 MS. SCOTT: I would like an opening statement. 18 MS. ROBESON: Now, this is not your time to 19 testify. 20 MS. SCOTT: Okay. I understand. 21 MS. ROBESON: No. You could make it. But this is 22 a time to say -- 23 MS. SCOTT: Right. 24 MS. ROBESON: Okay. Go ahead. 25 MS. SCOTT: I just wanted to thank you for giving</p>	<p style="text-align: right;">Page 8</p> <p>1 all right? 2 MS. SCOTT: Thank you. 3 DIRECT EXAMINATION 4 MS. SCOTT: So then what, I have a copy of the 5 original objections that I sent forward and just wanted to 6 say that this is not, it would be my understanding this is 7 not really a typical application for an accessory apartment 8 because we have a history of, the neighbors have been able 9 to document through the years of this house being rented 10 even though there were no licenses being involved, the 11 apartment being rented out. 12 My points that I wanted to make in order were the 13 inadequate off-street parking. The original report that Mr. 14 Goff filed had, was very specific about what had to be done 15 to that driveway and it had to be permitted work. A search 16 of the county permitting showed -- I never saw a permit 17 posted and I never saw any work done on the driveway. 18 Search of county permitting records show other things but 19 not a permit for the driveway. 20 Because there is this history where people have 21 been renting the basement and most recently, there have been 22 numerous people occupying the house that are not the owners, 23 they're parking all over the place. They're parking on both 24 sides of the street, they park very close to our -- there's 25 a pathway that leads to the apartment. It is very close to</p>
<p style="text-align: right;">Page 7</p> <p>1 the neighbors and the members of the Quince Orchard Valley 2 community a chance to voice our concerns about this 3 accessory apartment application. 4 MS. ROBESON: All right. Thank you. I'm sorry. 5 Can you say your name again for the record? 6 MR. EMDEN: Yes. My name is Marc Emden. I have a 7 card and I could, if you want me to pass it up. E-M -- 8 MS. ROBESON: If you could give it to the court 9 reporter. Marc Emden? 10 MR. EMDEN: Yes, ma'am. 11 MS. ROBESON: Okay. 12 MR. EMDEN: We'll reserve, reserve opening. 13 MS. ROBESON: Okay. So we will begin the 14 testimony with Ms. Scott. 15 MS. SCOTT: Okay. Are you ask -- I've never done 16 this before. Are you asking questions of me about what I 17 wrote as my objections or should I just -- 18 MS. ROBESON: You can read your testimony. You -- 19 MS. SCOTT: Okay. 20 MS. ROBESON: I mean, this is informal. 21 MS. SCOTT: Oh. 22 MS. ROBESON: You can say whatever you wish, this is 23 your time -- 24 MS. SCOTT: Thank you. 25 MS. ROBESON: -- to say whatever you wish to say,</p>	<p style="text-align: right;">Page 9</p> <p>1 our driveway and when renters try to pull up so that 2 passengers step onto the path, they're right at the edge of 3 my driveway so getting in and out can be tricky. At one 4 point, I altered the time I left for work in the morning so 5 I could get out after the renters had left for the day. 6 MS. ROBESON: Where do you live in relation? 7 MS. SCOTT: I live right next door, 16816 8 Westbourne Terrace. 9 MS. ROBESON: Okay. All right. 10 MS. SCOTT: So -- 11 MS. ROBESON: That's, so would you say it's within 12 300 feet? 13 MS. SCOTT: Oh, absolutely. 14 MS. ROBESON: Yes. 15 MS. SCOTT: Our property lines touch. And, you 16 know, depending. There have been times when only one person 17 has rented in the basement and then parking is not a 18 problem. Most of the time when the basement is rented, 19 there are two people, two adults, and those adults have two 20 cars and if they have people visiting, coming and going. 21 And I've never seen the renters be allowed to park on the 22 driveway at the property in question. They're always 23 parking on the street. The street is the street but there 24 have been times when we've had to ask the renters to move 25 their car because either we couldn't get out or if they park</p>

<p style="text-align: right;">Page 10</p> <p>1 too, if they park in front of our house and block access to 2 our mailbox, the mailman will not deliver mail if he has to 3 back up. We still have mailboxes down at the street with a 4 drive-by mailman. 5 Like I said, the original report said that the 6 driveway had to be made larger without, with permits. We 7 did not see that happen. I know subsequent reports, the 8 driveway has fallen off, was not mentioned so I know Mrs. 9 Overbey came and looked at all the documentation on Friday, 10 the 11th, the file open, she was able to come, an she 11 couldn't find, so there were still questions about whatever 12 happened with the parking. That's the first point. 13 The second point is that right now, and at the 14 time that this application was made, neither Mr. Hubbard, 15 listed as the primary owner, nor Ms. Hartman, who was, I 16 understand, recently added as the second owner, actually 17 live in the house. They did not live in the house, neither 18 of them appeared to live in the house the date the 19 application was submitted and in the past when the house, 20 when the basement's been rented, it's only recently when 21 neighbors started going through the tax records, we always 22 thought Ms. Hartman was the owner of the house. It turns 23 out from '09 until just recently, she was not the listed 24 owner. So she was living upstairs, renters without permits 25 were living downstairs, Mr. Hubbard, who I understand lives</p>	<p style="text-align: right;">Page 12</p> <p>1 the file, the public file, and it looked like folks here in 2 the county were making the assumption that Ms. Hartman is an 3 active duty member of the military and the rules might be 4 different. While everybody appreciates the service she 5 gives our country doing whatever she's doing in Afghanistan, 6 it is my understanding that she is not an active duty member 7 of the military. My husband was active duty for many years. 8 Mr. Overbey is actually a retired colonel from the Army and 9 very aware of that laws that pertain to active duty are -- 10 MR. EMDEN: Objection. 11 MS. SCOTT: -- very specific. 12 MR. EMDEN: She's, I mean, I'm happy to listen to 13 her but she's talking about things that are not relevant. 14 She's talking through several different witnesses that 15 aren't testifying. 16 MS. ROBESON: Well, hearsay is admissible in these 17 informal -- 18 MS. SCOTT: And I have a written statement from 19 the Overbeys because they couldn't be here today. 20 MR. EMDEN: Perhaps we could just submit that 21 then. 22 MS. ROBESON: Yeah. 23 MS. SCOTT: Well, wait. I'm going to let her 24 testify. 25 MR. EMDEN: Very well.</p>
<p style="text-align: right;">Page 11</p> <p>1 in Columbia, Maryland, was not living there. 2 MS. ROBESON: Ms. Mr. Hubbard here today? 3 MS. HARTMAN: No, he's not. He's out of town for 4 business. 5 MS. SCOTT: So -- 6 MS. HARTMAN: He's my son. 7 MS. ROBESON: I understand. 8 MS. SCOTT: So there's -- 9 MS. ROBESON: This is not your time yet. 10 MS. SCOTT: As far as the neighbors are concerned, 11 we have a history of people -- 12 MS. ROBESON: Okay. Let me stop you. I 13 apologize. I forgot to swear you in. 14 MS. SCOTT: Oh, I'm sorry. 15 MS. ROBESON: Please raise your right hand. 16 MS. SCOTT: Yes, ma'am. 17 (Witness sworn.) 18 MS. ROBESON: All right. Thank you. Okay. Go 19 ahead. 20 MS. SCOTT: Okay. So in the past when -- so I was 21 understanding that recently Ms. Hubbard was added, I'm 22 sorry, Ms. Hartman was added as an owner for -- the tax 23 records show the transaction price as zero. Her name was 24 added, but she's not living there right now. I understand 25 from -- Mrs. Overbey shared with me copies she made perusing</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. SCOTT: I -- 2 MS. ROBESON: I'll give it the weight it deserves. 3 MR. EMDEN: Very well. 4 MS. SCOTT: And I'll try to be more succinct. All 5 that is saying -- 6 MS. ROBESON: Well, you don't have to be succinct. 7 I just want to hear what you're saying. 8 MS. SCOTT: Right. All of that to the point that 9 it's my understanding from reading the county regulations 10 and having conversations in the past with the county, the 11 idea is with these accessory apartments, the owner occupies 12 the property. Because the property owner is occupying the 13 property, they have a vested interest in making sure the 14 tenants are good neighbors to everybody else or at least 15 maintaining the property and not causing problems. 16 To that point, this winter, spring and most 17 recently into the summer when neither owner was at that 18 house, the people who were occupying that house were causing 19 a lot of problems. There were numerous times the police 20 came out, there were numerous arrests, there were numerous 21 calls to the animal control. I can give you dates. My 22 husband and I both work full-time so we're only there early 23 morning, dinnertime and weekends because we work full-time 24 but on Tuesday, June the 3rd, I couldn't even turn onto the 25 street to go to my house because there were many Montgomery</p>

<p style="text-align: right;">Page 14</p> <p>1 County police cars.</p> <p>2 MS. ROBESON: Of this year?</p> <p>3 MS. SCOTT: Of this year. June 3rd. It was</p> <p>4 Tuesday, June 3rd of 2014 when I, and there were police cars</p> <p>5 in front of Ms. Hartman's house and in front of my house and</p> <p>6 the house on the other side of her. When I explained to the</p> <p>7 police officer I was trying to get to my home, which was</p> <p>8 blocked by a Montgomery County police car, he said that, you</p> <p>9 know, he said please wait a few minutes, we're about done</p> <p>10 here, we've just arrested five people in that house on</p> <p>11 heroin charges.</p> <p>12 MS. ROBESON: Okay. Okay. Let me -- that, what</p> <p>13 my job is, I have two things. You've raised an occupancy</p> <p>14 issue.</p> <p>15 MS. SCOTT: Uh-huh.</p> <p>16 MS. ROBESON: Can you testify how long, how much</p> <p>17 time Ms. Hartman actually occupies the home?</p> <p>18 MS. SCOTT: She occupied it until sometime this</p> <p>19 winter. The house looked deserted from about January on.</p> <p>20 There was no car in the driveway. One of the very first big</p> <p>21 snowstorms, and we didn't know that they would someday be</p> <p>22 applying for this permit or I would have noted the date, one</p> <p>23 of the big snowstorms that we had early in the season when</p> <p>24 the government was closed for a day or two, my husband and I</p> <p>25 one night, we were out walking, trying to see which was the</p>	<p style="text-align: right;">Page 16</p> <p>1 when she moved out.</p> <p>2 Other tenants moved out at end of February. New</p> <p>3 tenants moved in the basement in March. I have a very clear</p> <p>4 memory of that because they blocked, literally pulled the U-</p> <p>5 Haul truck blocking our driveway. We couldn't even go in</p> <p>6 our grass to go around our driveway.</p> <p>7 MS. ROBESON: How many tenants are in there?</p> <p>8 MS. SCOTT: They were two, it looked like that</p> <p>9 night there were two young men moving in the basement. They</p> <p>10 brought in luggage, they brought in some small furniture,</p> <p>11 stereo equipment. They -- and a weird little motor bike</p> <p>12 showed up when they showed up. I don't know exactly how</p> <p>13 long they stayed because then somebody else called the</p> <p>14 county and this whole process had to start for the</p> <p>15 permitting. They, I don't know when they left. They have</p> <p>16 left but upstairs, I don't know who was living in the house</p> <p>17 other than her son, Alexander Hubbard.</p> <p>18 MS. ROBESON: Oh, okay.</p> <p>19 MS. SCOTT: Which is different. There's Aron</p> <p>20 Hubbard and there's Alexander Hubbard. But there were all</p> <p>21 kinds of people in and out of that house all night long, all</p> <p>22 day long. There was a young woman with a baby living there</p> <p>23 for a while, or appeared to be living there, but nobody had</p> <p>24 a car. They looked like they were relying on other people</p> <p>25 to bring groceries. There were stolen shopping carts that</p>
<p style="text-align: right;">Page 15</p> <p>1 best way, how could we probably get out of the neighborhood</p> <p>2 to go to work the next day. It was dark. We walked by her</p> <p>3 house. Nothing -- the driveway was not shoveled. It looked</p> <p>4 deserted except the lights were on and there were many</p> <p>5 people in there just having a good old time and we were like</p> <p>6 well, she's gone, there's no car.</p> <p>7 And then we haven't -- she has shown up at the</p> <p>8 house in April to do some yard work. She was there just</p> <p>9 recently to do some serious renovation inside the house but</p> <p>10 she has --</p> <p>11 MS. ROBESON: How long was each stay in your</p> <p>12 estimation?</p> <p>13 MS. SCOTT: In both occurrences, in April, she was</p> <p>14 there around -- the inspection was April 7th. They said she</p> <p>15 would be moving back in in two weeks. She showed up two</p> <p>16 weeks after April 7th but she didn't move back in. She had</p> <p>17 a car with Virginia plates and she never spent the night in</p> <p>18 the house. She was there just recently around, looked like</p> <p>19 there were people there on July 7th to do a clean-out of the</p> <p>20 house and Ms. Hartman was there. This time the car had</p> <p>21 Massachusetts plates and again, she didn't spend the night</p> <p>22 in the house, so I cannot honestly tell you when's the last</p> <p>23 time she spent the night in the house but it doesn't appear</p> <p>24 to us that it's been -- I don't even know if she spent the</p> <p>25 night in there this year. Maybe. So I don't know exactly</p>	<p style="text-align: right;">Page 17</p> <p>1 would show up after somebody needed a grocery run and would</p> <p>2 steal the shopping cart, leave it in the driveway, leave it</p> <p>3 in the backyard.</p> <p>4 MS. ROBESON: Is anyone parking in the driveway?</p> <p>5 MS. SCOTT: There were people parking in the</p> <p>6 driveway but those cars, it was a variety of cars that might</p> <p>7 stay there. There was a black Cadillac SUV. There was a</p> <p>8 white, recently, there was a white Hyundai SUV. There were,</p> <p>9 there's a red Toyota that I believe belongs to Mr. Aron</p> <p>10 Hubbard, and that's there. It was there after every police</p> <p>11 arrest. It was there the day of the first inspection.</p> <p>12 There are cars coming and going all the time. The last --</p> <p>13 since Mrs. Hartman came and started demolishing, or what</p> <p>14 looks like demolishing the inside and brought a dumpster,</p> <p>15 there has not been a car since other than the car with</p> <p>16 Massachusetts plates that she brought during the day, and</p> <p>17 some people who looked like they were paid, like</p> <p>18 professional clean-up crew, and those cars didn't stay the</p> <p>19 night either.</p> <p>20 MS. ROBESON: Okay.</p> <p>21 MS. SCOTT: But there were people, even without</p> <p>22 cars in the driveway, there were plenty of people living in</p> <p>23 that house until June 29th, the final arrest.</p> <p>24 MS. ROBESON: Okay. Oh, June 29th.</p> <p>25 MS. SCOTT: There were -- the police made, in my</p>

<p style="text-align: right;">Page 18</p> <p>1 presence, the police were there three times making arrests, 2 June 3rd, June 5th and June 29th. On June 9th, Mr. Belt, 3 who lives next to me on the other side and couldn't be here 4 today, he was home during the day when the police were 5 called to the residence because somebody in a different 6 street had a house robbed. They chased the suspect into Ms. 7 Hartman's yard. The suspect went in the house. A young 8 woman answered the door and would not let the police in to 9 look for the suspect. A couple nights later, I saw someone 10 matching the description of the suspect climbing out Ms. 11 Hartman's bedroom window -- 12 MS. ROBESON: Okay. Okay. 13 MS. SCOTT: -- in the backyard. 14 MS. ROBESON: All right. Let's -- I need to focus 15 on the code requirements. 16 MS. SCOTT: Okay. 17 MS. ROBESON: And that is I guess what you're 18 saying could go to parking, the adequacy of parking. How 19 much parking is on that street? I mean, well, you have 20 other neighbors here I think that wish to testify? 21 MS. SCOTT: Yes. 22 MS. ROBESON: Okay. 23 MS. SCOTT: The Hayduks. 24 MS. ROBESON: All right. So -- 25 MS. SCOTT: Most of the houses on that street</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. SCOTT: Yes. My property, my driveway is 2 right on the edge of the property line and the little 3 sidewalk they built for their tenants is no more than four 4 feet from my driveway. And the door that their tenants use 5 is, you know, right out our dining room, kitchen. 6 MS. ROBESON: Okay. Now, I think I interrupted 7 you with your, from your, what you were -- 8 MS. SCOTT: Yeah. The point I'm trying to make is 9 we, we have a documented history of what happens in that 10 house when -- 11 MR. EMDEN: Your Honor, can I -- 12 MS. SCOTT: -- the owners are not there. 13 MR. EMDEN: She's now repeating herself for at 14 least the third time. 15 MS. SCOTT: I have arrest records I can -- 16 MS. ROBESON: Well, I haven't been counting. 17 MS. SCOTT: I can produce arrest records if you 18 need them. 19 MS. ROBESON: Well, the issue -- 20 MS. SCOTT: To show what happens at the house. 21 When the owners are not there, this is what's happening at 22 the house so if the owner is not going to be there, who is 23 going to supervise the accessory apartment? 24 MS. ROBESON: I understand. Okay. I don't 25 think --</p>
<p style="text-align: right;">Page 19</p> <p>1 would be set up that the, the original driveways -- these 2 houses were built back in the late '60s. 3 MS. ROBESON: What do you observe on the street as 4 a, as a whole? How, do you have any idea how long your 5 street is? Could it be 300 feet or is it, I mean, your 6 block? 7 MS. SCOTT: Oh, I'm sorry. I have no idea how 8 long the block is. I, I know that the original driveways 9 that came with that house, those types houses, these small 10 ramblers, the drive itself is approximately 27 feet, the 11 apron of the driveway that, you know -- 12 MS. ROBESON: Yes. 13 MS. SCOTT: -- is a total of 12 and 4, 16 feet. 14 MS. ROBESON: Okay. 15 MS. SCOTT: So you could, you could, you could. 16 You could get two cars. 17 MS. ROBESON: Okay. 18 MS. SCOTT: If you needed to. 19 MS. ROBESON: Tandem. In other words, one behind 20 the other. 21 MS. SCOTT: One behind the other, right. Not side 22 by side. One behind the other, yes, ma'am. 23 MS. ROBESON: But your property is adjacent and 24 it's less than 300 feet. Your property is adjacent to this 25 property.</p>	<p style="text-align: right;">Page 21</p> <p>1 MS. SCOTT: That's the point I'm trying to make. 2 MS. ROBESON: At this stage, we don't need that. 3 Did you have anything else you wanted to say about the 4 accessory apartment criteria for approval which -- 5 MS. SCOTT: And so it is part of the approval 6 process that the owner, it has to be their residence. 7 MS. ROBESON: Right. 8 MS. SCOTT: Right? 9 MS. ROBESON: Yes. Correct. 10 MS. SCOTT: So the owner is not in residence. We 11 have the cars parked that -- 12 MR. EMDEN: Your Honor, can I object again. She's 13 now for the fourth time -- 14 MS. SCOTT: The last piece I would like -- 15 MS. ROBESON: You know what? 16 MR. EMDEN: -- reading the same thing. 17 MS. ROBESON: We give a little leeway because 18 she's not an attorney. 19 MS. SCOTT: I'm not a lawyer. 20 MR. EMDEN: Right. I understand. 21 MS. SCOTT: I'm just a neighbor. 22 MR. EMDEN: Just in the interest of there are 23 other witnesses. I understand she's got a lot to say but 24 she's -- 25 MS. SCOTT: Well, then I'll --</p>

<p style="text-align: right;">Page 22</p> <p>1 MS. ROBESON: But I'm going to let her say it.</p> <p>2 MR. EMDEN: Very well.</p> <p>3 MS. SCOTT: Thank you. And the last point I'd</p> <p>4 like to make is there is a history of complaints related to</p> <p>5 people calling the county to say we think there's some</p> <p>6 unlicensed renting going on here, and it goes back as far as</p> <p>7 '09, and various neighbors have gotten together, we've</p> <p>8 searched the internet and found things so there's history of</p> <p>9 just lack of regard for the zoning laws and the rules and</p> <p>10 regulations that everybody lives by.</p> <p>11 MS. ROBESON: I understand.</p> <p>12 MS. SCOTT: I just want to make that point that</p> <p>13 really, nobody should be above the law. It doesn't matter</p> <p>14 who you work for, how much money you make or what your name</p> <p>15 is. The rules are the rules.</p> <p>16 MS. ROBESON: Right.</p> <p>17 MS. SCOTT: And there's a history of disregarding</p> <p>18 the rules and we're concerned that if this apartment</p> <p>19 application is granted, that once it's granted, there won't</p> <p>20 be any reason for anybody to live by the rules. In fact,</p> <p>21 when, you'll recall originally, this application was denied</p> <p>22 after the second inspection. In May, there was a --</p> <p>23 MS. ROBESON: Yes.</p> <p>24 MS. SCOTT: -- conditional finding and then there</p> <p>25 was a re-inspection and they didn't pass. After that time,</p>	<p style="text-align: right;">Page 24</p> <p>1 which is statement, Overbey statement.</p> <p>2 (Exhibit No. 43 was marked for</p> <p>3 identification.)</p> <p>4 MS. ROBESON: All right.</p> <p>5 MS. SCOTT: Mrs. Overbey told me she set that</p> <p>6 statement up, the first part is wording from her original</p> <p>7 objection which is --</p> <p>8 MS. ROBESON: Right.</p> <p>9 MS. SCOTT: -- on file, then the last part was</p> <p>10 after she reviewed the records and before they left town.</p> <p>11 And she's got a date on that.</p> <p>12 MS. ROBESON: Right.</p> <p>13 MS. SCOTT: And that was attached to an e-mail she</p> <p>14 sent me personally. And that e-mail to me had personal</p> <p>15 information about my grandchildren and different things so I</p> <p>16 did not print the e-mail.</p> <p>17 MS. ROBESON: Okay.</p> <p>18 MS. SCOTT: If you could like, I can --</p> <p>19 MS. ROBESON: No, no. That's fine.</p> <p>20 MS. SCOTT: -- forward that to you but it has --</p> <p>21 MS. ROBESON: That's fine.</p> <p>22 MS. SCOTT: -- family info.</p> <p>23 MS. ROBESON: As long as the gist of what she</p> <p>24 wanted to say is in there.</p> <p>25 MS. SCOTT: Yeah. That's fine.</p>
<p style="text-align: right;">Page 23</p> <p>1 that's when the activity, the all night parties, the drug</p> <p>2 dealing, all of that just went, it just picked up and became</p> <p>3 every night. Once they, once the person living in that</p> <p>4 house and his friends thought that they didn't have to be on</p> <p>5 guard anymore, it went downhill fast.</p> <p>6 MS. ROBESON: All right. All right. Thank you.</p> <p>7 MS. SCOTT: Thank you for allowing us to be here.</p> <p>8 MS. ROBESON: Anything else you'd like to say?</p> <p>9 MS. SCOTT: Um. No. I have, I have the statement</p> <p>10 -- I also -- no. I have a statement from the Overbeys.</p> <p>11 Would you like -- can I read that into the record or would</p> <p>12 you like that hard copy handed to you?</p> <p>13 MS. ROBESON: I, why don't you give me the hard</p> <p>14 copy. Now, that's not subject to cross-examination --</p> <p>15 MS. SCOTT: Right.</p> <p>16 MS. ROBESON: -- so I can't give that the</p> <p>17 weight --</p> <p>18 MS. SCOTT: Fair enough.</p> <p>19 MS. ROBESON: -- that live bodies, so to speak,</p> <p>20 have.</p> <p>21 MS. SCOTT: Right. And the Overbeys had --</p> <p>22 MS. ROBESON: Yes. So I'm going to mark that as</p> <p>23 exhibit -- any objections?</p> <p>24 MR. EMDEN: No, Your Honor.</p> <p>25 MS. ROBESON: I'm going to mark that as Exhibit 43</p>	<p style="text-align: right;">Page 25</p> <p>1 MS. ROBESON: All right. Now, it's, Ms. Scott,</p> <p>2 it's time for cross-examination which means that mister --</p> <p>3 can you spell your last name again?</p> <p>4 MR. EMDEN: Sure. E-M-D-E-N. Emden.</p> <p>5 MS. ROBESON: I had O-N. Okay. Mr. Emden gets to</p> <p>6 ask you questions about your testimony, all right? Mr.</p> <p>7 Emden?</p> <p>8 MR. EMDEN: Thank you.</p> <p>9 CROSS-EXAMINATION</p> <p>10 MR. EMDEN: Have you seen any written lease</p> <p>11 between the Hartman's and any other member of the world?</p> <p>12 MS. SCOTT: No.</p> <p>13 MR. EMDEN: And have you seen any money exchange</p> <p>14 hands between Ms. Hartman and any other member of the world</p> <p>15 concerning renting property?</p> <p>16 MS. SCOTT: No.</p> <p>17 MR. EMDEN: Do you agree that each house has space</p> <p>18 in front of it for anyone to stop their car? In other</p> <p>19 words, it faces the street?</p> <p>20 MS. SCOTT: Yes.</p> <p>21 MR. EMDEN: And you agree that she has a driveway.</p> <p>22 MS. SCOTT: Yes.</p> <p>23 MR. EMDEN: And you really don't know whether</p> <p>24 these people that you described were tenants for pay or</p> <p>25 other individuals.</p>

