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# Transcript of Hearing

**Date:** December 19, 2025  
**Case:** Caressa Bennet, et al. (Objection)

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Transcript of Hearing  
Conducted on December 19, 2025

1 (1 to 4)

1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
2 MONTGOMERY COUNTY GOVERNMENT

3 IN RE: CARESSA BENNET, : Case No.  
4 ET AL. (OBJECTION), OTHER : ADO 26-03  
5 -----X

6  
7 HEARING  
8 BEFORE THE HONORABLE LYNN ROBESON HANNAN

10 Conducted virtually

11 Friday, December 19, 2025

12 9:32 a.m.

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14 Job Number: 610414  
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Transcribed by Lisa R. Erickson

1 A P P E A R A N C E S

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25 Honorable Lynn Robeson Hannan - Presiding Official  
Caressa D. Bennet, Esquire - Witness, Objector  
Flavia Faval - License Applicant  
Thomas Howley - DHCA Program Manager II  
Johnson Nana - Administrative Specialist, OZAH  
David Johnson - DHCA Inspector  
Suzanne Vaughn - Witness, Community Resident  
Donna Reynolds - Witness, Community Resident  
Constance Sutter - Witness, Community Resident  
James Cyr (Jay) - Witness, Community Resident  
Rose Nantongo - Witness, Community Resident  
Stephen Chris Igboekwe - Witness, Community Resident  
Kathy O'Brien - Witness, Community Resident  
Anand Jagessar - Witness, Community Resident

2 The hearing was held remotely

1 (Also present ct'd)  
2 Janet Long - Witness, Community Resident  
3 Dan Chappell - Objector  
4 David R. Goodfriend - Witness, Objector  
5 Britian Malek - Witness, Objector  
6 Kenneth E. Mack - Witness, Objector  
Michael Bennet - Objector  
7 Georgia Brake Jaitly - Objector  
8 Steve Marquina - Objector  
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15 Pursuant to agreement, before Matthew Weedon,  
16 Notary Public in and for the North Carolina.

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4 (13 to 16)

1 heavy lifting.  
2 With that, this hearing is informal, but it  
3 does have certain formalities. Testimony is under oath  
4 and subject to cross examination. But there are some  
5 rules. The key is that it be fundamentally fair. And  
6 if anything comes up more in that, if anyone has any  
7 questions during the course of the hearing, please  
8 raise your hand, and you can ask them.

9 All right. With that, Mr. Friedman, do you  
10 have an opening statement?

11 MR. FRIEDMAN: I'll reserve.

12 THE COURT: Okay. Mr. Goitein -- Goitein.  
13 I'm sorry.

14 MR. GOITEIN: That's okay. Yes, I'd like to  
15 say something briefly.

16 OPENING STATEMENTS

17 MR. GOITEIN: First, just to respond to Mr.  
18 Friedman's comment about the order of things, I would  
19 ask that the applicant put on her case in chief first  
20 for two reasons. One is, I think that's the order  
21 under section 3.7 of the rules of procedure that were  
22 provided along with this. That is the standard order.

23 Section 3.7 says the ordinary, but not  
24 mandatory order, of presentation is, and then starts  
25 with license applicant's case in chief under 3.7.1.

1 Of course, as the hearing examiner, you have  
2 the discretion to determine how that goes. And I  
3 think, in this particular hearing, it would make the  
4 most sense to hear from the applicant first, because,  
5 as you pointed out before, this is, essentially, the  
6 third time the same hearing has taken place. The first  
7 one that you presided over in 2023, the second one that  
8 occurred just last year, and, now, this is the third.

9 And, so, I'd ask that, even though this is an  
10 informal hearing, that there be some sort of effort  
11 made to constrain or contain the evidence to what, if  
12 anything, has actually happened since the last decision  
13 was made so that we avoid giving Ms. Favali a third  
14 opportunity to try to determine what her occupancy  
15 status was back in 2023 or 2024.

16 But I think that should be the focus of the  
17 hearing. And, because of that, it would make the most  
18 sense for her to put on her case first and explain what  
19 has happened since the last time that this body and the  
20 circuit court determined that she doesn't live at the  
21 subject property.

22 THE COURT: You know, you caught me on the  
23 rules. You're correct.

24 MR. FRIEDMAN: Well, I'm not so sure he is,  
25 ma'am. Typically, the applicant is the one who is the

13

1 proponent in a hearing. In this case, we're here  
2 because of the objections. They're the moving party.  
3 And, typically, in any court or administrative  
4 proceeding, a moving party goes first.

5 More important than that, we're not rehashing  
6 2023. So, I mean, 223 happened. It's over. At that  
7 point, Ms. Favali learned that she had to prove that  
8 she had been a permanent resident of this property.  
9 That it was a permanent residence.

10 And what's happened -- so if the objectors  
11 are going to say that she's not a permanent resident in  
12 2025, 2023 is really irrelevant.

13 THE COURT: Well, I am not going to rule on  
14 excluding evidence from -- I'm not going to rule on  
15 that right now. And we will see what comes up. I  
16 think that, you know, prior inconsistent, or -- prior  
17 inconsistent statements are at least available on  
18 cross-examination as a character to -- it's available  
19 on cross-examination. So I'm not going to use -- I'm  
20 not going to cut it off from now on, although I hope  
21 that the case in chief addresses what's happened from  
22 now on.

23 The other thing is, he is right. We wrote  
24 these rules. I used to be director of OZA before my, I  
25 guess, retirement. And we did write these rules

14

1 because of the efficiency of having the licensed  
2 applicant go first because it does work more  
3 efficiently in getting the information out. So she  
4 will have rebuttal.

5 And, so, we are going to proceed according to  
6 the rules. Mr. Goitein, I'm a little embarrassed, but  
7 you're right. And I'm not going to limit the testimony  
8 right now.

9 So, with that, Mr. Goitein, did you have an  
10 opening statement, Mr. Goitein?

11 MR. GOITEIN: Yeah. I'm sorry. I find it's  
12 important to keep things on mute so there's not  
13 feedback, but then you have to unmute every time.

14 Yes. So, by way of a brief opening, as you  
15 are aware, this is the third time a hearing has been  
16 conducted for this purpose. The prior two hearings,  
17 the examiners, including yourself, heard testimony from  
18 the neighbors, all of whom described what sounds like a  
19 wonderful neighborhood, where everyone who lives there  
20 knows each other and their families. And that the  
21 applicant, Ms. Favali, is not part of that community  
22 because she doesn't live there.

23 Importantly for today, she came here each of  
24 the last two years saying the opposite thing, that she  
25 lived at the 7709 Oldchester address as her primary

15

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5 (17 to 20)

1 residence.  
2 And, in the last hearing in 2024, she even  
3 said, Either eight people are lying, or I'm lying.  
4 Well, it was determined by the examiner and then by the  
5 circuit court that it was she who was lying. And, so,  
6 now she's coming back to try again.

7 I expect we'll hear substantially the same  
8 testimony from all the objectors who have now had to  
9 come here for a third time, which is that they all live  
10 on the same street, they all know each other and know  
11 who lives there, and that she doesn't.

12 I'll hold off on speaking more about the  
13 evidence, since we're going to hear from her first.  
14 But I will just point out, for example, that, as part  
15 of the exhibits, we have her driver's license, which I  
16 guess is different evidence that was there in 2024.  
17 But the driver's license says it was issued on December  
18 6, 2019. But that's not evidence that -- since it was  
19 determined in 2023 and 2024, that the property is not  
20 her primary residence, that she has since made it her  
21 primary residence. The same would be true of, for  
22 example, of her voter registration card.

23 So, once the testimony is completed, I'd like  
24 the opportunity to argue about what I believe will be  
25 evident, which is that Ms. Favali has made several

1 misrepresentations in order to treat the property in  
2 the way that she wants and has not demonstrated much  
3 regard for the regulations and code requirements and  
4 the aspect of this rental scheme, which she has at the  
5 property, which is continuing and is likely the reason  
6 for this ADU application.

7 THE COURT: Okay. Thank you.

8 I do just want to point out that there's two  
9 issues here. One is the primary residence, and one is  
10 the availability of on-street parking. So I hope that  
11 someone is prepared to address that.

12 I could not really understand -- I see your  
13 hand, Ms. Bennet. Let me just finish for a moment.

14 Or, no, you're represented by -- no, you're  
15 not.

16 So I understand that a lot of this is about  
17 proof of residence. But I could not make out a lot of  
18 the pictures, but we'll get to that. But I hope that  
19 somebody is prepared to address the availability of  
20 on-street parking.

21 Okay. With that, I want to hear Ms. Bennet  
22 because she had her hand raised.

23 MS. BENNET: Yes. I just wanted to be -- I  
24 think there's really three issues here, Your Honor.  
25 The primary residence status. The parking issue that

17

1 you just mentioned. But I think that there's a third  
2 issue that was raised in the last hearing.

3 And it was a question that was raised by the  
4 hearing examiner about, if, in the event that the ADU  
5 license is approved and granted and proceeds, whether  
6 Ms. Favali can continue to use the house as a boarding  
7 house for unrelated tenants with separate leases.

8 And that was raised. And I think there's a  
9 statute that pertains to this, and I think it was  
10 raised in the recent order, or -- not order -- the  
11 report -- the director's report. I think we need to  
12 get to that issue as well because I think we're just  
13 going to keep repeating this over and over again every  
14 year if she loses at this point.

15 I think she needs to understand what the law  
16 is. So I'd welcome the opportunity to go over those  
17 statutes at some point. So I think that third issue  
18 about how she's currently using the property and  
19 whether it's legal, and if she does move into an ADU  
20 that sits behind the property, whether that would be  
21 consistent with her continuing to use the house as a  
22 boarding house.

23 THE COURT: I understand that, but I'm  
24 limited in what I can consider. And I hate to be  
25 bureaucratic, but that would be a zoning violation.

18

1 And the statute limits me -- of the code limits me to  
2 looking at what was raised in the objections.

3 So I cannot -- if it wasn't raised in the  
4 objections -- I understand your concern. It is my  
5 understanding off the cuff that roof rentals are  
6 permitted with a license, but not short-term. She has  
7 to have a separate license for short-term rentals; an  
8 Airbnb rental type of thing. But that -- again, that's  
9 not something I can really look at in this proceeding.

10 MS. BENNET: Well, I'm just mentioning  
11 because it's mentioned in the report from the OZA  
12 director.

13 THE COURT: I understand. I understand.  
14 But the code -- I can pull it up if you wish, but it  
15 does -- it's 2926.

16 MS. BENNET: And I just -- if it's all right  
17 with you, as part of my opening statement, I just want  
18 to call out number three on the report, on the October  
19 6th report, where it says the ADU must be subordinate  
20 to the principal dwelling, whether attached or  
21 detached, and shall be the only additional living unit  
22 or residential use space on lot or parcel.

23 And what I want to emphasize, it says no  
24 other tenants, Airbnbs, or short-term residential  
25 rentals are permitted. That's in the director's

19

20

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6 (21 to 24)

1 report. I just wanted to note it for you.  
2 THE COURT: I understand. And I'd have to  
3 look at that. I wasn't focusing on that issue, but I'm  
4 just going to --  
5 MS. BENNET: It just appeared to me to be a  
6 condition of getting an ADU.  
7 THE COURT: I'd have to look at that. I did  
8 not focus on that issue. So I'm going to put that.  
9 I am going to, I'm looking for the code provision right  
10 now.  
11 MS. BENNET: I think I had the code as one of  
12 my exhibits.  
13 THE COURT: Is it 2926 of the code?  
14 MS. BENNET: I think I put in my exhibit.  
15 I called it Exhibit 3. I think you have it as Exhibit  
16 3  
17 THE COURT: Okay. Well, what I have --  
18 MS. BENNET: 3.3.3 is what I was looking at  
19 --  
20 THE COURT: It's on my screen for a minute.  
21 MS. BENNET: This is article 59-3 uses and  
22 use standards.  
23 THE COURT: Okay. That's the zoning  
24 ordinance. I'm going to show you just see. Are you  
25 able to see this?

1 MS. BENNET: Oh, my god. I'm going to put my  
2 face very close to my screen. So pardon me.  
3 THE COURT: Okay. This says the hearing  
4 examiner may only decide issues raised by the waiver or  
5 objection. So I did not see that issue raised in the  
6 objection. And I understand, now, there is -- so I'm  
7 really kind of -- my hands are tied on that one.  
8 Unless you want to file a zoning violation complaint,  
9 but -- and I thought I saw something --  
10 MS. BENNET: I'll tell you what I'll try to  
11 save us both some trouble. I'll try to tie it to the  
12 parking issue.  
13 THE COURT: Okay. Well, I'm going to, I'm  
14 going to let you raise it in case there's an appeal.  
15 But I just want to -- I just want to tell you -- I just  
16 wanted to point that out for you.  
17 MS. BENNET: Okay. Thank you. Thank you.  
18 THE COURT: Wait. I've got to stop sharing.  
19 I apologize for being so slow at this. I did retire.  
20 Let me see. Okay.  
21 All right. With that, Mr. Friedman, you're  
22 up.  
23 MR. FRIEDMAN: All right. Well, I guess at  
24 this point I need to give an opening statement because  
25 there's no reason to reserve if I'm not being the

21 1 second person.  
2 THE COURT: Well, that's fine.  
3 MR. FRIEDMAN: Yeah. The the crux of this  
4 case is whether or not Miss Favali is using this  
5 property as a primary domicile.  
6 THE COURT: Well, that's not the only issue.  
7 MR. FRIEDMAN: I'm not finished. I'm not  
8 finished, please.  
9 THE COURT: I shouldn't have interrupted.  
10 I'm sorry. I should not have interrupted  
11 MR. FRIEDMAN: No, no, no, no, no. And we  
12 also do have a parking issue to deal with. I  
13 understand that.  
14 The point I was going to make, though, is  
15 that -- and I started to say this earlier -- whether or  
16 not she had been a long-term user of this house as a  
17 primary residence in 2023 isn't really relevant to  
18 whether she has been using it as a primary residence  
19 since 2023.  
20 This is a new case, and it's a new  
21 application. This is her primary residence. This is  
22 where she votes. This is where she sleeps. This is  
23 where she has a driver's license. This is where she  
24 gets her personal mail.  
25 Yes, there are tenants in the house. She, as  
22 1 a primary owner-applicant, is able to have up to four  
2 tenants in the property with her. They're like  
3 roommates. Most of them, three of the four of them,  
4 have been there for at least three years.  
5 They're not short-term tenants. It's not a  
6 rooming house. These are the people who make this  
7 their home. As in terms of a comment Ms. Bennet  
8 recently just made, under the rules, the owner of the  
9 property has to reside in the property if there's an  
10 ADU. But that person can live in the ADU, does not  
11 have to live in the primary or original house.  
12 I think the most important thing that's going  
13 on here, frankly -- and I was going to try to bring  
14 this out in the testimony of the objectors -- is this  
15 is a beautiful neighborhood. Oldchester is a very nice  
16 street. In fact, everyone here will be surprised to  
17 learn that I grew up on Oldchester Road in a 1950s  
18 split-level house. Most of the houses on Oldchester  
19 were 1950s split-level houses.  
20 Now, in recent years, many of those houses  
21 have been knocked down and replaced by much larger  
22 arts-and-crafts-type houses. Many of the houses that  
23 have not been replaced have been added to with  
24 \$200,000, \$300,000, \$400,000 additions.  
25 The objectors, I believe all or almost all of  
24

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7 (25 to 28)

1 them live in houses in this category. And I think that  
2 they want her house gone. They don't like there being  
3 a small split-level house on the street. Even though  
4 that's the heritage of the street, they think it  
5 detracts from their neighborhood.

6 That's not the point here. The point is,  
7 does she have a legal right to have an ADU? Does she  
8 have a health reason to need that ADU? Will they even  
9 see the ADU when they walk or drive by her house? And  
10 is there sufficient parking?

11 And, in fact, the plans that have been  
12 submitted show that there will be two additional  
13 parking spaces in the behind the house next to the ADU.

14 Well, we don't need two spaces for one person  
15 living in the ADU. So it actually increases the  
16 parking. So let's proceed and see what we can do here  
17 with this case.

18 THE COURT: All right. Mr. Goitein, I'm  
19 going to let you have -- do you have any additional  
20 opening statements?

21 MR. GOITEIN: I don't think I need to say  
22 anything more other than what I said originally.

23 Other than that, I do agree with Ms. Bennet  
24 that the issue of whether or not -- if the ADU license  
25 were to be approved, whether that would result in

1 ongoing permissible use of the property is something  
2 that would be relevant. But I think you've already  
3 made clear that we'll address that as we go on.

4 THE COURT: All right. Thank you.

5 MR. FRIEDMAN: If I might respond to that  
6 very quickly. I actually think that that's not an  
7 issue for today because there is no proof here of how  
8 the house will be used once that ADU is built, if it is  
9 approved. That's an issue that would come up at that  
10 point. If the house is not being used properly at the  
11 point where there is an ADU, that's when that issue  
12 would have to be dealt with.

13 THE COURT: Well, let's reserve that. I  
14 don't want to argue the merits before we've even heard  
15 the testimony. So I understand your point, but you  
16 will have closing statements too.

17 So, with that, Ms. Bennet, do you wish to go  
18 first or Mr. Goitein? I believe you represent Mr.  
19 Matt. I mean -- I'm sorry. I'm sorry.

20 Mr. Friedman, it's your case in chief, Matt.

21 MR. FRIEDMAN: Yes, ma'am. In order to  
22 inconvenience my witnesses as little as possible, I'm  
23 going to take my witnesses first, and then follow with  
24 Ms. Faval.

25 THE COURT: Is there any objection to that?

25

1 MR. FRIEDMAN: I don't think anybody has a  
2 right to object to that.

3 THE COURT: Well, I'll make that --

4 MR. GOITEIN: No objection.

5 MS. BENNET: No objection.

6 THE COURT: Go ahead.

7 MR. FRIEDMAN: Okay. I'll call Suzanne  
8 Vaughn.

9 THE COURT: Okay, Ms. Vaughn. Please turn  
10 your camera on.

11 THE WITNESS: Good morning.

12 THE COURT: Okay. You need to turn your  
13 camera -- now I'm coming up with a Nancie Park.

14 MS. PARK: Right.

15 MS. VAUGHN: I'm Suzanne Vaughn.

16 THE COURT: Okay. Are you using someone  
17 else's computer? Is that why?

18 THE WITNESS: No, ma'am. I'm using my own.

19 THE COURT: Is there a Nancie Park here?  
20 Because somebody is --

21 THE WITNESS: Yes, I'm here.

22 THE COURT: Okay.

23 MR. FRIEDMAN: Suzanne Vaughn comes after  
24 Nancie Park.

25 THE COURT: I need her to turn her camera on.

26

1 MR. FRIEDMAN: Her camera's on. I think if  
2 you go to the bottom where you'll see it says 1/4.

3 THE COURT: I got it.

4 MR. FRIEDMAN: There's four pages. Okay.

5 But, Suzanne, we just lost your camera. Or I did.

6 THE COURT: I did too.

7 MR. FRIEDMAN: Yes. Okay.

8 THE WITNESS: Good morning.

9 MR. FRIEDMAN: Are you swearing witnesses, or  
10 do we just proceed informally?

11 THE COURT: I'm just trying to get her --  
12 okay.

13 MR. CHAPPELL: Everybody can mute themselves.  
14 It will stop by spotlighting Nancie Park and Nancie  
15 Park. And, Nancy, if you can mute yourself, that would  
16 be extremely helpful for us to proceed.