<p style="text-align: right;">Page 26</p> <p>1 MS. SCOTT: I've not seen money change hands but a 2 reasonable person -- they lived there, many of them lived 3 there for a year. That's, that's not just overnight guests. 4 That's not somebody, you know, helping out. 5 MR. EMDEN: And you also know that she has two, or 6 three grown sons? 7 MS. SCOTT: I knew of two grown sons. If there 8 are more, I didn't know about that. 9 MR. EMDEN: Quick indulgence. That's all I have. 10 MS. ROBESON: All right. Based on his questions, 11 is there anything else you would like to say? 12 MS. SCOTT: I would like someone to ask Ms. 13 Hartman if money did change hands. Did she take money from 14 these people? 15 MS. ROBESON: Well, you can ask her that -- 16 MS. SCOTT: Okay. 17 MS. ROBESON: -- when it's your turn to cross- 18 examine her. 19 MS. SCOTT: Fair enough. Okay. 20 MS. ROBESON: So write that down. 21 MS. SCOTT: Thank you. 22 MS. ROBESON: Anything else? 23 MS. SCOTT: I'd like to clear, I'd like clarity 24 whether or not she's active duty member of the military. 25 MS. ROBESON: Oh, okay. No. You can ask that of</p>	<p style="text-align: right;">Page 28</p> <p>1 sorry. I may have missed that. 2 MS. ROBESON: I did swear her. 3 MR. EMDEN: Okay. I'm sorry. 4 MS. ROBESON: Before you begin your testimony, can 5 you describe where you live in relation to Ms. Hartman's 6 house? 7 MS. HAYDUK: We live down, we live on Westbourne 8 Terrace but there's a cul-de-sac. When you come into the 9 development on Fernshire, you make, there's a stop sign on 10 Fernshire. You make a left onto the cul-de-sac and at 11 Westbourne, the house, their house is like directly in front 12 of the stop sign, pretty close to it, and you make a left on 13 Westbourne and we are, there's the cul-de-sac and that's 14 where we live is down around the corner. 15 MS. ROBESON: Okay. 16 MS. HAYDUK: I can't say how many -- 17 MR. HAYDUK: 16807. 18 MS. HAYDUK: Yeah, I know, but I don't know how 19 many feet that, you know, from their house. 20 MS. ROBESON: No, that's okay. 21 MS. HAYDUK: But we are in a close proximity. We 22 have to go by their house when we leave our cul-de-sac -- 23 MS. ROBESON: Okay. 24 MS. HAYDUK: -- to go out of the development. 25 MS. ROBESON: All right.</p>
<p style="text-align: right;">Page 27</p> <p>1 her -- 2 MS. SCOTT: Okay. 3 MS. ROBESON: -- when it's your time. I mean, is 4 there anything else you'd like to add to your statement? 5 MS. SCOTT: Um -- 6 MS. ROBESON: Based on his questions to you. 7 MS. SCOTT: Based on his questions. 8 MS. ROBESON: His questions were -- 9 MS. SCOTT: Were about the parking and money 10 changing hands. No. 11 MS. ROBESON: Okay. All right. Thank you, Ms. 12 Scott. 13 MS. SCOTT: Thank you. 14 MS. ROBESON: Is there anyone else that wishes to 15 testify in support of the objection? Yes, ma'am. Why don't 16 you come forward. Please raise your right hand. 17 (Witness sworn.) 18 DIRECT EXAMINATION 19 MS. ROBESON: Please state your name and address 20 for the record. 21 MS. HAYDUK: Susan Hayduk, H-A-Y-D-U-K, 16807 22 Westbourne Terrace. 23 MS. ROBESON: Okay. Before you start, can you 24 tell me where you live in the -- 25 MR. EMDEN: Do you want to swear the witness? I'm</p>	<p style="text-align: right;">Page 29</p> <p>1 MS. HAYDUK: So we're in and out frequently. 2 MS. ROBESON: Okay. That's helpful. Okay. 3 MS. HAYDUK: Okay. 4 MS. ROBESON: Continue with what you wish to say. 5 MS. HAYDUK: I would like to agree with everything 6 that Anne has said. This will sound redundant, probably, 7 what I am about to say. We did not get together when it 8 came to my putting together a testimony so this will be a 9 repeat but it's how it affects us as neighbors. 10 MS. ROBESON: And that's fine. 11 MS. HAYDUK: Okay. Since 2009, there have been 12 seven complaints, and I have attachments to, to support my 13 statements. There have been seven complaints to the 14 Montgomery County Department of Permitting Services related 15 to accessory apartment violations at this residence. 16 According to county records, inspectors have referred and/or 17 resolved the complaints. Our question is if the complaints 18 have been resolved, why was the owner of this residence not 19 fined for having, having an accessory apartment with no 20 record of a permit since 2009? 21 MS. ROBESON: Okay. 22 MS. HAYDUK: The second statement I have is the 23 Montgomery County Department of Housing and Community 24 Affairs Accessory Apartment Fact Sheet states that an 25 existing single-family dwelling must be owner-occupied.</p>

<p style="text-align: right;">Page 30</p> <p>1 According to the property evaluation of 9/2006, which I have 2 a copy of, Aron D. Hubbard was listed as the owner. 3 However, on the accessory apartment rental license 4 application, which went out recently, both Aron D. Hubbard 5 and Catherine Hartman were listed on the, on the application 6 as owners. However, neither of these owners reside at 16820 7 Westbourne Terrace. 8 MS. ROBESON: Now, can you give me your factual 9 basis for, for your opinion that or your belief that neither 10 owner resides there? 11 MS. HAYDUK: We have not seen the owner. I have 12 seen Catherine Hartman in her yard occasionally but, but 13 what we have seen recently is that there is a young man 14 living there. I did not know his name until recently, last 15 couple days actually, but I assumed he was the son. We've 16 spoken to him a couple times about, about a motorcycle that 17 was left on our cul-de-sac. He finally came down to claim 18 it. He also has left shopping carts on the cul-de-sac and 19 he never claimed them. The police knew about it. They did 20 not go to the residence, I don't believe, to have the 21 removed but one of our neighbors had to physically remove 22 them because I saw the carts being wheeled down the street 23 by whoever was staying at that house, young people, and they 24 pushed it right over at our neighbor's house, leads to the 25 lower park, and they pushed them over the hill.</p>	<p style="text-align: right;">Page 32</p> <p>1 Hubbard because -- 2 MS. HAYDUK: Yes. 3 MS. SCOTT: -- there are two. 4 MS. ROBESON: Oh, they're both Hubbards? 5 MS. HAYDUK: Yes. 6 MS. SCOTT: They're both Hubbard and -- 7 MS. ROBESON: Oh. 8 MS. HAYDUK: Alexander. 9 MS. SCOTT: -- both their names start with A -- 10 MS. ROBESON: Oh, okay. 11 MS. SCOTT: -- so it's tricky. 12 MS. ROBESON: Well, I guess the question is the 13 two owners of the property are Aron -- 14 MS. HAYDUK: Uh-huh. 15 MS. ROBESON: -- and Ms. Hartman. 16 MS. HAYDUK: Exactly. 17 MS. ROBESON: So can you tell me how often you've 18 seen Aron there? 19 MS. HAYDUK: I don't, I -- it has been a number of 20 years when we saw a young man and I, we assume it is Aron, 21 we do not know. We just knew that a young man was living 22 there. He had a dog because the dog came after our dog and 23 he came -- and that's when they were working on the 24 apartment in the basement, when they were obviously redoing 25 it.</p>
<p style="text-align: right;">Page 31</p> <p>1 MS. ROBESON: Okay. 2 MS. HAYDUK: And that's where we found them. 3 MS. ROBESON: Okay. Tell me about your 4 observations of Mr. Hubbard or Ms. Hartman at the home. 5 MS. HAYDUK: Mr. Hubbard, the young man who we 6 have seen there -- 7 MS. ROBESON: No. 8 MS. HAYDUK: Is that what you mean? The -- 9 MS. ROBESON: Yes. Mr. Hubbard or Ms. Hartman 10 because if you have an old tax record saying Mr. Hubbard or 11 somebody else owned it -- 12 MS. HAYDUK: Going down to 2006. 13 MS. ROBESON: -- I mean, we're really dealing with 14 now so -- 15 MS. HAYDUK: Okay. 16 MS. ROBESON: So even though there's a lot of, it 17 sounds to me like there's many past frustrations. 18 MS. HAYDUK: Uh-huh. 19 MS. ROBESON: We're really dealing with the 20 situation what is now, so can you describe how often you 21 have seen Ms. Hartman or Ms. Hubbard there? 22 MS. HAYDUK: Um -- 23 MS. ROBESON: Mr. Hubbard. 24 MS. HAYDUK: Mr. Hubbard, the young -- 25 MS. SCOTT: Excuse me. Can we clarify which Mr.</p>	<p style="text-align: right;">Page 33</p> <p>1 MS. ROBESON: And that's when the tax records said 2 that -- 3 MS. HAYDUK: Yes. 4 MS. ROBESON: -- he owned the property. 5 MS. HAYDUK: I think it was 2009. Around 2009 6 when they, it looked like the apartment was being redone in 7 the basement because we saw workmen in and out all the time. 8 MS. ROBESON: Okay. 9 MS. HAYDUK: The dog got loose, came down on our 10 cul-de-sac, came after our dog. He came running down for 11 it. It also got loose one other time when the workman was 12 there. 13 MS. ROBESON: Okay. 14 MS. HAYDUK: And he came running after it. 15 MS. ROBESON: I understand. 16 MS. HAYDUK: So I don't know how long that young 17 man was living there. I don't know. I do not know. 18 MS. ROBESON: And have you -- how long it's been 19 since you've seen him? 20 MS. HAYDUK: Oh, 2009, 2010 I would, I'm guessing 21 that was the last time we saw him there. 22 MS. ROBESON: Now, what about Ms. Hartman? 23 MS. HAYDUK: Ms. Hartman, I can't tell you the 24 exact date. 25 MS. ROBESON: Well, just is it one day, is it two</p>

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1 days?

2 MS. HAYDUK: Oh, it's been awhile. It's been a

3 while ago since I've seen her because basically, we just

4 pass by --

5 MS. ROBESON: Right.

6 MS. HAYDUK: -- if we're walking, you know, I've

7 seen someone working in the yard. It's been a number of

8 years though since I have seen her --

9 MS. ROBESON: Since you've seen her.

10 MS. HAYDUK: -- out in the yard, yes. Um-hum.

11 Since I've observed her in the yard.

12 MS. ROBESON: Okay. All right. Now, I

13 interrupted you.

14 MS. HAYDUK: Uh-huh.

15 MS. ROBESON: Can you continue with your

16 statement?

17 MS. HAYDUK: The other -- what really has affected

18 us is the parking on the street. The people who have been

19 so called renting an apartment or living in the basement,

20 and I do know that -- I worked at NIST and I've seen cars

21 with NIST stickers on there so I knew --

22 MS. ROBESON: What sticker? Can you --

23 MS. HAYDUK: The National Institute of Standards

24 and Technology.

25 MS. ROBESON: Oh, okay.

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1 MS. HAYDUK: Okay? And I have seen there were

2 cars there I believe in December. They had been there for a

3 while and they left in January but it was, it was I know in

4 December, even before that, there were two cars and one of

5 them did have a NIST sticker on it so, I mean, I did, and I

6 was not, I had retired at the time so I was unable, we

7 always have a bulletin board at work where I can see, you

8 know, if houses, places are rented out and that, we looked

9 at it all the time just to see what was being rented out in

10 the area.

11 MS. ROBESON: Was this property listed?

12 MS. HAYDUK: No. I did not see anything listed.

13 I did not. At the time, I was retired --

14 MS. ROBESON: Okay.

15 MS. HAYDUK: -- and did not, was not working at

16 NIST to observe anything like that.

17 MS. ROBESON: I see. Okay.

18 MS. HAYDUK: But I did notice the car had a NIST

19 sticker.

20 MS. ROBESON: Oh, I see. Okay.

21 MS. HAYDUK: Yes. But the -- what has affected us

22 is the parking on the street. Coming from what, coming from

23 Fernshire, there's a stop sign to turn left onto Westbourne,

24 but cars were parking on the left-hand side and the right-

25 hand side in front of, in front of the house, in front of

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1 this residence. It was very difficult to make a left-hand

2 turn. If any vehicle had to -- we have a lot of elderly

3 people in our cul-de-sac. If a, if a fire or rescue or some

4 emergency type vehicle had to get through there, practically

5 impossible to make that left-hand turn from Fernshire at the

6 stop sign. And when we're leaving our residence to go back

7 to Fernshire to get out of the development to make that

8 right-hand turn, those cars are parked very close to that

9 intersection.

10 We had called the police at one time. I said what

11 can we do about it. I found nothing on the county website.

12 He said call us the next time you see the car down there, we

13 will come out. He said that's all we can do and I --

14 MS. ROBESON: Did you observe cars in the

15 driveway?

16 MS. HAYDUK: No. No.

17 MS. ROBESON: Okay.

18 MS. HAYDUK: And by the way, we also noticed that

19 as part of the application, that Aron Hubbard had presented

20 to the county. He said that there, and I have a copy here,

21 there was an apartment driveway sketch and it says here,

22 this says the number of on-site parking spaces is three.

23 There is no room on-site parking on that house for three

24 cars as it is now. There is no room in that driveway.

25 MS. ROBESON: How much do you think they could fit

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1 in?

2 MS. HAYDUK: One behind the other.

3 MS. ROBESON: Tandem.

4 MS. HAYDUK: Probably two at the most. One behind

5 the other. There is not room for two cars to park side by

6 side.

7 MS. ROBESON: What do you observe as far as cars

8 in the driveway now?

9 MS. HAYDUK: Right now, we have not seen any cars

10 in the driveway. Even when there was all the activity going

11 on down there, there would be cars coming and going. Most

12 of the cars would be on the street very late at night

13 parking on both sides. You would see the lights and hear

14 the, the noise. But, no. There are no cars on the -- and

15 even when the young man who was Alexander living there,

16 there were no cars there. He came out one evening with a

17 lady that had a baby and we asked him if that was his

18 vehicle down the street that was left in our cul-de-sac. He

19 said oh, yes. He said well, it was left by so and so, and

20 there were so many stories that we didn't know which was

21 true and he said well, I'll move it eventually, we're just

22 taking the baby for a walk, but there were no cars in the

23 driveway or in the front of the house at that time.

24 MS. ROBESON: All right.

25 MS. HAYDUK: And that's basically, that's how it

<p style="text-align: right;">Page 38</p> <p>1 affects us.</p> <p>2 MS. ROBESON: Okay. That's fine. That's,</p> <p>3 helpful. Mr. Emden, do you have questions?</p> <p>4 MR. EMDEN: Yes.</p> <p>5 CROSS-EXAMINATION</p> <p>6 MR. EMDEN: Did you ever receive an e-mail from</p> <p>7 Ms. Overbey about complaining about this property?</p> <p>8 MS. HAYDUK: Yes.</p> <p>9 MS. EMDEN: And are you part of a community list</p> <p>10 serv or --</p> <p>11 MS. HAYDUK: No.</p> <p>12 MS. EMDEN: Was it a, what's the word, was it a</p> <p>13 collection of names that was involved with the e-mail you</p> <p>14 received?</p> <p>15 MS. HAYDUK: Yes.</p> <p>16 MS. EMDEN: Do you know of how many people,</p> <p>17 approximately, have been approached by Ms. Overbey about</p> <p>18 this property?</p> <p>19 MS. HAYDUK: No. Only what was, she has a list,</p> <p>20 only the names that I saw on her e-mail.</p> <p>21 MS. EMDEN: How many names were, roughly, on the</p> <p>22 e-mail?</p> <p>23 MS. HAYDUK: Oh, maybe 10 maybe. I'm not sure how</p> <p>24 many. I didn't count, but I would say eight to 10.</p> <p>25 MR. EMDEN: And other than these 10, those 10</p>	<p style="text-align: right;">Page 40</p> <p>1 MS. HAYDUK: I don't know. I do not -- I have no</p> <p>2 idea.</p> <p>3 MS. EMDEN: And I assume that you were aware that</p> <p>4 the police came out to the property in June.</p> <p>5 MS. HAYDUK: Yes.</p> <p>6 MS. EMDEN: And I also imagine that hearing or</p> <p>7 seeing that there, simply by itself, that there's police</p> <p>8 activity on your property or your neighborhood is very</p> <p>9 upsetting to you.</p> <p>10 MS. HAYDUK: Yes, it is. Definitely.</p> <p>11 MS. EMDEN: And also that there's an allegation of</p> <p>12 drug activity would also be upsetting to you --</p> <p>13 MS. HAYDUK: Right.</p> <p>14 MR. EMDEN: -- and the neighborhood.</p> <p>15 MS. HAYDUK: Definitely. Yes.</p> <p>16 MS. EMDEN: And you would like that to end.</p> <p>17 MS. HAYDUK: That's right. That's right.</p> <p>18 MS. EMDEN: Thank you.</p> <p>19 MS. HAYDUK: Sure.</p> <p>20 MS. EMDEN: That's all I have.</p> <p>21 MS. ROBESON: Is there anything you would like to</p> <p>22 say in response to what he said? What he said, what Mr.</p> <p>23 Emden asked you.</p> <p>24 MS. HAYDUK: Yes. I had a statement here and</p> <p>25 whether it's relevant or not, it's how we feel, that as we</p>
<p style="text-align: right;">Page 39</p> <p>1 names on the e-mail trail --</p> <p>2 MS. HAYDUK: Uh-huh.</p> <p>3 MS. EMDEN: That's what it was, e-mail trail.</p> <p>4 MS. HAYDUK: Uh-huh.</p> <p>5 MS. EMDEN: Have you spoken to other people in the</p> <p>6 neighborhood about this I'll call situation?</p> <p>7 MS. HAYDUK: Yes.</p> <p>8 MS. EMDEN: About how many other people than the</p> <p>9 10 people we talked about?</p> <p>10 MS. HAYDUK: Five.</p> <p>11 MS. EMDEN: And other than these five people, are</p> <p>12 you aware, through any of the witnesses here, of other</p> <p>13 people that have been approached in the neighborhood by this</p> <p>14 situation?</p> <p>15 MS. HAYDUK: No.</p> <p>16 MR. EMDEN: And of the 15 people you've mentioned,</p> <p>17 how many of them are present today?</p> <p>18 MS. HAYDUK: Um, I didn't pay any attention to the</p> <p>19 names so I can't say whether their names -- I know Anne but</p> <p>20 whether they were on the list, I don't know. I didn't, I</p> <p>21 just saw the list of names, recognized a couple of the names</p> <p>22 and that was all.</p> <p>23 MS. EMDEN: Right. But would you say it's fair to</p> <p>24 say that there are at least 10 people who were on this e-</p> <p>25 mail trail who are not here today to complain?</p>	<p style="text-align: right;">Page 41</p> <p>1 have been residents of Prince Orchard Valley since 2000, I'm</p> <p>2 sorry, 1972, we have seen a marked decline in appearance and</p> <p>3 worth of properties in Quince Orchard Valley since the</p> <p>4 county has approved or not enforced licensing of accessory</p> <p>5 apartments. We have also seen an increase in crime.</p> <p>6 However, our property is taxed and insured at a high rate</p> <p>7 because of this location.</p> <p>8 We are very fearful our property values will drop</p> <p>9 even more if the county does not take proper action and</p> <p>10 start enforcing laws that they have enacted. The recent</p> <p>11 drug bust at this address, frequent police activity and</p> <p>12 inability of the county to follow up on complaints and</p> <p>13 enforcement of an illegal accessory apartment since 2009 has</p> <p>14 resulted in our strong opposition or approval of an</p> <p>15 accessory apartment at 16820.</p> <p>16 MS. ROBESON: All right.</p> <p>17 MS. HAYDUK: And the police have stopped us. When</p> <p>18 we take walks in the evening, we have been stopped by the</p> <p>19 police. We have been asked where do you live. We told</p> <p>20 them. I didn't give them my address. I said Westbourne</p> <p>21 Terrace. They said if you see anything at this address, you</p> <p>22 contact us. That's what they told us, and that was about a</p> <p>23 month ago after this police activity there.</p> <p>24 MS. ROBESON: Okay. Do you have any questions</p> <p>25 based on --</p>

<p style="text-align: right;">Page 42</p> <p>1 MR. EMDEN: None, Your Honor.</p> <p>2 MS. ROBESON: All right. Thank --</p> <p>3 MS. HAYDUK: Okay.</p> <p>4 MS. ROBESON: Anything else?</p> <p>5 MS. HAYDUK: No. My husband just me a note. Most</p> <p>6 of the --</p> <p>7 MS. ROBESON: No. No, no. He can, you can come</p> <p>8 up.</p> <p>9 MS. HAYDUK: You can come up and testify.</p> <p>10 MS. ROBESON: If there's something you want to</p> <p>11 say, please come up, all right? All right.</p> <p>12 MS. HAYDUK: Thank you.</p> <p>13 MS. ROBESON: You may be excused. Thank you.</p> <p>14 Okay. The next witness, please. All right. Yes. Very</p> <p>15 good.</p> <p>16 (Witness sworn.)</p> <p>17 DIRECT EXAMINATION</p> <p>18 MS. ROBESON: All right. Please state your name</p> <p>19 and address for the record and after that, it would help me</p> <p>20 to describe where you live in relation to the Hartman house.</p> <p>21 MS. KOTOWSKI: Okay. I live at 12213 Bradbury</p> <p>22 Drive.</p> <p>23 MS. ROBESON: Well, first state your name and</p> <p>24 address.</p> <p>25 MS. KOTOWSKI: Oh, I'm Janet Kotowski.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. KOTOWSKI: And that's why I'm here.</p> <p>2 MS. ROBESON: Okay. Tell me the effect.</p> <p>3 MS. KOTOWSKI: One of the issues I'm having is</p> <p>4 that who owns, who is the property owner. I mean, I've got</p> <p>5 the, the number one thing on the reference, checklist for</p> <p>6 licensing of an accessory apartment is property must be the</p> <p>7 owner's primary residence, so who is the property owner and</p> <p>8 are they living there? I see that as the --</p> <p>9 MS. ROBESON: Well, what I need from you, that's</p> <p>10 something you want to find out in this hearing.</p> <p>11 MS. KOTOWSKI: Okay.</p> <p>12 MS. ROBESON: And you're going to get a chance to</p> <p>13 ask questions.</p> <p>14 MS. KOTOWSKI: Okay.</p> <p>15 MS. ROBESON: What I need to find out from you is</p> <p>16 I have these criteria. Does the person live there --</p> <p>17 MS. KOTOWSKI: Right.</p> <p>18 MS. ROBESON: -- and is parking or anything that</p> <p>19 DHCA found or any of the director's report, was DHCA wrong,</p> <p>20 do you believe DHCA is wrong and then whether parking is</p> <p>21 inadequate. So what would help me to, to make a ruling is</p> <p>22 your observations on those issues.</p> <p>23 MS. KOTOWSKI: Okay.</p> <p>24 MS. ROBESON: Do you know, have you witnessed the</p> <p>25 parking on the street? How often have you seen the</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. ROBESON: Okay.</p> <p>2 MS. KOTOWSKI: I live -- the way our neighborhood</p> <p>3 is set up, Westbourne is over here and my street is over</p> <p>4 here.</p> <p>5 MS. ROBESON: Okay. The transcript --</p> <p>6 MS. KOTOWSKI: Oh, can't do that.</p> <p>7 MS. ROBESON: -- doesn't understand here.</p> <p>8 MS. KOTOWSKI: All right.</p> <p>9 MS. ROBESON: So --</p> <p>10 MS. KOTOWSKI: So --</p> <p>11 MS. ROBESON: -- if you're north or south or a</p> <p>12 block over.</p> <p>13 MS. KOTOWSKI: Am I north? What I am is we have a</p> <p>14 path through the Seneca Valley Park that runs between the</p> <p>15 end of Westbourne right up to Suffolk which is right around</p> <p>16 the corner from where I live.</p> <p>17 MS. ROBESON: Okay.</p> <p>18 MS. KOTOWSKI: So I live within the neighborhood</p> <p>19 on the other side.</p> <p>20 MS. ROBESON: Okay. All right.</p> <p>21 MS. KOTOWSKI: Okay? And, no, I don't live next</p> <p>22 door to this, this property but the result of this hearing</p> <p>23 has an effect on my home as well as all the other homes in</p> <p>24 the neighborhood.</p> <p>25 MS. ROBESON: Okay.</p>	<p style="text-align: right;">Page 45</p> <p>1 homeowner at the residence? Are there other people living</p> <p>2 there that, that, are there other people living there? So</p> <p>3 that's kind of what I, I need, do you have observations to</p> <p>4 tell me about what you know about the property.</p> <p>5 MS. KOTOWSKI: I guess the problem I'm having is</p> <p>6 whether I observed the homeowner there or if I have seen</p> <p>7 because I don't live right there.</p> <p>8 MS. ROBESON: I understand.</p> <p>9 MS. KOTOWSKI: But the fact is if there is, if the</p> <p>10 owner is not the primary resident, why was this even an</p> <p>11 availability to have an accessory apartment because that</p> <p>12 does affect my side of the neighborhood when somebody else</p> <p>13 wants to have an apartment. If we set precedence that we're</p> <p>14 not going to follow this rule and we're going to say okay,</p> <p>15 they've made the right, they've put in the right fire</p> <p>16 detectors, they put the right windows in but the basics of</p> <p>17 who is the owner and are they living there, I mean, that</p> <p>18 does affect me.</p> <p>19 MS. ROBESON: Yes. I understand. I understand.</p> <p>20 MS. KOTOWSKI: And that's what I, my understanding</p> <p>21 was, I was going to be able to just talk to the issue of how</p> <p>22 it affects the neighborhood --</p> <p>23 MS. ROBESON: That's fine.</p> <p>24 MS. KOTOWSKI: -- in general.</p> <p>25 MS. ROBESON: That's fine.</p>

<p style="text-align: right;">Page 46</p> <p>1 MS. KOTOWSKI: And to me, that is a primary step 2 of saying the person who owns the property should be living 3 there because as you have heard, when people who are living 4 there, there's no one in control of the house, then you have 5 the issue of someone in our neighborhood being, having a 6 break-in and it being traced back to this house. 7 MS. ROBESON: When you say -- so your issue, is 8 your issue the past police activity because that's not -- 9 MS. KOTOWSKI: My -- no. No. It's a concern but 10 my primary concern issue is with, it has, with the 11 regulation that you have to have the property owner living 12 there. 13 MS. ROBESON: Okay. All right. 14 MS. KOTOWSKI: Which affects who is renting and 15 who is watching what's happening in the house which in the 16 grander scheme, that affects the rest of us because if no 17 one is monitoring that by it being the property owner, then, 18 yes, you have people who are living there who do not have 19 ties to the neighborhood, who don't care about the house, 20 don't care about property of the other people in the 21 neighborhood. 22 MS. ROBESON: Yes. Okay. 23 MS. KOTOWSKI: So I don't understand why there's 24 the big rush to approve this apartment until there is some, 25 there is a documentation or the fact that the property owner</p>	<p style="text-align: right;">Page 48</p> <p>1 clear to me that you live there and it's full-time. 2 MS. ROBESON: All right. 3 MS. KOTOWSKI: Okay? 4 MS. ROBESON: Yes. Thank you. Any questions? 5 MR. EMDEN: No. 6 MS. ROBESON: Thank you. 7 MS. KOTOWSKI: You know, I -- 8 MS. ROBESON: Well -- 9 MS. KOTOWSKI: Can I? 10 MS. ROBESON: Yes. Go ahead. 11 MS. KOTOWSKI: I know he asked another person 12 about the number of people who knew about this hearing and 13 why maybe there's not as many people who live next door. 14 The reality is people have jobs and people are out of town 15 in the summer, and so to say that the other neighbors don't 16 care or by the lack of people here I think is a misnomer. I 17 think we need to be realistic about other people have 18 illnesses, that they cannot be here. 19 So the fact that we have people who are willing to 20 take the time to come and talk to the, talk at the hearing 21 because it is, we have these regulations for a reason. Then 22 let's get rid of the regulations and let, have anybody have 23 an apartment. What's the difference with saying you have a 24 bad smoke detectors and there's no property owner? 25 MS. ROBESON: Okay. I do understand.</p>
<p style="text-align: right;">Page 47</p> <p>1 has been living there for at least 30 days at least or 60 2 days or a year, at minimum, to show that, yes, this is their 3 primary residence. Why can't that be a, a stipulation 4 before the apartment is approved to say that, yes, we are 5 guaranteeing that the property owner has to live there or is 6 living there before the accessory apartment application is 7 approved? 8 MS. ROBESON: Okay. I understand. 9 MS. KOTOWSKI: And so I, I feel that -- that's not 10 a direct observation of me watching -- 11 MS. ROBESON: No. I -- 12 MS. KOTOWSKI: -- who owns the house. 13 MS. ROBESON: I understand. 14 MS. KOTOWSKI: Okay. 15 MS. ROBESON: And I do have the ability to put 16 some conditions on, if a permit is granted, I do have some 17 ability to place conditions on the grant. So what you're 18 saying is that a condition that, that you find necessary is, 19 is that someone actually physically reside at the property 20 for a certain period of time. 21 MS. KOTOWSKI: And then what is, if that person 22 is, is not in residence, what is the recourse? Do you take 23 away that accessory apartment. 24 MS. ROBESON: Right. 25 MS. KOTOWSKI: I mean, because if -- it's pretty</p>	<p style="text-align: right;">Page 49</p> <p>1 MS. KOTOWSKI: Do you understand that? Okay. 2 Thank you. 3 MS. ROBESON: Any questions based on that last -- 4 MR. EMDEN: (No audible response.) 5 MS. ROBESON: Okay. All right. Thank you very 6 much. 7 MS. KOTOWSKI: You're welcome. 8 MS. ROBESON: You may be excused. Is there anyone 9 else that would -- I see your wife nudging you. 10 MR. HAYDUK: Yes, ma'am. 11 MS. ROBESON: Please raise your right hand once 12 you sit. 13 (Witness sworn.) 14 MS. ROBESON: Thank you. 15 DIRECT EXAMINATION 16 MS. ROBESON: Please state your name and address 17 for the record. 18 MR. HAYDUK: My name is Paul Hayduk, H-A-Y-D-U-K. 19 I reside -- 20 MS. ROBESON: And your -- 21 MR. HAYDUK: -- at 16807 Westbourne Terrace. 22 MS. ROBESON: All right. 23 MR. HAYDUK: And again, I'd like to speak about 24 our development. To give you a better idea to answer his 25 questions about who was on the list and why more people</p>

<p style="text-align: right;">Page 50</p> <p>1 aren't here, let me start by saying that on the upper side 2 of the Hubbard's place or whatever, the house in question -- 3 MS. ROBESON: The upper side? The -- 4 MR. HAYDUK: On the opposite side of the Hubbards, 5 I mean of the Scott's, there's a neighbor there next to the 6 driveway. They're moving so they're not here today. The 7 next house is the house in question and then you have the 8 Scotts. And then the next house, you have a couple whose 9 husband is a National Guard member. I don't know his 10 status. His wife is a member, I believe, of the State 11 Department, okay? The next house are renters, okay? I 12 don't know what she does but he runs a restaurant, okay? 13 The next house, elderly couple. He's got breathing problems 14 similar to mine. He's also under medical care. 15 The next house, a retired couple who are involved 16 with Gaithersburg HELP. Every morning 5:00, they go open 17 the shop for, for food. The next house on the circle, 18 elderly couple. He has a breathing problem. He's going for 19 medication. The next house coming around the circle, I 20 don't see them very often, okay? I don't know what they do. 21 The couple that share our driveway, he's on call. He's an 22 IT person. His car was gone this morning. Coming around 23 the circle is another rental couple. They could care less 24 what goes on. Coming back again, an elderly woman in her 25 90s, doesn't drive, doesn't go anyplace.</p>	<p style="text-align: right;">Page 52</p> <p>1 MS. ROBESON: Okay. Thank you. You're excused. 2 Anyone else that would like to testify? No? All right. I 3 do appreciate it. Mr. Emden, it is Ms. Hartman's turn. Ms. 4 Hartman, please raise your right hand. 5 (Witness sworn.) 6 MS. ROBESON: Go ahead, Mr. Emden. 7 MR. EMDEN: Thank you. 8 DIRECT EXAMINATION 9 MR. EMDEN: Would you please introduce yourself to 10 Ms. Robeson? 11 MS. HARTMAN: My name is Catherine Hartman. I 12 reside at 16820 Westbourne Terrace. I am an employee of the 13 U.S. Department of Defense, U.S. Department of the Navy. I 14 am stationed at the Office of Naval Intelligence in 15 Washington, D.C. as my permanent duty station. I am 16 currently a deployed civilian, Department of Defense, as a 17 senior advisor and I have been in Afghanistan since October. 18 I come home every three months. My deployment ends next 19 October. 20 MR. EMDEN: When you say next October, October of 21 what year? 22 MS. HARTMAN: October of 2014. 23 MR. EMDEN: Got it. 24 MS. HARTMAN: And as a deployed civilian, 25 generally, if there are special skills that are needed for</p>
<p style="text-align: right;">Page 51</p> <p>1 MS. ROBESON: Right. 2 MR. HAYDUK: She's taken out to dinner by family 3 and friends. The next house up on the corner is low income. 4 The fellow, you never see him. He hardly cuts his grass, 5 and that's right across the street from where the house in 6 question is. So that's the reason why these people aren't 7 showing up. 8 MS. ROBESON: I understand. Now, can you tell me 9 what your observations of parking on the street are? 10 MR. HAYDUK: Same as my wife has said, okay? It's 11 very difficult for emergency vehicles particularly to make 12 the left turn if they need to come into our cul-de-sac. 13 MS. ROBESON: And is that because of the number of 14 vehicles that are parked on the street? 15 MR. HAYDUK: That have been there previously, yes, 16 ma'am. 17 MS. ROBESON: Now, do other rental, do other 18 houses on the street also have a lot of vehicles? 19 MR. HAYDUK: No more than two. 20 MS. ROBESON: Okay. 21 MR. HAYDUK: No more than two. And the driveways 22 are adequate, carports are adequate to handle it. 23 MS. ROBESON: All right. Thank you. Mr. Emden, 24 do you have any question? 25 MR. EMDEN: No questions.</p>	<p style="text-align: right;">Page 53</p> <p>1 positions in the military, certain civilians are then 2 selected and recruited and asked if they would volunteer 3 into a military officer billet role and -- 4 MR. EMDEN: What's the word, billet? 5 MS. HARTMAN: It's a billet. It's a military, the 6 billet that I hold is a lieutenant colonel, O4, and I am a 7 public affairs officer and strategic communication advisor. 8 MS. ROBESON: Wait. I don't -- you'll have to 9 translate for me. What is billet? 10 MS. HARTMAN: Billet is a position, a defined 11 position. And it's -- 12 MR. EMDEN: What does the word billet mean? 13 MS. HARTMAN: It's a military term. 14 MS. ROBESON: Is it still civilian? 15 MS. HARTMAN: I am a civilian employee of the 16 Department of Defense, so I'm not a governing contractor. I 17 am a directing employee of the Navy. And the Navy 18 requested, due to skills that I had and skills that were 19 needed, if I would deploy into the position of a military 20 officer and serve as an advisor. 21 MS. ROBESON: Okay. 22 MS. HARTMAN: So just to introduce myself and give 23 you some background because I've seen e-mails and questions 24 about my position and my service, so I wanted to give 25 clarification of my background.</p>

<p style="text-align: right;">Page 54</p> <p>1 MS. ROBESON: What color is your passport?</p> <p>2 MS. HARTMAN: I have a red passport. An official</p> <p>3 red Department of Defense passport.</p> <p>4 MS. ROBESON: All right.</p> <p>5 MS. HARTMAN: And previously, I was deployed as an</p> <p>6 advisor to the State Department at the U.S. Embassy in Kabul</p> <p>7 and I was deployed there for a year in 2010 under the same</p> <p>8 circumstances, that I can, I get 90 days of leave to come</p> <p>9 home to maintain my house and property and am required to be</p> <p>10 deployed 70 days prior to arriving and 60 days prior to</p> <p>11 leaving and other than that, I'm free to come home when</p> <p>12 necessary. And I have my driver's licenses in that, my</p> <p>13 car's registered, my bank --</p> <p>14 MR. EMDEN: In what?</p> <p>15 MS. HARTMAN: In the address of --</p> <p>16 MR. EMDEN: Which address?</p> <p>17 MS. HARTMAN: 16820 Westbourne Terrace. My</p> <p>18 driver's license, my Maryland tax returns. I qualify as a</p> <p>19 Maryland resident for taxes. I have all my bank accounts, I</p> <p>20 have all my possessions, the residency requirements of --</p> <p>21 MS. ROBESON: Well, you have all your possessions</p> <p>22 here? But I thought that all these other people were living</p> <p>23 in your house.</p> <p>24 MR. EMDEN: Your Honor, we're going to get to that</p> <p>25 in just a moment if that's okay.</p>	<p style="text-align: right;">Page 56</p> <p>1 MS. HARTMAN: Okay. Well, what I would like to</p> <p>2 say is I feel that we need to separate fact from fiction and</p> <p>3 misperceptions that may occur from people who have never</p> <p>4 been in my home and never seen what they're calling an</p> <p>5 apartment.</p> <p>6 MS. ROBESON: Well, why don't you just tell me --</p> <p>7 MR. EMDEN: Yes. Give facts.</p> <p>8 MS. ROBESON: -- the background and not</p> <p>9 characterize their testimony.</p> <p>10 EMDEN: Give facts.</p> <p>11 MS. HARTMAN: I have, in the past, been renting a</p> <p>12 room in my basement and although there have been multiple</p> <p>13 complaints --</p> <p>14 MR. EMDEN: Wait. Let me interrupt you. I just</p> <p>15 want to ask, try to answer my question. You have had</p> <p>16 renters on your property in the past, right?</p> <p>17 MS. HARTMAN: Right.</p> <p>18 MR. EMDEN: Who generally have been those, who</p> <p>19 were those people?</p> <p>20 MS. HARTMAN: Okay. I rented a room in my</p> <p>21 basement to Joe Monsalves and Laura Baines (phonetic sp).</p> <p>22 Joe was with the Navy. Laura was an Army veteran who was a</p> <p>23 graduate student. The two of them had one vehicle and they</p> <p>24 rented a room in my basement. That was not an accessory</p> <p>25 apartment so it was not in any violation.</p>
<p style="text-align: right;">Page 55</p> <p>1 MS. ROBESON: Okay. All right.</p> <p>2 MS. HARTMAN: Right. Well, I was, at this point,</p> <p>3 just introducing myself.</p> <p>4 MS. ROBESON: Oh, I'm sorry. I didn't understand.</p> <p>5 Go ahead.</p> <p>6 MS. HARTMAN: Okay. And I can begin --</p> <p>7 MR. EMDEN: Well, let me ask you.</p> <p>8 MS. HARTMAN: Okay.</p> <p>9 MR. EMDEN: So do you consider this address as</p> <p>10 your primary residence?</p> <p>11 MS. HARTMAN: It is.</p> <p>12 MR. EMDEN: Do you live, other than staying</p> <p>13 overseas, do you have any other residences anywhere in the</p> <p>14 world?</p> <p>15 MS. HARTMAN: No. It's my home.</p> <p>16 MR. EMDEN: And where do your three children live?</p> <p>17 MS. HARTMAN: Aron Hubbard lives in Columbia</p> <p>18 Maryland, Zachary Hubbard lives in Annapolis and Alexander</p> <p>19 Hubbard has been living in my home with me.</p> <p>20 MR. EMDEN: And you have heard a fair amount of</p> <p>21 discussion about the issue of your decision to offer your</p> <p>22 home as an accessory apartment. Would you please provide</p> <p>23 the Hearing Examiner with a brief history of what you have</p> <p>24 done in the past in terms of having roommates, tenants,</p> <p>25 residents, call it what you will?</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. EMDEN: Why was it not an accessory apartment?</p> <p>2 MS. HARTMAN: I had -- the Department of Housing</p> <p>3 had come out as inspectors and they had explained that if</p> <p>4 you share the main kitchen of the household, that it's a</p> <p>5 room rental and that they examined the room and the</p> <p>6 basement. They required me to put in a window that met fire</p> <p>7 egress and have a smoke detector, and they cleared it as a</p> <p>8 room.</p> <p>9 MR. EMDEN: Did you do that?</p> <p>10 MS. HARTMAN: Yeah. I did that and Laura and Joe</p> <p>11 rented the room in the basement for two years.</p> <p>12 MR. EMDEN: When was that?</p> <p>13 MS. HARTMAN: There was not a stove, there was not</p> <p>14 a microwave. There was nothing for cooking. They shared</p> <p>15 the main kitchen.</p> <p>16 MS. ROBESON: What time period was this?</p> <p>17 MS. HARTMAN: This was, I believe, 2008, 2009.</p> <p>18 MS. ROBESON: Okay.</p> <p>19 MR. EMDEN: Was there a cooking unit in the, in</p> <p>20 this section of the house before they moved in?</p> <p>21 MS. HARTMAN: There was.</p> <p>22 MR. EMDEN: And --</p> <p>23 MS. HARTMAN: My son Zachary lived in the basement</p> <p>24 and when he lived in the basement, him and his girlfriend,</p> <p>25 and they have a son, we had made a small kitchenette there</p>

<p style="text-align: right;">Page 58</p> <p>1 and it had a stove, a microwave, a coffeemaker, 2 refrigerator. 3 MS. ROBESON: So okay. 4 MS. HARTMAN: This is my -- 5 MS. ROBESON: I'm trying to get a chronology. 6 MS. HARTMAN: Okay. 7 MS. ROBESON: So the two couples who rented the 8 room, what time period was that? I mean, the couple -- 9 MS. HARTMAN: The couple. 10 MS. ROBESON: -- that rented the room but they -- 11 MR. EMDEN: 2008, 2010 was it? 12 MS. HARTMAN: Right. 13 MS. ROBESON: Okay. So when was the kitchen put 14 in? 15 MS. HARTMAN: The kitchen was taken out actually. 16 MR. EMDEN: But when was it in? 17 MS. HARTMAN: The kitchen was put in maybe 2006 18 when -- 19 MR. EMDEN: And when was it taken out? 20 MS. HARTMAN: And it was taken out before anyone 21 rented the room, 2007. 22 MR. EMDEN: And was there a cost associated with 23 removing the kitchen? 24 MS. HARTMAN: Um, a small cost. Not a, not a 25 large cost.</p>	<p style="text-align: right;">Page 60</p> <p>1 until 2010? 2 MS. HARTMAN: Um, no. And I'm sorry. I'm not 3 prepared. I would have brought the date chronology. 4 MS. ROBESON: Well, don't apologize. Just if you 5 can, I'm just trying to get through this so if you can, 6 approximately when were they there? 7 MS. HARTMAN: I would say they were there for 8 almost two years and they, it would have had to be 2007, 9 2008. 10 MS. ROBESON: Okay. So continue. 11 MR. EMDEN: Did you do anything to improve the 12 quality of the accessory apartment, let's just call it the 13 apartment you had in the basement, before anybody moved in? 14 MS. HARTMAN: Be -- 15 MR. EMDEN: You made some renovations to your 16 house. 17 MS. HARTMAN: I did. 18 MR. EMDEN: Okay. When did that occur? 19 MS. HARTMAN: Well, we made renovations when we, 20 when we originally moved in, and that's when we made a 21 little kitchenette for my son and his wife and my grandson 22 but when they moved out, we removed the cooking appliances 23 in order to be in compliance. And in response to any 24 complaints about having an apartment, it's not true that the 25 county wasn't responding. Inspectors were coming out --</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. EMDEN: And why did you remove the kitchen? 2 MS. HARTMAN: I removed the kitchen because when 3 my son was living there, it was just considered a, you know, 4 family living unit. 5 MR. EMDEN: But you did this to comply with the 6 code, is that why? 7 MS. HARTMAN: Right. So when my son moved out and 8 I decided well, I live here alone. Since I live here alone, 9 I would like to rent the room I have finished downstairs, I 10 inquired to the county as to what were the regulations for 11 the rental. 12 MR. GOFF: I'm just going to the door. I'll still 13 be able to hear. 14 MS. ROBESON: Okay. I'm sorry. 15 MS. HARTMAN: So when I inquired to the county as 16 to the regulations for rental, they explained that it 17 couldn't have a kitchen, they had to share the main kitchen. 18 So I removed the stove and the microwave and rented it as a 19 room, and the couple that lived there shared the main 20 kitchen. 21 MS. ROBESON: And that was the couple you just 22 described. I can't recall the name but. 23 MS. HARTMAN: Right. Joe Monsalves and Laura 24 Baines. 25 MS. ROBESON: Okay. And how long were they there,</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. EMDEN: Wait. I'm sorry. 2 MS. ROBESON: Just -- 3 MR. EMDEN: Let me just, try to answer my 4 question. I know you have a lot to say. Did you hire 5 someone to fix up the basement? 6 MS. HARTMAN: In order to rent the apartment? 7 MR. EMDEN: Yes. 8 MS. HARTMAN: Yes. 9 MR. EMDEN: When was that? 10 MS. HARTMAN: That was after Mr. Goff came as an 11 inspection. So he came initially and he said -- 12 MR. EMDEN: Approximately when? Approximately 13 when? 14 MS. HARTMAN: It was -- 15 MR. EMDEN: We're just focusing on dates right 16 now. 17 MS. HARTMAN: Mr. Goff was there in April? 18 MS. ROBESON: He can't answer. 19 MS. HARTMAN: Oh. 20 MS. ROBESON: Just -- 21 MR. EMDEN: Just ballpark it. 22 MS. ROBESON: -- to the best of your recollection. 23 MR. EMDEN: Ballpark it. 24 MS. HARTMAN: In April of 2014. 25 MR. EMDEN: And how much was the cost to fix it</p>

<p style="text-align: right;">Page 62</p> <p>1 up?</p> <p>2 MS. HARTMAN: About \$4,000.</p> <p>3 MR. EMDEN: And what was done just basically?</p> <p>4 MS. HARTMAN: Well, we had a drop ceiling which</p> <p>5 was appropriate for room rentals and they said we needed a</p> <p>6 drywall ceiling, and we had a door that had a, didn't have</p> <p>7 the proper kind of a lock on it. There was a walkway that</p> <p>8 has stones, that some of the stones had worn down and he</p> <p>9 said it was a trip hazard. There was a smoke detector that</p> <p>10 was, that didn't have a battery. It was empty at the time.</p> <p>11 So it's the ceiling, the door lock, the smoke detectors,</p> <p>12 the, and he did mention that he felt the driveway was not</p> <p>13 adequate.</p> <p>14 MR. EMDEN: No. I'm talking about the person who</p> <p>15 fixed up the basement. Did they work on your driveway?</p> <p>16 MS. HARTMAN: No.</p> <p>17 MR. EMDEN: Okay.</p> <p>18 MS. HARTMAN: No.</p> <p>19 MR. EMDEN: Did they do anything else to your</p> <p>20 basement?</p> <p>21 MS. HARTMAN: They put in a drywall ceiling and</p> <p>22 fixed the rocks outside so that there was no trip hazard.</p> <p>23 MR. EMDEN: And what was the cost of that, you</p> <p>24 said 4,000?</p> <p>25 MS. HARTMAN: About \$4,000.</p>	<p style="text-align: right;">Page 64</p> <p>1 they stay in the basement or elsewhere?</p> <p>2 MS. HARTMAN: They lived in the room. It's a very</p> <p>3 large room.</p> <p>4 MR. EMDEN: Room being the basement?</p> <p>5 MS. HARTMAN: Right. And it has the window that</p> <p>6 was put in to meet the fire code and they shared the main</p> <p>7 kitchen and they had a patio and --</p> <p>8 MR. EMDEN: When did those people last live there,</p> <p>9 the last of the last roommates or tenants live there? When</p> <p>10 was that?</p> <p>11 MS. HARTMAN: In 20, up to 2013 when we decided</p> <p>12 to, when they moved out and then we decided that we would</p> <p>13 turn the room rental into an apartment and we put the stove</p> <p>14 and the microwave and had Mr. Goff come and inspect it and</p> <p>15 fix the ceiling. No one's lived there since then, since we</p> <p>16 put in the application, and prior to that, everyone who</p> <p>17 lived there was renting the room and sharing the main</p> <p>18 kitchen.</p> <p>19 MR. EMDEN: Why did you decide to have and apply</p> <p>20 for an attached accessory apartment as a class 3 license?</p> <p>21 MS. HARTMAN: Because I was aware that the</p> <p>22 licensing regulations have changed and that, you know, I</p> <p>23 know it's been a controversial media issue and people have</p> <p>24 both sides of it, but the regulations were changed as far as</p> <p>25 what were the licensing so I looked at the licensing</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. EMDEN: And who was that person?</p> <p>2 MS. HARTMAN: It's Dugart (phonetic sp.) Home</p> <p>3 Improvement.</p> <p>4 MR. EMDEN: And you have e-mails to substantiate</p> <p>5 that it really happened?</p> <p>6 MS. HARTMAN: (No audible response.)</p> <p>7 MR. EMDEN: And did you think it improved the</p> <p>8 quality of the appearance of the basement apartment?</p> <p>9 MS. HARTMAN: Marginally. It's a really nice</p> <p>10 space. It has laminate floors and nice cabinets. It's was</p> <p>11 done with quality in mind to provide a quality, affordable</p> <p>12 spot, but the drywall ceiling marginally improved appearance</p> <p>13 over the drop ceiling. The rocks were more decorative that</p> <p>14 were put out but it was, it was --</p> <p>15 MR. EMDEN: After that, did you have anybody else</p> <p>16 who was not related to you staying in your property?</p> <p>17 MS. HARTMAN: No.</p> <p>18 MR. EMDEN: Did you have, did you enter into a</p> <p>19 lease with any person after 2010 or so when this, these,</p> <p>20 this couple moved out to rent any part of your property?</p> <p>21 MS. HARTMAN: Well, between -- when Laura and Joe</p> <p>22 moved out prior to deciding to apply for the accessory</p> <p>23 apartment, I also rented rooms when they moved out to</p> <p>24 another couple as well and then to another single gentleman.</p> <p>25 MR. EMDEN: And where did those people stay? Did</p>	<p style="text-align: right;">Page 65</p> <p>1 requirements and I said oh, you know, we meet all these</p> <p>2 requirements.</p> <p>3 MR. EMDEN: How much time did you spend looking</p> <p>4 into this?</p> <p>5 MS. HARTMAN: A bit. Perusing online and --</p> <p>6 MR. EMDEN: Can you quantify that? Quantify it.</p> <p>7 MS. HARTMAN: I would say that I spent time online</p> <p>8 looking at what are the, there's a website that says if I</p> <p>9 want to have an accessory apartment, what is the checklist,</p> <p>10 what are the rules, you know, what criteria do you need to</p> <p>11 meet, and then you had to draw a map and you had to measure</p> <p>12 your driveway and so we did all of that. And then when we</p> <p>13 put the application in and we had the initial inspection,</p> <p>14 then we looked at the additional things which were the</p> <p>15 ceiling and the rocks and we made those repairs.</p> <p>16 MR. EMDEN: Why did you decide to do this?</p> <p>17 MS. HARTMAN: Why did I initially decide to do the</p> <p>18 apartment or to rent rooms?</p> <p>19 MR. EMDEN: To have the attached accessory</p> <p>20 apartment.</p> <p>21 MS. HARTMAN: Well, for several reasons. One is</p> <p>22 that I'm a single person living in the house alone so I have</p> <p>23 plenty of room in my house. It makes me feel comfortable.</p> <p>24 For instance, having Joe and Laura there, they were like</p> <p>25 family to me as well as when I had a researcher from NIST.</p>