17 THE COURT: Is that the court reporter  
18 speaking?

19 MR. CHAPPELL: No. I apologize. I'm just  
20 trying to help the technicalities.

21 THE COURT: Who's speaking?

22 MR. CHAPPELL: This is Dan Chappell.

23 THE COURT: Okay. We'll get to you.

24 MR. CHAPPELL: I'm just trying to help.

25 THE COURT: Ms. Park, please raise your right

27

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Transcript of Hearing  
Conducted on December 19, 2025

8 (29 to 32)

1 hand.  
2 THE WITNESS: Hand is raised.  
3 THE COURT: I don't see your hand raised.  
4 Raise your right hand.  
5 MS. PARK: It's raised.  
6 MS. VAUGHN: Excuse me, but I think you have  
7 the two of us confused. I'm Suzanne Vaughn. I have my  
8 voice on and the camera. Nancy does not have her  
9 camera on.  
10 THE COURT: Okay. We're taking you as a  
11 witness.  
12 THE WITNESS: I'm confused. Suzanne or  
13 Nancy?  
14 THE COURT: He called you first. So we're  
15 going to go with you. Ms. Park, please your mute  
16 yourself.  
17 Ms. Vaughn, please raise your right hand.  
18 SUZANNE VAUGHN,  
19 having first been sworn, testified as follows:  
20 THE COURT: Please state your name and  
21 address for the record and email address, please.  
22 THE WITNESS: Is my hand still up?  
23 THE COURT: Yes. You can put it down.  
24 THE WITNESS: Okay. My name is Suzanne  
25 Anderson Vaughn. I live at 13 Silverwood Circle,

29

1 Apartment 3, Annapolis, Maryland, 21403. My email  
2 address is suzyvaughn2 --  
3 THE COURT: How do you spell Suzy?  
4 THE WITNESS:  
5 S-u-z-y-v-a-u-g-h-n-2@gmail.com.  
6 THE COURT: Okay.  
7 MR. FRIEDMAN: Okay. And I'm going to try to  
8 expedite these questions of my witnesses as much as I  
9 can.  
10 DIRECT EXAMINATION  
11 BY MR. FRIEDMAN:  
12 Q. Ms. Vaughn, how do you know Ms. Favali?  
13 A. **We're in the same sailing club.**  
14 Q. And she joined the club in 2015; is that  
15 correct?  
16 A. **Yes, sir, I believe so.**  
17 Q. As much as you recall?  
18 A. **Yes, sir.**  
19 Q. Okay. So you've known her approximately 10  
20 years?  
21 A. **Yes. She was on the same boat with me the**  
22 **first time she sailed with the club.**  
23 Q. Okay. Have you visited her at the property  
24 at Oldchester Road?  
25 A. **Oh, multiple times.**

1 Q. Okay. And did those times, or many of them,  
2 occur during the last two years?  
3 A. **Oh, definitely. Yes, sir.**  
4 Q. Okay. Could you guesstimate for us the  
5 number of times you've been to the Oldchester Road  
6 house in the last two years.  
7 A. **20.**  
8 Q. And, at those times, did you ever stay  
9 overnight?  
10 A. **No, sir.**  
11 Q. Okay. Was it clear to you on those times  
12 that Ms. Favali was living at that house?  
13 A. **Oh, definitely. Yes, sir.**  
14 Q. During the last two years, has she had you  
15 visit her at any other home?  
16 A. **Yes. I visited her on Kennedy Street.**  
17 Q. Okay. Do you think that was her home at that  
18 time?  
19 A. **No, not that I can say. I've been at both**  
20 **places multiple times.**  
21 Q. Which --  
22 A. **Is --**  
23 Q. I'm sorry. Go ahead.  
24 A. **The one I understood that she lived in was**  
25 **the Oldchester location.**

30

1 Q. Okay. Thank you.  
2 MR. FRIEDMAN: I have no other questions for  
3 this witness.  
4 THE COURT: Thank you. Cross-examination.  
5 Let me let Mr. Goitein go first, and then, Ms. Bennet,  
6 we'll let you go next.  
7 MR. GOITEIN: All right.  
8 THE WITNESS: Am I still the witness?  
9 THE COURT: Yes, you're still the witness.  
10 Mr. Goitein or Ms. Bennet.  
11 MR. GOITEIN: Mr. Goitein. I'm sorry. I  
12 think I had myself on mute there.  
13 CROSS-EXAMINATION  
14 BY MR. GOITEIN:  
15 Q. Good morning, Ms. Vaughn. My name is Evan  
16 Goitein. I am an attorney. I represent Mr. Mack, one  
17 of the neighbors in this neighborhood.  
18 Where do you live?  
19 A. **My street address again?**  
20 Q. Yes. Where you --  
21 A. **I live in Annapolis -- Annapolis, Maryland.**  
22 Q. Okay. And you said you visited Ms. Favali at  
23 both the Kennedy Street address and the Oldchester Road  
24 address, right?  
25 A. **Yes, sir.**

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9 (33 to 36)

1 Q. And you testified that it's your belief that  
2 she lives at the Oldchester Road address, right?  
3 **A. Yes, sir.**  
4 Q. Do you know when she moved to the Oldchester  
5 Road address?  
6 **A. When she moved there? I can't tell you that.**  
7 **I know that she was raised in that house, and she spent**  
8 **many years there off and on. So no, I can't tell you**  
9 **the exact date that she moved there.**  
10 Q. You said you've been to the house 20 times or  
11 so -- or the houses 20 times or so in the past two  
12 years; is that correct?  
13 **A. It could be multiple. Let me give you a**  
14 **little information.**  
15 THE COURT: Excuse me. Just stop talking a  
16 minute. I thought you said it was 10 years.  
17 THE WITNESS: I've known her 10 years. Yes.  
18 THE COURT: Okay. So is the 20 times in the  
19 last two years or the 10 years?  
20 THE WITNESS: That I've been to both of the  
21 houses?  
22 THE COURT: Yeah.  
23 THE WITNESS: I can't remember the exact  
24 date. I mean, I think --  
25 THE COURT: It's okay.

1 THE WITNESS: One of the first times I was  
2 there, she had a sailing event -- a social event on  
3 Oldchester.  
4 THE COURT: Okay.  
5 THE WITNESS: And that was definitely well  
6 before two years. I can't tell you the exact date.  
7 But within 10.  
8 THE COURT: I'm going to let Mr. Goitein  
9 continue, and everybody gets a follow-up to my question  
10 if you have one.  
11 MR. GOITEIN: Thank you.  
12 Q. (By Mr. Goitein) So you said that -- one of  
13 the things I wanted to try to establish was, when you  
14 testified in response to Mr. Friedman's question, you  
15 said you had been to the house about 20 times in the  
16 past two years, approximately. Is that 20 times just  
17 to the Oldchester Roadhouse, or 20 times to either the  
18 Oldchester or the Kennedy House?  
19 **A. At least 20 times to the Oldchester location.**  
20 Q. All right. How many times to the Kennedy?  
21 **A. Oh, my. 25.**  
22 Q. So, more often, you visited her at the  
23 Kennedy --  
24 **A. Let me give you a little -- can I tell you --**  
25 Q. I'm sorry.

33

1 **A. -- that I'm very involved with the sailing**  
2 **club?**  
3 THE COURT: Ms. Vaughn. Ms. Vaughn, stop  
4 talking. This is cross-examination.  
5 THE WITNESS: Okay.  
6 THE COURT: So let him ask the questions.  
7 And Ms. Favali's attorney will have a chance to  
8 redirect.  
9 So, Mr. Goitein, re-ask your question or  
10 finish your question.  
11 MR. GOITEIN: Thank you.  
12 Q. (By Mr. Goitein) So you said about 25 times  
13 to the Kennedy Street address, and about 20 times to  
14 the Oldchester Road address in the past two years or  
15 so, right?  
16 **A. Yes. I'm guessing.**  
17 Q. Okay. And you said the first time you went  
18 to Oldchester was when Ms. Favali had a social event  
19 for the sailing club; is that right?  
20 **A. That was well beyond two years though.**  
21 Q. Okay. And how frequently do you communicate  
22 with Ms. Favali?  
23 **A. Pretty regularly. But more regularly, I'd**  
24 **say, within the last five years.**  
25 Q. All right. Would you say that you -- do you

35

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1 text with her sometimes?  
2 **A. Yes, sir.**  
3 Q. Do you two keep each other apprised as to  
4 what's going on in your lives?  
5 **A. Sort of. Yes, sort of. We're both very**  
6 **busy.**  
7 Q. Do you consider yourself friends?  
8 **A. Oh, yes. Yes, sir.**  
9 Q. But you can't tell us when she moved into the  
10 Oldchester Road property, right?  
11 **A. When she moved -- I'm not really clear that**  
12 **she ever left.**  
13 Q. Okay. So, as far as you know, that's been  
14 her primary residence for the last -- how long?  
15 **A. I'm elderly, so I can't remember dates**  
16 **exactly. So what's the question again? Sorry.**  
17 Q. I believe the question was something to the  
18 effect of, so, as far as you know, that's been her  
19 primary residence for approximately how long?  
20 **A. Don't know that it ever wasn't.**  
21 Q. Okay. Thank you.  
22 MR. GOITEIN: I don't have any more questions  
23 for you.  
24 THE COURT: Thank you. Redirect, Mr.  
25 Friedman?

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10 (37 to 40)

1  
2           REDIRECT EXAMINATION  
3 BY MR. FRIEDMAN:

4     Q. Ms. Vaughn, you indicated there was something  
5 you wanted to add during the course of Mr. Goitein's  
6 question. Do you remember what that was?

7     **A. Primarily that the house is a lovely place to**  
8 **have social events. And that's when the first time I**  
9 **was at the Oldchester. It has a lovely room in the**  
10 **back. So that was the first time.**

11     **And I just wanted to point out -- it might**  
12 **sound irrelevant, but I have an interior design**  
13 **background, and I've helped her with both houses. You**  
14 **know, small projects. Paint. Draperies. Things like**  
15 **that.**

16     Q. So she keeps up the Kennedy Street house.  
17 -- excuse me. She keeps up the Oldchester house as her  
18 own?

19     **A. As far as I can tell, yes, sir.**

20     Q. Okay. Thank you.

21     THE COURT: Ms. Bennet, do you have any  
22 questions of Ms. Vaughn?

23     MS. BENNET: Yes. Yes, I do, Your Honor.

24     THE COURT: And this is just time for  
25 questions.

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1     was an interior designer. And, so, I'm going to let  
2 her ask the question.

3     MR. FRIEDMAN: Thank you.

4     MS. BENNET: I think she answered the  
5 question, yes.

6     THE COURT: I don't know. Can you re-ask it.

7     Q. (By Ms. Bennet) Does the Oldchester house  
8 lend itself for larger social events than the Kennedy  
9 Street house?

10     **A. Yes, it does.**

11     Q. Okay. And my next question for you. Has Ms.  
12 Favali ever been to your house in Annapolis, which I  
13 think is probably what, about an hour, an hour and a  
14 half away, depending on traffic?

15     **A. It depends on how you drive too. Yeah.**

16 **She's been here multiple times.**

17     Q. How many times has she visited your house in  
18 the last two years? We'll just go with that.

19     **A. A dozen times or so. I had surgery on my**  
20 **knees, and she helped me with my recovery.**

21     Q. Has she ever spent the night at your house?

22     **A. Oh, definitely. Sure. During my surgery or**  
23 **after my surgery. Yes.**

24     Q. Okay. Thank you.

25     MS. BENNET: No further questions.

39

1           CROSS-EXAMINATION  
2 BY MS. BENNET:

3     Q. Ms. Vaughn, you've been to both houses And  
4 you said that the Oldchester house has a lovely room  
5 for social events. Are social events held at the  
6 Kennedy Street house?

7     **A. She's had small things there, yes. In the**  
8 **kitchen.**

9     Q. So the Kennedy Street house, is it smaller  
10 than the Oldchester house?

11     **A. Yes.**

12     Q. So the Oldchester house, would you say, lends  
13 itself more to having larger social events than the  
14 Kennedy Street house?

15     MR. FRIEDMAN: Objection.

16     THE COURT: Basis?

17     MR. FRIEDMAN: It's asking for an opinion  
18 that --

19     MS. BENNET: She said she was an interior  
20 designer.

21     THE COURT: Let him get his objection out.

22     MS. BENNET: Okay.

23     MR. FRIEDMAN: It's asking for speculation.

24 I don't think it's a proper question.

25     THE COURT: Well, she did testify that she

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40

1     THE COURT: Okay.

2     MR. FRIEDMAN: I have one more.

3     THE COURT: Okay. Yeah, go ahead, Mr.  
4 Friedman.

5           FURTHER REDIRECT EXAMINATION

6 BY MR. FRIEDMAN:

7     Q. Ms. Vaughn, isn't it true that you've also  
8 given Ms. Favali design advice on another property at  
9 Oliver Street?

10     **A. Oh, yes.**

11     Q. And she's compensated you for that work,  
12 hasn't she?

13     **A. Yes, she has.**

14     Q. You billed her. She paid. Okay. Was that  
15 ever her residence?

16     **A. No, not that I know of, no.**

17     Q. Thank you.

18     MR. FRIEDMAN: My next witness is Stephen  
19 Igbokwe, if I'm pronouncing it correctly.

20     THE COURT: Okay. Ms. Vaughn, you may be  
21 excused if you wish. You don't have to stay on the  
22 hearing.

23     THE WITNESS: All right. Thank you.

24     THE COURT: Well, okay.

25     THE WITNESS: Can you hear me?

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11 (41 to 44)

1 THE COURT: Mr. Goitein, who is your next --  
2 no, Ms. -- I've still got -- I'm trying to get Sarah  
3 Vaughn off.

4 Okay. Mr. Friedman?

5 MR. GOITEIN: Well, she doesn't have to  
6 leave. I mean, she's welcome to stay on if she wants  
7 to.

8 THE COURT: Yeah. I'm just saying she  
9 doesn't have to. I'm trying to get your next witness  
10 to --

11 MR. GOITEIN: He was here.

12 THE COURT: -- turn his camera on.

13 THE WITNESS: Can you hear me? Hello?

14 THE COURT: Got you. I have you.

15 THE WITNESS: This is Steve Park. Do I have  
16 to identify myself?

17 THE COURT: No. Just wait for a moment. I'm  
18 trying to get it -- I apologize. They've changed  
19 Teams. So I do apologize for these technical delays.

20 Okay. Please raise your right hand. You  
21 have your camera on.

22 MR. FRIEDMAN: Madam hearing examiner, may I  
23 make a suggestion?

24 THE COURT: Yeah.

25 MR. FRIEDMAN: In the interest of efficiency,

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1 E as in Edward, L as in Lima, L as in eight, eight, at  
2 gmail.com.

3 THE COURT: Thank you very much. Okay. Mr.  
4 Friedman, or -- yeah, Mr. Friedman.

5 DIRECT EXAMINATION

6 BY MR. FRIEDMAN:

7 Q. May I call you Stephen so I don't  
8 mispronounce your last name?

9 A. Absolutely.

10 Q. Thank you very much. Stephen, you stated  
11 that you live in the Oldchester Road property. How  
12 long have you lived there?

13 A. Years.

14 Q. When you say "years," can you be a little  
15 more specific.

16 A. I moved in, in 2002 shortly before I started  
17 my position at the job at 7200 Wisconsin Avenue.

18 That's where I work.

19 Q. And what kind of work do you do?

20 A. I'm an IT specialist working for a local  
21 nonprofit.

22 Q. Okay. So you've lived there continually  
23 since that time?

24 A. Yes, sir.

25 Q. Okay. And, so, you, obviously, know the

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1 are you allowed to swear all the witnesses in at one  
2 time?

3 THE COURT: I don't like to do that -- I  
4 understand why -- because the court reporter doesn't  
5 know who's going to testify. It'll be quick.

6 MR. FRIEDMAN: No, no. No problem.

7 THE COURT: Okay. Please raise your right  
8 hand.

9 STEPHEN IGBOKWE,

10 having first been sworn, testified as follows:

11 THE COURT: Please state your name and  
12 address for the record.

13 THE WITNESS: Stephen Chris Igbokwe. I live  
14 at 7709 Oldchester Road in Bethesda, Maryland.

15 THE COURT: Okay. And please state your  
16 email address, please.

17 THE WITNESS: It's L as in Lima, Y as in  
18 yogurt, Z as in zoo --

19 THE COURT: For some reason -- you can put  
20 your hand down. For some reason -- if there is one,  
21 we'll do in person.

22 Okay. Go ahead.

23 THE WITNESS: Can you hear me? Confirm.

24 THE COURT: I can. I can hear you now.

25 THE WITNESS: Y as in yogurt, Z as in zebra,

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1 other people living in the building. How long have  
2 they been there, if you don't mind?

3 A. They've been here as long as I've been here,  
4 as far as I'm aware. So I can't determine what time  
5 they've been -- I've only been here for three years.

6 Q. So that's, what, approximately three to four  
7 years?

8 A. Yes, sir.

9 Q. Okay. And, during that time, has Ms. Favali  
10 moved into the house as her permanent residence?

11 A. As far as I'm aware, this residence has  
12 always been her place of living. She's always been  
13 here since I've been here.

14 Q. So she sleeps in the house on a regular  
15 basis, seven days a week; it's her home?

16 A. She parks here. She sleeps here, yes.

17 Q. That was a yes?

18 A. Yes, yes. She works here. She sleeps here.

19 Yeah. I work in the office three days a week. She's  
20 here when I get home most of the time, unless she has  
21 some church work to do, but -- yeah. I work full-time.