<p style="text-align: right;">Page 66</p> <p>1 I felt like I'm providing quality, affordable, a family 2 environment for people who, for instance, in the NIST 3 researcher, he was from out of town, he had no family, and 4 it supplements my income. They help with house maintenance. 5 The income I make from the apartment helps me then put more 6 money into maintaining my house. 7 I see it in every way as a plus for the 8 neighborhood because I have more money for home maintenance 9 and I have other people that help contribute and most, the 10 people who I have rented rooms to, I've always done really 11 thorough background checks and credit checks and for, most 12 of my neighbors have welcomed them. They go to cookouts and 13 holidays with the Sittings who live on one side of, of my 14 house and they've been welcomed into the neighborhood by, by 15 more neighbors than have not. 16 And most of them have had one car. There was one 17 person and he, his car was, a tree branch fell and hit the 18 windshield of his car so at that point, he parked on the 19 other side of the street but generally, they parked right in 20 front of my house just like every single house on the street 21 has people parking in front of it. 22 MR. EMDEN: Thank you. And how important is that 23 income, additional income to you? 24 MS. HARTMAN: It's very important. It helps keep 25 me in the house and it helps me maintain the property. What</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. ROBESON: No. This is different. This is -- 2 MS. SCOTT: This also has a drawing of the 3 driveway and the dimensions are probably very different from 4 what they said. 5 MS. ROBESON: No. You haven't seen this diagram. 6 MS. SCOTT: Okay. 7 MS. ROBESON: So this is, looks like a map of the 8 street with homes so what I'm going to do is -- how would 9 you describe this? 10 MR. EMDEN: A rough drawing of the neighborhood. 11 Layout of the neighborhood. 12 MS. ROBESON: Okay. 13 (Exhibit No. 44 was marked for 14 identification.) 15 MS. ROBESON: Now, what I'm going to do, we're 16 going to take a five minute break. It's not that. Well, 17 why don't you come look at it and then you can -- 18 MR. EMDEN: We can make a copy of that too. 19 MS. ROBESON: And then -- 20 MS. SCOTT: I'd be happy to have, people have -- 21 this is in the county record. 22 MS. ROBESON: No. I know. 23 MS. SCOTT: Okay. 24 MS. ROBESON: I think he's not -- I don't know why 25 he's introducing it but that's a rough drawing of the</p>
<p style="text-align: right;">Page 67</p> <p>1 I planned this year was actually to refinish the driveway 2 and replace the deck with the income that I get from the 3 apartment. I invest it back into the house. 4 MR. EMDEN: Who else owns the property other than 5 yourself? 6 MS. HARTMAN: My son Aron. 7 MR. EMDEN: Was Aron living in the house in the 8 last year? 9 MS. HARTMAN: No. 10 MR. EMDEN: So let's talk about the driveway. Can 11 you tell me, can you describe -- court's indulgence. This 12 is not fancy but can we mark this? 13 MS. ROBESON: That's 44. Now, can you show it to 14 Ms. Scott? 15 MR. EMDEN: Yes. Should I mark it first or do you 16 want -- 17 MS. ROBESON: Yes. I'll mark it first. You can 18 bring it up. Let's take a five minute break. I'm going to 19 have copies made. Now, Ms. Scott, you have the ability to 20 object, make objections to evidence coming into the record, 21 not because you disagree with what he's saying but if you 22 think it's inaccurate or something like that 23 MS. SCOTT: Well, I'd like to know if this -- I 24 have a copy of the drawing that was submitted when they 25 applied.</p>	<p style="text-align: right;">Page 69</p> <p>1 neighborhood. Now if you could give it back to me, just so 2 you know, I'm going to have, we're going to take a five 3 minute break. I'm going to have our secretary make copies 4 of this, all right? All right. We're off the record. 5 We'll be back in five minutes. 6 (Whereupon, at 11:02 a.m., a brief recess was 7 taken.) 8 MS. ROBESON: All right. Did everyone get a copy 9 of Exhibit 44? 10 MR. EMDEN: Everyone but you. 11 MS. ROBESON: Well, I have the original. I'm 12 going to keep the original. 13 MR. EMDEN: Fair enough. 14 MS. ROBESON: Okay. Go ahead. 15 MR. EMDEN: So to continue, let me show you what's 16 been marked as Exhibit 44. What is this? 17 MS. HARTMAN: It's a very rough drawing I made 18 just to show, mark where my house was, where the T was for 19 the street, where other people live in relation. It was a 20 very quick done sketch. 21 MR. EMDEN: Good. Can you walk us through briefly 22 because everyone's looking at this page I assume here. Can 23 you -- there's an X. I'm sorry. There's a circle on the 24 extreme left-hand side of the page. What's that? 25 MS. HARTMAN: The cul-de-sac.</p>

<p style="text-align: right;">Page 70</p> <p>1 MR. EMDEN: And what's the name of the road that 2 feeds into the cul-de-sac? 3 MS. HARTMAN: Westbourne. 4 MR. EMDEN: And then there's a square, one, two, 5 three, four squares removed from that cul-de-sac is a square 6 with an X in it, right? 7 MS. HARTMAN: Right. 8 MR. EMDEN: And whose house is that? 9 MS. HARTMAN: That's Ms. Scott's house. 10 MR. EMDEN: And where is your house? 11 MS. HARTMAN: And mine is the one next to it which 12 is right at the T intersection. 13 MR. EMDEN: Okay. So the T being the fifth 14 square, rectangle from the cul-de-sac, right? 15 MS. HARTMAN: Right. Correct. 16 MR. EMDEN: And between the square, which is your 17 house, and that T, what is that space? 18 MS. HARTMAN: Between the square and the T? 19 MR. EMDEN: There's like a little gap there. Is 20 that the street? Where would cars park? 21 MS. HARTMAN: Oh, yeah. On the front of 22 Westbourne Terrace. Generally, in front of each of the 23 houses, there's two or three spots where cars park in front 24 of most of the houses. 25 MR. EMDEN: And when you say spots, you simply</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. EMDEN: Have you ever parked your car in this 2 driveway? 3 MS. HARTMAN: I park three cars there all the 4 time. 5 MR. EMDEN: What sizes are those cars? 6 MS. HARTMAN: I had an Accord for several years, 7 my son had a Civic and my other son had a Blazer, a 8 Chevrolet Blazer truck, and all three of those cars, my 9 son's Civic, my Accord and the Chevrolet Blazer, all three 10 fit in the parking area. 11 MR. EMDEN: And when you say fit into the parking 12 area, what's the configuration of the way that they, the 13 three cars fit into that driveway? 14 MS. HARTMAN: One after the other. 15 MR. EMDEN: In a line. 16 MS. HARTMAN: In a line. 17 MR. EMDEN: And the rear of the last car in that 18 queue, did it in any way extend into the street? 19 MS. HARTMAN: No, it doesn't. 20 MR. EMDEN: Now, you were asked to make certain 21 changes in your property at some point in time? 22 MS. HARTMAN: In order to meet the apartment 23 regulations? 24 MR. EMDEN: To meet code, yes. 25 MS. HARTMAN: Yes. I was.</p>
<p style="text-align: right;">Page 71</p> <p>1 mean that there's the physical space to allow a car to park. 2 MS. HARTMAN: Correct. And it's, and it's legal. 3 So it's legal and there's no prohibition that tells anyone 4 that they can't park there, and people all park there and 5 their guests park there and their visitors park there and 6 there's quite a bit of on-street parking there. 7 MR. EMDEN: And did there come a time when you, 8 your house has a driveway? 9 MS. HARTMAN: Mine does have a driveway. 10 MR. EMDEN: And can you describe the, the surface, 11 what the surface of the driveway is made of? 12 MS. HARTMAN: Well, part of the driveway is made 13 from asphalt, the apron is made from cement and then the 14 area next to the house, which is also parking, as was 15 approved by Steve Thomas, the manager of Permitting, is made 16 of brick and we park cars on the brick spot all the time. 17 It's like a carport to us. And it has, there was a door to 18 the side of the house where you park your car in the carport 19 and you walk into the side of the house so it was, it's a 20 designated parking area. 21 MR. EMDEN: What's the square footage of that 22 entire driveway? 23 MS. HARTMAN: It's above the 480 square feet 24 because it was inspected and approved to be adequate 25 parking.</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. EMDEN: And have you made all of those 2 changes? 3 MS. HARTMAN: I've made all of those changes. 4 MR. EMDEN: And have those changes been approved 5 by the county? 6 MS. HARTMAN: Approved and inspected by the 7 county, yes. 8 MR. EMDEN: So as far as you know, at the current 9 time, your apartment, your accessory apartment, is in 10 complete compliance with Montgomery County Code? 11 MS. HARTMAN: A hundred percent. 12 MR. EMDEN: And let's talk about what I will 13 describe as perhaps an elephant in the room which is what 14 happened in June of 2014. You have a son named Alex, 15 correct? 16 MS. HARTMAN: I do. 17 MR. EMDEN: And where were you in June of 2014? 18 MS. HARTMAN: I am deployed to Kabul, Afghanistan. 19 MR. EMDEN: Okay. So you weren't home then. 20 MS. HARTMAN: No. 21 MR. EMDEN: And you since learned or at some point 22 in time learned that there was drug activity in your house, 23 right? 24 MS. HARTMAN: Well, I speak to some of my 25 neighbors, the Sittings and Aselfin (phonetic sp.) who</p>

<p style="text-align: right;">Page 74</p> <p>1 lives across the street, and I had called to speak to Len 2 and Joanne and they told me that -- 3 MS. ROBESON: Is that the Sittings? 4 MS. HARTMAN: Yes. The Sittings. And I had 5 called and Joanne told me that she thought there were some 6 problems with Alex and that -- 7 MR. EMDEN: Alex is your son. 8 MS. HARTMAN: Yes. And that he had a party in the 9 house and that they were concerned that there was drug use 10 going on, and I called the Montgomery County Police and said 11 I'm calling about my residence and calling about my son's 12 welfare and I asked them if they had any further complaints 13 from any other neighbors about any drug activity in my 14 house. 15 MR. EMDEN: And what was your emotional reaction 16 to hearing this? 17 MS. HARTMAN: I was obviously extremely upset and 18 concerned for my son and for my property and for the 19 neighborhood in every way. I was, I was concerned, and I 20 made multiple calls to the police. I also called the 21 Montgomery County Crisis Center and asked for intervention. 22 MR. EMDEN: And what was it like being stations 23 somewhere halfway around the world and hearing about 24 something that you couldn't -- 25 MS. HARTMAN: Yeah. It was, it was stressful but</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. EMDEN: Do you know whether you have had any 2 -- you've had no tenants on your property since it's become 3 an attached accessory apartment, right? 4 MS. HARTMAN: No. No tenants have lived there 5 since I put in a stove and a microwave and applied. 6 MS. ROBESON: And that was in 2014. 7 MS. HARTMAN: That was in 2014. 8 MS. ROBESON: Well, wait. What time in 2014? 9 MS. HARTMAN: We, I put in the -- no one has been 10 there since January. I was renting it as a room. When the 11 person left in January, we then did the work and applied for 12 the apartment in March of 2014, so the apartment has been 13 empty the whole time. 14 MS. ROBESON: Oh, the apartment but not the house. 15 MS. HARTMAN: Not the house, no. 16 MS. ROBESON: I see what you're saying. Your son 17 has been in the house. 18 MS. HARTMAN: My son Alex was living in the house. 19 MR. EMDEN: And you were -- I'm sorry. Did I 20 interrupt you? 21 MS. ROBESON: No. 22 MR. EMDEN: Sorry. Do you, were you aware that 23 there were people staying in your house in June, in May, in 24 June, at least, of 2014? 25 MS. HARTMAN: No.</p>
<p style="text-align: right;">Page 75</p> <p>1 I did the best that I could to handle it. I let my 2 commanding officers know that I was having a family problem 3 and I may need to leave at any time. I got myself approved 4 for emergency leave to come home and deal with it. I called 5 other family members. My other son Zachary came to the 6 house, my mother came to the house, my brother came to the 7 house. 8 MR. EMDEN: Did your son, is your son, does he 9 recognize that he has a drug problem? 10 MS. HARTMAN: He does. He's now in the drug 11 treatment program, a residential program, and he's extremely 12 sorry and regretful and I'd like to say that I offer an open 13 apology to my neighbors, and drug abuse is a problem in our 14 country. It's a family problem, it's a mental health 15 problem and my son had a substance abuse problem and he's 16 now in a residential treatment program and I'm sorry for 17 anyone for any trouble. I can understand that. If I were 18 living in a neighborhood and someone, you know, had parties 19 or had drugs in the house, I would also be upset. 20 MR. EMDEN: You've heard testimony this morning 21 about people with shopping carts, people blocking parking 22 spaces, taking up parking, a list of complaints that I don't 23 need to repeat. Do you, did any of these people, were they 24 tenants of yours that did these things? 25 MS. HARTMAN: No.</p>	<p style="text-align: right;">Page 77</p> <p>1 MR. EMDEN: Well, you were subsequently made aware 2 that there were people staying there, right? You weren't 3 aware at the time but you were -- 4 MS. HARTMAN: At the time, no. And, yeah. I 5 don't know that anyone was staying in my house other than my 6 son Alex. 7 MR. EMDEN: But you presume that some of these 8 might have been drug-taking acquaintances of your son 9 staying in the house, right? 10 MS. HARTMAN: My impression is that there was a 11 deterioration at some point, that Alex had had some problems 12 with losing his job and breaking up with his girlfriend and 13 he had multiple stressors, and then the substance abuse and 14 it got out of hand from when -- I talked to the Sittings. 15 They had told me that, you know, it was a matter of days 16 that things had, you know, gotten out of hand. And then I 17 called the police and then the police came to the home and 18 they found drugs and they made an arrest. 19 MR. EMDEN: Are there -- 20 MS. HARTMAN: I called the police. 21 MR. EMDEN: And that was not an easy thing to do. 22 MS. HARTMAN: No, it wasn't. 23 MR. EMDEN: Did you make repairs to your property 24 since you came home? 25 MS. HARTMAN: We are in the process of making some</p>

<p style="text-align: right;">Page 78</p> <p>1 repairs to the property, yeah.</p> <p>2 MR. EMDEN: And why is that important to you?</p> <p>3 MS. HARTMAN: To maintain the property. It's my</p> <p>4 home. And to be able to meet the requirement so that I can</p> <p>5 rent the apartment because it's financial income that I</p> <p>6 depend on.</p> <p>7 MR. EMDEN: Do you know anything about whether</p> <p>8 others, other than the people seated in this room, whether</p> <p>9 others have been contacted by anybody else in your</p> <p>10 neighborhood in an effort to come in and oppose your request</p> <p>11 for a license today?</p> <p>12 MS. HARTMAN: Two of my neighbors told me that</p> <p>13 people were going door-to-door knocking on the doors in all</p> <p>14 the neighborhood and trying to round people up, and I think,</p> <p>15 um, my personal opinion is that people have perceptions and</p> <p>16 things get out of hand. For instance, I heard so many</p> <p>17 exaggerations. I had heard that I had fire in my house. I</p> <p>18 heard that I had DEA agents. I had practically heard a</p> <p>19 chopper landed there.</p> <p>20 So the real story of what happened and all of the</p> <p>21 stories about what happened, there was a huge discrepancy,</p> <p>22 and for things getting out of hand saying just because there</p> <p>23 was a robbery somewhere, that it's now traced to my house</p> <p>24 where there's no evidence, not by the police or anyone, that</p> <p>25 there was any robbery that was committed. The police</p>	<p style="text-align: right;">Page 80</p> <p>1 objections are not sustained, is there anything that you</p> <p>2 could or would do to ensure that your property is used</p> <p>3 differently than it has been?</p> <p>4 MS. HARTMAN: Well, I would also point to past</p> <p>5 history on that, that I was renting rooms responsibly to</p> <p>6 people who were welcomed in the community who were</p> <p>7 contributors, doing thorough background checks and felt that</p> <p>8 it was, um, a contribution to the neighborhood in so many</p> <p>9 ways and a contribution to myself and to maintaining my</p> <p>10 house, and I would continue to apply the same standards.</p> <p>11 MR. EMDEN: Do you expect that Alex is going to be</p> <p>12 returning to your home?</p> <p>13 MS. HARTMAN: No plans at this time.</p> <p>14 MR. EMDEN: I think that may be all I have. Just</p> <p>15 your indulgence for a moment, please. You said you wanted</p> <p>16 to discuss some of the inaccuracies about --</p> <p>17 MS. HARTMAN: I do because if I can point out very</p> <p>18 specific inaccuracies, I think that that is relevant to many</p> <p>19 of the things that are, that are said. When it talks like</p> <p>20 number --</p> <p>21 MR. EMDEN: What's the it you're talking about?</p> <p>22 MS. HARTMAN: Well, I'm talking about the</p> <p>23 objections that I have access to and I could say on the one</p> <p>24 from Anne Scott, no. 1, where it said there's off-street</p> <p>25 parking for three cars, I parked three cars there. I have</p>
<p style="text-align: right;">Page 79</p> <p>1 actually told me that they came to my house on five</p> <p>2 incidences that they were called and there was nothing going</p> <p>3 on, no one was even there, but that someone was having a</p> <p>4 party on another street. And he said you're going to live</p> <p>5 with this because if somebody's having a party on another</p> <p>6 street, your neighbors are going to call and they're going</p> <p>7 to say it's you. And they would come and they said there's</p> <p>8 nothing going on here, it's perfectly quiet, your son is</p> <p>9 sitting in there watching television.</p> <p>10 So I think things get exaggerated and stories get</p> <p>11 told, but my neighbors told me that there was canvassing</p> <p>12 door to door as well as quite a bit of discouraging things</p> <p>13 about my service in the military and my position being</p> <p>14 questioned and --</p> <p>15 MR. EMDEN: Do you have any, any sense of how many</p> <p>16 people, excuse me, have been solicited to come to court</p> <p>17 today?</p> <p>18 MS. HARTMAN: I don't have an idea but I would say</p> <p>19 that almost everyone in the entire neighborhood was probably</p> <p>20 asked and approached to come here.</p> <p>21 MR. EMDEN: How many people would that be?</p> <p>22 MS. HARTMAN: Hundreds.</p> <p>23 MR. EMDEN: Hundreds?</p> <p>24 MS. HARTMAN: Hundreds.</p> <p>25 MR. EMDEN: If your license is affirmed and the</p>	<p style="text-align: right;">Page 81</p> <p>1 experience parking three cars there and it's been measured</p> <p>2 and Steve Thomas from Permitting came out and said that the</p> <p>3 brick is considered a driveway and I had adequate parking.</p> <p>4 When it says that, that we don't live there, no</p> <p>5 one has ever talked to me. No one knows what I do for a</p> <p>6 living. No one knows that I have a permanent duty station</p> <p>7 in Washington, D.C. and I'm on a temporary duty assignment</p> <p>8 so that, so that that's also an inaccuracy.</p> <p>9 No. 3, illegally renting an unlicensed basement</p> <p>10 apartment to a variety of illegal tenants, no one's ever</p> <p>11 been in my home. They've never seen that it's an apartment</p> <p>12 or not an apartment so they don't know that there's a stove</p> <p>13 or a microwave. This is just someone's impression from the</p> <p>14 outside that it was an illegal apartment when it wasn't. It</p> <p>15 was a completely compliant room rental to completely</p> <p>16 responsible adults who didn't, did nothing that was out of</p> <p>17 line in any way.</p> <p>18 So when it says her due to lack of response from</p> <p>19 the county, there was no lack of response from the county.</p> <p>20 The county was coming regular. They came all the time. I</p> <p>21 had a relationship with the inspectors who were coming.</p> <p>22 They, they responded to every complaint they made. It just</p> <p>23 shows that there's, there is -- I'd have to say it's</p> <p>24 ignorance that if you make a complaint and you don't see a</p> <p>25 result and you make an assumption that nobody dealt with</p>

<p style="text-align: right;">Page 82</p> <p>1 that complaint, that's, it's not the truth. You just don't 2 know what the truth is. 3 MS. ROBESON: Yes. 4 MS. HARTMAN: So that's an inaccuracy. No. 4 5 about, talking about people moving in in March 2014, Aron 6 was there March 18th through -- 7 MR. EMDEN: Aron who? 8 MS. HARTMAN: Aron Hubbard. He was there because 9 he went, almost on a weekly basis he went to the house to 10 check on Alex and find out, especially after Alex had lost 11 his job and had actually wrecked his car. So Aron was going 12 there checking on Alex, buying him groceries, looking out 13 for him. Aron was there on March 8th, March 16th and March 14 23rd. The basement was completely empty. There were no 15 personal belongings. There was nothing. So I don't -- I 16 can't speak to whether a U-Haul trailer ever pulled up but I 17 can say that if someone saw a U-Haul trailer, the rest of 18 what they say about it is in accurate. I came home in the 19 month of April. It was empty. There was no one living 20 there. No personal belongings, no motor scooter, you know, 21 none of this. 22 MR. EMDEN: In the basement. 23 MS. HARTMAN: In the basement, correct. 24 MR. EMDEN: How about in your room? 25 MS. HARTMAN: Right.</p>	<p style="text-align: right;">Page 84</p> <p>1 can verify that. So when you look at the records of all the 2 complaints that were made, every complaint that was made had 3 a response and had an inspector come out and closed the 4 complaint because it was either resolved in some way or 5 unfounded. It's not a true statement. What someone thinks, 6 they have the right to say that but I think that putting 7 untrue statements about people without finding any, having 8 any evidence of it, um -- 9 MR. EMDEN: What else do you want to say? 10 MS. HARTMAN: So I would say that, um -- 11 MR. EMDEN: By the way, are there other renters in 12 your neighborhood? 13 MS. HARTMAN: I think there are several homes that 14 are rented. I think the home across the street from me is a 15 rental property and that's the only one I'm aware of. 16 MR. EMDEN: Do they park in their driveway, the 17 renters? 18 MS. HARTMAN: The house that has a renter, they 19 have a driveway and they park in the driveway and they also 20 park on the street in front of their house. They have 21 several cars that park on the street in front of their house 22 in that home that is a rental. 23 MR. EMDEN: Do you believe that there is space 24 that your rental property in any way encroaches upon the 25 ability of your neighbors to park in front of their house,</p>
<p style="text-align: right;">Page 83</p> <p>1 MR. EMDEN: Were there belongings in your room? 2 MS. HARTMAN: Well, my personal belongings are in 3 my room and my son's belongings were in the house. There 4 were no belongings of anyone else in my house when I was 5 there in the month of April. 6 MR. EMDEN: What do you keep in your room just 7 generally? 8 MS. HARTMAN: I have all my belongings. I have my 9 pictures on the wall, I have my clothing, I have my, my 10 cameras. I have all my personal records and files. I have 11 a dresser with, I have my jewelry. I have everything of my 12 personal life that you would keep in and throughout the 13 house, I have awards that I've have won. I've got statues, 14 I have plaques. I have items that I've gotten on my 15 travels. It's my personal belongings. It's my home, and 16 all of that is there in my home. And I see nothing of 17 anyone when I'm there in April so if anybody was there in 18 March, they certainly moved belongings in and out in a 19 matter of days. It's just, it's just not founded on fact. 20 To me, it's misperceptions, I can say, that people see 21 things and they come to their own conclusions but they don't 22 investigate or they don't ask. 23 So where it says this statement, owners have been 24 openly violating Montgomery County Zoning laws for a number 25 of years, that's an untrue statement and Montgomery County</p>	<p style="text-align: right;">Page 85</p> <p>1 houses? 2 MS. HARTMAN: No. Not from myself or the people 3 who have rented rooms in my house. And I will concede that 4 when my son was there and he had a large party that was out 5 of hand, that most likely during that time period, driveways 6 got blocked and I apologize for that. It was an incident 7 that doesn't, that wasn't myself or anyone I have ever 8 rented the room to. 9 And when it talks as well about people living who 10 are not the owners and the upper story of the house has been 11 occupied by people other than the stated owner, while I was 12 sent over to the U.S. Embassy in Kabul, I had a roommate 13 who, in exchange for watching my dog, mowing the lawn and 14 doing home repairs, he was my roommate. So I had my bedroom 15 and he had the bedroom that used to be my son's bedroom and 16 he maintained the house and again, my other neighbors 17 welcomed him. They said he was very nice. And then 18 downstairs, I rented a room to a single woman so those, 19 those are both in compliance to what the rules and 20 regulations are, you know, as far as my understanding, that 21 I could rent to two adults. 22 So when it says the upper story has been occupied 23 by people other than the stated owner, I don't think that 24 the facts are stated there as well as it talks about my son 25 driving a red Toyota. There's no red Toyota in my family.</p>