22 And her car's usually in the driveway. So, yes, she's  
23 here.

24 Q. Does she eat her meals at the house?

25 A. I don't use the kitchen that often. I don't

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12 (45 to 48)

1 trust myself. But, yeah, she's here.  
2 Q. Does she do her laundry in the house?  
3 A. Yes, yes, she definitely does her laundry  
4 here.  
5 Q. Does she entertain friends at the house?  
6 A. Yes, regularly.  
7 MR. FRIEDMAN: I have nothing further of this  
8 witness.  
9 THE COURT: All right. I'm going to let Mr.  
10 Goitein ask questions, and then we'll go to Ms. Bennet.  
11 CROSS-EXAMINATION  
12 BY MR. GOITEIN:  
13 Q. Good morning. All the things you just  
14 testified about that Ms. Favali does at the house,  
15 laundry, having meals, has she done those things the  
16 entire time you've lived there?  
17 A. Yes. There is no change.  
18 Q. All right. Thank you.  
19 MR. GOITEIN: That's the only question I  
20 have.  
21 THE COURT: Ms. Bennet, do you have any  
22 questions?  
23 MS. BENNET: No, I don't.  
24 THE COURT: Okay. Mr. Igobokwe?  
25 THE WITNESS: You can use my original name,

45

1 A. We met through Al-Anon. So we're friends,  
2 and we became friends from meeting through there.  
3 Q. Do you see her often?  
4 A. Yes.  
5 Q. Have you visited her at the house on  
6 Oldchester Road?  
7 A. Multiple times, yes.  
8 Q. Okay. Over a period of -- I'm sorry. How  
9 long did you say?  
10 A. Three years.  
11 Q. Okay. And does it appear to you that that's  
12 her primary residence?  
13 A. It's the only residence I knew of, up until  
14 this hearing stuff.  
15 Q. Can you guesstimate how many times you've  
16 been to the house?  
17 A. Approximately 15 to 20. We go on walks  
18 together.  
19 Q. Okay.  
20 MR. FRIEDMAN: Have nothing further of Ms.  
21 Sutter.  
22 THE COURT: Mr. Goitein?  
23 CROSS-EXAMINATION  
24 BY MR. GOITEIN:  
25 Q. Good morning, Ms. Sutter. In the three years

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1 Parker. It's fine, too.  
2 THE COURT: You are welcome to stay on, but  
3 you may be excused.  
4 THE WITNESS: Thank you, ma'am.  
5 THE COURT: Okay.  
6 MR. FRIEDMAN: The applicant calls Constance  
7 Sutter.  
8 THE COURT: Okay.  
9 THE WITNESS: I'm here.  
10 THE COURT: Ms. Sutter, please raise your  
11 right hand.  
12 CONSTANCE SUTTER,  
13 having first been sworn, testified as follows:  
14 THE COURT: Okay. Please state your name and  
15 address for the record and your email address.  
16 THE WITNESS: Constance Sutter. My current  
17 address -- I moved here last month -- is 25744  
18 Woodfield Road, Damascus, Maryland, 20872. My email  
19 address is sutter.cons@gmail.com.  
20 DIRECT EXAMINATION  
21 BY MR. FRIEDMAN:  
22 Q. Ms. Sutter, how long have you known Ms.  
23 Favali?  
24 A. Three years.  
25 Q. How do you know her?

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1 that you've known Ms. Favali, have you ever been to her  
2 house on Kennedy Street?  
3 A. No.  
4 Q. Okay. So the only house you've been to is  
5 the one on Oldchester Road, right?  
6 A. Yes.  
7 Q. Okay. And have you, of the -- what did you  
8 say -- you visited 15 or 20 times?  
9 A. Yes.  
10 Q. Okay. When do you think the first time was  
11 that you visited her in the house?  
12 A. I looked it up. It was December 9, 2023.  
13 Q. Okay. And when you visited her at that time,  
14 did you believe that was her primary residence?  
15 A. Yes.  
16 Q. All right. When was the last time you  
17 visited her?  
18 A. Maybe a couple weeks ago.  
19 Q. Notice any change in what you observe in the  
20 house between the first time in you saw her and the  
21 last time you were there?  
22 A. She reupholstered the chairs. Is there  
23 anything in particular you'd like me to identify as a  
24 change that's relevant to you?  
25 Q. Anything other than --

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13 (49 to 52)

	49		51
1	THE COURT: Let him ask the questions, okay?	1	<b>A. No. I think we were looking at pictures on her phone.</b>
2	THE WITNESS: I'd answer it if I understood.	2	Q. Oh, on her phone. I see. Okay.
3	Q. (By Mr. Goitein) Anything other than the	3	MR. GOITEIN: No further questions.
4	newly upholstered chairs that you noticed as being	4	THE COURT: Is there redirect?
5	different in the house from the first time you visited	5	MR. FRIEDMAN: No, thank you.
6	in 2023?	6	THE COURT: Great. Thank you.
7	<b>A. No, sir. It's roughly the same.</b>	7	MR. FRIEDMAN: The applicant calls Nancie
8	Q. All right. Thank you.	8	Park.
9	MR. GOITEIN: No further questions.	9	THE COURT: Just a minute. You may be
10	THE COURT: Ms. Bennet, any questions?	10	excused.
11	MS. BENNET: Yes.	11	Okay. Ms. Park?
12	CROSS-EXAMINATION	12	Ms. Park?
13	BY MS. BENNET:	13	MR. FRIEDMAN: Well, we may have lost her. I
14	Q. Hi, Constance. I think we met at the appeal	14	don't know if she was on a schedule.
15	hearing. So nice to see you again.	15	Let's go on to -- is James Cyr present?
16	<b>A. Yes. And we ran into each other, I think, a</b>	16	THE WITNESS: Yes, I'm present.
17	<b>couple times in the neighborhood.</b>	17	MR. FRIEDMAN: All right. Calling James Cyr,
18	Q. Oh, I was going to ask you. I don't recall	18	please.
19	ever seeing you in the neighborhood, but that could be	19	THE COURT: Mr. Cyr, please raise your right
20	my eyesight. I don't know.	20	hand.
21	Oh, I actually do think I remember seeing you	21	JAMES CYR,
22	one time in the neighborhood. I do. I just didn't	22	having first been sworn, testified as follows:
23	place the face. I think you're absolutely right about	23	THE COURT: Are you really in your car?
24	that.	24	THE WITNESS: Yes, ma'am.
25	My question is, has Ms. Favalí ever invited	50	
1	you into her bedroom at the 7709 Oldchester Street	50	
2	house?	1	I'm between appointments, but I wanted to make this for
3	<b>A. Yes.</b>	2	Mr. --
4	Q. What did you observe in there as far as her	3	THE COURT: I just admired your car. I
5	belongings and things like that?	4	thought maybe it was Formula One or something.
6	<b>A. I was just excited to see the headboard that</b>	5	THE WITNESS: I appreciate that very much.
7	<b>I'd seen over Zoom. Other than that, she had some</b>	6	Thank you, and good morning.
8	<b>books and, you know, a nice bedroom. Yeah. I'm sorry.</b>	7	THE COURT: I apologize. Please state your
9	<b>What else --</b>	8	name and address and email address for the record.
10	Q. I'm not going to testify here, but just give	9	THE WITNESS: My name is James Cyr. I live
11	me a minute here. So you have been in her bedroom at	10	at 2 Maplecrest Court, Potomac, Maryland, 20854. My
12	7709 Oldchester Road?	11	email address is firstname.lastname.outlook.com.
13	<b>A. Yes.</b>	12	THE COURT: Okay. Mr. Friedman?
14	Q. Okay. Has she ever shown you any of the	13	MR. FRIEDMAN: Yes.
15	photographs of her family while you were there?	14	DIRECT EXAMINATION
16	<b>A. Yes. In fact, I've met her family. At least</b>	15	BY MR. FRIEDMAN:
17	<b>some grandkids.</b>	16	Q. Mr. Cyr, do you know Ms. Favalí?
18	Q. I didn't ask if you met the family. I asked	17	<b>A. Yes, very well.</b>
19	if you'd seen photographs of them.	18	Q. How do you know her?
20	<b>A. Yes. Well, that's when I saw some</b>	19	<b>A. I moved in with her when my mother had</b>
21	<b>photographs.</b>	20	<b>cancer. It was a complicated situation in late 2020.</b>
22	Q. Okay. And were they photographs staged	21	<b>And I lived there for several years.</b>
23	around the house?	22	Q. In the 7709 Oldchester Road property?
24	<b>A. I don't remember.</b>	23	<b>A. That's correct.</b>
25	Q. Were they in a photo album?	24	Q. When you say you lived there for several
		25	years, did you live there continually? You were a



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15 (57 to 60)

57  
1 but it appears to me that that is where she primarily  
2 resides.

3 Q. Okay. And, just to be clear, whatever it is,  
4 Ubering or chauffeuring, she pays you for that work,  
5 right?

6 A. Occasionally. Again, sometimes I try to help  
7 her out. I push the leaves off the roof. I try to  
8 maintain the pond in the back. I do the laborious  
9 things that she's unable to do, but needs support with  
10 as much as I can.

11 Q. All right. Thank you.

12 MR. GOITEIN: I don't have any more  
13 questions.

14 THE COURT: Ms. Bennet?

15 MS. BENNET: Yes.

16 CROSS-EXAMINATION

17 BY MS. BENNET:

18 Q. You said you drive her around and take her  
19 places. Does she have vehicles of her own?

20 A. Yes.

21 Q. Do you know how many and what they are?

22 A. I believe she's had the Eclipse for -- that  
23 was when I met her. Then that began having issues. I  
24 don't know if she's gotten rid of it or not, and  
25 there's the Outback now, which I guess had some other

58  
1 recent issues.

2 Q. So when you say "the Eclipse," are you  
3 talking about a Mitsubishi Eclipse that's silver in  
4 color?

5 A. Yeah.

6 (Technical disruption.)

7 THE COURT: Someone, please turn their --  
8 excuse me. Please mute.

9 Okay. Whoever's talking in the background,  
10 please mute because we're hearing about your lunch.  
11 Okay. Everybody except -- please mute if you're not  
12 testifying. Thank you.

13 Okay. I interrupted. I apologize, Ms.

14 Bennet.

15 MS. BENNET: That's okay.

16 Q. (By Ms. Bennet) I just want to confirm that  
17 it's a Mitsubishi Eclipse, silver in color?

18 A. That was what she had when I met her, yes.  
19 And she's had that for several years. I don't know --

20 Q. You're cutting in and out, so I can't hear  
21 you.

22 A. Sorry.

23 Q. Does she have that car now, sir?

24 A. I'm not sure.

25 Q. You don't know? Okay. And the other vehicle

59  
1 you referred to as an Outback, is that a Subaru  
2 Outback?

3 A. Yes.

4 Q. And what color is that car?

5 A. Red.

6 Q. And do you know if she still has that car?

7 A. My understanding was it was stolen and then  
8 returned, and then I'm not sure. I think --I think I  
9 recently helped her clean out the Eclipse. I don't --  
10 you know. That was the most recent thing I remember.

11 Q. Do you remember when that was?

12 A. Several months ago. Definitely not --

13 Q. So is it your testimony that you think -- is  
14 it your testimony that she has two vehicles?

15 A. I'm not sure. I couldn't say.

16 Q. Okay. Thank you.

17 MS. BENNET: No further questions.

18 MR. FRIEDMAN: I do have one follow-up  
19 question.

20 THE COURT: Let me ask a question, and you  
21 can follow up.

22 MR. FRIEDMAN: Yes, ma'am.

23 THE COURT: Mr. Cyr, is your information on  
24 the vehicles based on her communication? Like, the red  
25 Subaru being stolen? Is this based on what she told

60  
1 you?

2 THE WITNESS: Correct.

3 THE COURT: So you don't have any firsthand  
4 knowledge that it was stolen?

5 THE WITNESS: I didn't personally witness it,  
6 no.

7 THE COURT: All right. Go ahead, Mr.  
8 Friedman.

9 REDIRECT EXAMINATION

10 BY MR. FRIEDMAN:

11 Q. In your -- with giving her lifts to various  
12 places, have you had occasion to give her to -- take  
13 her to her physicians' appointments?

14 A. I believe a few times, yes.

15 Q. Okay. And then for the osteo issues that we  
16 talked about, that you testified to?

17 A. Yes. When she first got -- when she first  
18 had her injury, to my -- against my recommendation, she  
19 was still very adamant that she needed to keep up her  
20 properties. Maintain her projects.

21 She was staying up until late, still trying  
22 to paint. And she was having a very hard time getting  
23 around. Her leg, I believe, is still -- now  
24 permanently damaged. She's have -- she has a hard time  
25 walking.

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16 (61 to 64)

1 I'm not – if I'm being honest, I have no  
2 idea how she's getting the things done that she's  
3 doing. I personally feel like she should really be  
4 resting more.  
5 And that's why I think that, you know, I  
6 would – I would feel more comfortable if she did have  
7 this ADU situation, so that she could get in and out  
8 something that's more accessible to her. Because she  
9 will continue to, you know, march up and down whatever  
10 stairs she has to. And, you know, I don't want to – I  
11 don't want her to hurt herself.

12 Q. All right. I realize you're not an expert,  
13 but is it your opinion that she should live in a  
14 handicapped access facility?

15 A. Definitely.

16 THE COURT: Well, okay. For what it's worth.

17 A. I am a personal trainer of 15 years.

18 I mean, you know, I don't do physical therapy. But I  
19 do work with people that have different injuries. I  
20 mean, you know, her – it doesn't take an expert to –  
21 her foot is twisted to the side permanently like that.  
22 I mean, she had a spiral fracture of her entire right  
23 leg. It's not – it doesn't take an expert.

24 Q. Thank you very much.

25 THE COURT: Now, I don't think on direct, we

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1 But, because of the necessity of using stairs  
2 once you're within the domicile, and then the  
3 additional necessity of, I believe, another five stairs  
4 going up to get into her bedroom, which is on the right  
5 side after you go up, you know, those are obviously all  
6 things that should be removed from her daily  
7 activities, in my personal opinion.

8 It should be, you know, a straight ramp up to  
9 a single floor where she can then access her bedroom,  
10 in my unprofessional opinion.

11 THE COURT: Any questions based on my  
12 questions?

13 MR. GOITEIN: I have one.

14 Q. (By Mr. Goitein) Mr. Cyr, this injury that  
15 caused her foot to be in the condition that it's in,  
16 that happened back in 2022, right?

17 A. I believe so. She was working at a property,  
18 slipped and -- yeah, and broke her entire leg.

19 Q. Okay.

20 A. I believe it turned out that she has a bone  
21 density issue, osteo issue. And that was what caused  
22 the severity of the injury from a fall that would have,  
23 you know, was not necessarily a catastrophic fall, but  
24 was because of her osteo issue. If I'm remembering  
25 that correctly from what she told me the doctor said.

1 really covered the medical issue.

2 Mr. Goitein, do you have any questions on the  
3 medical issues?

4 MR. GOITEIN: Sort of.

5 FURTHER CROSS-EXAMINATION  
6 BY MR. GOITEIN:

7 Q. Mr. Cyr, you're aware that, as it currently  
8 exists, the Oldchester Road property has handicap  
9 access, right?

10 A. To the degree that it exists, yes. My  
11 understanding is that the ADU would have a much, much  
12 more easily accessible entrance for her to be able to  
13 use.

14 Q. And that understanding comes from Ms. Favali  
15 telling you that, right?

16 A. I've seen the design.

17 THE COURT: Well, how does she access  
18 currently?

19 THE WITNESS: It's a relatively steep ramp  
20 around the back that -- it goes up, and then to the  
21 left. And then there are also several stairs that she  
22 has to go up once entering the domicile from the rear.

23 So it's a relative -- I don't know what the  
24 correct angle that it was supposed to be for handicap  
25 accessible. I'm not sure if that meets that criteria.

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1 Q. Okay. Thank you.

2 THE COURT: Anyone else?

3 MR. FRIEDMAN: I have nothing further for  
4 this witness.

5 THE COURT: Okay, Mr. Cyr. Thank you. You  
6 may be excused.

7 THE WITNESS: Thank you, everyone. Have a  
8 nice day.

9 MR. FRIEDMAN: Thank you.

10 Donna Reynolds, please.

11 THE WITNESS: Yes, I'm here.

12 THE COURT: Ms. Reynolds, please raise your  
13 right hand.

14 DONNA REYNOLDS,

15 having first been sworn, testified as follows:

16 THE COURT: Please state your name, address,  
17 and email address for the record, please.

18 THE WITNESS: Donna Reynolds.

19 I live at 405 East --

20 THE COURT: Just a second. There's an echo.  
21 Do you have another device on?

22 THE WITNESS: No.

23 THE COURT: Okay. Go ahead. We'll try. Ms.  
24 Reynolds, give me your address again.

25 THE WITNESS: 405 East Maiden Street in

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17 (65 to 68)

1 Washington, Pennsylvania.  
2 THE COURT: And your email address?  
3 THE WITNESS: Dnnrynlnds@aol.com.  
4 THE COURT: Okay. Mr. Friedman?  
5 MR. FRIEDMAN: Thank you.  
6 DIRECT EXAMINATION  
7 BY MR. FRIEDMAN:  
8 Q. Ms. Reynolds, do you know Flavia Favali?  
9 A. Yes.  
10 Q. And how do you know her?  
11 A. I met her shortly after she moved into  
12 Hyattsville, probably more than 20 years ago.  
13 Q. And were you living in Hyattsville also at  
14 that time?  
15 A. Yes. About a half a block from her.  
16 Q. I see. Okay. And do you have a recollection  
17 of whether she subsequently relocated at her primary  
18 residence to the Oldchester Road property?  
19 A. Yes. My understanding, she moved there in  
20 2023.  
21 Q. Okay. Have you had occasion to visit her at  
22 the Oldchester Road property?  
23 A. Yes. Many times.  
24 Q. How often, if you don't mind me asking?  
25 A. I moved to Pennsylvania three years ago. But

65

1 prior to that, I probably was over there maybe once a  
2 week. And since I've been in Pennsylvania, I have --  
3 THE COURT: I'm sorry. You moved to  
4 Pennsylvania three years ago?  
5 THE WITNESS: Yes.  
6 THE COURT: Okay. Go ahead. I'm sorry.  
7 A. And since I've been in Pennsylvania, I've  
8 stayed with her at Oldchester at least three times and  
9 spent several nights there each time.  
10 Q. (By Mr. Friedman) All right. And did she  
11 also sleep at Oldchester?  
12 A. Yes.  
13 Q. On all of those occasions?  
14 A. Yes.  
15 Q. And was it apparent to you that that's her  
16 primary residence?  
17 A. She was using that as her primary residence.  
18 Q. And do you know if she continues to as of  
19 today?  
20 A. Yes.  
21 Q. And during the last two years, have you had  
22 any reason to visit her in Hyattsville?  
23 A. No. I stayed in her Hyattsville house maybe  
24 three times, but she was not there. She lives in  
25 Oldchester.

1 Q. Thank you. And have you also had occasion to  
2 drive her to her doctor's appointments?  
3 A. Yes.  
4 Q. And those were for the leg or ankle injury  
5 that we've been discussing?  
6 A. Yes.  
7 MR. FRIEDMAN: I have nothing further for  
8 this witness.  
9 THE COURT: Mr. Goitein?  
10 CROSS-EXAMINATION  
11 BY MR. GOITEIN:  
12 Q. Good morning, Ms. Reynolds. When was the  
13 last time that you visited Ms. Favali at the Oldchester  
14 Road property?  
15 A. I guess it would be four months ago.  
16 Q. And how long did you stay during that trip?  
17 A. Three nights.  
18 Q. Did she stay there with you?  
19 A. She was in her bedroom, but she was in the  
20 house.  
21 Q. Okay. So where did you stay?  
22 A. A bedroom in the basement.  
23 Q. All right. Any other times that you visited  
24 her at Oldchester in 2025?  
25 A. Over the last three years, probably two or

66

1 three more times.  
2 Q. Well, I'm asking about the last year, 2025,  
3 since we're coming up on the end of it.  
4 A. Oh. Twice more, I think.  
5 Q. So you think that, in total, you visited her  
6 three times in 2025 at the Oldchester Road property?  
7 A. Yes.  
8 Q. Did you stay about three times each time?  
9 I'm sorry. Three nights each time?  
10 A. Yes.  
11 Q. Weekend? Weekdays?  
12 A. Pardon?  
13 Q. Weekend or weekdays?  
14 A. Probably weekdays.  
15 Q. All right. When you stayed with her in 2025,  
16 did you notice anything different about the property  
17 than the times you had stayed with her on previous  
18 occasions?  
19 A. No.  
20 Q. So it's your contention that that has been  
21 her primary residence for how long?  
22 A. Three years.  
23 Q. All right. Thank you.  
24 MR. GOITEIN: No further questions.  
25 THE COURT: Ms. Bennet?

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18 (69 to 72)

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1           CROSS-EXAMINATION

2   BY MS. BENNET:

3    Q. Has Ms. Favali ever come and visited you at  
4    your home in Pennsylvania?

5    A. No.

6    Q. Okay. Thank you.

7    MS. BENNET: No further questions.

8    THE COURT: Okay. Mr. Friedman?

9    MR. FRIEDMAN: Bear with me, please.

10   Calling Nancie Park, please.

11   THE COURT: Just for the record, you don't  
12 have any redirect of Ms. Reynolds?

13   MR. FRIEDMAN: Oh, no. I apologize. I do  
14 not.

15 Thank you

16   THE COURT: Okay. Please call your next  
17 witness.

18   MR. FRIEDMAN: Calling Nancie Park.

19   THE COURT: Ms. Reynolds, you may be excused,  
20 except you can stay if you wish.

21   Okay. Finding Nancie Park. There she is.

22   Ms. Park, do you have your camera on?

23   THE WITNESS: I have my camera on.

24   THE COURT: I'm not seeing you.

25   THE WITNESS: What's happening is I'm

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1    THE WITNESS: Okay. I'm -- on my phone, it  
2    says I'm connected. And I'm on my laptop. And I put  
3    Teams on last night, and I joined. I was here earlier  
4    this morning.

5    THE COURT: I know you were. I'm not  
6    doubting any of that. I just need a picture. I need a  
7    video, so that's what I'm looking for.

8    THE WITNESS: I don't know what else I can  
9    do. I taught online for five years. I'm  
10   technical-savvy, so it could be something at your end.  
11   Am I on twice? Am I on two pictures at your end?

12   THE COURT: I'm looking through, because  
13 there's a lot of people here.

14   I do not see two of you.

15   THE WITNESS: Camera's on. Mic's on.

16   THE COURT: Ms. Bennet and Mr. Goitein, how  
17 do you feel about taking her testimony for the weight  
18 it deserves without a camera?

19   MR. GOITEIN: I guess that would depend on  
20 the testimony.

21   MS. BENNET: I was going to say the same  
22 thing. My suggestion would be if she signs out and  
23 tries to sign back in, maybe it's just a matter of  
24 logging back in and resetting everything and logging  
25 back, and maybe Mr. Friedman could call her.

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1    pressing the button. The button is showing that it's  
2    on.

3    THE COURT: Is anyone else seeing Ms. Park?

4    MS. BENNET: No, Your Honor.

5    MR. GOITEIN: No.

6    THE COURT: Ms. Park --

7    THE WITNESS: I was here earlier, and I have  
8    internet issues. It's very limited, and the camera  
9    went down. They threw me off once. I had it set up by  
10   my phone, and I had it set up on my computer.

11   THE COURT: I'm not doubting your attempts.  
12 It's just that we cannot -- we need to be able to see  
13 the witness, and that's simply part of the credibility  
14 of the witness.

15   I have an idea. We can put you on hold, and  
16 perhaps you could call Ms. Park.

17   THE WITNESS: I have somebody else here  
18 trying to get in too -- help me get in.

19   UNIDENTIFIED SPEAKER: It says camera --

20   THE WITNESS: It says camera?

21   UNIDENTIFIED SPEAKER: -- on.

22   THE WITNESS: The camera is on. Okay. I'm  
23 joining now through my phone.

24   THE COURT: Okay. Are you using the link on  
25 the website?

1    THE WITNESS: I already did that. I did that  
2    twice, and I did it on my phone. I'm up in the  
3    mountains, so I don't know if it's not going through or  
4    what.

5    MS. BENNET: I'm a communications lawyer, and  
6    I do a lot on broadband. And I'll just say this, that  
7    sometimes when there's not enough support for the  
8    bandwidth for the camera, the video, it won't come  
9    through.

10

11   THE COURT: Thank you.

12   MR. GOITEIN: Maybe if we could --

13   THE COURT: Go ahead.

14   MR. GOITEIN: Maybe if we could move to the  
15 next witness. And then, hopefully, Ms. Park's video  
16 issues will resolve, and, if they don't, and we're left  
17 with just her, then we can make a decision.

18   MS. BENNET: That sounds good.

19   THE COURT: Okay.

20   THE WITNESS: I'll go out. Thank you.

21   THE COURT: Where are you in the mountains,  
22 Ms. Park?

23   THE WITNESS: I'm up skiing at Alta. And  
24 this meeting is taking away my ski time, but I'm vested  
25 interest to her.

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19 (73 to 76)

1 THE COURT: Well, okay. I was going to  
2 suggest going to a cafe or something that might have  
3 better Wi-Fi, but --  
4 THE WITNESS: I can go down to the  
5 business center and try, but I'll see. Okay. Thank  
6 you.  
7 THE COURT: All right. Mr. Friedman, would  
8 you go on with your next witness.  
9 MR. FRIEDMAN: Yeah, hi. One more moment,  
10 please.  
11 Are any more of these witnesses on right now?  
12 I don't see anybody on the call.  
13 All right. Calling Rose Nantongo. Are you  
14 on, Rose?  
15 THE WITNESS: Yes, I am. I am in. I'm on the  
16 phone.  
17 THE COURT: I don't have a camera. I don't  
18 have a picture. Yeah, put your camera on.  
19 THE WITNESS: Okay. Then I have to put the  
20 phone off and go to Zoom.  
21 THE COURT: It's not Zoom. Go to OZA's  
22 website and click on the link to the meeting.  
23 THE WITNESS: Oh, sorry. I clicked. It  
24 said, By phone. Hello?  
25 THE COURT: The problem is I need a camera.

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1 before she testifies?  
2 MR. FRIEDMAN: Well, yeah, I was hoping to  
3 because she'll be much longer, and I didn't want to  
4 keep these people.  
5 THE COURT: No, I understand. I understand.  
6 MR. FRIEDMAN: Especially somebody who wants  
7 to get on the slopes at Alta. I'm very jealous.  
8 THE COURT: Well, what I'm going to suggest  
9 is -- I know it might break your focus, but, you know,  
10 neither one is here. I don't see either one, Nancy  
11 Parks or -- so the best I can suggest at this point is  
12 that you call Ms. Faval, and we will interrupt her. I  
13 understand the inconvenience, but we will interrupt  
14 her --  
15 (Cross-talk.)  
16 THE WITNESS: I'm here for Ms. Faval. My  
17 name is Janet Long.  
18 THE COURT: Okay. Mr. Friedman, was she one  
19 of your witnesses?  
20 MR. FRIEDMAN: Yeah, she was actually. I --  
21 THE COURT: Okay. Then we'll go with that.  
22 Ms. Long, please raise your right hand.  
23 Oh, just a second. Ms. Bennet is raising her  
24 hand. Ms. Bennet, what is your question?  
25 MS. BENNET: This is just a technical issue.

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1 THE WITNESS: This is an Android.  
2 THE COURT: It doesn't matter. You should be  
3 able to join.  
4 THE WITNESS: Let me see.  
5 Add video.  
6 THE COURT: Let's do this: I'm going to send  
7 you the link to the dial-in instructions, and you  
8 should be able to just click on the meeting.  
9 THE WITNESS: Okay.  
10 THE COURT: I'm going to share my screen.  
11 Oh, did she just go? Do you see the screen,  
12 ma'am?  
13 MR. FRIEDMAN: My screen's doing very weird  
14 things right now.  
15 THE COURT: Well, I shared mine, so perhaps  
16 she could see the call-in instructions, but --  
17 MS. BENNET: I think she hung up, Your Honor.  
18 THE COURT: Okay. Sorry to sigh. We will --  
19 do you have another witness you can call, Mr. Friedman?  
20 MR. FRIEDMAN: I think I've called everybody  
21 except for those last two, Nancy and Rose.  
22 THE COURT: And are you having Ms. Faval  
23 testify?  
24 MR. FRIEDMAN: Of course.  
25 THE COURT: But you want to get these in

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1 I think you're still sharing your screen with us,  
2 because we're seeing what's on your screen.  
3 THE COURT: How's that?  
4 MS. BENNET: That's good.  
5 THE COURT: Okay. Thanks. Ms. Long, please  
6 raise your right hand.  
7 THE WITNESS: Now I can't see my view. Not  
8 that I have to, but let me just see. Well, anyway,  
9 here I am.  
10 THE COURT: Okay. Thank you. We can see  
11 you, and that's what counts.  
12 JANET LONG,  
13 having first been sworn, testified as follows:  
14 THE COURT: Please state your name, address,  
15 and email address for the record.  
16 THE WITNESS: My name is Janet Helen Long. My  
17 address is 4224 Kennedy Street, Hyattsville, 20781. My  
18 email is janh29long@gmail.com.  
19 THE COURT: Thank you. Go ahead, Mr.  
20 Friedman.  
21 MR. FRIEDMAN: Thank you.  
22 DIRECT EXAMINATION  
23 BY MR. FRIEDMAN:  
24 Q. Ms. Long, are you the next-door neighbor of  
25 the house on Kennedy Street that's owned by Ms. Faval?

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20 (77 to 80)

	77		79
1	<b>A. Yes.</b>	1	asked Rose to just stay on the line.
2	Q. And how long have you known Ms. Favali?	2	THE COURT: Mr. Goitein?
3	<b>A. Five -- plus five years. A little over five years.</b>	3	MR. GOITEIN: Thank you.
4	Q. Does anyone live in the Kennedy Street house or is it vacant?	4	CROSS-EXAMINATION
5	<b>A. In Ms. Favali's house?</b>	5	BY MR. GOITEIN:
6	Q. Yes, ma'am.	6	Q. Good morning, Ms. Long. So when was the last
7	<b>A. No. She's there occasionally, but she doesn't live there anymore.</b>	7	time you were at the Oldchester property?
8	Q. Does she keep one or two vehicles there?	8	<b>A. I don't know exactly when.</b>
9	<b>A. Yes, sometimes. She has three vehicles.</b>	9	MS. NANTONGO: I don't hear you. Could you
10	Q. And do you know how long it's been since she used that house as a residence, if ever?	10	repeat that?
11	<b>A. I don't know exactly how long, no. I know that this court hearing has been going on for quite some time.</b>	11	MS. LONG: Oh, you're talking to me.
12	Q. And during that time?	12	THE COURT: Okay. Don't just jump in. If you
13	<b>A. During that time, what?</b>	13	can't hear, raise your hand --
14	Q. Has she used Kennedy Street as a residence?	14	MS. NANTONGO: Oh, sorry, sorry, sorry.
15	<b>A. Not as a primary residence, no.</b>	15	THE COURT: -- and I will get to you.
16	Q. Okay. Have you ever visited her at the Oldchester Road property by any chance?	16	Okay. Mr. Goitein, can you re-ask your
17	<b>A. Yes, I have. At least two times, maybe three times.</b>	17	question.
18	Q. And how recently was that?	18	Q. (By Mr. Goitein) Ms. Long, can you recall
19	<b>A. It's been a while. I'm kind of new to the Maryland area. And even, though I grew up in Jersey, the traffic down here is not a friend of mine, so I really don't go into cities much. But I've been there to the other place in Bethesda two or three times.</b>	19	when the last time was that you visited Ms. Favali at
20	Q. And was it clear to you that that was her residence?	20	the Oldchester Road property?
21	<b>A. Oh, yeah, absolutely.</b>	21	<b>A. The only when I can answer to is that it was spring weather. It was warmer weather. But I don't remember exactly when.</b>
22	Q. And have you happened to see anybody taking photographs of her Kennedy Street house recently?	23	Q. Within the past year?
23	<b>A. Yeah.</b>	24	<b>A. Possibly.</b>
24	Q. Who was that, if you know?	25	
25	<b>A. I can't identify -- what is the word? I just knew that it was someone that I recognized from the hearing that I went to in Bethesda.</b>	78	
26	Q. Is that anybody you see on your screen now?	1	Q. So you're not sure if it was in 2024 or 2025?
27	<b>A. Well, all I see are, you know, initials.</b>	2	<b>A. No, I can't say exactly. No, I can't.</b>
28	MS. NANTONGO: Sorry. I had problems.	3	Q. All right. I mean, as far as you know, the
29	THE WITNESS: Doesn't matter.	4	Oldchester -- as far as you know -- well, are you
30	MR. FRIEDMAN: All right. Nothing further of this witness. Rose, please stay on the line with us.	5	friends with Ms. Favali?
31	THE COURT: I have to ask you for cross-examination.	6	<b>A. Yes.</b>
32	MR. FRIEDMAN: Yes, I know. That's why I	7	Q. Do you guys talk to each other about what's going on in your lives on occasion?
33		8	<b>A. Absolutely.</b>
34		9	Q. Okay. So if she had made some significant change in her residency, you would know about it, right?
35		10	<b>A. Yes.</b>
36		11	Q. And she hasn't made, as far as you know, she
37		12	15 hasn't made any significant change, at least in the
38		13	16 past year, right?
39		14	<b>A. She has made it known clearly to me that now her primary residence is in Bethesda.</b>
40		15	Q. Right. And that's been the case since -- you
41		16	20 testified before, that's been the case for the past
42		17	21 couple of years, right?
43		18	<b>A. Yes.</b>
44		19	Q. Okay. And you said that you're aware of how
45		20	24 long this case has been going on, right?
46		21	<b>A. A couple of years.</b>

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21 (81 to 84)

1 Q. Okay. And that's because Ms. Favali talks to  
2 you about this case, right?

3 **A. Yeah. We share our lives with each other.**  
4 **Yes.**

5 Q. And that includes her objectives in what's  
6 being discussed here in this hearing today, right?

7 **A. Yes, I would say so. Yeah.**

8 Q. Thank you.

9 MR. GOITEIN: No further questions.

10 THE COURT: Ms. Bennet?

11 **CROSS-EXAMINATION**

12 BY MS. BENNET:

13 Q. Ms. Long, you mentioned that there were three  
14 vehicles. And I would like to understand what you know  
15 as the three vehicles being. Can you identify them?  
16 That are parked -- for Ms. Favali's vehicles that you  
17 said are at the house on Kennedy Street?

18 **A. There's no vehicles that are here on a**  
19 **regular basis. They're just intermittent. Sometimes**  
20 **there's a truck, sometimes there's an SUV, and**  
21 **sometimes there's a sports car.**

22 Q. Would the sports car happen to be the  
23 Mitsubishi Eclipse that the prior witness discussed?

24 **A. It's a convertible. It's a silver**  
25 **convertible.**

81

1 little while to get to all the switches, so here we  
2 are.

3 THE COURT: Okay. Please raise your right  
4 hand.

5 **DAVID JOHNSON,**

6 having first been sworn, testified as follows:

7 THE COURT: Okay. Please state your name,  
8 address, and email address for the record.

9 THE WITNESS: David Johnson. I work for the  
10 Department of Housing and Community Affairs, 1401  
11 Rockville Pike, Rockville, Maryland. Email address  
12 will be david.johnson -- common spellings --  
13 @montgomerycountymd.gov.

14 MR. FRIEDMAN: Thank you.

15 **DIRECT EXAMINATION**

16 BY MR. FRIEDMAN:

17 Q. Mr. Johnson, can you state your relationship  
18 to this case, please.

19 **A. I inspected the property on two of the three**  
20 **occasions that your client has applied for an accessory**  
21 **dwelling unit license through the Department of Housing**  
22 **and Community Affairs. And I'm currently the assigned**  
23 **inspector for the current case.**

24 Q. And what determinations have you made with  
25 respect to the current application?

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1 Q. Okay. And is the other one a red Subaru  
2 Outback?

3 **A. Yeah, I think so.**

4 Q. And the other one, is it a black truck that  
5 sometimes might have a South Carolina plate on it and a  
6 trailer?