<p style="text-align: right;">Page 86</p> <p>1 I don't know. Even my bedroom window is two stories high. 2 It's two stories. Anyone climbing out of my bedroom window 3 would need a very big ladder to do that. 4 MS. SCOTT: Climbed out onto your deck. 5 MS. ROBESON: No cross-talk. 6 MS. SCOTT: Sorry. 7 MS. ROBESON: No. No. 8 MR. EMDEN: Anything else you want to tell the 9 Hearing Examiner? 10 MS. HARTMAN: No. Unless -- no. That's -- 11 MS. ROBESON: Okay. I have a few questions 12 because I am still a little confused on this chronology, so 13 what I need to know is when did you purchase, when did the 14 house go into your name? 15 MS. HARTMAN: My -- 16 MS. ROBESON: How long have, do you say it's been 17 your primary residence? 18 MS. HARTMAN: Since maybe 2006, 2007. 19 MS. ROBESON: Did you own it at that time? 20 MS. HARTMAN: I did own it. 21 MS. ROBESON: And then did it transfer out of your 22 name? 23 MS. HARTMAN: It transferred to my son. 24 MS. ROBESON: Okay. And why was -- which son, 25 Aron?</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. ROBESON: I'm sorry. 2013 to 2014? 2 MS. HARTMAN: That's correct. 3 MS. ROBESON: Okay. And then when does this 4 deployment end? 5 MS. HARTMAN: October. 6 MS. ROBESON: And are you not going to deploy 7 after that? 8 MS. HARTMAN: I have no plans to deploy after 9 that, and I'm required to spend a certain amount of time -- 10 MS. ROBESON: How long? 11 MS. HARTMAN: It's three years. Two to three 12 years between deployment. I have to check on that. 13 MS. ROBESON: Well, based on the dates you gave 14 me, it would be two years. 15 MS. HARTMAN: Well, one deployment was when I was 16 with the State Department which is when I left the State 17 Department and I work now for the Department of Defense. 18 That was one reason that they asked me to, I was selected 19 and asked to deploy because I had been at the Embassy in 20 Kabul and I was well experienced in Afghan culture. 21 MS. ROBESON: Okay. Now, it seems to me from -- 22 do you have another place you stay while you're here 23 because -- 24 MS. HARTMAN: I stay with Aron in Columbia 25 sometimes because it gives me more time to be with my family</p>
<p style="text-align: right;">Page 87</p> <p>1 MS. HARTMAN: My son Aron Hubbard. 2 MS. ROBESON: Okay. And why was that? 3 MS. HARTMAN: That was for financial reasons 4 between myself and Aron. 5 MS. ROBESON: And so when did it transfer out of 6 your name? 7 MS. HARTMAN: 2007. 8 MS. ROBESON: And when did it go back in your 9 name? 10 MS. HARTMAN: 2013. 11 MS. ROBESON: Okay. So when did you have tenants 12 there? 13 MS. HARTMAN: I had roommates. 14 MS. ROBESON: Roommates. 15 MS. HARTMAN: They were renting rooms. 16 MS. ROBESON: And when was that? 17 MS. HARTMAN: That was from 2008 to 2010, then 18 from 2010 to 2012 and in 2013. 19 MS. ROBESON: Okay. All right. Now, it sounds 20 like you have an exciting career. How often have you been 21 deployed overseas? 22 MS. HARTMAN: Twice. 23 MS. ROBESON: Twice. And when was that? 24 MS. HARTMAN: One was 2010 to 2011 and currently, 25 from October 2013 to 2014.</p>	<p style="text-align: right;">Page 89</p> <p>1 and my grandchildren. 2 MS. ROBESON: Now, I notice that Aron has this 3 down as, both his property and your property down as his 4 primary residence. 5 MS. HARTMAN: I think he switched his primary 6 residence when he bought the house in Columbia. 7 MS. ROBESON: Okay. Maybe it hasn't caught up in 8 SDAT yet. 9 MS. HARTMAN: Okay. I think he has because, I 10 mean, he files his taxes. 11 MS. ROBESON: Do you have any other, do you own 12 any other properties? 13 MS. HARTMAN: No. 14 MS. ROBESON: Now, it's my recollection, from the 15 testimony of Ms. Scott, that there were police calls as far 16 back as 2009. Maybe I'm wrong. Don't correct me. To your 17 knowledge, what's the time period of the police calls? 18 MS. HARTMAN: Recent. In the months -- 19 MS. ROBESON: So you're saying there was only one 20 police call and it was this party. 21 MS. HARTMAN: No. I think there were several 22 within a period of time, a month or so. I'm not really 23 sure. I don't have access to all the police calls and 24 records. 25 MS. ROBESON: But you can't say how long you'll be</p>

<p style="text-align: right;">Page 90</p> <p>1 deployed before you can take another deployment.</p> <p>2 MS. HARTMAN: I have no plans to redeploy again at</p> <p>3 this time.</p> <p>4 MS. ROBESON: Okay. Now, on your driveway, the</p> <p>5 three cars that fit, I don't have a picture of your</p> <p>6 driveway. Is there one lane in and then it broadens to</p> <p>7 include like a, is it a, is it a patio did you say or --</p> <p>8 MS. HARTMAN: No. It's a carport.</p> <p>9 MS. ROBESON: A carport.</p> <p>10 MS. HARTMAN: It's made out of brick and it's a</p> <p>11 carport, and it's a place --</p> <p>12 MR. EMDEN: Describe the carport.</p> <p>13 MS. HARTMAN: It's well --</p> <p>14 MS. ROBESON: Thank you.</p> <p>15 MS. HARTMAN: It has a wooden, a big wooden frame</p> <p>16 square and then it's filled in with bricks. And on the</p> <p>17 side, it has the side of the house with the door and a spot</p> <p>18 where we put our garbage cans and it's --</p> <p>19 MR. EMDEN: But you can pull up behind --</p> <p>20 MS. HARTMAN: It's at the, it's beside the house</p> <p>21 so it's at the end of the driveway.</p> <p>22 MS. ROBESON: Is it a single drive aisle?</p> <p>23 MS. HARTMAN: A single aisle, yes, it is.</p> <p>24 MS. ROBESON: So it is tandem parking.</p> <p>25 MR. EMDEN: Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 car was totaled.</p> <p>2 MS. ROBESON: When's the last time you spent the</p> <p>3 night at the property?</p> <p>4 MS. HARTMAN: Um, last week. Last week. July</p> <p>5 10th, 11th.</p> <p>6 MS. ROBESON: And how long before that had you</p> <p>7 spent the --</p> <p>8 MS. HARTMAN: April. When I was here in April. I</p> <p>9 usually, like I said, I have 90 days of leave and I take it</p> <p>10 in three, three times. I came here in January and in April</p> <p>11 and in July.</p> <p>12 MS. ROBESON: All right.</p> <p>13 MR. EMDEN: May I ask a question in response to</p> <p>14 your questions?</p> <p>15 MS. ROBESON: Well, you can do -- I'm going to let</p> <p>16 them cross on my questions and then you'll get a chance to</p> <p>17 redirect.</p> <p>18 MR. EMDEN: Very well. I don't think I finished</p> <p>19 my direct quite frankly.</p> <p>20 MS. ROBESON: Oh, did you not? I thought you did.</p> <p>21 Okay. Go ahead.</p> <p>22 MR. EMDEN: Thank you. Is there, can you explain</p> <p>23 why you haven't spent a little more time in your primary</p> <p>24 residence since you've returned?</p> <p>25 MS. HARTMAN: It just needs some cleaning and some</p>
<p style="text-align: right;">Page 91</p> <p>1 MS. HARTMAN: Yes.</p> <p>2 MS. ROBESON: Don't, you don't need to --</p> <p>3 ME. EMDEN: Sorry.</p> <p>4 MS. ROBESON: -- supply her with the answers.</p> <p>5 Okay. Now, have you stayed at this house since you've</p> <p>6 returned?</p> <p>7 MS. HARTMAN: I do stay there.</p> <p>8 MS. ROBESON: And what kind of registration does</p> <p>9 your car have?</p> <p>10 MS. HARTMAN: Well, unfortunately, my son Alex had</p> <p>11 a car accident and totaled my car so when --</p> <p>12 MS. ROBESON: So what car are you driving?</p> <p>13 MS. HARTMAN: Right. I have a rental car when I</p> <p>14 come into town which is why it has plates from other states</p> <p>15 because it's a rental car.</p> <p>16 MS. ROBESON: So Aron totaled your car.</p> <p>17 MS. HARTMAN: Alex.</p> <p>18 MS. ROBESON: Alex totaled --</p> <p>19 MS. HARTMAN: Alex.</p> <p>20 MS. ROBESON: -- your car.</p> <p>21 MS. HARTMAN: Right. In the, in the bad weather.</p> <p>22 He had a, he had a slipper accident on one of the bad days</p> <p>23 of snow and ice, and it was a weather-related accident.</p> <p>24 MS. ROBESON: When's the --</p> <p>25 MS. HARTMAN: And the car airbags went off so the</p>	<p style="text-align: right;">Page 93</p> <p>1 work and as well as we were going to, we're sanding the</p> <p>2 floors and doing some drywall repair which is dusty and</p> <p>3 dirty, so it seemed that this was a good opportunity to get</p> <p>4 this kind of work done so I, I mostly cleared everything out</p> <p>5 and prepared it for the floors to be sanded which the floors</p> <p>6 should be being sanded this week and there was some drywall</p> <p>7 work done.</p> <p>8 MR. EMDEN: That's all I have.</p> <p>9 MS. ROBESON: Ms. Scott, do you have any questions</p> <p>10 of Ms. Hartman?</p> <p>11 MS. SCOTT: Yes.</p> <p>12 CROSS-EXAMINATION</p> <p>13 MS. SCOTT: Ms. Hartman, you said you -- if I</p> <p>14 could just allow me a second to flip back to the dates. You</p> <p>15 just told Ms. Robeson you owned the house from '06 until '07</p> <p>16 and then in --</p> <p>17 MS. HARTMAN: I don't have my records.</p> <p>18 MS. SCOTT: -- '13.</p> <p>19 MS. ROBESON: Let her finish the question.</p> <p>20 MS. SCOTT: And then in '13, you owned the house</p> <p>21 again. Does that match with the notes you took?</p> <p>22 MS. ROBESON: I didn't hear your question.</p> <p>23 MS. SCOTT: Okay. I'm trying to clear --</p> <p>24 MS. ROBESON: Ms. Hartman interrupted so can you</p> <p>25 repeat it?.</p>

<p style="text-align: right;">Page 94</p> <p>1 MS. SCOTT: Okay. Just a few moments ago when Ms. 2 Robeson asked Ms. Hartman when she owned the house, she said 3 she owned it in '06, transferred it to her son in '07 and 4 then in '13, she owned the house again, her name appeared as 5 an owner again. I have records from the county's, this is 6 the SDAT real property search. It shows the house was sold 7 to you by James Pierce in, on 9/1/2005. You then sold it to 8 your son 1/14/09 and then it doesn't show coming back to you 9 until 2/27/14 at which time the price was zero dollars. It 10 implies you don't have the mortgage on this house but so the 11 dates -- 12 MS. ROBESON: So that's not an -- 13 MS. SCOTT: Right. I'm sorry. I shouldn't have 14 said that. The dates -- 15 MS. ROBESON: Just cross-examine on the dates. 16 MS. SCOTT: So the dates, the dates you just told 17 Ms. Robeson do not agree with the dates from the SDAT real 18 property search record. Do, are you sure the dates you gave 19 her were accurate? 20 MS. ROBB: Isn't that true. 21 MS. SCOTT: Is that, I'm sorry, isn't that true? 22 I'm not a lawyer. Isn't that true? 23 MS. HARTMAN: Right. It is, I believe I said 2014 24 and if I didn't, I was in error. It was 2014. It was the 25 beginning of this year so if I said 2013, I meant 2014. And</p>	<p style="text-align: right;">Page 96</p> <p>1 of that property. You did not legally own that property. 2 MS. HARTMAN: Correct. 3 MS. SCOTT: Yet at the same time, you were renting 4 rooms in a property you did not own. Is that a correct 5 statement. 6 MS. HARTMAN: And we had -- 7 MS. ROBESON: No. Just, just answer her question. 8 MR. EMDEN: Yes or no. 9 MS. ROBESON: You have an attorney here. He'll 10 fix it, but just answer her question. Well, that didn't 11 come out right but go ahead. Just answer her question. Can 12 you ask the question again? 13 MS. SCOTT: I'm sorry. You were not the listed 14 owner when you were renting rooms to people in the house, is 15 that true? 16 MS. HARTMAN: That's true. 17 MS. SCOTT: Okay. You mentioned in your testimony 18 one party that the neighbors complained about. Do you have 19 any proof that it wasn't more than one party? 20 MR. EMDEN: Objection to defining what a party is. 21 MS. ROBESON: I think I'm going to let her. 22 MS. SCOTT: Yes. 23 MS. ROBESON: I understand what you're saying -- 24 MS. SCOTT: I'm talking -- 25 MS. ROBESON: -- but I think it's colloquial.</p>
<p style="text-align: right;">Page 95</p> <p>1 dates prior to that, I clearly said I was estimating, that I 2 was not sure of all the dates, that it was maybe 2006, 2007. 3 I have not done research and pulled records and looked at 4 what were the dates when I sold the house to Aron. 5 MS. ROBESON: Well, that's fine. Just -- 6 MS. HARTMAN: So it's I bought the house, instead 7 of 2006, if she has records, I didn't go researching the 8 records of when I bought the house, so it was 2005, 2006. I 9 was estimating and then at some point, I sold the house to 10 Aron. I estimated that was 2007. It could be 2009. And it 11 was 2014 when I put my, when my name got back onto the 12 title. 13 MS. ROBESON: So you didn't put your name back on 14 the title until you knew this hearing was coming or that you 15 knew that a complaint had been filed. 16 MS. HARTMAN: I didn't know a complaint had been 17 filed, no. It was prior to knowing a complaint had been 18 filed. It was early in 2014 and I didn't, we applied in 19 March and I guess complaints came in in April so it was 20 prior. 21 MS. ROBESON: Well, if you applied -- okay. All 22 right. Go ahead, Ms. Scott. Any other questions? 23 MS. SCOTT: Yes. So we seem to be in agreement 24 that for a large chunk of time between '09 and '14, or maybe 25 even as early as '07 and '14, you were not the listed owner</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. SCOTT: Late night partying on the deck, beer, 2 drugs -- 3 MS. ROBESON: Okay. 4 MS. SCOTT: -- open fire in the fire pit every 5 single night. 6 MS. ROBESON: No, no. Well, you -- okay. 7 MS. SCOTT: I live next door. 8 MS. ROBESON: Say are you aware. 9 MS. SCOTT: Are you aware of more than one party? 10 MS. HARTMAN: I said in my testimony that I think 11 it was a period of time that -- 12 MS. ROBESON: No. You said one party. 13 MS. HARTMAN: Well, there was a party so there we 14 come to the definition of party, but there was a period of 15 time where Alex was having, having a disruption to the 16 neighborhood. 17 MS. ROBESON: Well, do you admit that there's a 18 possibility that there may have been parties that you didn't 19 know about because you didn't hear about them from the 20 neighbors, the Sittings? 21 MS. HARTMAN: Yes. 22 MS. ROBESON: Is there, I mean, is that a 23 possibility? 24 MS. HARTMAN: Yes. 25 MS. SCOTT: Sorry. I had so many, so many</p>

<p style="text-align: right;">Page 98</p> <p>1 questions. You mentioned that you, you and your sons park 2 three cars on the driveway. Have you ever encouraged your 3 tenants to park or your roommates to park on the driveway? 4 MS. HARTMAN: Yes. 5 MS. SCOTT: Do they park on the drive -- has it 6 been your experience that they routinely park on your 7 driveway? 8 MS. HARTMAN: Sometimes they do and sometimes they 9 don't. 10 MS. ROBESON: You get a chance. If you think 11 she's incorrect -- 12 MS. SCOTT: Yeah. It's -- 13 MS. ROBESON: -- you will get a chance to test, to 14 re-testify so to speak. 15 MS. SCOTT: I'm curious. You mentioned you 16 couldn't do much about the situation in the house while you 17 were in Afghanistan but Aron Hubbard is still a listed 18 owner. He was, he applied for this permit too. 19 MS. ROBESON: Is this a question? 20 MS. SCOTT: Yes. Why didn't he, why didn't he do 21 something about what was going on at the house? You said 22 you couldn't be there. 23 MS. HARTMAN: No, he did. 24 MS. SCOTT: Why couldn't he be there? 25 MS. HARTMAN: He did. He was there on a regular</p>	<p style="text-align: right;">Page 100</p> <p>1 one second. 2 MS. SCOTT: Yes, ma'am. 3 MS. ROBESON: Let me just tell you that you'll get 4 time after her testimony to refute without asking questions. 5 MS. SCOTT: Okay. 6 MS. ROBESON: So you don't have to refute it now. 7 You'll get another opportunity. 8 MS. SCOTT: You said you don't have any plans to 9 redeploy. Is it fair to say you would refuse to redeploy if 10 you get this license for the apartment? 11 MS. HARTMAN: I can't speculate on that at this 12 time, whether I would refuse or not refuse or whether there 13 may be conditions that are set after the hearing, so I can't 14 comment on that. 15 MS. SCOTT: And I just want to clarify. You said 16 you had a carport. In my experience -- 17 MR. EMDEN: Objection. 18 MS. SCOTT: I'm trying to clarify the use of the 19 term carport. That implies something to most people. 20 MS. ROBESON: Okay. Why don't you just -- 21 MS. SCOTT: But it does not apply here. 22 MS. ROBESON: Why don't you just describe exactly 23 what's out there. Is there a roof like a carport or -- 24 MS. HARTMAN: There's no roof but it is determined 25 by Steve Thomas from Permitting to be a parking area for</p>
<p style="text-align: right;">Page 99</p> <p>1 basis. He went there every night for over a week straight 2 and he went regularly on the weekend. 3 MS. ROBESON: Well, you said previously every 4 week. 5 MS. HARTMAN: Yes. He went every week. 6 MS. ROBESON: Was it every night or -- 7 MS. HARTMAN: He went every night when there was a 8 problem. At one point -- 9 MS. ROBESON: How did he know there was a problem? 10 MS. HARTMAN: Because he was, he was talking to me 11 and he was talking to the police and he was there regularly. 12 He went at least every night for a week to address the 13 problems that were occurring and prior to that, when there 14 were no issues, he regularly checked on Alex on a weekly 15 basis, so Aron is, has been very present at the house. 16 MS. SCOTT: I'd also just like to go on record you 17 made, you directly attacked -- 18 MR. EMDEN: Objection. 19 MS. ROBESON: No. Don't go there. 20 MS. SCOTT: Okay. 21 MS. ROBESON: Don't go there. 22 MS. SCOTT: Can I address why people didn't 23 contact you directly about what was going on? 24 MR. EMDEN: Objection. 25 MS. ROBESON: Well, you can -- Ms. Scott, hold on</p>	<p style="text-align: right;">Page 101</p> <p>1 cars. 2 MS. ROBESON: So it's like a parking pad. 3 MS. HARTMAN: Parking pad. 4 MS. ROBESON: Was it a patio or a, was it put in 5 for parking or was it -- 6 MS. HARTMAN: It was put in prior to my living 7 there so I wouldn't -- 8 MS. ROBESON: Okay. 9 MS. HARTMAN: -- know what was the intention of 10 the owner but I have used it always -- 11 MS. ROBESON: As a parking pad. 12 MS. HARTMAN: -- for parking, and the manager of 13 Permitting Services said that it was a parking, he said what 14 it defines a parking place is a place where you can park 15 your cars. 16 MS. ROBESON: Okay. 17 MS. HARTMAN: And this absolutely is defined as a 18 place where you could park your cars. 19 MS. ROBESON: Okay. All right. 20 MS. SCOTT: I have a picture if it would help. 21 MS. ROBESON: You can do that when you get to 22 testify again. 23 MS. SCOTT: Okay. You said all your possessions 24 are in the house. I still don't understand why you don't 25 spend more time there when you're home if all of your</p>

<p style="text-align: right;">Page 102</p> <p>1 possessions are in the house, and we have not seen your 2 rental car spend the night. How can you -- you're only home 3 for a little while. I've had family members deployed -- 4 MR. EMDEN: Objection. 5 MS. ROBESON: Okay. You can't -- 6 MS. SCOTT: -- in Afghanistan. I know what they 7 do. Back to the first people you said you rented the room 8 to, Joe and Laurie. When that first happened, when you 9 first, back in -- 10 MS. ROBESON: Okay. You can't testify. 11 MS. SCOTT: You said they were your friends. You 12 told my husband and I at the time she was your sister. So 13 I'm confused. 14 MS. ROBESON: Isn't it true. 15 MS. SCOTT: Isn't it true you told my husband and 16 I that that was your sister and her husband who were staying 17 in your basement, and you also told us -- well, that's 18 unrelated. So did you mislead us at the time -- 19 MR. EMDEN: Objection. Complex question. 20 MS. SCOTT: -- because we had called. 21 MS. ROBESON: Well, no. Just you can say isn't it 22 true, you can leave it at isn't it true you told us she was 23 your sister. 24 MS. SCOTT: Isn't it true you told us that that 25 was your sister and her husband in the basement?</p>	<p style="text-align: right;">Page 104</p> <p>1 MS. SCOTT: That's your answer. 2 MS. ROBESON: Now, if you -- 3 MS. SCOTT: Okay. 4 MS. ROBESON: If you want to contradict it for 5 some reason, you have the chance to testify. 6 MS. SCOTT: All right. I'm just checking. 7 MS. ROBESON: Mr. Goff, do you have photos of this 8 property? 9 MS. SCOTT: Thank you. 10 MR. GOFF: Um -- 11 MS. ROBESON: Go ahead. 12 MS. SCOTT: I just want to make sure that we're 13 clear. The only -- you stated your son lived in the main 14 part of the house when you were deployed, your son 15 Alexander. 16 MS. HARTMAN: Yes. 17 MS. SCOTT: And that's the only person who was 18 living in that part of the house. 19 MS. HARTMAN: Yes. 20 MS. SCOTT: All right. 21 MS. ROBESON: All right. Anything else? 22 MS. SCOTT: No. I don't think so. 23 MS. ROBESON: Redirect? 24 MR. EMDEN: No. 25 MS. ROBESON: Okay. Let's get through Mr. Goff</p>
<p style="text-align: right;">Page 103</p> <p>1 MS. HARTMAN: Not true. 2 MS. ROBESON: Okay. Go ahead. Now, don't get 3 upset. Just -- 4 MS. SCOTT: Well, if -- 5 MS. ROBESON: Okay. I can't -- 6 MS. SCOTT: If someone's not going to tell the 7 truth -- 8 MR. EMDEN: Objection. 9 MS. SCOTT: -- I just don't know where to go. 10 MS. ROBESON: Objection. You can't -- 11 MS. SCOTT: I'm sorry. 12 MS. ROBESON: You have the opportunity, what 13 you're doing, you have the opportunity to say all this 14 again. I mean, you don't have to be limited by questions. 15 MS. SCOTT: Thank you. 16 MS. ROBESON: Okay. 17 MS. SCOTT: Maybe this isn't a question. Are you 18 certain your last tenant moved out -- at one point, you said 19 December of '13. Then after we came back from the photocopy 20 session, you said January of '14. Do you know exactly the 21 date your last tenant moved out of the basement? 22 MS. HARTMAN: The, a room renter moved out in 23 January of 2014. I believe that's what I said in the 24 previous testimony. 25 MS. ROBESON: Okay. So that is your answer.</p>	<p style="text-align: right;">Page 105</p> <p>1 and then we're going to have to take -- did you say you had 2 to leave at 3:00? I thought I saw an e-mail saying you had 3 to leave at 3:00. 4 MS. HARTMAN: Me? 5 MS. ROBESON: Yes. 6 MS. HARTMAN: I have a flight that I have to 7 catch. 8 MS. ROBESON: Okay. Mr. Goff, raise your right 9 hand. 10 (Witness sworn.) 11 DIRECT EXAMINATION 12 MS. ROBESON: State your name and address, 13 occupation for the record. 14 MR. GOFF: Robert Goff, 100 Maryland Avenue, 15 Rockville, Maryland. I'm a housing code inspector for DHCA. 16 MS. ROBESON: Okay. Please describe your findings 17 in this case. 18 MR. GOFF: I conducted an inspection of the 19 property on April 7, 2014 and my findings were item 1, 20 install half-inch drywall in the kitchen, dining room and 21 hallway ceiling, spackle, sand and paint. Item 2, install 22 door lock on basement door from accessory apartment to main 23 house. Item 3, install smoke detector on outside of 24 bedroom. Item 4, repair the walkway to the accessory 25 apartment to create a trip hazard. No. 5, driveway must be</p>