7 **A. Correct.**

8 Q. And you said that's Ms. Favali's vehicle?

9 **A. Yes, as far as I know.**

10 Q. And the trailer, the towing trailer, is that  
11 also her trailer?

12 **A. I assumed it was. I don't know for certain.**

13 Q. Okay. Thank you.

14 THE COURT: Any questions based on those  
15 questions? Mr. Friedman?

16 MR. FRIEDMAN: No, ma'am.

17 THE COURT: Okay. You may be excused, but  
18 you can -- or you can stick around.

19 THE WITNESS: Thank you.

20 THE COURT: Mr. Friedman, call your next  
21 witness.

22 MR. FRIEDMAN: Yes. David Johnson.

23 THE COURT: Mr. Johnson, can you turn your  
24 camera on?

25 THE WITNESS: Absolutely. It just takes a

82

1 **A. That's a --**

2 Q. That's a broad question.

3 **A. Yeah, it's awfully broad.**

4 Q. All right. Let me try to break it down.

5 **A. Thank you.**

6 Q. Okay. Have you determined that the proposed  
7 ADU plan -- have you reviewed the ADU plans?

8 **A. Yes, I have seen the ADU plans. However,**  
9 **there is a further review that occurs at zoning with**  
10 **the Department of Permitting Services. Once it moves**  
11 **through our office and I complete the preliminary**  
12 **inspection, then it moves off to the Department of**  
13 **Permitting Services. And zoning then does an official**  
14 **plan review with setbacks, and it takes that into**  
15 **consideration.**

16 **My primary focus during the preliminary**  
17 **inspection is essentially to determine if there's**  
18 **adequate parking when it comes to making -- reviewing**  
19 **plans and that sort of thing.**

20 **In this case, the accessory dwelling unit is**  
21 **not yet constructed. So I do review the plan just to**  
22 **ensure that when I meet with the applicant that I'm**  
23 **able to identify any possible issues with the plans to**  
24 **allow them to prepare for the next step when it goes to**  
25 **the Department of Permitting Services.**

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22 (85 to 88)

	85		87
1	<p><b>So, yes, I've seen the plans.</b></p>	2	<p><b>Services.</b></p>
2	<p>Q. Okay. And did you -- what did you determine</p>	3	<p>Q. Okay. So, although the setback requirements</p>
3	<p>about the parking?</p>	4	<p>are actually a zoning issue and not a DHCA issue, it's</p>
4	<p><b>A. There's adequate parking. We need 480 square</b></p>	5	<p>your opinion that it will qualify for the setback</p>
5	<p><b>feet. My recollection is, is I think we're in the</b></p>	6	<p>requirements?</p>
6	<p><b>neighborhood of --</b></p>	7	<p><b>A. I'm not able to address that. Just based on</b></p>
7	<p>THE COURT: Excuse me. When you say adequate</p>	8	<p><b>the plans, based on the square footage of both the</b></p>
8	<p>parking, you're talking that she's got the required</p>	9	<p><b>8 square footage of the lot, the footprint of the home,</b></p>
9	<p>number -- you're not talking about on-street parking?</p>	10	<p><b>9 the intended -- the proposed size of the ADU, I found</b></p>
10	<p>THE WITNESS: No, no, I did not need to take</p>	11	<p><b>10 no issues there. So that initial screening,</b></p>
11	<p>that into consideration. In this case, there's</p>	12	<p><b>11 essentially, it's fine. But again, it has to go to the</b></p>
12	<p>adequate parking provided currently. I think we're in</p>	13	<p><b>12 Department of Permitting Services for approval.</b></p>
13	<p>the neighborhood of 1,500 square feet, and that well</p>	14	<p><b>13 It's going to be all new construction. And</b></p>
14	<p>exceeds our requirement. So no additional on-street</p>	15	<p><b>14 it is -- just to clarify, it is a detached accessory</b></p>
15	<p>parking measurements were taken. They're adequate as</p>	16	<p><b>15 dwelling unit. So it'll require building permits and</b></p>
16	<p>we are --</p>	17	<p><b>16 the associated permits. Electric. Mechanical. That</b></p>
17	<p>THE COURT: You don't know the conditions on</p>	18	<p><b>17 sort of thing.</b></p>
18	<p>the street?</p>	19	<p>Q. And did the plans that you saw have</p>
19	<p>THE WITNESS: Well, I've been there several</p>	20	<p>handicapped access accommodations?</p>
20	<p>times. However, because there's adequate on-site</p>	21	<p><b>A. I'm not in a position to make that</b></p>
21	<p>parking, driveway, there's a roundabout, that we don't</p>	22	<p><b>21 assessment.</b></p>
22	<p>make determinations of -- I have not made</p>	23	<p>Q. Not your department? Okay. Did it appear to</p>
23	<p>determinations of on-street parking in this case</p>	24	<p>you from looking at the plans that the ADU would be</p>
24	<p>because of -- you know, we have the measurements that</p>	25	<p>visible from the street?</p>
25	<p>we need to move past that hurdle where there is</p>	26	<p><b>A. It would not. Just based on being out at the</b></p>
	86		88
1	<p>adequate parking.</p>	2	<p><b>1 property, the back of the property is not a prominent</b></p>
2	<p>Q. (By Mr. Friedman) In fact, there's three</p>	3	<p><b>2 feature from the roadway. Just the way the property is</b></p>
3	<p>times the parking that's required by the regulations;</p>	4	<p><b>3 laid out. But, you know, I haven't made that</b></p>
4	<p>isn't that correct?</p>	5	<p><b>4 determination. And it's difficult for me to do so</b></p>
5	<p><b>A. Approximately.</b></p>	6	<p><b>5 because the ADU has not yet been constructed.</b></p>
6	<p>THE COURT: Based on square -- are you here</p>	7	<p><b>6 So, whether it's visible or not or visible</b></p>
7	<p>under subpoena.</p>	8	<p><b>7 from adjacent properties, really difficult for me to</b></p>
8	<p>THE WITNESS: I am not. As far as I know,</p>	9	<p><b>8 make that assessment at this point, not seeing the</b></p>
9	<p>I'm not. I've received a link, and my sense was that</p>	10	<p><b>9 finished product.</b></p>
10	<p>my attendance was required, so here I am</p>	11	<p>Q. Okay. In your opinion, and, obviously, based</p>
11	<p>THE COURT: Great. Go ahead.</p>	12	<p>upon your experience, would you expect that this ADU</p>
12	<p>Q. (By Mr. Friedman) Okay. And did you</p>	13	<p>meets the regulatory requirements?</p>
13	<p>determine that the proposed square footage of the ADU</p>	14	<p>MR. GOITEIN: Objection.</p>
14	<p>is within the regulatory requirements?</p>	15	<p><b>A. I don't know. I have no way to make that</b></p>
15	<p><b>15 assessment.</b></p>	16	<p><b>I can tell you that we've reviewed it here</b></p>
16	<p><b>16 and on initial screening, it appears to be in</b></p>	17	<p><b>17 conformance with that. However, we don't make that</b></p>
17	<p><b>18 determination. Again, that needs to go to the</b></p>	19	<p><b>19 Department of Permitting Services. And there may be</b></p>
18	<p><b>20 issues, as there often are, that need to be addressed</b></p>	21	<p><b>21 regarding setbacks and a whole host of other issues</b></p>
19	<p><b>22 that DPS will be reviewing the plans. We just do an</b></p>	23	<p><b>23 initial screening, they submit plans to us.</b></p>
20	<p><b>24 reason to believe that it doesn't meet. However, that</b></p>	25	<p><b>25 In fact, when we receive plans, they may be</b></p>
21	<p><b>25 determination was made at the Department of Permitting</b></p>		

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23 (89 to 92)

89  
1 entirely different plans that are submitted to the  
2 Department of Permitting Services. We do not require  
3 currently the same specificity that DPS requires. So  
4 our plans, they may be different when they go to the  
5 Department of Permitting Services.

6 If there are -- we get plans after that  
7 approval to ensure when we do the final inspection, it  
8 conforms. But, during the initial inspection, we just  
9 review on the plans that are submitted to us. And then  
10 -- not always. You know, is technical or to scale is  
11 what's submitted to the Department of Permitting  
12 Services.

13 Q. Okay. So you're just the first hoop of  
14 several hoops that an applicant would have to go  
15 through?

16 A. That's correct.

17 Q. Okay. But under the current Montgomery  
18 County ordinances, a single family home that does meet  
19 the regulatory requirements for square footage and  
20 parking, etcetera, can build an ADU as a matter of  
21 right; is that correct?

22 A. Well, I don't know if I'd want to attach that  
23 language to it. I've never used that in the past, so  
24 I'm uncomfortable using that.

25 However, when the applicant applies for an

91  
1 back out in the field one last time to ensure that  
2 everything in that preliminary inspection report is in  
3 compliance.

4 Q. Okay. So, If I understand correctly --  
5 please correct me if I'm wrong -- Ms. Favali has met  
6 that first level, subject to the items which you  
7 identified in your preliminary report. Then she goes  
8 to zoning and finalizes the design of the property, and  
9 she needs to then correct those items which you  
10 highlighted?

11 A. Yes. I mean, in whatever order. But yes,  
12 when we issue the preliminary inspection report, that  
13 does not in any way say that we approve completely of  
14 the project. It simply says, at this point, you're at  
15 a good point to move forward. Here are the items that  
16 we need to take in consideration. And we provide  
17 instructions for the applicant to go to the Department  
18 of Permitting Services and apply for the ADU permit and  
19 any associated permits.

20 And then, once they get those closed out or  
21 final, then they come back to us for one last  
22 inspection to make sure everything on that preliminary  
23 inspection report is in compliance.

24 Q. Got it. Okay. Thank you.

25 A. Yes, sir.

90  
1 ADU, it goes through the Department of Housing and  
2 Community Affairs licensing section. They collect  
3 fees, collect the documents, they review it, and then,  
4 once an assessment is made that everything is in order  
5 to proceed, it is assigned to an inspector. I'm one of  
6 the inspectors with the Department of Housing that  
7 inspects for accessory dwelling units. Then we meet  
8 with the applicant to do that.

9 My point here is that the Department of  
10 Housing licensing will do the review and make sure  
11 everything's in order for licensing. I will go out and  
12 make that initial assessment, and the product of that  
13 is the preliminary inspection report.

14 When that preliminary inspection report is  
15 issued, it doesn't mean that everything is in  
16 conformance or everything is right or proper at that  
17 time. It basically says, We took a snapshot of the  
18 property, we've reported what we saw at that time, and  
19 we've listed the items that will need to be in  
20 compliance to receive approval.

21 The last step is they come back to us after  
22 all the permits are completed, everything on the  
23 preliminary inspection report is completed, and then  
24 they request their final inspection. We're essentially  
25 the last step in to get the ADU license, so we'll go

92  
1 MR. FRIEDMAN: No further questions.

2 THE COURT: Mr. Goitein?

3 MR. GOITEIN: Thank you.

4 CROSS-EXAMINATION

5 BY MR. GOITEIN:

6 Q. Good morning, still, Mr. Johnson.

7 A. Yes, sir. Good morning.

8 Q. Two questions. First, are you aware that  
9 under section 2926 of the county code that this hearing  
10 is being conducted under, that the hearing is to  
11 consider on-street parking -- the availability of  
12 on-street parking?

13 A. No, I'm really not aware of that.

14 Q. Okay.

15 A. Yeah. We made our assessment that there's  
16 plenty of parking. And then that's the filter that we  
17 use to ensure that we're ready to move to the next step  
18 and there was plenty of on-street parking. So, no, I  
19 don't -- I am not prepared to testify to the current  
20 conditions of on-street parking.

21 Q. Okay. And none of your testimony today had  
22 anything to do with the on-street parking, right?

23 A. That's -- well, other than I'm not -- yeah.

24 That I'm not able to make the assessment. Yes, sir.

25 Q. Okay. And then you were the -- you were

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24 (93 to 96)

1 the -- I don't want to misrepresent your role here and  
2 your title. But you were the housing code inspector  
3 who participated in the same process during Ms.  
4 Favali's last application, right?

5 **A. That's correct.**

6 Q. Okay. And, during her last application, she  
7 represented to you that the property was her primary  
8 residence, right?

9 **A. That's correct.**

10 Q. And she made that same representation during  
11 this application process, right?

12 **A. That's correct.**

13 Q. And you relied upon those representations as  
14 you issued your letter dated October 6, 2025, right?

15 **A. I do. But, essentially, once it clears**  
16 **licensing, unless we see any glaring issues, we accept**  
17 **that that's their primary residence. You know, they've**  
18 **provided the documentation. Their driver's license.**  
19 **You know, if there's no glaring issues, it's already**  
20 **been accepted as fact that that's their primary**  
21 **residence.**

22 **If we show up and see facts that are**  
23 **completely different, you know, we may need to inquire**  
24 **and take a step back to find out if the initial facts**  
25 **were misrepresented.**

1 Q. Okay. And you didn't make any further  
2 inquiry as to that issue in either application, the '24  
3 and the '25 application, right?

4 **A. That's correct.**

5 Q. Thank you.

6 MR. GOITEIN: No further questions.

7 THE WITNESS: Thank you.

8 MR. FRIEDMAN: No redirect.

9 THE COURT: Mr. Friedman, any questions?

10 MS. BENNET: I have questions.

11 CROSS-EXAMINATION

12 BY MS. BENNET:

13 Q. My question is, Mr. Johnson, are going to  
14 address the parking issue.

15 How are you today?

16 **A. Hi there.**

17 Q. You're probably getting tired.

18 You testified just recently here that there  
19 was plenty of parking for what was being proposed. And  
20 you mentioned a circular driveway.

21 And I think you probably were paying  
22 attention and heard that Ms. Favali may have up to  
23 three vehicles and a trailer. And that she also has up  
24 to five tenants that could live in the home. And then  
25 you add the ADU, which will have two new parking

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1 spaces.

2 So, in your opinion, is there enough parking  
3 on property to accommodate the vehicles that may be  
4 with the tenants and also her three vehicles and a  
5 trailer?

6 **A. Well, again, I didn't make an assessment**  
7 **necessarily on my opinion. And I think that's**  
8 **important because, essentially, we're provided the**  
9 **methods to measure and we're provided the square**  
10 **footage that's required. We're not making a**  
11 **determination based off opinion.**

12 I checked the measurement of the driveway,  
13 and it's approximately 1,500 square feet. And she's  
14 well over the requirement of 480 -- 480. It's not  
15 really an opinion issue at that point. I can check a  
16 box saying that the parking meets the -- or, in this  
17 case, exceeds. But meets the requirements -- the  
18 minimum parking requirements. So I really don't have  
19 an opinion on that, necessarily.

20 Q. Okay. Thank you.

21 **A. Sorry.**

22 Q. That's okay. My follow-up question, then,  
23 has to do with the number of tenants in the home that  
24 she rents. You were there observing and she does have  
25 tenants that are renting rooms in her house?

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1 **A. That's correct. That's my recollection, yes.**

2 Q. And the tenants have vehicles? Did you see  
3 vehicles when you were there?

4 **A. I did see vehicles there. Again, I'm not in**  
5 **a position to make an assessment as to whose vehicles**  
6 **belong to whom. But I presume, since there's tenants**  
7 **there then, you know, that there are likely vehicles**  
8 **there that the tenants have. But I don't know that**  
9 **specifically.**

10 Q. Well, let me ask you this question: With  
11 five tenants and Ms. Favali and her three vehicles and  
12 a trailer, moving cars around to get in and out and  
13 picking up space --

14 MR. FRIEDMAN: Objection, objection.

15 Questions assuming facts, not in evidence.

16 MS. BENNET: I'm just asking -- I'm asking a  
17 question.

18 THE COURT: Just a second.

19 There's an objection on the table. Someone  
20 just testified that the neighbor in Hyattsville, that  
21 was a neighbor, just testified that she had multiple  
22 vehicles.

23 MR. FRIEDMAN: But there is no testimony that  
24 those vehicles are all parked at Oldchester, which is  
25 the crux of Ms. Bennet's question. In fact, the

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25 (97 to 100)

	97		99
1	evidence is just the opposite, that they're parked in	1	front of her house that is going to have to have
2	Hyattsville.	2	parking on it with five tenants and potentially her
3	THE COURT: Okay. I'm going to let it in and	3	three vehicles and a trailer?
4	give it the way it deserves. Please answer if you can,	4	<b>A. Well, I don't know what we're -- are you</b>
5	Mr. Johnson.	5	<b>referring to the stone surfaces?</b>
6	<b>A. Again, I don't know if those number -- if I'm</b>	6	Q. There's some crushed gravel that's been
7	<b>in any position to say whether those vehicles would be</b>	7	added; is that correct?
8	<b>an issue or not. I just -- it's not something I</b>	8	<b>A. Yeah. I'm not familiar with this gravel pad,</b>
9	<b>measured for. It's not something that I consider. It</b>	9	<b>other than I reviewed those photos this morning in</b>
10	<b>would be difficult for me to even provide some opinion,</b>	10	<b>preparation for this hearing. The last time I was out</b>
11	<b>not knowing which vehicles are used more frequently,</b>	11	<b>at the property, that did not exist. The pavers may</b>
12	<b>which just stay there. Where and what position they</b>	12	<b>have been in the area. I don't remember so many. But</b>
13	<b>are on the driveway or the turnaround or, perhaps, on</b>	13	<b>the pavers may have been out in the area.</b>
14	<b>the street. So just -- sorry. I'm not able to address</b>	14	<b>However, this entire area, save for maybe</b>
15	<b>that.</b>	15	<b>several old pavers near the tree, did not exist. It</b>
16	Q. (By Ms. Bennet) Okay. Thank you.	16	<b>was dirt and vegetation.</b>
17	MS. BENNET: How do we want to -- I would	17	Q. Did you recall that there was a --
18	like to show him one of the exhibits that is in the	18	(Cross-talk.)
19	record.	19	MR. FRIEDMAN: -- going to share this picture
20	THE COURT: Which one?	20	with the rest of us?
21	MS. BENNET: It's photos attached to my	21	THE COURT: I thought I was sharing it.
22	objection.	22	MS. BENNET: She is sharing it.
23	THE COURT: Just a second. Is it Exhibit 7	23	MR. FRIEDMAN: All I have is a bunch of
24	parking pictures?	24	letters appearing and blinking on and off.
25	MS. BENNET: No, it's the one -- I actually	25	MR. GOITEIN: For what it's worth, I can see
	98		100
1	attached the pictures. Let me see. It's the one	1	it.
2	that's -- it's the pictures that were attached to my	2	THE COURT: I can re-share it. I can stop
3	actual objection.	3	sharing.
4	So, if you could, go to my objection, which I	4	MR. FRIEDMAN: Bear with me a minute. Maybe
5	think is one of the first exhibits in the -- I don't	5	I need to do something else. It may be my fault.
6	have the screen in front of me showing the exhibits.	6	MS. BENNET: Mr. Friedman, these were the
7	THE COURT: And it's a photograph?	7	pictures that were attached to my objection. So, if
8	MS. BENNET: Yeah, I included photographs	8	you have the objection, you should have these pictures.
9	with my objection.	9	MR. FRIEDMAN: Okay. Well then, well then I
10	THE COURT: Hold on.	10	guess I have seen them. Although I don't have an
11	All I have -- let me share this. Are you	11	access to my --
12	seeing this? This is Exhibit 7.	12	THE COURT: Do you see them right now?
13	MS. BENNET: Yeah, that's it.	13	MR. FRIEDMAN: The only thing I see right now
14	Q. (By Ms. Bennet) So, Mr. Johnson, have you --	14	is the objection. The DHCA decision. Well, that's not
15	this is -- yeah. This pad or area that -- Ms. Faval	15	from you. Bear with me a second, please. Let me try
16	hasn't testified to this yet, but I can testify -- and	16	to figure this out.
17	I'm not testifying right now, but I'll just lay the	17	THE COURT: Mr. Goitein, are you seeing the
18	groundwork here.	18	photos? You're on mute.
19	Does this look new to you from the last time	19	MR. GOITEIN: Yes, I can. Sorry. That was me
20	you visited her house?	20	before when I said, For what it's worth, I can see
21	<b>A. It does, yes.</b>	21	21 them.
22	Q. Okay. And do you see the pavers in the	22	THE COURT: Okay. I just reloaded them.
23	background?	23	That's why I asked.
24	<b>A. I do.</b>	24	MR. FRIEDMAN: All right. I don't know why I
25	Q. And this is the circular driveway that's in	25	don't have them, but I'm just -- I've lost -- I've lost

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26 (101 to 104)

	101	103
1	everything.	1 on October 6th.
2	THE COURT: Now, you can go separately to	2 Q. (By Ms. Bennet) And my next question for
3	OZA's website to the public access link and go to ADO	3 you, Mr. Johnson, is in your report, your October 6th
4	2601. And, once you click on that, you'll see Exhibit	4 report -- I just don't know what the terminology means,
5	7. I'd like you to have the photos.	5 so I'm asking you this question -- on the setbacks,
6	MR. FRIEDMAN: Yeah.	6 does building a new parking pad, or, in the
7	THE COURT: In the meantime, may I ask a	7 alternative, a patio the size that this is, does that
8	question of Mr. Johnson?	8 have any impact on parking issues?
9	MS. BENNET: Yeah. I hope it's the question	9 <b>A. That parking pad is totally unexpected. For</b>
10	I was going to ask him, but go ahead.	10 <b>someone to create a pad that enters the public</b>
11	THE COURT: Oh, no, you finish. I thought	11 <b>right-of-way would require permits, and they would have</b>
12	you'd finished.	12 <b>to go through the Department of Permitting Services.</b>
13	MS. BENNET: No, no, I'm asking him	13 I will say this: During that inspection on
14	14 questions. I am asking if he recognizes this. I	14 October 6th, it was brought to my attention by the
15	15 believe his testimony is, No, I have not seen this.	15 applicant that there was a small patio with several
16	16 And I wanted to ask him if he recalled that there was a	16 pavers in the area of that bench. She expressed an
17	17 bench right next to that tree with a couple of	17 interest in replacing the old pavers with new pavers in
18	18 flagstones.	18 that area and asked if she had to seek permits out.
19	Q. (By Ms. Bennet) Is that what you recall?	19 And I said, If it's replaced with like
20	<b>A. You know, I know there were some flagstones.</b>	20 materials and it's already approved and you're just
21	<b>I believe there was a bench. I have photographs of it</b>	21 replacing this patio, that should not be a concern.
22	<b>in the condition that I found it on the day of my last</b>	22 DPS has the last word. But that should not be a
23	<b>inspection for the preliminary inspection. And --</b>	23 concern.
24	Q. Can I ask you --	24 It was not brought to my attention that we
25	<b>A. Sure.</b>	25 were going to be creating an additional parking area
	102	104
1	Q. Again -- I'm sorry. Go ahead and finish.	1 that entered the public right-of-way and would be for
2	MS. BENNET: I would just ask if those could	2 parking off street there.
3	be made part of the record, those photographs, Your	3 So that was not part of my assessment at the
4	Honor, if you would, at the end of this, allow us to	4 time. I am aware of it today in preparation for this
5	accept those into the record.	5 hearing and reviewing your photo, so thank you.
6	THE COURT: Well, we have to be able to see	6 Q. Okay. Thank you. And, Mr. Johnson, when you
7	them because I have to allow objections.	7 say "right-of-way," could you explain what that means
8	So, Mr. Johnson, I guess, can you email them	8 with respect to the properties along Oldchester Road.
9	to me?	9 How big is the right-of-way from the street?
10	THE WITNESS: Okay. We'll --	10 <b>A. I don't know. I don't know. You know,</b>
11	THE COURT: Are they digital?	11 <b>typically, it's not my area of expertise. However,</b>
12	THE WITNESS: Yes, yes, they are digital.	12 <b>there is given, on any given property off of public</b>
13	THE COURT: Well, what I'd like you to do is	13 <b>road, there's a certain amount of area that's provided</b>
14	email them. My, unfortunately, long name is -- my	14 <b>from the curb line back.</b>
15	county email is l-y-n-n --	15 <b>It's easier typically, to make the assessment</b>
16	THE WITNESS: L-y-n-n --	16 <b>when there's a sidewalk. You can kind of step it off a</b>
17	THE COURT: -- dot r-o-b-e-s-o-n and then	17 <b>little bit but, you know, I would think somewhere in</b>
18	h-a-n --	18 <b>the area.</b>
19	THE WITNESS: I'm sorry. Sent it and I hope	19 <b>And. Again, I don't know. It's not my area</b>
20	you don't mind. I didn't put a subject line on there,	20 <b>of expertise. You can go to mapping, and I'm sure it's</b>
21	just for the interest of expediency.	21 <b>written up in zoning somewhere what it actually is, but</b>
22	THE COURT: That's okay. Let me see if I can	22 <b>somewhere 8 to 12 feet or somewhere in that. But</b>
23	get them posted.	23 <b>anything that then -- I mean, essentially it's an</b>
24	THE WITNESS: Okay. It's just one, and it	24 <b>additional driveway, and you can't just put an</b>
25	just documents that area at the time of my inspection	25 <b>additional point of entry into a public right-of-way</b>

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27 (105 to 108)

<p style="text-align: right;">105</p> <p>1 without a right-of-way permit and going through the 2 Department of Permitting Services. And it appears 3 that's what's been done in this case.</p> <p>4 Q. And, with doing something like this, if you 5 got the proper approvals, impact where you can build an 6 ADU and the amount of space the ADU takes up, does it 7 get into the totality of the calculations related to 8 any of that when you take up more real estate with a 9 parking pad?</p> <p>10 A. No. Our decision on parking is really kind 11 of a binary decision. It's yes or no. Does it meet the 12 requirement? And if it does, we check that box. We 13 don't make an assessment.</p> <p>14 You know, we don't subtract the amount of 15 provided parking from the overall square footage of the 16 lot. It's simply the square footage of the lot, 17 whether it's small, a little bit of parking, or a lot 18 of parking.</p> <p>19 The real issue here is that there's 20 additional parking that's been created. It appears to 21 have been created, possibly -- I haven't reviewed the 22 documents with DPS, but possibly without permits from 23 the Department of Permitting Services. And, again, 24 that would require -- my understanding is it requires a 25 public right-of-way permit to add that additional</p>	<p style="text-align: right;">107</p> <p>1 primary house on the property?</p> <p>2 A. Let me take a step back from that. If the 3 question is can an applicant for an accessory dwelling 4 unit live in the accessory dwelling unit and rent out 5 the primary dwelling, the answer is yes.</p> <p>6 Q. Okay. So what does that mean, no other 7 tenants, Airbnbs, or short-term residential rentals are 8 permitted, in your report?</p> <p>9 A. Well -- and this is my understanding. And 10 this is among the first cases I've received where 11 there's an intention, or at least pre-existing 12 roommates in a home that were trying to get an ADU 13 approved on.</p> <p>14 So, in -- you know, in processing this, I've 15 sought counsel from our licensing section. And my 16 understanding is -- because they make the determination 17 on this -- is that the roommates are permitted with an 18 accessory dwelling unit, provided they meet all the 19 other requirements that roommates would. And it 20 does -- there could be no short-term rentals, again, 21 like Airbnbs. That sort of thing. But long-term 22 roomers, I don't have any information. No information 23 has been provided to me that that is not permitted. 24 And, in fact, everything I see indicates it is 25 permitted.</p>
<p style="text-align: right;">106</p> <p>1 parking feature, or to even build out onto that public 2 right-of-way.</p> <p>3 So, for instance, if someone wanted to put a 4 tree up along the public right-of-way, there's a 5 process for that. You can't just go put a tree in on 6 the public right-of-way along that -- Oldchester.</p> <p>7 Q. Right. Okay. Thank you.</p> <p>8 I have one more question, and this has to do 9 with section or number three on your report where it 10 talks about the requirements that must be made for the 11 ADU license to be approved.</p> <p>12 Number three says -- and this is in the 13 exhibit that's part of the record. I think it's the 14 director's report. I don't know if you want to share 15 this or not, but it's number three.</p> <p>16 And in the director's report, it says the ADU 17 must be subordinate to the principal dwelling, whether 18 attached or detached, and shall be the only additional 19 living unit or residential use space on a lot or 20 parcel.</p> <p>21 And then the question that I have -- it says 22 no other tenants, Airbnbs, or short-term residential 23 rentals are permitted. So does that, in your opinion, 24 mean that if the ADU is built and Ms. Favali is living 25 in the ADU, that she would not be allowed to rent the</p>	<p style="text-align: right;">108</p> <p>1 So the language that's written in that 2 preliminary inspection report, I just don't know if 3 it's specific enough and doesn't reflect maybe the 4 specificity that's found in the actual code.</p> <p>5 Q. Okay. Thank you.</p> <p>6 MS. BENNET: No further questions.</p> <p>7 MR. FRIEDMAN: One question on redirect, if I 8 may.</p> <p>9 THE COURT: Let me ask a question, and then 10 you can follow up.</p> <p>11 MR. FRIEDMAN: Yes, ma'am.</p> <p>12 THE COURT: Mr. Johnson, I was hearing 13 examiner for OZA for 13 years. And it's my 14 recollection that, when you determine adequacy of 15 parking, you just look at the square footage; is that 16 correct?</p> <p>17 THE WITNESS: That's correct, yes.</p> <p>18 THE COURT: Okay. Now, I wanted to show you, 19 if I can, in Exhibit 7, the parking picture -- is that 20 driveway single lane? Because I'm looking at -- are 21 you seeing my screen?</p> <p>22 THE WITNESS: Yes, yes, ma'am.</p> <p>23 THE COURT: It looks to me like down in the 24 lower right corner, it's single lane.</p> <p>25 THE WITNESS: Yes, I believe there's --</p>

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28 (109 to 112)

1 essentially, when I inspected it, my recollection is  
2 that there's two driveways. Or one way to think about  
3 it would be that there's two driveways.

4 There's a horseshoe driveway in front of the  
5 dwelling, and to the right side of the dwelling, to the  
6 right side of the property line, there's a driveway  
7 that runs back to the rear of the property.

8 THE COURT: And that's also tandem, correct?  
9 THE WITNESS: I'm sorry?

10 THE COURT: That's also tandem parking?  
11 THE WITNESS: Yeah. I believe it's all  
12 single-width vehicle parking.

13 THE COURT: Single-width.

14 THE WITNESS: I don't recall. And I could  
15 certainly review some of the notes and other things I  
16 have, but my recollection is that --

17 THE COURT: I looked, and it didn't show --  
18 the ADU drawing didn't show -- I'll get that. It  
19 didn't show --

20 THE WITNESS: The horseshoe.

21 THE COURT: The horseshoe, yeah.

22 You measured the horseshoe, right?

23 THE WITNESS: I apologize. I didn't hear  
24 that.

25 THE COURT: You measured the horseshoe,

109

111 their residential property on occasion?

2 **A. There are laws that prohibit work vehicles  
3 and the number of vehicles and that sort of thing. But  
4 I did not see any. I had no reason to -- you know, the  
5 conditions I found, certainly, I didn't have any reason  
6 to think that there were any laws being violated or  
7 rules or, you know.**

8 Q. All right. Thank you.

9 **A. Yes, sir.**

10 THE COURT: Okay. With that, Mr. Johnson,  
11 you can take a big sigh.

12 THE WITNESS: Thank you.

13 THE COURT: And, exit the hot seat. You're  
14 welcome to stay in the hearing if you wish.

15 THE WITNESS: Yes, ma'am.

16 THE COURT: And, we will move on. Well, it's  
17 11:46. So how long -- Mr. Friedman, how long do you  
18 think Ms. Favali is going to take?

19 MR. FRIEDMAN: Well, Ms. Favali is going to  
20 take a while, but Rose Nantongo and Kathy O'Brien will  
21 each take just a few minutes.

22 THE COURT: Well, let's get them in and then  
23 we'll go to lunch. What we may want to do -- and I  
24 hesitate saying this. But what we may want to do is  
25 think about an extra -- if we can't get through Ms.

110

112 Favali with all the questions. We will try.

2 We will try at this point. But, while you're  
3 at lunch, you may think about possible dates if we  
4 can't get through Ms. Favali in a timely manner.

5 MR. GOITEIN: Is there a -- is there a time  
6 this afternoon by which the hearing must conclude?

7 THE COURT: 5:00.

8 MR. GOITEIN: Oh, okay. What -- I hope we  
9 can get through by then.

10 THE COURT: So do I. But I have been through  
11 these. I have some experience with --

12 Anyway, how many witnesses? I see a lot of  
13 people from the neighborhood that are allowed to  
14 testify if they wish beyond your -- in this matter, so  
15 -- because it is a public hearing.

16 So that's what is making me say that. If you  
17 want to coordinate testimony over lunch to try to get  
18 it through, you know, we can do that, okay?

19 MR. GOITEIN: I think we'll be pretty  
20 efficient.

21 THE COURT: That would be great.

22 Okay. Mr. Friedman, who's your next witness?

23 MR. FRIEDMAN: Well, let me ask. Ms.

24 Nantongo and Ms. O'Brien, is either one of you in a big  
25 hurry?

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29 (113 to 116)

<p>1        MS. NANTONGO: Yes, I'm here.</p> <p>2        MR. FRIEDMAN: I said, are you in a hurry, or</p> <p>3        can you -- or should I --</p> <p>4        MS. NANTONGO: How long will it take?</p> <p>5        MR. FRIEDMAN: 10 to 15 minutes, max.</p> <p>6        MS. PARK: I'd like to hop back in the space</p> <p>7        I had, please, if that's permissible.</p> <p>8        THE COURT: Who's this? Oh, Ms. Park.</p> <p>9        MS. PARK: Right. Because it's good -- the</p> <p>10      internet is --</p> <p>11      THE COURT: We're going to take you right now</p> <p>12      so you can get to the slopes.</p> <p>13      MR. FRIEDMAN: All right. I'm sorry. Ms.</p> <p>14      Nantongo, you're going to have to hold on.</p> <p>15      THE COURT: If that's okay with you, Mr.</p> <p>16      Friedman.</p> <p>17      MR. FRIEDMAN: All right. Ms. Nantongo, I</p> <p>18      think I have to take Ms. Park first. We'll make it --</p> <p>19      I'll make it as quick as I can.</p> <p>20      The applicant calls Nancie Park.</p> <p>21      THE COURT: Ms. Park, please raise your right</p> <p>22      hand.</p> <p>23                    NANCIE PARK,</p> <p>24      having first been sworn, testified as follows:</p> <p>25      THE COURT: Please state your name, address,</p>	<p>113</p> <p>1        Q. Actually, it's 7709.</p> <p>2        A. <b>Oh. I'm dyslexic. Sorry.</b></p> <p>3        Q. And how many times have you been there, if</p> <p>4        you can guesstimate for me?</p> <p>5        A. <b>Probably 20, 25.</b></p> <p>6        Q. And has it always appeared to you that that's</p> <p>7        her primary residence?</p> <p>8        A. <b>That's her primary residence, right. She</b></p> <p>9        <b>gets her bills there. She gets her -- she's living</b></p> <p>10      <b>there. There's furniture there. Etcetera. And she</b></p> <p>11      <b>does not answer her phone at her old number, which was</b></p> <p>12      <b>in her house. Never, never.</b></p> <p>13      THE COURT: I'm confused.</p> <p>14      Okay. I just got an email. Our staff has</p> <p>15      posted the pictures Mr. Johnson sent on the website, so</p> <p>16      you should have a copy.</p> <p>17      I'm sorry. She gets her bills -- how do you</p> <p>18      know she gets her bills there?</p> <p>19      THE WITNESS: At her other place where she</p> <p>20      has a whole stack of mail. I go to DC twice a year,</p> <p>21      and I stay with her, you know, on again for three to</p> <p>22      ten days.</p> <p>23      THE COURT: Okay. Keep going.</p> <p>24      Q. (By Mr. Friedman) So you've slept at the</p> <p>25      Oldchester Road house?</p>
<p>1      and email address for the record.</p> <p>2      THE WITNESS: My name is Dr. Nancie Park. I</p> <p>3      live at 7 Forest -- like the woods, Forest -- Circle,</p> <p>4      Eggertown, Massachusetts 02539. My email is</p> <p>5      nanciepark@gmail.com.</p> <p>6      THE COURT: Okay. Is it nancie.park or just</p> <p>7      nanciepark?</p> <p>8      THE WITNESS: Nancie -- just straight through</p> <p>9      n-a-n-c-i-e Park p-a-r-k. I got on early. Yeah.</p> <p>10     THE COURT: Okay. Go ahead, Mr. Friedman.</p> <p>11     MR. FRIEDMAN: Okay.</p> <p>12     DIRECT EXAMINATION</p> <p>13 BY MR. FRIEDMAN:</p> <p>14 Q. Ms. Park, how do you know Flavia Favali?</p> <p>15 A. <b>I know Flavia through the SOS Sailing Club,</b></p> <p>16 <b>which has 1,300 members.</b></p> <p>17 Q. And how long have you known her?</p> <p>18 A. <b>I've known her for three or four years.</b></p> <p>19 Q. Okay. And do you consider yourself friends?</p> <p>20 A. <b>Yes. We're very close friends.</b></p> <p>21 Q. And have you visited her at her home?</p> <p>22 A. <b>Yes, I have.</b></p> <p>23 Q. Where is that home?</p> <p>24 A. <b>Her home is in Bethesda, Maryland. It's on</b></p> <p>25 <b>7904 Oldchester Road, Bethesda, Maryland.</b></p>	<p>114</p> <p>1      A. <b>Yes. Several different times.</b></p> <p>2      Q. And she's always slept there too?</p> <p>3      A. <b>Yeah. One time, she gave up her bed for me,</b></p> <p>4      <b>you know, as a guest.</b></p> <p>5      Q. Well, and when she gave up the bed to you,</p> <p>6      where did she sleep?</p> <p>7      A. <b>She slept in another room.</b></p> <p>8      Q. In the same house?</p> <p>9      A. <b>Yes.</b></p> <p>10     Q. Okay. Do you have any other -- any reason to</p> <p>11      think she has another primary residence?</p> <p>12     A. <b>No.</b></p> <p>13     Q. Okay.</p> <p>14     MR. FRIEDMAN: No further questions.</p> <p>15     THE COURT: Mr. Goitein?</p> <p>16     CROSS-EXAMINATION</p> <p>17 BY MR. GOITEIN:</p> <p>18 Q. Good morning, Ms. Park. You just mentioned</p> <p>19 something about her old house. Where's her old house?</p> <p>20 A. <b>It's on Kennedy Street in Hyattsville.</b></p> <p>21 Q. Okay.</p> <p>22 A. <b>4222.</b></p> <p>23 Q. All right. And you said you've known -- have</p> <p>24 you ever stayed at that house with her?</p> <p>25 A. <b>Yes.</b></p>

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30 (117 to 120)