<p style="text-align: right;">Page 106</p> <p>1 increased to the requirement, required minimum of 480 square 2 feet, driveway must be installed with same like material, 3 asphalt, as existing driveway, permit required through DPS, 4 Department of Permitting Services. 5 MS. ROBESON: Okay. Keep going. 6 MR. GOFF: Item 6 -- 7 MS. ROBESON: Did you have subsequent, or did you 8 finish that inspection report? 9 MR. GOFF: The last one was just a re-inspection 10 date. I, I have been there on several occasions. I was e- 11 mailed from our licensing department to go back to the 12 property on 4/15/2014 to check on the sign. 13 MS. ROBESON: Was the sign up? 14 MR. GOFF: The sign, the sign was up on my initial 15 inspection but I had a neighbor approach me, they could not 16 read the web address, for a complaint because it was set 17 back to the house, so I moved the sign to the front of the 18 property and I explained to her son that was living at the 19 property that -- 20 MS. ROBESON: Do you know which son it was? 21 MR. GOFF: It was the youngest one. It wasn't, it 22 wasn't the Aron. It was the other one, and I never did get 23 his name so I'm not sure who it was. It was just the 24 younger son. I explained to him why we needed to keep it up 25 front because people couldn't see it. On 4/15, I went back</p>	<p style="text-align: right;">Page 108</p> <p>1 head for more time. 2 MS. ROBESON: Did you have, I think there's been 3 testimony regarding past housing complaints. Did you have 4 occasion to research that? 5 MR. GOFF: Yeah. We pulled the old cases out. 6 MS. ROBESON: Oh, you did. 7 MR. GOFF: Yes. 8 MS. ROBESON: And can you give me any background 9 on that? 10 MR. GOFF: The ones that we do have was March 2nd, 11 2011 an inspection was conducted and there was a microwave, 12 refrigerator and sink in the basement. 13 MS. ROBESON: And that was 2011? 14 MR. GOFF: Yes. 15 MS. ROBESON: Okay. And so they removed that? Is 16 that why it resolved? 17 MR. GOFF: Yes. It was removed and that was why 18 the case was resolved. 19 MS. ROBESON: Okay. 20 MR. GOFF: We received a different complaint on 21 7/1/2009. An inspector went out, no one home, left a card 22 on the door, 7/14 left a card on the door, 7/21 left a card 23 on the door. Ms. Hartman called and stated that there is a 24 kitchen in the home and her son is using it. I advised her 25 to remove the stove and use the kitchen upstairs, so the</p>
<p style="text-align: right;">Page 107</p> <p>1 to re-inspect and the sign was moved back from where I put 2 it back to the house where it couldn't be seen, where the 3 web address could not be read from the street. 4 On 4/17, I called Aron to let him know why it was 5 moved or why I moved it, it had to stay there and that I 6 told his brother that it should be out by the street. And 7 Aron's response to me was my brother's name is not on the 8 paperwork so it doesn't matter what you told him, and your 9 website just says put it in the front yard, it doesn't 10 matter where it's at. And I told him it had to be visible 11 to the public, that is on the website, and he said no, it's 12 not. That was the end of that conversation. 13 I did, after that inspection, wrote a new report 14 where I denied their license for removal of the sign but 15 they decided not to deny him for that because it wasn't a 16 big violation. 17 MS. ROBESON: Well, okay. Go ahead. 18 MR. GOFF: Yeah. So we went ahead and I conducted 19 a re-inspection on May 7th. At that time, I found that the 20 drywall was installed but it was not painted. The door to 21 the main house from the accessory apartment had a padlock 22 hasp on it, which is not allowed under the code, and that 23 the driveway was not extended. So at that time, we sent a 24 letter of denial and then the owner sent in a letter 25 requesting an extension that was granted by our department</p>	<p style="text-align: right;">Page 109</p> <p>1 stove was down there on 8/10 of 2009. On 9/17, the 2 inspector took pictures that the stove was removed. 3 MS. ROBESON: Any others? 4 MR. GOFF: Um, there was other ones that we were 5 out there but there was no cooking equipment in there at the 6 time we were there. 7 MS. ROBESON: Okay. When you were out there, did 8 you observe anyone parked in the driveway -- 9 MR. GOFF: No. 10 MS. ROBESON: -- or the pad? 11 MR. GOFF: Never. Nobody's ever parked -- each 12 time I've been there, nobody's ever been parked in the 13 driveway. 14 MS. ROBESON: And what dates were you there again? 15 MR. GOFF: The dates I was there, 7/7/2014, 16 5/14/2014, 5/15/2014, 4/7/2014, 3/31/2014. 17 MS. ROBESON: All right. On your visits out 18 there, did you have the occasion to observe parking on the 19 street? 20 MR. GOFF: Um -- 21 MS. ROBESON: Well, for -- let me back up. On 22 your visits out there, were there people in the home? 23 MR. GOFF: On the main floor. 24 MS. ROBESON: On the main floor. Okay. Do you 25 have any idea how many, or how many did you observe?</p>

<p style="text-align: right;">Page 110</p> <p>1 MR. GOFF: Two. Two and a child.</p> <p>2 MS. ROBESON: Okay. All right. And what did you</p> <p>3 observe regarding parking? What time of day were you out</p> <p>4 there, during the daytime?</p> <p>5 MR. GOFF: 4:00, 3:00, 3:30, 1:30, 2:00, 11:00</p> <p>6 a.m. Different times. I never had an issue with parking.</p> <p>7 I parked right in front of their house.</p> <p>8 MS. ROBESON: Okay. All right. Anything else?</p> <p>9 MR. GOFF: Um, no. I did conduct an inspection of</p> <p>10 the entire property so.</p> <p>11 MS. ROBESON: And when was that? Did that include</p> <p>12 the upper floors too?</p> <p>13 MR. GOFF: Yes. Yes. 04/7/2014. We do that to</p> <p>14 make sure there's no room rentals upstairs.</p> <p>15 MS. ROBESON: Yes. Okay. All right. Anything</p> <p>16 else?</p> <p>17 MR. GOFF: No.</p> <p>18 MS. ROBESON: Cross-examination, Mr. Emden?</p> <p>19 MR. EMDEN: Thank you.</p> <p>20 CROSS-EXAMINATION BY MR. EMDEN</p> <p>21 MR. EMDEN: But you were there for a later</p> <p>22 inspection and approved the property as code-compliant,</p> <p>23 right?</p> <p>24 MR. GOFF: Yes, I did on July 7th.</p> <p>25 MR. EMDEN: And can you tell us what you found</p>	<p style="text-align: right;">Page 112</p> <p>1 because the driveway, do you agree, the drive --</p> <p>2 MR. EMDEN: Objection. Two questions.</p> <p>3 MS. ROBESON: Just --</p> <p>4 MS. SCOTT: From the first time you saw the</p> <p>5 driveway --</p> <p>6 MR. EMDEN: That's three questions.</p> <p>7 MS. SCOTT: -- to your re-inspection, did --</p> <p>8 MS. ROBESON: She's starting anew.</p> <p>9 MS. SCOTT: -- the driveway change?</p> <p>10 MR. GOFF: No.</p> <p>11 MS. ROBESON: Can you explain why it was initially</p> <p>12 cited as a violation and then it was not?</p> <p>13 MR. GOFF: The Department of Housing is totally</p> <p>14 different than Permitting Services. When we go out to a</p> <p>15 property, the driveway of that property is asphalt. There</p> <p>16 is about an 18-inch gap between that and a brick patio that</p> <p>17 our department defines as a patio. It was brought up and</p> <p>18 questioned the day of my inspection. I showed it to two</p> <p>19 supervisors and a manager and they all agreed it's not part</p> <p>20 of the driveway, it is a patio. The owners had Permitting</p> <p>21 Services come out and Permitting Services did agree it was a</p> <p>22 driveway and a patio but then when they were forced to show</p> <p>23 it in writing where it says it can't be two different</p> <p>24 materials, there is no separation so Permitting did say then</p> <p>25 you can use it all as a driveway.</p>
<p style="text-align: right;">Page 111</p> <p>1 when you were there July 7th?</p> <p>2 MR. GOFF: Um --</p> <p>3 MR. EMDEN: And why you approved it.</p> <p>4 MR. GOFF: On July 7th, I was there for the</p> <p>5 painting, excuse me, painting of the drywall ceilings, the</p> <p>6 lock on the door to the main house, and we added a violation</p> <p>7 which was all the electrical junction boxes must have covers</p> <p>8 on them that were in the ceiling, and that was all</p> <p>9 corrected.</p> <p>10 MR. EMDEN: Thank you. I have no further</p> <p>11 questions.</p> <p>12 MS. ROBESON: Ms. Overbey, do you have any</p> <p>13 questions for the inspector?</p> <p>14 MS. SCOTT: It's Mrs. Scott.</p> <p>15 MS. ROBESON: I'm sorry. I knew that.</p> <p>16 MS. SCOTT: I just, I don't need to correct you.</p> <p>17 I just figured we have to be accurate. No. I don't have</p> <p>18 any questions for -- I'm sorry. Actually, I do.</p> <p>19 CROSS-EXAMINATION BY MS. SCOTT</p> <p>20 MS. SCOTT: Why -- the original violation about</p> <p>21 the parking was so detailed and then it just disappeared.</p> <p>22 When Mrs. Overbey, when other folks tried to find the</p> <p>23 records on line or even the hardcopy file, there was no</p> <p>24 reference as to why that disappeared. Why was it so</p> <p>25 detailed in the original and then it just kind of went away</p>	<p style="text-align: right;">Page 113</p> <p>1 MS. SCOTT: Just so I understand, 18-inch gap. So</p> <p>2 we're talking there's asphalt, then there's 18 inches of --</p> <p>3 MS. GOFF: Slate.</p> <p>4 MR. SCOTT: -- like grass or something? Slate.</p> <p>5 MR. GOFF: There's slate between it.</p> <p>6 MS. SCOTT: And then there's patio paver brick</p> <p>7 things.</p> <p>8 MR. GOFF: Yes. The county code does not specify</p> <p>9 that a driveway cannot be two or three different materials.</p> <p>10 MS. SCOTT: Even though in your original findings</p> <p>11 you said that it all had to be asphalt.</p> <p>12 MR. GOFF: Correct.</p> <p>13 MS. SCOTT: But that's been changed.</p> <p>14 MR. GOFF: I've been -- yes. It's been changed.</p> <p>15 MS. SCOTT: Changed. Okay.</p> <p>16 MS. ROBESON: Did --</p> <p>17 MS. SCOTT: That's fine. That's all I need.</p> <p>18 MS. ROBESON: Okay. Did you observe Mr. Hubbard</p> <p>19 there at any time?</p> <p>20 MR. GOFF: Um, Aron?</p> <p>21 MS. ROBESON: Yes.</p> <p>22 MR. GOFF: Yes. He took --</p> <p>23 MS. ROBESON: Oh, yes.</p> <p>24 MR. GOFF: He was there on the initial inspection</p> <p>25 and on the re-inspection.</p>

<p style="text-align: right;">Page 114</p> <p>1 MS. ROBESON: Okay. But not when you found the 2 sign. 3 MR. GOFF: He had already left. My inspection was 4 over and I was, we had to put our notes on the field. 5 MS. ROBESON: Yes. 6 MR. GOFF: And that's when the neighbors came up 7 to me. 8 MS. ROBESON: Okay. 9 MR. GOFF: But he had already left. 10 MS. ROBESON: All right. All right. Any 11 questions based on my questions? 12 MR. EMDEN: None, Your Honor. 13 MS. ROBESON: All right. Now, that ends the case 14 in chief. Now is the time, Ms. Scott -- I don't do well 15 when I don't get food. Now is the time, Ms. Scott, that you 16 have the opportunity, I don't want to take a lunch break if 17 Ms. Hartman has to really -- where are you leaving from? 18 MS. HARTMAN: Dulles. 19 MS. ROBESON: Now is the time that you can go back 20 and say what you want to say in response to what you've 21 heard. 22 MS. SCOTT: Thank you. It's hard to know where to 23 start. 24 MS. ROBESON: Okay. Well, take -- I'll tell you 25 what. Let's take a five minute break. Let's take a 15</p>	<p style="text-align: right;">Page 116</p> <p>1 identification.) 2 MS. ROBESON: Does this fairly and accurately 3 describe, does this fairly and accurately depict the 4 property on the date on which you took it? 5 MR. GOFF: Yes, it does. 6 MS. ROBESON: And -- 7 MR. GOFF: The date it was taken -- 8 MS. ROBESON: I'm sorry. And when was it taken? 9 MR. GOFF: 4/7/2014. 10 MS. ROBESON: You know, I'm looking at this 11 photograph and I see something I don't understand what it is 12 at the -- Mr. Goff, do you, can you all come forward because 13 I'm not clear on what I'm looking at. Can you, can you -- 14 what is, okay, what is this and what is that? 15 MR. GOFF: These are steps that go around to the 16 back. 17 MS. ROBESON: These are steps? 18 MR. GOFF: Yes. 19 MS. ROBESON: And what is this? 20 MR. GOFF: A grocery shopping cart. 21 MS. ROBESON: And when was this taken? 22 MR. GOFF: I'd have to take a look. 23 MR. EMDEN: He said April. 24 MR. GOFF: April 7th on my preliminary inspection. 25 MS. ROBESON: Okay. All right. So --</p>
<p style="text-align: right;">Page 115</p> <p>1 minute break so if somebody needs to get a snack or 2 something, we're going to do that. We'll try to get out of 3 here by 3:00. Let's take a 15 minute break and we'll come 4 back at 12:30. 5 (Whereupon, at 12:16 p.m., a brief recess was 6 taken.) 7 MS. ROBESON: Okay. We're back on the record. 8 What time do you have to leave, Ms. Hartman? 9 MS. HARTMAN: It would be good if I could be, if I 10 could leave by 3:00. 11 MS. ROBESON: Okay. Well, I have to give due 12 process so I have to take, I'll shorten my breaks but I have 13 to give everybody the right, you know, to so we'll see what 14 we can do. 15 MR. GOFF: On the break, I printed off a picture 16 of the driveway so you can see what we're talking about. 17 MS. ROBESON: Oh, okay. That's helpful. I'm 18 marking this as exhibit, I think it's 45. Did you get a 19 chance to show it to -- 20 MR. GOFF: No, I didn't. 21 MS. ROBESON: Oh, this -- okay. Okay. So I'll 22 mark it as Exhibit 45. Why don't you show it to the 23 parties. Any objections? 24 MR. EMDEN: No. 25 (Exhibit No. 45 was marked for</p>	<p style="text-align: right;">Page 117</p> <p>1 MR. GOFF: There's no entrance on this side of the 2 house. 3 MS. ROBESON: Oh, that's where I'm confused. 4 Okay. So there's no door here. 5 MR. GOFF: Correct. 6 MS. HARTMAN: There's just the stairs that go here 7 to the deck and the door. 8 MS. ROBESON: When you say here, you're pointing 9 at the dark brown -- 10 MS. HARTMAN: These are steps. The steps go up to 11 the landing. 12 MS. ROBESON: To -- wait. Hold on. You're 13 pointing to the dark brown in the upper right-hand corner, 14 correct? 15 MS. HARTMAN: Correct. 16 MR. EMDEN: Upper left. 17 MS. ROBESON: It's reversed for me. Okay. All 18 right. Those are steps that go to the back. All right. So 19 do you have a pathway to where you have to enter? 20 MS. HARTMAN: A path. Go ahead. 21 MS. ROBESON: Well, say you get off the park, say 22 you get off the, you park here. Which way -- okay. So 23 you're coming into the driveway. 24 MS. HARTMAN: This is the street side into the 25 driveway.</p>

<p style="text-align: right;">Page 118</p> <p>1 MR. EMDEN: How do you get into the house is what</p> <p>2 she --</p> <p>3 MS. HARTMAN: You would come up these two steps</p> <p>4 and go through that gate and enter at the door.</p> <p>5 MS. ROBESON: Okay.</p> <p>6 MS. HARTMAN: These are also pavers that take you</p> <p>7 to the front porch and a front door.</p> <p>8 MS. ROBESON: Okay.</p> <p>9 MS. HARTMAN: So if the front of the house comes</p> <p>10 here, there's a front porch and a front door.</p> <p>11 MS. ROBESON: But there's no, there's no access to</p> <p>12 this other than this, correct?</p> <p>13 MS. HARTMAN: Correct.</p> <p>14 MS. ROBESON: So if you had -- how many cars does</p> <p>15 this require, four?</p> <p>16 MR. GOFF: It requires 480 square feet.</p> <p>17 MS. ROBESON: 480 square feet, but I guess what</p> <p>18 I'm saying is how big is the patio? Have you measured it?</p> <p>19 MR. GOFF: Yes.</p> <p>20 MS. ROBESON: I'm just trying to -- usually, we</p> <p>21 have, we used to have site plans.</p> <p>22 MR. GOFF: The driveway measures 10 foot wide, 31</p> <p>23 foot long.</p> <p>24 MS. ROBESON: So it is a single drive, drive</p> <p>25 aisle.</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. GOFF: Correct. And it's really not wide</p> <p>2 enough for two this way because the fireplace comes out, so</p> <p>3 it would only be one, two, three cars.</p> <p>4 MS. ROBESON: So you'd have three tandem spots.</p> <p>5 MR. GOFF: Yes.</p> <p>6 MR. GOFF:</p> <p>7 MS. ROBESON: And can you point to where the</p> <p>8 fireplace is?</p> <p>9 MR. GOFF: This brick right here. You can see</p> <p>10 where these trashcans are set back a little bit.</p> <p>11 MS. ROBESON: Yes. Oh, I see. I'm sorry. So the</p> <p>12 red brick in the upper left corner --</p> <p>13 MR. GOFF: Is the fireplace for the inside.</p> <p>14 MS. ROBESON: Okay. So they can get, essentially,</p> <p>15 they can get one, two, three cars in a single file.</p> <p>16 MR. GOFF: Correct.</p> <p>17 MS. ROBESON: All right. Okay. I understand.</p> <p>18 MR. HAYDUK: May I add something about that</p> <p>19 picture?</p> <p>20 MS. ROBESON: Well, right now, do you have any</p> <p>21 objections as to its accuracy? You're going to get another</p> <p>22 chance to testify. We're going to get through this.</p> <p>23 MR. HAYDUK: Okay.</p> <p>24 MS. ROBESON: So all right. That's very helpful.</p> <p>25 Ms. Scott, did I see you waving a site plan around like a</p>
<p style="text-align: right;">Page 119</p> <p>1 MR. GOFF: Correct.</p> <p>2 MS. ROBESON: So what you would have to do --</p> <p>3 MR. GOFF: And the patio, or this part actually is</p> <p>4 11'6" by 17'.</p> <p>5 MS. ROBESON: This is -- wait. I'm just looking</p> <p>6 at how it's going to function, all right? So this is what?</p> <p>7 MR. GOFF: Eleven foot, six inches wide by 17</p> <p>8 long.</p> <p>9 MS. ROBESON: By 17. So I guess -- and do you</p> <p>10 know the parking requirement? Let me just --</p> <p>11 MS. HARTMAN: It's 480.</p> <p>12 MR. GOFF: 480 is what it requires.</p> <p>13 MS. ROBESON: Yes, but -- okay, no. It requires</p> <p>14 one on site space in addition to any required on-site</p> <p>15 parking for the principal dwelling. However, if a new</p> <p>16 driveway must be constructed, then two on-site parking</p> <p>17 spaces must be provided. So you need three parking, you</p> <p>18 need to be able to park three cars there so now, is this</p> <p>19 what goes, is the street toward the bottom of the picture?</p> <p>20 MS. HARTMAN: Yes.</p> <p>21 MS. ROBESON: Okay. But this is only, the Macadam</p> <p>22 Asphalt is only 10 feet wide.</p> <p>23 MR. GOFF: Correct.</p> <p>24 MS. ROBESON: So if you have two cars here and one</p> <p>25 car here, then these two cars can't get out, correct?</p>	<p style="text-align: right;">Page 121</p> <p>1 lot location survey?</p> <p>2 MS. SCOTT: No lot location. I had the drawing</p> <p>3 that was Ms. Hartman and her son submitted with their</p> <p>4 original application where they claimed that the driveway</p> <p>5 was 600 and something square feet.</p> <p>6 MR. EMDEN: Objection.</p> <p>7 MS. ROBESON: Yes. You can't characterize --</p> <p>8 MS. SCOTT: Well, they wrote it clearly on.</p> <p>9 MS. ROBESON: Really.</p> <p>10 MR. EMDEN: Objection again.</p> <p>11 MS. SCOTT: It was written on it.</p> <p>12 MS. ROBESON: Yes. I know.</p> <p>13 MR. EMDEN: Objection.</p> <p>14 MS. ROBESON: I know that, but you can't say they</p> <p>15 claimed. I know you feel, you may feel that way but you</p> <p>16 can't --</p> <p>17 MS. SCOTT: Okay. Here, here it is. The original</p> <p>18 drawing that was submitted with the application. I don't</p> <p>19 know who did the drawing.</p> <p>20 MS. ROBESON: Well, I'm not sure if I -- let me</p> <p>21 see if I already have it in the record. No. I don't have</p> <p>22 it. I don't have that.</p> <p>23 MR. EMDEN: It should be with the application.</p> <p>24 MS. ROBESON: Yes, I know. And I have the</p> <p>25 application but I don't see the drawing. Oh, yes, I do.</p>