	117		119
1	Q. When was that?	1	<b>A. Yeah, three times. Yeah, count each come.</b>
2	<b>A. That was between -- in the year, primarily,</b>	2	<b>You said coming and going, so that's what I counted it</b>
3	<b>2022 -- early 20 -- around that time. She had a severe</b>	3	<b>up.</b>
4	<b>injury. Her collarbone. Her foot. And she needed</b>	4	Q. All right. So would it be fair to say that
5	<b>somebody to take care of her.</b>	5	you've visited her -- you've made about two trips to
6	<b>So I drove down from Martha's Vineyard to be</b>	6	her house each year for the past three or four years,
7	<b>her caretaker, take her to the doctor's. I was at the</b>	7	right?
8	<b>doctor's office when she got the approval to get the</b>	8	<b>A. No. I make two trips per year. Two or more</b>
9	<b>dwelling done in the back of her house. I was there</b>	9	<b>per year.</b>
10	<b>during that conference.</b>	10	Q. All right. I think we understand. All
11	Q. Okay. So she was living -- was she living at	11	right. So then, getting back to the issue of where she
12	the Kennedy Street place when you visited her in 2022?	12	lives, in 2022, you stayed with her at Kennedy Street,
13	<b>A. In 2022, yes.</b>	13	right?
14	Q. Okay. And you believe that was her primary	14	<b>A. In 2022, I moved. So you asked me when I met</b>
15	residence then in 2022, the Kennedy Street?	15	<b>her. That was when I -- we became friends.</b>
16	<b>A. No. She also had -- she has multiple houses.</b>	16	Q. All right. So when are you contending she
17	<b>The ones she was living in were the one on Chesterfield</b>	17	moved to Oldchester?
18	<b>and Kennedy.</b>	18	<b>A. I don't know the exact date.</b>
19	Q. Okay. Ms. Park, you said you visit DC twice	19	Q. But do you know what year it was?
20	a year, right?	20	<b>A. I didn't say she moved. She -- you know, she</b>
21	<b>Right.</b>	21	<b>was going back and forth between the two. I don't know</b>
22	Q. And has that been the case for the entire	22	<b>what date she permanently moved to the other house.</b>
23	time that you've been friends with Ms. Favali for the	23	<b>You'd have to ask somebody else though. I'm not going</b>
24	past three or four years?	24	<b>to -- I'm not going to make up a date.</b>
25	<b>A. Well, one year, I came down extra to bury my</b>	25	Q. All right. Thank you.
	118		120
1	<b>cousin's husband. And then you had to come down --</b>	1	MR. GOITEIN: No further questions.
2	<b>they're backed up at Arlington. So I had to come down</b>	2	THE COURT: Miss Bennet?
3	<b>again for that. So I came down two extra times that</b>	3	MS. BENNET: Yes. Just one quick question.
4	<b>year.</b>	4	CROSS-EXAMINATION
5	Q. I'm trying to understand. You said that	5	BY MS. BENNET:
6	you've been here 20 -- that you've been to her	6	Q. You mentioned SOS. Can you tell me what that
7	Oldchester house 20 to 25 times. But you said you	7	stands for.
8	visit two or three -- twice a year. And you've known	8	<b>A. It's Singles on Sailboats. They used to have</b>
9	her three or four years. So help me out there with the	9	<b>around 1,300 members. And we go sailing on the</b>
10	math.	10	<b>Chesapeake Bay. We go on extended cruises. We go on</b>
11	<b>A. Well, you go over. You go to the dentist.</b>	11	<b>11 trips together. There's special events. Lunches.</b>
12	<b>You come back. You go to the dermatologist. You come</b>	12	<b>Brunches. Fireside chats. Thanksgiving dinners.</b>
13	<b>back. You go to the neurologist. You come back. You</b>	13	<b>13 Christmas holiday events. The lighting of the fleet</b>
14	<b>go to the grocery store.</b>	14	<b>14 for the Annapolis light show. Those type activities.</b>
15	<b>I live on an island. There's very little</b>	15	<b>15 Safety. Spring training.</b>
16	<b>provisions. I have to go on provision for six months</b>	16	Q. And is Miss Favali -- is she pretty active in
17	<b>17 when I get in off the island. So there are a lot of</b>	17	17 SOS?
18	<b>18 errands that I run. I only may come twice a year, but</b>	18	<b>A. Yes. She's an active participant hosting</b>
19	<b>19 I may come and go many times during those periods.</b>	19	<b>19 activities.</b>
20	Q. Okay. So if you were visiting her -- let's	20	Q. And on the sailing trips. When was the last
21	just say you were visiting her the weekend of September	21	time you know that she went on a sailing trip?
22	10th. And, during that weekend, you stayed with her	22	<b>A. Well, we went to the San Juan Islands</b>
23	two nights, and you made three trips to the grocery	23	<b>23 together for seven to ten days a year ago.</b>
24	store, you would consider that to be visiting her	24	Q. And on these sailboat trips, is it -- you
25	house, what, six times?	25	know, having all the injuries that she has with her

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31 (121 to 124)

1    legs that we heard about, is it difficult for her to do 2    the sailing?  3 <b>A. She does modified activities that will</b> 4 <b>accommodate her disabilities.</b>  5    Q. But she went on a sailboat trip through the 6    San Juan Islands for -- what did you say? Seven to ten 7    days?  8 <b>A. Right.</b>  9    Q. And that was a year ago?  10 <b>A. I'd have to go get my calendar if you want</b> 11 <b>the exact date.</b>  12   Q. But in 20 -- are you saying 2025 or 2024?  13 <b>A. '24.</b>  14   Q. '24. Okay.  15   MS. BENNET: No further questions. Thank 16   you.  17   MR. FRIEDMAN: No redirect.  18   MS. BENNET: Enjoy the slopes.  19   THE WITNESS: Pardon?  20   MS. BENNET: I said enjoy the slopes.  21   THE WITNESS: I hope so. It's been really 22   great.  23   THE COURT: Any redirect, Mr. Friedman?  24   MR. FRIEDMAN: No.  25   THE COURT: Okay. You can go to the slopes,	121	123  1    BY MR. FRIEDMAN: 2    Q. Ms. Nantango, how long have you lived at 7709 3    Oldchester? 4 <b>A. Almost going to seven months.</b> 5    Q. Okay. And the other people who live there, 6    have they been there longer or shorter than you? 7 <b>A. I found them there. I don't know when they</b> 8 <b>moved in.</b> 9    Q. Okay. But they were there before you? 10 <b>A. Yes.</b> 11   Q. Okay. And you've all lived there continually 12   since that time; is that correct? 13 <b>A. Could you repeat that?</b> 14   Q. You've all lived there continually since you 15   moved in; is that correct? 16 <b>A. Yes, sir.</b> 17   Q. Okay. So does Ms. Fovali have any short-term 18   rentals, people who come for just a day or two or three 19   or a week? 20 <b>A. No.</b> 21   Q. And you were introduced to her by the 22   Montgomery County Housing Partnership; is that correct? 23 <b>A. Yes, I went to the Montgomery County.</b> 24   Q. Okay. And does she regularly park a truck 25   and a trailer at that house?	124
1    Ms. Park. Thank you for your testimony.  2    THE WITNESS: Thank you. Thank you so much. 3    I appreciate it. It was very kind of you.  4    THE COURT: Thank you.  5    THE WITNESS: Bye-bye.  6    THE COURT: Bye.  7    MR. FRIEDMAN: Okay. Calling Rose Nantongo. 8    THE COURT: Okay. I'm coming. Just make 9    sure I've got you.  10   THE WITNESS: I'm here.  11   THE COURT: Okay. Please raise your right 12   hand.  13            ROSE NANTONGO, 14   having first been sworn, testified as follows:  15            THE COURT: Would you please state your name 16   and address and email address for the record.  17            THE WITNESS: My name is Rose Tudio Nantongo. 18   And my phone number is -- no, sorry. My address is 19   7709 Oldchester Road, Bethesda, MD, and the ZIP code is 20   20817. My email address --  21            THE COURT: Go ahead.  22            THE WITNESS: My email address is 23   rosenantongo326@gmail.com.  24            THE COURT: Okay, Mr. Friedman.  25            DIRECT EXAMINATION	122	124  1 <b>A. I don't see any truck. The truck that comes</b> 2 <b>there comes to do the renovations.</b> 3    Q. Is that her truck or somebody else's? 4 <b>A. Somebody else's.</b> 5    Q. Okay. 6 <b>A. I see them coming. Like, three or four</b> 7 <b>people. The last time I saw them, two were on top of</b> 8 <b>the roof, and two were cleaning down. Because I don't</b> 9 <b>talk to anybody there. I just went. I saw them high</b> 10 <b>and left.</b> 11   Q. Okay. And does Flavia Fovali live at that 12   Oldchester Road house? 13 <b>A. Yes.</b> 14   Q. And she sleeps there? 15 <b>A. She sleeps there.</b> 16   Q. Okay. She eats meals there? 17 <b>A. In the morning -- sorry. In the morning, she</b> 18 <b>makes coffee for everybody and puts it in the kitchen.</b> 19 <b>And, before I go to work, I pour mine and leave.</b> 20   Q. Okay. Does she eat her meals there? 21 <b>A. Sorry?</b> 22   Q. Does she eat meals there? 23 <b>A. Does she live there?</b> 24   Q. No. Does she eat there? 25 <b>A. Yes.</b>	124

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32 (125 to 128)

<p style="text-align: right;">125</p> <p>1 Q. Does she do her laundry there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 MR. FRIEDMAN: No further questions of this</p> <p>5 witness.</p> <p>6 THE COURT: Mr. Goitein?</p> <p>7 MR. GOITEIN: Thank you.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. GOITEIN:</p> <p>10 Q. Ms. Nantongo, tell me the date that you moved</p> <p>11 into the building.</p> <p>12 A. I moved in the end of June.</p> <p>13 Q. Of this year?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And is it your contention that Ms. Favalis was</p> <p>16 living in the property as her primary residence when</p> <p>17 you moved in?</p> <p>18 A. Yes. She's always there.</p> <p>19 Q. Okay. Do you have any idea how long she's</p> <p>20 lived there?</p> <p>21 A. I saw that's her house. I found her there.</p> <p>22 Q. So you think she's always lived there?</p> <p>23 A. Yes. Since I moved, I see her there.</p> <p>24 Q. Okay. But she didn't, like, move into the</p> <p>25 property at any time you were living there, did she?</p>	<p style="text-align: left;">127</p> <p>1 A. No.</p> <p>2 Q. No? Okay. Thank you.</p> <p>3 MS. BENNET: No further questions.</p> <p>4 A. The only people who came, I think twice, are</p> <p>5 people from my church. They wanted to know where I</p> <p>6 live. And they are connected to Montgomery County.</p> <p>7 They introduced me to them, so they wanted to come and</p> <p>8 see the place I live.</p> <p>9 THE COURT: Okay. Mr. Friedman, any</p> <p>10 follow-up questions?</p> <p>11 MR. FRIEDMAN: No redirect.</p> <p>12 THE COURT: Okay. Ms. Nantongo, thank you</p> <p>13 for testifying, and you can be excused.</p> <p>14 Mr. Friedman, do you have another person that</p> <p>15 you'd like to call?</p> <p>16 MR. FRIEDMAN: Well, I have two more. I have</p> <p>17 Kathy O'Brien, and I have Anand Jagessar. I don't know</p> <p>18 if either of them is in a hurry and needs me to get</p> <p>19 them on right away.</p> <p>20 THE COURT: Well, let's get -- how long do</p> <p>21 you think they'll be?</p> <p>22 MR. FRIEDMAN: All of my witnesses are quick.</p> <p>23 I mean, I'm trying my best to go through quickly as I</p> <p>24 can.</p> <p>25 THE COURT: Okay. Let's try and get them on</p>
<p style="text-align: right;">126</p> <p>1 A. Could you repeat that, sir?</p> <p>2 Q. She didn't -- during the time that you've</p> <p>3 lived there, you didn't see her move into the property,</p> <p>4 right?</p> <p>5 A. No. Because I found her already there. So</p> <p>6 things that have happened before I moved, I don't know.</p> <p>7 Q. All right. Thank you. I don't have any more</p> <p>8 questions for you.</p> <p>9 A. Thank you, sir.</p> <p>10 THE COURT: Ms. Bennet?</p> <p>11 CROSS-EXAMINATION</p> <p>12 BY MS. BENNET:</p> <p>13 Q. Ms. Nantongo, hi. I'm Carri Bennet. I live</p> <p>14 down the street from the house. Do you have a car?</p> <p>15 A. I have a car, yes.</p> <p>16 Q. What kind of car do you have?</p> <p>17 A. It's a Nissan Rogue.</p> <p>18 Q. What color is it?</p> <p>19 A. It's gray.</p> <p>20 Q. Gray. And does it have Maryland license</p> <p>21 plates?</p> <p>22 A. Sure.</p> <p>23 Q. Okay. And do you have a lot of people come</p> <p>24 and visit you -- family, friends -- come to the house</p> <p>25 and visit you?</p>	<p style="text-align: left;">128</p> <p>1 before lunch, and then we'll take lunch.</p> <p>2 MR. FRIEDMAN: All right, Kathy O'Brien,</p> <p>3 please.</p> <p>4 THE COURT: Is it a K?</p> <p>5 MR. FRIEDMAN: Yes.</p> <p>6 THE COURT: Ms. O'Brien, can you turn your</p> <p>7 camera on.</p> <p>8 THE WITNESS: Yeah, it's on.</p> <p>9 THE COURT: I see you. Please raise your</p> <p>10 right hand.</p> <p>11 KATHY O'BRIEN,</p> <p>12 having first been sworn, testified as follows:</p> <p>13 THE COURT: Please state your name, address,</p> <p>14 and email address for the record.</p> <p>15 THE WITNESS: My name is Kathy O'Brien. My</p> <p>16 address is 324 Chimney Stone Court, Hagerstown,</p> <p>17 Maryland, 21742. My email is kathyob29 -- sorry --</p> <p>18 kathyob29@gmail.com.</p> <p>19 THE COURT: Thank you. Go ahead, Mr.</p> <p>20 Friedman.</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MR. FRIEDMAN:</p> <p>23 Q. Ms. O'Brien, this is Greg Friedman. I'm Ms.</p> <p>24 Favalis's attorney. You and she have been friends for a</p> <p>25 long time; isn't that correct?</p>

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	129	131
1	<b>A. That's correct.</b>	<b>1 based on wanting to get this ADU.</b>
2	Q. How long?	2 Q. What do you think she did in 2023 to make it
3	<b>A. 50 years.</b>	3 her primary residence then?
4	Q. You don't look that old.	4 <b>A. I think you have to stay a certain number of</b>
5	<b>A. Thank you.</b>	<b>5 days per year. You know, count the days per year.</b>
6	Q. Okay. And how often do you see Ms. Favali?	6 Q. Okay. And she told you that she stayed a
7	<b>A. Not too often these days because I live</b>	7 certain number of years? Sorry. She told you she
8	<b>pretty far out. We talk on a regular basis on the</b>	8 stayed a certain number of days in 2023 to make it her
9	<b>phone.</b>	9 primary residence?
10	Q. Okay. And, over the years have you visited	10 <b>A. Correct.</b>
11	her at her various homes?	11 Q. All right. You know how many days that was?
12	<b>A. I have.</b>	12 <b>A. It's half a year plus one day. And I'm not</b>
13	Q. And do you know where she lives today?	13 <b>good with math, so I can't tell you exactly what that</b>
14	<b>A. She lives at Oldchester Road, yes.</b>	14 <b>is.</b>
15	Q. And do you have a recollection of how long	15 Q. All right. Well, I think I'm okay with math.
16	it's been that Oldchester Road has been her primary	16 So I'm going to say that's about 183 nights, right?
17	residence?	17 That sound right?
18	<b>A. 2023 to the present. However, I visited her</b>	18 <b>A. That sounds about right.</b>
19	<b>many times long before that there.</b>	19 Q. Okay. And you didn't actually see her
20	Q. At Oldchester?	20 staying at the property for 183 nights in 2023, right?
21	<b>A. Yes.</b>	21 <b>A. No.</b>
22	Q. And during the last two years, since 2023,	22 Q. Okay. So your testimony today that she made
23	have you had occasion to visit her at Oldchester Road?	23 it her primary residence in 2023 is based upon what she
24	<b>A. I have.</b>	24 told you then, right?
25	Q. Okay. And it appeared at those times it was	25 <b>A. Yes.</b>
	130	132
1	her primary residence?	1 Q. Okay. So, in 2023, how many nights did you
2	<b>A. Yes, for sure.</b>	2 actually see her in that property?
3	Q. Okay. Do you have anything you want to add?	3 <b>A. You know, seeing -- I'm guessing I was there</b>
4	<b>A. No, except that I have visited her there at</b>	<b>4 at least once a year, each of those years, '23. '24.</b>
5	<b>Oldchester at least for 15 years, off and on. And I've</b>	<b>5 '25. That's a rough guess.</b>
6	<b>stayed there a number of times as well.</b>	6 Q. Okay. And when you stayed with her, you
7	Q. Okay. And when you've stayed there, has she	7 stayed with her for a couple nights?
8	also slept in the house?	8 <b>A. Usually just one night.</b>
9	<b>A. Always.</b>	9 Q. Okay. So you've seen her at the property
10	Q. Always.	10 approximately one day or one night in each of the last
11	MR. FRIEDMAN: Okay. I have nothing further	11 three years?
12	with this witness.	12 <b>A. That's staying over. I mean, I've also</b>
13	THE COURT: Mr. Goitein?	<b>13 visited her there.</b>
14	CROSS-EXAMINATION	14 Q. Okay. So how many days did you visit her
15	BY MR. GOITEIN:	15 there in this past year, 2025?
16	Q. Good afternoon, Ms. O'Brien. My name is Evan	16 <b>A. I probably stayed there once -- stayed</b>
17	Goitein. I'm an attorney representing one of the	<b>17 overnight once, and visited her once.</b>
18	parties in this case.	18 Q. Okay. So two days, you saw her on the
19	So you've visited her at Oldchester for	19 property?
20	somewhere around 15 years; is that correct?	20 <b>A. Yes.</b>
21	<b>A. Correct.</b>	21 Q. Okay. And then what about 2024?
22	Q. Okay. But you're testifying that she moved	22 <b>A. Probably the same.</b>
23	into Oldchester as her residence, her primary	23 Q. Okay. And, so, everything else that you know
24	residence, in 2023?	24 about her occupation of the property since 2023 comes
25	<b>A. I think she officially did some kind of thing</b>	25 from what she's told you, right?