<p style="text-align: right;">Page 122</p> <p>1 I'm sorry. Is this it?</p> <p>2 MS. SCOTT: Yes.</p> <p>3 MS. ROBESON: Exhibit 1C. All right. Okay.</p> <p>4 MS. SCOTT: It says 10 feet by 64 feet and --</p> <p>5 MS. ROBESON: Okay. I, I didn't mean -- I wanted</p> <p>6 to know if there was some kind of site plan in the record.</p> <p>7 Ms. Hartman, do you mind coming forward one minute because</p> <p>8 I'm confused about where the driveway is in relation to the</p> <p>9 house. You could all come forward if you want, but you show</p> <p>10 this driveway here, correct?</p> <p>11 MS. HARTMAN: Um-hum.</p> <p>12 MS. ROBESON: Okay. So then --</p> <p>13 MS. HARTMAN: These are two separate drawings.</p> <p>14 MS. ROBESON: That's what I wasn't sure of. So</p> <p>15 where --</p> <p>16 MS. HARTMAN: Just two separate drawings on the</p> <p>17 same piece of paper.</p> <p>18 MS. ROBESON: Can you mark on this drawing where</p> <p>19 the driveway is actually located in relationship to the</p> <p>20 house?</p> <p>21 MS. HARTMAN: It's completely disoriented.</p> <p>22 MS. ROBESON: This says front.</p> <p>23 MS. HARTMAN: Let me see. Yes. It would be here.</p> <p>24 MS. ROBESON: Can you --</p> <p>25 MS. HARTMAN: It would be here but there's other,</p>	<p style="text-align: right;">Page 124</p> <p>1 MS. ROBESON: Okay.</p> <p>2 MR. GOFF: They've got a laundry room here and</p> <p>3 this is like another room that they're not including in the</p> <p>4 apartment.</p> <p>5 MS. ROBESON: Well, I'm going to steal this from</p> <p>6 you and make it exhibit, this is something we need too,</p> <p>7 exhibit, where am I, 46? Yes. 46.</p> <p>8 MR. GOFF: Do you want me to take it out?</p> <p>9 MS. ROBESON: Yes. If anyone has any</p> <p>10 objections --</p> <p>11 (Exhibit No. 46 was marked for</p> <p>12 identification.)</p> <p>13 MS. ROBESON: Bob, can you describe that exhibit?</p> <p>14 MR. GOFF: It is a layout of the house with the,</p> <p>15 where the driveway is located.</p> <p>16 MS. ROBESON: Not to scale, right?</p> <p>17 MR. GOFF: No. Not to scale.</p> <p>18 MS. ROBESON: Okay.</p> <p>19 MS. SCOTT: I just want to make sure -- I looked</p> <p>20 at this drawing and I couldn't tell from the drawing. This</p> <p>21 is the backyard?</p> <p>22 MR. GOFF: Yes.</p> <p>23 MS. ROBESON: When you --</p> <p>24 MS. SCOTT: This is the street side.</p> <p>25 MS. ROBESON: Wait, wait, wait.</p>
<p style="text-align: right;">Page 123</p> <p>1 there's other parts of the house here.</p> <p>2 MS. ROBESON: Oh, this isn't a full --</p> <p>3 MS. HARTMAN: No. It's --</p> <p>4 MS. ROBESON: Oh, this is just the apartment.</p> <p>5 MS. HARTMAN: Apartment, right.</p> <p>6 MS. ROBESON: Gotcha.</p> <p>7 MS. HARTMAN: So the house is here around it.</p> <p>8 MS. ROBESON: Well, can you just mark the general</p> <p>9 location of the driveway in relation to --</p> <p>10 MS. HARTMAN: It is in this same direction. It's</p> <p>11 just that there's more house. So this is the front, this is</p> <p>12 the living room.</p> <p>13 MS. ROBESON: Okay. So basically --</p> <p>14 MS. HARTMAN: There's a laundry room and family</p> <p>15 room, stairs. There's a bunch more house here.</p> <p>16 MS. ROBESON: Okay. So basically, it's on the</p> <p>17 same side as the living room that's marked on 1C, is that</p> <p>18 correct? It's on the same side of the house.</p> <p>19 MS. HARTMAN: Yes.</p> <p>20 MS. ROBESON: All right. That's --</p> <p>21 MR. GOFF: This is basically it.</p> <p>22 MS. HARTMAN: Right.</p> <p>23 MR. GOFF: I've just drawn what the main --</p> <p>24 MS. ROBESON: Oh, okay.</p> <p>25 MR. GOFF: -- main part of the house looks like.</p>	<p style="text-align: right;">Page 125</p> <p>1 MR. GOFF: Yes.</p> <p>2 MS. ROBESON: When you say this, you're pointing</p> <p>3 to --</p> <p>4 MS. SCOTT: I'm sorry. Pointing to the drawing of</p> <p>5 just the apartment.</p> <p>6 MS. ROBESON: Exhibit 1C.</p> <p>7 MS. SCOTT: And without reference to the like say</p> <p>8 front door of the house or the backdoor. I couldn't tell --</p> <p>9 MR. GOFF: Correct.</p> <p>10 MS. SCOTT: -- the orientation. So this is the</p> <p>11 backyard.</p> <p>12 MR. GOFF: Backyard.</p> <p>13 MS. SCOTT: This is the street side.</p> <p>14 MS. ROBESON: So the area adjacent to the rooms</p> <p>15 labeled living room, full bath, sink, stove is the backyard.</p> <p>16 MR. GOFF: Correct.</p> <p>17 MS. SCOTT: And the bedroom closet and HVAC is the</p> <p>18 front.</p> <p>19 MR. GOFF: Correct.</p> <p>20 MS. SCOTT: Okay. I just wanted to make sure I</p> <p>21 was clear on that.</p> <p>22 MS. ROBESON: Okay.</p> <p>23 MR. EMDEN: Has that been introduced, that last</p> <p>24 exhibit?</p> <p>25 MS. ROBESON: I'm just about ready to.</p>

<p style="text-align: right;">Page 126</p> <p>1 MR. EMDEN: I'd like a picture, a photocopy of the 2 schematic of this.</p> <p>3 MS. ROBESON: Okay. So let me, I have to take a - 4 - we're short a staff person today so I'm going to take a 5 recess and just get everyone copies of these if you would 6 like them.</p> <p>7 MR. EMDEN: Thank you.</p> <p>8 (Whereupon, at 12:52 p.m., a brief recess was 9 taken.)</p> <p>10 MS. ROBESON: We're back on the record. I'm going 11 to keep the two originals but I have, I made a copy for the 12 housing inspector as well so that he can replenish his file, 13 and this is the original here. So, Bob, can you pass them 14 down the line?</p> <p>15 MR. GOFF: Yes.</p> <p>16 MS. ROBESON: Thank you. All right. Now, one 17 thing I did want to double-check I did double-check on the 18 break. This is a brand new law, relatively brand new, and I 19 did look at my ability to impose conditions and it's limited 20 in the sense that I can do it only to require additional 21 parking spaces if -- the Hearing Examiner may find that more 22 than the minimum on-site parking must be required as a 23 condition of the license, so that's really the limit of my 24 power to impose conditions and I just wanted everybody to 25 have the same playing field that I'm on.</p>	<p style="text-align: right;">Page 128</p> <p>1 was one party, you know, and you say, no, there's more than 2 one party, then, so if you can keep it to the points she 3 raised or Mr. Goff raised.</p> <p>4 MS. SCOTT: Okay.</p> <p>5 (Witness previously sworn.)</p> <p>6 REBUTTAL DIRECT EXAMINATION</p> <p>7 MS. SCOTT: One of the points Ms. Hartman raised 8 was she was questioning the objections my husband and I put 9 in, our written objections. All I can say is this is what 10 we observed. We saw people move in and take furniture, 11 belongings out of a U-Haul truck in March. We even know, we 12 saw --</p> <p>13 MS. ROBESON: In March of --</p> <p>14 MS. SCOTT: Of 2014. We saw a previous occupant 15 of the basement area move out in February of '14. We did 16 not see the sign go up about the accessory apartment 17 application until after, until April 1st, after someone had 18 moved in in March. All I can speak to is this is what we 19 saw. We did not know how to contact her. She wasn't there. 20 We didn't know at the time who Aron, that building was owned 21 by Aron. We didn't have any way to contact him. The only 22 contact information came from those round-robin e-mails and 23 I wasn't going to contact anybody off line that way. So had 24 we had contact information, we would have been more than 25 happy to advise her what was going on at that house.</p>
<p style="text-align: right;">Page 127</p> <p>1 All right. Thank you, Mr. Goff. I'm getting 2 ready to -- so I think, had we finished your testimony, Mr. 3 Goff?</p> <p>4 MR. GOFF: Yes.</p> <p>5 MR. EMDEN: No cross.</p> <p>6 MS. ROBESON: No cross. So, Ms. Overbey, this is 7 your time, Ms. Scott, I know that, your time for rebuttal 8 evidence from what you've heard from either Mr. Goff or Ms. 9 Hartman. This is your time. You don't have to phrase it in 10 the form of a question. You can say, you know, why you 11 disagree with what she said if you do disagree, so this is 12 your time to do that. This is -- anyone else who wishes to 13 testify, that's your time to do that.</p> <p>14 MR. EMDEN: Your Honor, may I just raise a point 15 of order?</p> <p>16 MS. ROBESON: Sure.</p> <p>17 MR. EMDEN: Which is that I certainly understand 18 that she has a right to give rebuttal. To the extent that 19 it's cumulative, I would just ask that she provide anything 20 new, not something she's heard in the interest of time or 21 something she's already testified to.</p> <p>22 MS. ROBESON: Ms. Scott, Mr. Emden is correct, 23 that your rebuttal is limited to what Ms. Hartman testified 24 to so if Ms. Hartman said well, I'll give an example that 25 I've already heard you may disagree with, if she said there</p>	<p style="text-align: right;">Page 129</p> <p>1 I know she could only speak to one party. There 2 were nightly parties and open fires on the deck, multiple 3 people, loud, going on well beyond midnight on work nights. 4 Very disruptive. That's, that's, I'd like to say that.</p> <p>5 And just in general, based on her testimony and 6 based on the dates involved with the ownership, I just would 7 like to restate that it appears Ms. Hartman was renting 8 rooms to people other than family members when she was not 9 the owner of the property in the years '09 through January 10 or February '14, whatever the date is in here. Ms. Hartman 11 has stated that the basement did not have a, did not have a 12 kitchen and that's why it was always renting rooms but yet, 13 Mr. Goff testified that he went out there in '09 and in '11 14 and found cooking facilities in the basement area that was 15 being rented out.</p> <p>16 MR. GOFF: Excuse me, for the record, I didn't go 17 out personally. I was --</p> <p>18 MS. SCOTT: I'm sorry. You reported --</p> <p>19 MR. GOFF: -- was reading other inspectors' notes.</p> <p>20 MS. SCOTT: I should have said --</p> <p>21 MR. GOFF: Okay.</p> <p>22 MS. SCOTT: -- you reported from your file when 23 you testified --</p> <p>24 MR. GOFF: Right.</p> <p>25 MS. SCOTT: -- instances where --</p>

<p style="text-align: right;">Page 130</p> <p>1 MR. GOFF: Correct.</p> <p>2 MS. SCOTT: -- there were cooking facilities found</p> <p>3 in '09 and in '10.</p> <p>4 MR. GOFF: Yes.</p> <p>5 MS. SCOTT: But Ms. Hartman had testified that</p> <p>6 that stuff had gone away before the first occupants rented</p> <p>7 the room which there's a disconnect there. Um, there's</p> <p>8 still, I'm still not sure why if this is Ms. Hartman's main</p> <p>9 residence she doesn't stay there when she's home on, on R&R.</p> <p>10 That would, to me, that would seem logical that if it's your</p> <p>11 home and you're only home briefly, you would stay there but</p> <p>12 everybody to their own.</p> <p>13 MS. ROBESON: Let me -- can I focus you on the</p> <p>14 parking? Is it your testimony, how often do people use that</p> <p>15 brick area and --</p> <p>16 MS. SCOTT: Rarely. Rarely.</p> <p>17 MS. ROBESON: Okay. Have you seen three cars</p> <p>18 parked at once in there, the driveway, including the</p> <p>19 driveway and the brick area?</p> <p>20 MS. SCOTT: I cannot remember any time I've seen</p> <p>21 three. Would, if we have a snowstorm coming, would</p> <p>22 everybody try to get their cars up? Sure. But it has been</p> <p>23 my experience that the people renting rooms park on the</p> <p>24 street.</p> <p>25 MS. ROBESON: Or the people who were living there.</p>	<p style="text-align: right;">Page 132</p> <p>1 I was thinking how my husband was going to get his car that</p> <p>2 he parked on the street, move it so he could get to work.</p> <p>3 We were about to go knock on the door when someone came out</p> <p>4 and moved the car that had parked right to my husband's</p> <p>5 bumper.</p> <p>6 MS. ROBESON: Okay. Let me ask you something.</p> <p>7 Say there are no more parties. Was it the parties that were</p> <p>8 causing the parking or was it the -- you never saw, except</p> <p>9 for one car, the driveway being used. Was it the, do you</p> <p>10 think there will be -- I guess what I'm getting at is do you</p> <p>11 think there will be an impact if there's no more parties</p> <p>12 except occasionally?</p> <p>13 MS. SCOTT: I think there will still be some</p> <p>14 impact because it --</p> <p>15 MS. ROBESON: Say there's two people. What's the</p> <p>16 maximum people that can live in this?</p> <p>17 MR. GOFF: Two in this one.</p> <p>18 MS. ROBESON: So say they each have a car. So say</p> <p>19 you have, say you have four cars, you have a possibility of</p> <p>20 four cars, how does that impact your, your testimony as far</p> <p>21 as parking?</p> <p>22 MS. SCOTT: If there are going to be four cars and</p> <p>23 if only one of them typically parks in the driveway, there</p> <p>24 will not be room for three cars safely in front of Ms.</p> <p>25 Hartman's house to allow people to come down around</p>
<p style="text-align: right;">Page 131</p> <p>1 MS. SCOTT: Who were living there.</p> <p>2 MS. ROBESON: Because we don't --</p> <p>3 MS. SCOTT: The people who were living there. It</p> <p>4 has been my experience that Ms. Hartman's Honda was the car</p> <p>5 most frequently on the driveway and it was usually on the</p> <p>6 driveway by itself.</p> <p>7 MS. ROBESON: Okay. So the others were parking in</p> <p>8 the street.</p> <p>9 MS. SCOTT: Street.</p> <p>10 MS. ROBESON: Now, describe for me the nighttime</p> <p>11 conditions when there were people occupying the house.</p> <p>12 Describe for me the nighttime parking conditions as far as</p> <p>13 how many, did you have a place to park or could you --</p> <p>14 MS. SCOTT: For this -- recently when Ms. Hartman</p> <p>15 was gone and her son Alex was living there and having lots</p> <p>16 of visitors, my husband would strategically park his car at</p> <p>17 night so we would have a spot, a space in front of our</p> <p>18 house. We would engineer it because people stated showing</p> <p>19 up for these parties at dusk-ish and it would not be</p> <p>20 uncommon for me to get up in the middle of the night because</p> <p>21 of the noise, look out the window and see cars parked on</p> <p>22 both sides of Westbourne Terrace and parked in front of my</p> <p>23 house.</p> <p>24 MS. ROBESON: Okay.</p> <p>25 MS. SCOTT: And one morning it was really tight.</p>	<p style="text-align: right;">Page 133</p> <p>1 Fernshire because it is a circle. That, everybody has to go</p> <p>2 to Fernshire to get out. You must go past Ms. Hartman's</p> <p>3 house to get out of the neighborhood. One of them will have</p> <p>4 to either park across the street where there is a fire</p> <p>5 hydrant and there's our driveway. If we're backing out,</p> <p>6 there will be somebody right behind us or somebody might --</p> <p>7 MS. ROBESON: Is there a mailbox too?</p> <p>8 MS. SCOTT: There's a mailbox on my other side.</p> <p>9 On my property, not her side. On the Belt side, but it's</p> <p>10 near my driveway. Somebody would have to be parking more in</p> <p>11 front of my front window.</p> <p>12 MS. ROBESON: Okay. Okay. All right. Anything</p> <p>13 else you'd like to say? I think that the two issues here,</p> <p>14 it sounds to me like are adequate parking --</p> <p>15 MS. SCOTT: Yes.</p> <p>16 MS. ROBESON: -- and whether she resides at the</p> <p>17 house.</p> <p>18 MS. SCOTT: Yes. Yes. That's the biggest issue</p> <p>19 is --</p> <p>20 MS. ROBESON: Okay.</p> <p>21 MS. SCOTT: -- she residing at the house while</p> <p>22 it's being rented out.</p> <p>23 MS. ROBESON: Okay. Any questions, Mr. Emden?</p> <p>24 MR. EMDEN: Yes.</p> <p>25 REBUTTAL CROSS-EXAMINATION</p>

<p style="text-align: right;">Page 134</p> <p>1 MR. EMDEN: Will you agree that if any of your 2 neighbors has company and guests come and park in your 3 street, that that would affect you if they'd park in front 4 of your house, right? 5 MS. SCOTT: Sure. 6 MR. EMDEN: And that could happen at any time too? 7 MS. SCOTT: And we don't care if it's just 8 occasionally. 9 MR. EMDEN: Right, but that could happen. 10 MS. SCOTT: That could happen. 11 MR. EMDEN: And you also have a street in front of 12 your house on which people can park, right? 13 MS. SCOTT: Right. 14 MR. EMDEN: And so does she. 15 MS. SCOTT: Yeah. 16 MR. EMDEN: And how many cars can park in front of 17 your house so that they are, let's just say how many cars 18 can park in front of your house on your side of the street? 19 MS. SCOTT: Three can park in front of my house 20 because my property is bigger because we have an extra 21 easement for the storm drain. So three can park in front of 22 mine but realistically, two in front of Ms. Hartman's. 23 MR. EMDEN: But the complaint you have made has to 24 do in part with the turn onto the adjoining street, correct? 25 MS. SCOTT: Yeah.</p>	<p style="text-align: right;">Page 136</p> <p>1 (Witness previously sworn.) 2 REBUTTAL DIRECT EXAMINATION 3 MR. HAYDUK: I'd like to ask Ms. Hartman how 4 convenient it is to back out of her driveway in the string 5 of three cars. 6 MS. ROBESON: Well, this is for your testimony. 7 In your experience, if you, you can tell me in your 8 experience how convenient it is for multiple people if they 9 all have to back out. 10 MR. HAYDUK: Well, she has stated that three cars 11 were parked on her driveway, so I'm just asking how 12 convenient -- 13 MS. ROBESON: Well, this, okay, this is your time 14 to testify, correct? This is your time to testify. 15 MR. HAYDUK: Oh, I thought we were cross-examining 16 her. 17 MS. ROBESON: No. It's confusing. 18 MR. HAYDUK: Okay. All right. 19 MS. ROBESON: It is confusing. 20 MR. HAYDUK: I don't understand how convenient 21 that would be for three cars in a single lane driveway to 22 back out. Who's first, who's last? 23 MS. ROBESON: I -- 24 MR. HAYDUK: Okay. 25 MS. ROBESON: I understand.</p>
<p style="text-align: right;">Page 135</p> <p>1 MR. EMDEN: And that turn onto the adjoining 2 street is not next to your property, is it? 3 MS. SCOTT: No. I'm only one house away from it. 4 MR. EMDEN: Right. And you have not seen three 5 cars parked in her driveway ever? 6 MS. SCOTT: I don't know if I could say ever. We 7 -- I don't clock everything that goes on over there. Ever 8 since this application and the sign went up with the ability 9 to file an objection, yeah, I've been clocking it then but 10 on a regular basis since she moved in in '05 have I been 11 clocking that, no. 12 MR. EMDEN: Thank you. That's all I have. 13 MS. ROBESON: Okay. Anything else? 14 MS. SCOTT: I just want to -- 15 MS. ROBESON: You'll get a chance for a closing 16 statement. 17 MS. SCOTT: Okay. Thank you. No. That's -- 18 MS. ROBESON: Anyone else have anything to say? 19 Yes, sir, Mr. Hayduk. I can remember Hayduk. 20 MR. HAYDUK: Yes, ma'am. 21 MS. ROBESON: I can't remember Ms. Scott. 22 MS. SCOTT: That's okay. 23 MS. ROBESON: I remember Mr. Hayduk. Okay. 24 You're still under oath, Mr. Hayduk. 25 MR. HAYDUK: Okay.</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. HAYDUK: The third thing that the picture 2 doesn't show is on the right side of the driveway is a huge 3 electrical box, okay? I guess it would be to the bottom, or 4 the black academy. 5 MS. ROBESON: When you say the right side of the 6 driveway, are you looking at the side -- 7 MR. HAYDUK: The black part. 8 MS. ROBESON: -- opposite the -- 9 MR. HAYDUK: The black part. The blacktop. 10 MS. ROBESON: Here. 11 MR. HAYDUK: Down here. Yes, ma'am. Towards the 12 bottom of that picture, it's a Pepco power box. 13 MS. ROBESON: Oh, I see. 14 MR. HAYDUK: So this, so it would be nearly 15 impossible to widen, widen the driveway in that area because 16 of Pepco's box. 17 MS. ROBESON: Is there any room on the -- 18 MR. HAYDUK: There's, there's the Pepco box, two 19 large shrubs I'd say 10 or 12 feet long and then a chain 20 link fence that runs down along that side, and they all 21 belong to the adjoining neighbor except for the -- 22 MS. ROBESON: Approximately how far from the 23 asphalt to the fence, the chain link? 24 MR. HAYDUK: It's on the line, pretty close to the 25 line.</p>

<p style="text-align: right;">Page 138</p> <p>1 MS. ROBESON: All right.</p> <p>2 MR. HAYDUK: So what I'm saying, it would be</p> <p>3 difficult to widen the driveway to two lanes or whatever.</p> <p>4 And the third thing I have is, um, I don't understand how if</p> <p>5 the permit was granted, how would the tenants get to the, to</p> <p>6 the basement door. Where is the basement door in that</p> <p>7 house?</p> <p>8 MS. ROBESON: Okay. All right.</p> <p>9 MR. HAYDUK: There's no walkway from the driveway</p> <p>10 to the opposite side of the house where the door is.</p> <p>11 MS. ROBESON: Where is the entrance for the</p> <p>12 accessory apartment?</p> <p>13 MR. HAYDUK: Yes. That's the question. It's on</p> <p>14 the opposite side of the house --</p> <p>15 MS. ROBESON: Well, that's something that --</p> <p>16 MR. HAYDUK: -- from the driveway.</p> <p>17 MS. ROBESON: -- the inspector, did you look at</p> <p>18 that, Mr. Goff?</p> <p>19 MR. GOFF: Yes. There's an entrance in the rear</p> <p>20 right where it says --</p> <p>21 MS. ROBESON: Is there a walkway?</p> <p>22 MR. GOFF: There's a walkway up to the front of</p> <p>23 the house but it's not required. The new AA does not</p> <p>24 require a walkway but it does say if there's one there, it</p> <p>25 has to be in good condition.</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. ROBESON: I'm going to mark this as 47. I'm</p> <p>2 taking this too.</p> <p>3 MR. GOFF: That's fine.</p> <p>4 MS. ROBESON: Can you just mark, put an arrow and</p> <p>5 write slate down here? Now, what does that do? That goes</p> <p>6 to the rear door?</p> <p>7 MR. GOFF: Yes. To the accessory apartment. It's</p> <p>8 from the street, not the driveway. The driveway would be</p> <p>9 over here.</p> <p>10 MS. ROBESON: Got you. Okay. Does anyone have</p> <p>11 objections to this coming in the record?</p> <p>12 MR. EMDEN: None.</p> <p>13 MS. ROBESON: I'll mark it as Exhibit 47.</p> <p>14 (Exhibit No. 47 was marked for</p> <p>15 identification.)</p> <p>16 MS. ROBESON: All right.</p> <p>17 MS. SCOTT: If you --</p> <p>18 MS. ROBESON: No.</p> <p>19 MS. SCOTT: Okay.</p> <p>20 MS. ROBESON: Yes. I don't like taking stuff off</p> <p>21 phones. We've done it in a pinch but I think Mr. Goff's --</p> <p>22 oh, Mr. Goff, could you just put where the driveway would be</p> <p>23 too? Photo of slate walkway. Okay. Thank you. All right.</p> <p>24 MR. HAYDUK: I would just say that, you know, if I</p> <p>25 was a renter in that place as the way it's configured now,</p>
<p style="text-align: right;">Page 139</p> <p>1 MS. ROBESON: When you say, are you talking about</p> <p>2 the housing code or our requirement?</p> <p>3 MR. GOFF: The, the requirement for the new</p> <p>4 accessory.</p> <p>5 MS. ROBESON: Because our code says there has to</p> <p>6 be a rear or side entrance.</p> <p>7 MR. GOFF: Right. There is a rear entrance.</p> <p>8 MS. ROBESON: Yes, I know, but -- okay. I'll take</p> <p>9 a look.</p> <p>10 MR. GOFF: There's like slate from the street to</p> <p>11 the walkway.</p> <p>12 MS. ROBESON: But that goes to the front door.</p> <p>13 MR. GOFF: No. To the basement door where the</p> <p>14 parking is.</p> <p>15 MS. ROBESON: There's what?</p> <p>16 MR. GOFF: Can I show you?</p> <p>17 MS. ROBESON: Yes.</p> <p>18 MS. SCOTT: Ms. Robeson, if it helps, I took a</p> <p>19 picture of the house this morning because I thought the</p> <p>20 driveway might be in question.</p> <p>21 MS. ROBESON: Okay. I'm --</p> <p>22 MR. GOFF: This is a bad picture but you can see</p> <p>23 the slate.</p> <p>24 MS. ROBESON: Oh, okay.</p> <p>25 MR. GOFF: And it goes down to --</p>	<p style="text-align: right;">Page 141</p> <p>1 it's more convenient for me to park on the street and go to</p> <p>2 the back door rather than walk from the driveway which is</p> <p>3 twice as far so.</p> <p>4 MS. ROBESON: Okay. All right.</p> <p>5 MR. HAYDUK: That's all I have to say.</p> <p>6 MS. ROBESON: Thank you, and just a second.</p> <p>7 MR. EMDEN: No questions.</p> <p>8 MS. ROBESON: No cross-examination. Thank you.</p> <p>9 Anyone else? All right. Ms. Hartman, do you have anything</p> <p>10 you'd like to say in response?</p> <p>11 MS. HARTMAN: I do. I'd like to respond to --</p> <p>12 REBUTTAL DIRECT EXAMINATION</p> <p>13 MS. ROBESON: I do have a question. Do you have</p> <p>14 the capability of widening that driveway?</p> <p>15 MS. HARTMAN: Well, I have not explored that</p> <p>16 option. I was going to when Mr. Goff first had the report</p> <p>17 and said, you know, that this needed to be fixed about the</p> <p>18 driveway. I tried to clarify through talking to Mr. Goff,</p> <p>19 talking to Mr. McHugh, talking to Ms. DeJesus and I finally</p> <p>20 made my way to Steve Thomas along two or three other, and I</p> <p>21 tried to say what do we need to do. That's where the</p> <p>22 driveway --</p> <p>23 MS. ROBESON: Well, he's looking, one thing we do</p> <p>24 look at, and we've had situations before with tandem parking</p> <p>25 arrangements and it has proven, well, maybe Mr. Goff can, I</p>

<p style="text-align: right;">Page 142</p> <p>1 don't know if you really look at that but there are problems 2 with it. It may have the square footage. The question is 3 whether people are really going to use it. 4 MS. HARTMAN: So I had made inquiry as to what we 5 would need to do to make the driveway adequate and the 6 conclusion was no, so that's why I just -- 7 MS. ROBESON: Well, that's for the parking but 8 what we're looking at is how many spaces. We can, we look 9 at a slightly different thing and that is how many spaces 10 are people really going to use because one thing with 11 accessory apartments is you want to live somewhat separately 12 from the people in the basement but if you have the tandem 13 parking, you, you know, have to coordinate who is in the 14 driveway in what order. 15 MS. HARTMAN: So I, the answer to the question is 16 I haven't looked into widening the driveway at this point 17 because it was never presented to me -- 18 MS. ROBESON: Okay. 19 MS. HARTMAN: -- like it was something I should be 20 considering. 21 MS. ROBESON: Okay. 22 MS. HARTMAN: I looked into asking what would I 23 need to do to make this driveway adequate. 24 MS. ROBESON: Right. 25 MS. HARTMAN: That was my question and I asked it</p>	<p style="text-align: right;">Page 144</p> <p>1 MS. HARTMAN: They did not. They had one car. 2 Joseph and Laura had one car, and David Norris had one car. 3 MR. EMDEN: Would you be willing to make it a 4 condition of the lease that they park in your driveway? 5 MS. HARTMAN: Not a problem with that 6 MS. ROBESON: Well, I don't have the ability to 7 impose that condition. I'll take your, your word for it. 8 All right. Anything else you, I interrupted you. Anything 9 else you'd like to -- 10 MS. HARTMAN: No. That's fine. I was just going 11 to address the driveway inspection and I basically, in 12 answering your questions -- 13 MS. ROBESON: I understand. 14 MS. HARTMAN: Yes. 15 MS. ROBESON: It just never presented as an issue. 16 MS. HARTMAN: Right. And I was not unnecessarily 17 challenging. I was asking if this is what you say is wrong, 18 tell me what I need to do to be in compliance. 19 MS. ROBESON: And that's fine. 20 MS. HARTMAN: And that's what I was looking at 21 with talking to Mr. Goff. 22 MS. ROBESON: That's fine. 23 MS. HARTMAN: And then in the end, I was told that 24 it was taken off as a requirement. 25 MS. ROBESON: Yes.</p>
<p style="text-align: right;">Page 143</p> <p>1 of many people and the answer that I got was you don't need 2 to do anything, so that's why I haven't -- 3 MS. ROBESON: Okay. 4 MS. HARTMAN: -- I haven't looked into that option 5 at all yet. 6 MS. ROBESON: Okay. All right. 7 MR. EMDEN: What is your understanding, looking at 8 the code, about how many spaces on site you need to have for 9 your tenants? 10 MS. ROBESON: Well, I can tell you it's three. 11 MR. EMDEN: I'm going to get the code. It seems 12 to say -- 13 MS. ROBESON: No, one. 14 MR. EMDEN: -- one. 15 MS. ROBESON: Well, let me ask you this. Are you 16 planning to, are you going to make it a criteria that say 17 you rent to a couple and they both have jobs in different 18 places. Is it reasonable to expect that you're going to 19 have two cars? 20 MS. HARTMAN: It's a possibility. I've had, there 21 have been two cars with the room renters previous. 22 MS. ROBESON: What about -- 23 MS. HARTMAN: And there has also been one car. 24 MS. ROBESON: -- the Joseph and Laura? Did they 25 have two cars?</p>	<p style="text-align: right;">Page 145</p> <p>1 MS. HARTMAN: So that's, that, I did want to make 2 that clear. 3 MS. ROBESON: So you just never explored the 4 driveway issue. 5 MS. HARTMAN: I didn't. I was planning on it and, 6 um, and I'd also like to mention that Mr. Goff and I spoke 7 many times. I called him from Afghanistan three or four 8 times and said these are your inspection findings, can you 9 give me guidance as to how I can be in compliance with this, 10 can you please tell me the facts of what it is that I need 11 to do. And he agreed at one point that since we couldn't 12 resolve the driveway because he didn't know the answer, he 13 couldn't tell me what I needed to do -- 14 MS. ROBESON: No. I'm not -- I don't, it's okay. 15 I'm not saying that you should have explored the driveway 16 possibility. I only asked if you had, okay? I understand 17 your position that you didn't know, all right? 18 MS. HARTMAN: Okay. And another -- 19 MR. EMDEN: Let me ask you a question about this, 20 another question about parking. Looking at Exhibit 44, you, 21 can you focus on this rectangle in the middle with the X and 22 then your house next to it and describe more fully if you 23 can where cars can park on the street and describe what you 24 think is the room for parking on the street? 25 MS. HARTMAN: Okay. Well, and I would say that</p>

<p style="text-align: right;">Page 146</p> <p>1 the people who live in these house, most of them park a 2 couple cars in the driveway and a couple cars on the street, 3 and almost everyone has two to three cars parked on the 4 street in front of their house plus some cars in the 5 driveway. There is not only the available space in front 6 of, you know, my house but to the right, Mr. Sittings' 7 house, his, in front of his house is very lengthy so if I 8 needed to park on the street, I frequently park on the other 9 side of my driveway in front of Mr. Sittings' house 10 because I would say he can put four to five cars in front of 11 the space in front of his house as well as across the 12 street, the family that lives there, they use that side and 13 they park, they have five cars in their driveway and three 14 or four cars in the street. So there's, there's other, 15 there's parking as well in front of the Sittings and up in 16 that direction. 17 MR. EMDEN: And the Sittings are which house in 18 relation to your house? 19 MS. HARTMAN: They're my next door neighbor. 20 MR. EMDEN: To the right? 21 MS. HARTMAN: To the right. So generally, we 22 would, I personally would never park on the side of the 23 driveway towards the Scotts and neither do any of my 24 children. We would never, ever cross that driveway. We 25 always park in front of the Sittings because there's</p>	<p style="text-align: right;">Page 148</p> <p>1 near the driveway. 2 MS. ROBESON: Okay. 3 MS. HARTMAN: It's behind the houses. It's in the 4 backyard. They don't cross or -- 5 MS. ROBESON: Okay. 6 MS. HARTMAN: In any way. And as far as someone 7 who would park in an apartment and park in the driveway and 8 walk around, I think that that's commonly accepted among 9 apartment dwellers, that most of them have big driveways and 10 they, you know, have units and they walk and they go three 11 steps, and I've never found that to be a detriment to anyone 12 who wants to rent, that they're that worried about how far 13 they have to walk. I think it's commonly accepted, that 14 people usually walk a bit. So if they parked in the 15 driveway and walked around the side of the house, I don't 16 think that would be considered, considered too unusual. So 17 that's just addressing things that were said. 18 MS. ROBESON: Okay. 19 MS. HARTMAN: That's all I have. 20 MS. ROBESON: All right. Any cross, Ms. Scott? 21 REBUTTAL CROSS-EXAMINATION 22 MS. SCOTT: Your most, the most recent room 23 renters that we know of were two working people. They both 24 had, they started out with a blue or yellow SUV. They had 25 two cars and they would park one near the path to go to your</p>
<p style="text-align: right;">Page 147</p> <p>1 plenty of place to park there. 2 And I would also address that as far as how many 3 cars park in my driveway, if I had one car in my roomer had 4 one car, there's two cars. There's never need. So if no 5 one saw three cars parked in the driveway, there was not 6 much of a need. I had a Honda that parked in the driveway 7 or Rick had a work truck, a security vehicle, it was a large 8 van, he parked that in the driveway and someone parked on 9 the street in front of the house. That's how we always 10 juggled it, that it was, it was, there's no need to park 11 three cars in the driveway. There is space and we have done 12 it when at one point, when my son Zachary lived there and he 13 was living in the basement with his wife and son, then 14 frequently, Alex and me and Zach parked in that driveway but 15 that was not recent. Zach has been gone for many, many 16 years. 17 MS. ROBESON: Okay. That's fine. That's fine. 18 MS. HARTMAN: So there is not usually three cars 19 in the driveway because there wasn't a need. And just to 20 the point about the chain link fence and the driveway and 21 everything, the chain link fence is in the backyard. It's 22 not near, it doesn't border the driveway. I thought that 23 was, it could be easily misunderstood. 24 MS. ROBESON: Yes. 25 MS. HARTMAN: That there is no chain link fence</p>	<p style="text-align: right;">Page 149</p> <p>1 apartment, which is right next to my driveway, and they 2 would park the other one directly across the street. They 3 used to park two in a row -- 4 MR. EMDEN: Objection. 5 MS. SCOTT: -- until the tree fell. 6 MS. ROBESON: Okay. So your question is are you 7 aware of that. 8 MS. SCOTT: So are you aware that your renters 9 actually do park very close to my driveway and most of, and 10 it has been our experience that your renter -- 11 MR. EMDEN: Objection. 12 MS. SCOTT: Are you aware that your renters 13 typically bring two cars? 14 MS. HARTMAN: I stated the renters and the amount 15 of cars that they had, and I also stated that at one point, 16 a gentleman's car got hit with a branch from the tree and 17 he, during that time, he got concerned about parking under 18 the tree because he was worried about his car and he parked 19 on the other side. 20 MS. ROBESON: Okay. Well, her question is are you 21 aware that your renters have parked -- 22 MS. HARTMAN: Right. And when he parked on the 23 other side because he was afraid of the tree branch, I spoke 24 to him and asked him not to. 25 MS. ROBESON: Okay. Any other questions?</p>

<p style="text-align: right;">Page 150</p> <p>1 MS. SCOTT: No.</p> <p>2 MS. ROBESON: All right. Mr. Goff, any questions?</p> <p>3 MR. GOFF: No.</p> <p>4 MS. ROBESON: All right. Any redirect?</p> <p>5 MR. EMDEN: None.</p> <p>6 MS. ROBESON: Mr. Goff, do you have any final</p> <p>7 words?</p> <p>8 MR. GOFF: (No audible response.)</p> <p>9 MS. ROBESON: No? Okay.</p> <p>10 MR. GOFF: I do have copies of the police reports</p> <p>11 if you need them.</p> <p>12 MS. ROBESON: Oh, for the testimony relating to</p> <p>13 who was there in, who was there historically?</p> <p>14 MR. GOFF: These go back approximately six months</p> <p>15 at the property. I don't have the latest ones.</p> <p>16 MS. ROBESON: Okay. Why don't you just, can you</p> <p>17 just, rather than introducing them, how many police reports</p> <p>18 are there?</p> <p>19 MR. GOFF: I, I don't know. I didn't go through</p> <p>20 them all.</p> <p>21 MS. ROBESON: Well, I'm trying to think of the, I</p> <p>22 guess the relevance would be whether she has, whether she's</p> <p>23 got the capability to control the apartment. I guess that</p> <p>24 would be the relevance but she's already explained what --</p> <p>25 I'll take them in to the weight that deserves. She's</p>	<p style="text-align: right;">Page 152</p> <p>1 names.</p> <p>2 MS. ROBESON: Oh, well, okay. I think --</p> <p>3 MR. GOFF: They're on the police reports.</p> <p>4 MS. ROBESON: I would prefer not to have them. I</p> <p>5 think there's been enough testimony as to police activity at</p> <p>6 the site. Yes, miss --</p> <p>7 MS. SCOTT: I have, I had something from the</p> <p>8 Maryland Judiciary Case Research results that relate</p> <p>9 specifically to Alexander Hubbard. The most recent on here</p> <p>10 is 6/29 and details --</p> <p>11 MS. ROBESON: Okay. Which is the date you already</p> <p>12 testified about.</p> <p>13 MS. SCOTT: Right. And other dates. They're more</p> <p>14 recent. They seem to be more recent than what Mr. Goff had.</p> <p>15 MS. ROBESON: Okay. But it doesn't change the</p> <p>16 testimony that we've already had because I think Ms. Hartman</p> <p>17 testified that 6/29, I'm not going to take it in.</p> <p>18 MS. SCOTT: Okay.</p> <p>19 MS. ROBESON: Because it's highly prejudicial and</p> <p>20 not completely relevant but, to the merits. All right.</p> <p>21 With that, I am going to adjourn this hearing. I have 30</p> <p>22 days to write my decision. You will each be notified. Did</p> <p>23 any -- I'm sorry. I see you talking behind. Did you want</p> <p>24 to say one more thing or not?</p> <p>25 MS. HAYDUK: Um --</p>
<p style="text-align: right;">Page 151</p> <p>1 already explained, you know, what happened but, or if you</p> <p>2 just give me a number because just -- do they have a</p> <p>3 disposition on it?</p> <p>4 MR. GOFF: Um, some of them do, some of them</p> <p>5 don't.</p> <p>6 MS. ROBESON: Because anybody can file a</p> <p>7 complaint.</p> <p>8 MR. GOFF: Right.</p> <p>9 MS. ROBESON: And the police have to go.</p> <p>10 MS. HARTMAN: I think this case is under</p> <p>11 investigation just personally. As far as --</p> <p>12 MR. GOFF: I don't have your, the last arrest. I</p> <p>13 don't, I didn't pull those.</p> <p>14 MS. HARTMAN: No. I'm saying that this case is</p> <p>15 under investigation by the police for instance, if the same</p> <p>16 neighbor made five phone calls against my son and they were</p> <p>17 unfounded, those calls are in question by the police at this</p> <p>18 time and they're doing the recordings of all the calls that</p> <p>19 were made and they're determining.</p> <p>20 MS. ROBESON: Okay.</p> <p>21 MS. HARTMAN: So I think that this --</p> <p>22 MS. ROBESON: Should not be admitted.</p> <p>23 MS. HARTMAN: -- is part of an open case and</p> <p>24 cannot be really --</p> <p>25 MR. GOFF: But I have, I have all the callers'</p>	<p style="text-align: right;">Page 153</p> <p>1 MR. EMDEN: Your Honor, I was also hoping to</p> <p>2 close.</p> <p>3 MS. ROBESON: Yes. You're right.</p> <p>4 MS. HAYDUK: Well, let me see if I can put my</p> <p>5 thoughts together here from what was said. All I can do --</p> <p>6 MS. ROBESON: And you're Ms. Hayduk.</p> <p>7 MS. HAYDUK: Susan Hayduk.</p> <p>8 MS. ROBESON: You're still under oath.</p> <p>9 MS. HAYDUK: Yes.</p> <p>10 MS. ROBESON: Okay. Go ahead.</p> <p>11 (Witness previously sworn.)</p> <p>12 REBUTTAL DIRECT EXAMINATION</p> <p>13 MS. HAYDUK: All I can do is testify as to what</p> <p>14 we, what we have observed. We don't sit, we cannot -- we</p> <p>15 can see the house from our bedroom window. We drive by</p> <p>16 there two or three times a day. We've had other people</p> <p>17 report to us what's been going on there. A lot of the</p> <p>18 information we have not seen. We've seen the police</p> <p>19 activity and all of that of course. We did actually witness</p> <p>20 the people in with a moving van moving in after the sign was</p> <p>21 up and we knew it had not been approved yet, but we did see</p> <p>22 someone moving in and then we saw, I guess they moved out</p> <p>23 after that. We've also seen the, the carts being brought</p> <p>24 home from the grocery store and we've observed, I've</p> <p>25 actually spoken to her son, now I know who it is, who spoke</p>

<p style="text-align: right;">Page 154</p> <p>1 to us about the vehicle that he left in our circle hoping it 2 would just go away. Well, it never did. Also -- well, I 3 think he eventually came down and get it, got it and moved 4 it. 5 MS. ROBESON: Okay. We've already had that 6 testimony. 7 MS. HAYDUK: Right. 8 MS. ROBESON: Is there anything new you would like 9 to add? 10 MS. HAYDUK: Well, I would like to -- 11 MS. ROBESON: In response to what you heard. 12 MS. HAYDUK: About the parking, that one area that 13 has the brick, that originally, there was a fence around it 14 and I don't know when that fence came down. I don't know if 15 she took it down. I just noticed eventually it just fell 16 down -- 17 MS. ROBESON: Okay. 18 MS. HAYDUK: -- on the one side towards the 19 Sittings, but that was a patio. It was never a parking 20 space. I never saw a car parked there. Of course I can't 21 say never, never because we don't -- 22 MS. ROBESON: Right. 23 MS. HAYDUK: -- live, you know, within, right 24 there, right across the street. 25 MS. ROBESON: Right.</p>	<p style="text-align: right;">Page 156</p> <p>1 believe anything was happening because no one followed up 2 with the people making complaints and we still saw people 3 renting, renters in and out of the house. We appreciate 4 that we have been given the opportunity, both in writing and 5 here today, to voice our concerns and I just want to 6 reiterate our, the main, in addition to the parking, the 7 overriding concern is that there is not an owner living in 8 the property to, as you say, have oversight to see what's 9 going on and then keep things from getting out of hand. 10 MS. ROBESON: Okay. All right. Mr. Emden? 11 MR. EMDEN: May I? Thank you, Your honor. 12 MS. ROBESON: Yes. 13 MR. EMDEN: With the Court's permission, I'd like 14 to stand. 15 MS. ROBESON: That's fine. 16 MR. EMDEN: So it is clear to me that the people 17 that have testified, the objectors, have an interest in 18 trying to preserve their neighborhood and make it nice, and 19 I understand that. Like you, I have a home, I have a 20 family, I have children. I wouldn't want loud parties. I 21 wouldn't want drug activity. I wouldn't want any of those 22 things happening in my neighborhood because it's where I 23 live. You come home from work to escape from whatever else 24 you have during your day, and I appreciate that and I 25 understand why, that they're concerned and their presence</p>
<p style="text-align: right;">Page 155</p> <p>1 MS. HAYDUK: But it was a patio. 2 MS. ROBESON: Okay. 3 MS. HAYDUK: And there was a fence around it. 4 MS. ROBESON: Okay. 5 MS. HAYDUK: For many years. 6 MS. ROBESON: Okay. 7 MS. HAYDUK: So that's all I wanted to say. 8 MS. ROBESON: Any cross-exam? 9 MR. EMDEN: None, Your Honor. 10 MS. ROBESON: Okay. Closing statements. Would 11 you, is there anything you'd like to say in closing, Ms. 12 Overbey? Ms. Scott. 13 MS. SCOTT: Ms. Scott. And I would like to say 14 thank you very -- 15 MS. ROBESON: I do not know why -- I'm usually 16 pretty good on names. I think because -- 17 MS. SCOTT: It is not a problem. 18 MS. ROBESON: -- it was back and forth. 19 MS. SCOTT: I feel for you. 20 MS. ROBESON: Okay. Go ahead. 21 MS. SCOTT: I'm sorry. I should have gotten a 22 hello, my name is tag. Thank you very much. I'd like to 23 say thank you very much for giving the neighbors an 24 opportunity. We had called the county in the past and when 25 the county didn't follow up with us, we had no reason to</p>	<p style="text-align: right;">Page 157</p> <p>1 today speaks to that. 2 But it would be unfair to Ms. Hartman to deny her 3 this license because of that concern because those concerns, 4 from what I have heard, mostly center around these parties, 5 and parties may be too nice a word for it but whatever the 6 term you want to apply where a bunch of kids are staying up 7 late, are lighting fires, are acting like idiots, are doing 8 drugs, are making noise, are waking you up in the middle of 9 the night. There's nothing more irritating to me than to be 10 awakened in the middle of the night from my sleep. I get 11 that and she gets that. 12 But the issues for you, as you know, are carefully 13 circumscribed in the law and the issue at hand has to do 14 with whether, under the Montgomery County Code and any 15 pertinent regulations, whether the objections can be 16 sustained, and the objections that are before you have to do 17 with the driveway and have to do with whether Ms. Hartman is 18 really the, resides at the property. If the definition of 19 residence is that somebody who intends to permanently remain 20 and that she is simply stationed overseas and is coming back 21 and has come back, that she meets that definition. She is 22 the deed owner. She is the title holder. She owned it 23 before, she owns it again. Understand that it wasn't a 24 continuous cycle but she's doing the right thing. 25 You heard her testify. This is not somebody</p>

<p style="text-align: right;">Page 158</p> <p>1 that's taking this matter lightly. She's taking it very 2 seriously and if objections in this case are to be 3 sustained, then basically what you're establishing is a 4 precedent where people are not going to want to put 5 themselves out to use a mechanism that the Council has 6 created in the idea of helping people make more money in a 7 lawful way. She's trying to do that. If she wanted to, she 8 could have just said you know what? I'm not going to have 9 this accessory apartment. I'm just going to keep renting to 10 roommates, and they can use my kitchen and I don't have to 11 deal with any of the license requirements, and they can park 12 where they want and then maybe if it's a zoning issue, it 13 will be. 14 She's gone the extra step. She's sunk \$4,000 into 15 her property. She's had multiple calls. She's calling from 16 Afghanistan. I've spoken to her before. Sometimes she's in 17 a bunker and she's had to go down because there is bombing. 18 This is not somebody that is out of sight, out of mind. 19 That does not mean that obviously, when she's not there, 20 that things, bad things can't happen. Bad things can happen 21 from somebody who rents property to somebody else in 22 Montgomery County and lots of times, they end up renewing, 23 not renewing the lease and they look at the property, it's 24 been trashed by irresponsible people. She's not doing that. 25 She wants to make it right.</p>	<p style="text-align: right;">Page 160</p> <p>1 their property. 2 This is a good woman. She is sincere. She is 3 earnest. She wants to supplement her income. She's a 4 single mother. She's got three kids, one of whom is in drug 5 counseling, in inpatient counseling and is going to get 6 better. And she understands what she's done to the 7 neighborhood. She's made a mess but it has nothing to do 8 with the issues dealing with the license. 9 And the last point I'll make is, was taken 10 directly from the website which basically are two things, 11 that the Hearing Examiner may only decide issues raised by 12 objection and that the issues that can be raised by 13 objection are limited by statute, and that is what Your 14 Honor has. And it goes further to talk about issues dealing 15 with private covenants or association regulations that are 16 not before Your Honor and has to do, and this is in some 17 ways no different. It's a collateral issue that does not 18 bear on the issues before you, and I respectfully request 19 that you affirm the granting of the license. 20 MS. ROBESON: Okay. Thank you. Mr. Goff? 21 MR. GOFF: Nothing. 22 MS. ROBESON: All right. With that, I'm going to 23 adjourn this hearing. I have 30 days to write a decision. 24 You will be notified and then there's 30 days after that to 25 file an appeal in the Circuit Court.</p>
<p style="text-align: right;">Page 159</p> <p>1 And the law basically says you cannot punish her 2 because of things that have nothing to do with the strict 3 issues facing you which have to do with whether or not she 4 qualifies. She passed county inspection. She's had to go 5 through county inspection three or four times. Mr. Goff has 6 testified. He mentioned that she was finally approved after 7 she made final modifications with the locks. 8 We've heard a lot about the driveway. Her 9 driveway is big enough. Maybe it's not the best driveway. 10 Maybe there are other spaces that are available. Maybe 11 there could potentially be an issue if some, if some people 12 park a certain way but until that happens, there is adequate 13 space. There is adequate street parking. There are people 14 living close together. People have guests and company which 15 can also interfere with parking. I understand Ms. Scott's 16 comment that that's occasional and that guests parking 17 shouldn't have anything to do with somebody who is going to 18 be living there on a permanent basis. 19 You've also heard people come and say they've 20 driven by the house, there's never been three cars parked in 21 the park, in the driveway. All the times I noticed were 22 during the day and not in the evening. Well, you wouldn't 23 expect to see cars parked, perhaps, in a driveway during the 24 day. That's during working hours and people are away at 25 work. It's after then that people might come back and use</p>	<p style="text-align: right;">Page 161</p> <p>1 MS. SCOTT: The notification, does that come via 2 the U.S. mail, e-mail? How will we be notified? 3 MS. ROBESON: Well, officially, you'll get a 4 written copy. We also post our decisions on OZAH's, Office 5 of Zoning and Administrative Hearing's, our website so 6 you'll, but the official notification -- 7 MS. SCOTT: Will be mailed. 8 MS. ROBESON: -- will be mailed. 9 MS. SCOTT: Thank you. 10 MS. ROBESON: Okay. Thank you. 11 MS. SCOTT: Thank you for your time. 12 (Whereupon, at 1:36 p.m., the hearing was 13 concluded.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Opposition to Accessory Apartment

License No. 83032

Case No.: AAO-14-02

By:

Josephine Hayes, Transcriber

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