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34 (133 to 136)

<p>1     <b>A. Yes.</b></p> <p>2     Q. And she told you that the reason why she was 3     making -- that she did something in 2023 was because 4     she wanted to get this approval for the ADU, right?</p> <p>5     <b>A. Yes.</b></p> <p>6     Q. Okay. Thank you.</p> <p>7     MR. GOITEIN: Nothing further.</p> <p>8     THE COURT: Ms. Bennet?</p> <p>9     MS. BENNET: No questions. Thank you.</p> <p>10    THE COURT: Mr. Friedman?</p> <p>11    MR. FRIEDMAN: No redirect.</p> <p>12    THE COURT: Thank you, Ms. O'Brien. You may 13 be excused as a witness.</p> <p>14    THE WITNESS: Okay.</p> <p>15    THE COURT: You can stay on the meeting, but 16 you don't need to.</p> <p>17    THE WITNESS: Okay.</p> <p>18    THE COURT: Mr. Friedman, next witness?</p> <p>19    MR. FRIEDMAN: Yes, Anand Jagessar. He shows 20 up as AJ on your screen.</p> <p>21    THE COURT: Yeah, I've got him. But I don't 22 have that. Mr. Jagessar? I'm sorry if I said that 23 incorrectly. Can you turn your camera on, Mr. 24 Jagessar.</p> <p>25    Mr. Jagessar?</p>	<p>133</p> <p>1     the hearing, but mute your mics because we don't want 2     to hear any of you talking.</p> <p>3     MS. BENNET: You just muted yourself.</p> <p>4     THE COURT: I was overly prepared. So. 5     Please mute your mics, and we will return at one 6     o'clock. Thank you.</p> <p>7     (Recess from 12:15 p.m. to 12:59 p.m.)</p> <p>8     THE COURT: Okay, we're back on the record.</p> <p>9     It's 1 o'clock, as promised. We have Mr. -- How do you 10 say your name?</p> <p>11    THE WITNESS: Anand Jagessar.</p> <p>12    MR. GOITEIN: I'm sorry. I don't want to 13 interrupt, but it looks like not everyone is back. And 14 I would say, most notably, I don't see Carri Bennet on 15 here. And, since she's one of the objectors --</p> <p>16    THE COURT: Okay. Well, we'll take a moment.</p> <p>17    MR. GOITEIN: Thanks. I also don't see --</p> <p>18    THE COURT: It looks like -- I see a Michael 19 Bennet, but it's on hold. It says on hold. Do you 20 mind texting or calling her if you -- oh, you're -- I'm 21 sorry. You're Kenneth Mack's client -- attorney.</p> <p>22    THE REPORTER: Would you like to go off the 23 record for a moment, counsel?</p> <p>24    THE COURT: Yeah, we'll go off the record 25 for -- we'll come back at 1:05.</p>
<p>1     MR. FRIEDMAN: He may be muted also.</p> <p>2     THE COURT: Mr. Jagessar, may you -- I don't 3     show him as muted.</p> <p>4     MR. FRIEDMAN: Oh, okay.</p> <p>5     THE COURT: Mr. Jagessar, can you hear me?</p> <p>6     Well, I've got him pinned, and he doesn't 7     show up as muted. So what we can do is take a lunch, 8     and we'll try and take him very quickly when we return.</p> <p>9     MR. FRIEDMAN: That's a good idea.</p> <p>10    THE COURT: Okay, and then we'll get into Ms. 11 Favali and then the objectors can begin their case.</p> <p>12    So, because of the time frame -- I would like 13 to finish today -- I would like to take just a 14 45-minute lunch so that we would be back here at 1 15 o'clock.</p> <p>16    If you feel you need more to discuss things 17 with your client or whatever you need to do, just let 18 us know where you are at any particular time. We can 19 go past 1:00 if you wish.</p> <p>20    MR. GOITEIN: 1 o'clock is good.</p> <p>21    THE COURT: Mr. Goitein, did you --</p> <p>22    MR. GOITEIN: 1 o'clock is great.</p> <p>23    THE COURT: Okay. 1 o'clock. Mr. Friedman?</p> <p>24    MR. FRIEDMAN: That's fine.</p> <p>25    THE COURT: Okay. So I am not going to end</p>	<p>134</p> <p>1     (Recess from 1:01 p.m. to 1:04 p.m.)</p> <p>2     THE REPORTER: Back on the record.</p> <p>3     THE COURT: Okay. Mr. Jagessar, please raise 4     your right hand.</p> <p>5     ANAND JAGESSAR, 6     having first been sworn, testified as follows:</p> <p>7     THE COURT: Okay. Please state your name and 8     address and email address for the record, please.</p> <p>9     THE WITNESS: Anand Jagessar. Address 7411 10    Hendricks Drive, Hyattsville, Maryland, 20784, email 11    anandjagessar@yahoo.com.</p> <p>12    THE COURT: There's no dot or anything 13    between the Anand and Jagessar?</p> <p>14    THE WITNESS: No.</p> <p>15    THE COURT: And it's Gmail.</p> <p>16    THE WITNESS: At yahoo.com.</p> <p>17    THE COURT: At Yahoo. Okay. Go ahead, Mr. 18 Friedman.</p> <p>19    MR. FRIEDMAN: Sure.</p> <p>20    DIRECT EXAMINATION</p> <p>21 BY MR. FRIEDMAN:</p> <p>22 Q. Mr. Jagessar, you do some work from time to 23 time for Ms. Favali; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Well, what sort of work do you do?</p>

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<p style="text-align: right;">137</p> <p>1   <b>A. Handyman work. Like any repairs that need to</b>  2   <b>be done in the houses.</b></p> <p>3   Q. And how long have you been working with her?  4   <b>A. I would say roughly about four years.</b></p> <p>5   Q. Okay. And which properties have you worked  6   on?  7   <b>A. Bethesda. Kennedy. Oliver Street.</b></p> <p>8   Q. Okay. Do you know which one of those  9   properties she lives at?</p> <p>10   <b>A. Bethesda.</b></p> <p>11   Q. That's the Oldchester Road property?</p> <p>12   <b>A. Yes.</b></p> <p>13   Q. And how often do you see her?</p> <p>14   <b>A. Very often. At least once a week.</b></p> <p>15   Q. Okay. So how long do you think she's been  16   living in the Oldchester Road as her primary home?</p> <p>17   <b>A. I would say roughly at least three, three and</b>  18   <b>a half years, roughly. I'm not certain the correct</b>  19   <b>time.</b></p> <p>20   Q. Okay. And when you're working at the  21   property on Kennedy Street in Hyattsville, if she's not  22   there, does she have cars that are usually parked  23   there?</p> <p>24   <b>A. Yes.</b></p> <p>25   Q. And which ones, if you remember?</p>	<p style="text-align: right;">139</p> <p>1   property?</p> <p>2   <b>A. Yes.</b></p> <p>3   Q. And you've been inside the Oldchester Road  4   property, right?</p> <p>5   <b>A. Yes.</b></p> <p>6   Q. The Oldchester Road property is bigger,  7   right?</p> <p>8   <b>A. Yes.</b></p> <p>9   Q. More square footage?</p> <p>10   <b>A. Yes.</b></p> <p>11   Q. You'd agree it's better for hosting people?</p> <p>12   <b>A. Yes.</b></p> <p>13   Q. Okay. And you said that you believe that  14   you've known Ms. Favali for at least three, three and a  15   half years, right?</p> <p>16   <b>A. Correct.</b></p> <p>17   Q. And, during that time, based upon your  18   observations, you believe that she has occupied  19   Oldchester Road as her primary residence the entire  20   time, right?</p> <p>21   <b>A. Yes. Most of the time when I got to meet her</b>  22   <b>to discuss any type of work, most of the time we meet</b>  23   <b>at the Bethesda House, Oldchester.</b></p> <p>24   Q. All right. So no change in the last three  25   years, right?</p>
<p style="text-align: right;">138</p> <p>1   <b>A. Most of the time the truck is there. The</b>  2   <b>trailer is there. And sometimes the Subaru. I think</b>  3   <b>it's a Subaru. The Outback Subaru. And she's using</b>  4   <b>the Mitsubishi.</b></p> <p>5   Q. Okay. So when you say "here," you're  6   referring to Kennedy Street?</p> <p>7   <b>A. Yes. The vehicles, yes.</b></p> <p>8   Q. Okay. So am I understanding you correctly  9   that, typically, two of her three vehicles are at  10   Kennedy Street?</p> <p>11   <b>A. Yes.</b></p> <p>12   Q. Do you know, are there any other regular  13   drivers of any of those vehicles or are they all --  14   they're hers?</p> <p>15   <b>A. They're hers.</b></p> <p>16   Q. Okay.</p> <p>17   MR. FRIEDMAN: I don't think I have anything  18   further of this witness.</p> <p>19   THE COURT: All right. Mr. Goitein?</p> <p>20   MR. GOITEIN: Thank you.</p> <p>21   CROSS-EXAMINATION</p> <p>22 BY MR. GOITEIN:</p> <p>23   Q. Good afternoon, Mr. Jagessar. My name is  24   Evan Goitein. I'm an attorney for one of the parties  25   in this case. Have you been inside the Kennedy Street</p>	<p style="text-align: right;">140</p> <p>1   <b>A. Right.</b></p> <p>2   Q. All right. Thank you.</p> <p>3   MR. GOITEIN: Nothing further.</p> <p>4   THE COURT: Ms. Bennet? I think you're --</p> <p>5   are you -- you're muted.</p> <p>6   MS. BENNET: Oh, I did it. I was trying not</p> <p>7   to do that. It's an all-day thing here. I did it one</p> <p>8   time. Okay.</p> <p>9                   CROSS-EXAMINATION</p> <p>10 BY MS. BENNET:</p> <p>11   Q. I'm Carri Bennet. I live a couple houses  12   down from the Oldchester House.</p> <p>13   With respect to the Mitsubishi vehicle, the</p> <p>14   sports car, I believe that is, do you know how old that</p> <p>15   car is?</p> <p>16   <b>A. No, I know it's old, but I don't know exactly</b>  17   <b>how old it is. I don't know the year.</b></p> <p>18   Q. Okay. Has Ms. Favali had trouble with that</p> <p>19   vehicle breaking down or anything like that?</p> <p>20   <b>A. Yes. Sometime she mentioned it to me, that</b>  21   <b>she had a problem with the vehicle.</b></p> <p>22   Q. And the Subaru, is that a newer vehicle?</p> <p>23   <b>A. Than the Mitsubishi? Yes.</b></p> <p>24   Q. Yes.</p> <p>25   <b>A. Yes, it's a newer vehicle.</b></p>

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1 Q. Okay. Thank you.  
2 MS. BENNET: That's all the questions I have.  
3 Thank you.  
4 THE COURT: Mr. Friedman, any redirect?  
5 MR. FRIEDMAN: No, ma'am.  
6 THE COURT: Thank you. You may be excused,  
7 Mr. Jagessar, although you may stay on the phone or the  
8 team's meeting if you wish.  
9 THE WITNESS: Okay. Thank you.  
10 MR. FRIEDMAN: All right. I am waiting  
11 for -- let me see. Well, I don't think she's on yet.  
12 One of Ms. Favali's daughters wanted to  
13 testify, but let's go on with Ms. Favali.  
14 THE COURT: Okay.  
15 MR. FRIEDMAN: With your permission, I may  
16 interrupt her testimony to take her daughter, Veronica.  
17 THE COURT: I don't have a problem with that.  
18 But I do have to find her.  
19 MR. FRIEDMAN: Yeah. Ms. Favali, are you  
20 here?  
21 THE COURT: I see her. Okay.  
22 Please raise your right hand.  
23 FLAVIA FAVALI,  
24 having first been sworn, testified as follows:  
25 THE COURT: Can you state your name, address,

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1 my last dad died -- my last parent died -- I'm sorry --  
2 I purchased the property in the inheritance. I knew I  
3 couldn't afford to live in it. I rented bedrooms,  
4 which was legal. I had a rental license for 10 or 11  
5 years. I went to Montgomery County Housing and  
6 Landlord Affairs. It was legal to do. So I've been  
7 renting bedrooms.

8 When I had a fatal, to me -- it was not  
9 fatal. I'm still here, and I'm loving life, and I'm  
10 very grateful. I had -- for seven months, I couldn't  
11 move anything on my right side from my collarbone,  
12 which hasn't healed yet -- I guess that's what happens  
13 with bad bones -- and to my right ankle. I previously  
14 had my left ankle replaced. That has nothing to do --  
15 I could still sail. I could still be ambulatory. I  
16 was loving life.

17 The -- seven months, I fell on February 15,  
18 2023. Rushed to the hospital. I have an addictive  
19 personality. I got addicted to Dilaudid. I then went  
20 to a nursing home -- rehabilitation hospital, to learn  
21 how to walk again. It was awful. There was roaches.  
22 I just knew something had to be done.

23 They were building -- Montgomery County was  
24 building ADUs. Montgomery County believed in  
25 age-friendly. Montgomery County believed in aging in

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1 and email for the record.  
2 THE WITNESS: Flavia Favali.  
3 Flavia4222@comcast.net. 7709 Oldchester Road,  
4 Bethesda, Maryland.  
5 THE COURT: Okay. Go ahead, Mr. Friedman.  
6 DIRECT EXAMINATION  
7 BY MR. FRIEDMAN:  
8 Q. Okay. Ms. Favali, can you go over the  
9 history of your primary residences for -- I don't  
10 know -- as far back as you want to go. I just think  
11 that the panel needs some -- or the hearing examiner  
12 needs some context here.  
13 A. Okay. This will be, I promise, one minute.  
14 It's 1:12. So I was -- my dad built this house back in  
15 the '50s. I left at 16. I got married.  
16 I lived in Montgomery County my whole life  
17 until I was 48. I lived in a house much like the  
18 houses on the block here in Two Acres. I walked out  
19 with all my six kids because of strife between the  
20 family.  
21 I bought that Kennedy Street property as a  
22 place to keep, and I never thought my marriage would  
23 dissolve. I never thought that. Unfortunately, it  
24 did.  
25 So when my parents' property came up for --

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1 place. So I quickly drew up plans for an ADU. I built  
2 it. I went to permitting, and I got it. I did not  
3 know all the ramifications of principal residency, and  
4 I'm sorry.

5 I then realized what principal residency was,  
6 and I lived here. I gave a whole tally, which the  
7 hearing officer didn't like. I gave all the friends  
8 that came. It's a still tally. It's still friends.  
9 Many of them came today.

10 And life just happens. You don't remember  
11 the date. But I remember February 15, 2023, my  
12 collarbone broke. The next week, I couldn't -- my hand  
13 was in a sling. I couldn't tie my shoes. I tripped  
14 over my shoes, my shoelaces, and that's when my ankle,  
15 tibia, and fibula broke.

16 Back in -- I was finally better. I was  
17 finally working on this. I had the license to do this.  
18 My objectors, my neighbors, said no.

19 Then, in 2024, I was in my refrigerator in my  
20 primary house, and I broke my kneecap. Couldn't move  
21 then. I was taken to the hospital. Nobody could see  
22 that on the street --

23 Oh, hi, sweetie. You look pretty. Well,  
24 better than me.

25 THE COURT: Ms. Favali --

Transcript of Hearing  
Conducted on December 19, 2025

37 (145 to 148)

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<p>1     THE WITNESS: Make it shorter? Sorry.</p> <p>2     <b>A. So then I broke everything --</b></p> <p>3     THE COURT: Don't make it shorter. Just</p> <p>4     don't talk to somebody else, okay?</p> <p>5     THE WITNESS: Just don't what?</p> <p>6     THE COURT: Just testify. Don't talk to</p> <p>7     somebody else there.</p> <p>8     THE WITNESS: Oh, okay. Because -- I'm</p> <p>9     sorry. My daughter just came in.</p> <p>10    <b>A. Because you had a severity, for me -- for</b></p> <p>11    <b>me -- it wouldn't maybe bother somebody else. But, for</b></p> <p>12    <b>me, I couldn't move for seven months. Couldn't drive.</b></p> <p>13    <b>Couldn't walk. Couldn't really do anything.</b></p> <p>14    I realized Montgomery County was permitting</p> <p>15    ADUs, and I wanted to do whatever it took to build my</p> <p>16    ADU. So that's what brought me to building the ADU.</p> <p>17    And, so, I'm learning this process of getting it</p> <p>18    approved.</p> <p>19    Q. (By Mr. Friedman) You didn't answer my</p> <p>20    question. At what point did the Oldchester Roadhouse</p> <p>21    become your primary residence?</p> <p>22    <b>A. When I could walk again and get out of the</b></p> <p>23    <b>hospital at Potomac was around -- and my doctor, Dr.</b></p> <p>24    <b>Cooper, wrote an affidavit to build a handicapped ADU,</b></p> <p>25    <b>not because I was getting better and I could walk, but</b></p>	<p>1     vehicles?</p> <p>2     <b>A. The only vehicle, the only driver except for</b></p> <p>3     <b>Anand can use my truck. Yes. And the truck is an '05</b></p> <p>4     <b>-- that is an '07, and the Subaru is a '15.</b></p> <p>5     I always park them at my Kennedy Street</p> <p>6     house. Two vehicles. One vehicle, I use at Kennedy --</p> <p>7     at Oliver Street when I go back and forth. So, yes,</p> <p>8     <b>all the vehicles are at Kennedy Street, primarily.</b></p> <p>9     Q. Well, how do you get to Oldchester?</p> <p>10    <b>A. Oh, I'm sorry. So I have the Mitsubishi in</b></p> <p>11    <b>the car today when I take the grandkids. One of my</b></p> <p>12    <b>kids just came in and I have grandkids. I'll take the</b></p> <p>13    <b>Subaru because it has bigger room. I only use the</b></p> <p>14    <b>truck for repairs and renovations.</b></p> <p>15    Q. So, typically, how many of your cars are</p> <p>16    parked at Oldchester Road?</p> <p>17    <b>A. Only one.</b></p> <p>18    Q. Because you can only drive one at a time?</p> <p>19    <b>A. Correct.</b></p> <p>20    Q. Okay. So, in order to drive one of the other</p> <p>21    vehicles, you need to take whichever vehicles is at</p> <p>22    Oldchester over to Kennedy in order to switch vehicles;</p> <p>23    is that correct?</p> <p>24    <b>A. Yes. And Ms. Bennet actually put photos up</b></p> <p>25    <b>about where my vehicles are on Kennedy Street. So</b></p>
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<p>1     <b>because I will have ongoing breaks like I had in 2024.</b></p> <p>2     <b>So, because my bones are so bad, having a</b></p> <p>3     <b>handicapped ADU, yes, I did have a permitted house for</b></p> <p>4     <b>accessibility and livability. But when you have a</b></p> <p>5     <b>broken collarbone, you can't get a wheelchair --</b></p> <p>6     THE COURT: Ms. Favali --</p> <p>7     Q. (By Mr. Friedman) Ms. Favali, at what point</p> <p>8     did Oldchester Road become your primary residence?</p> <p>9     <b>A. July of 2023.</b></p> <p>10    Q. Thank you.</p> <p>11    <b>A. Sorry.</b></p> <p>12    Q. And, since July of 2023, you said you've kept</p> <p>13    a log. How many evenings have you stayed at any of</p> <p>14    your other properties?</p> <p>15    <b>A. Never in Oliver Street, maybe not even 14</b></p> <p>16    <b>days at Kennedy Street. One of my children just came</b></p> <p>17    <b>over. I spent nights at my children's house. I</b></p> <p>18    <b>spent -- like, at Suzanne Vaughn, who testified, I</b></p> <p>19    <b>spent a week or two helping her with her needs.</b></p> <p>20    Nancie Park, when she was moving in College</p> <p>21    Park, I helped her for a while. So I go to friends'</p> <p>22    <b>houses and help them out, just like they helped me out.</b></p> <p>23    Q. Okay. And when Mr. Jagessar testified and</p> <p>24    Ms. Caressa made a point of the fact that you have</p> <p>25    three vehicles, are you the primary driver of all three</p>	<p>1     <b>thank you. Yes.</b></p> <p>2     Q. Okay. And where are you registered to vote?</p> <p>3     <b>A. Maryland. Bethesda. I'm sorry. Oldchester</b></p> <p>4     <b>Road. I'm sorry.</b></p> <p>5     Q. Okay. And you've actually introduced -- or</p> <p>6     sent to the Office of Zoning and Appeals a copy of your</p> <p>7     voting registration, have you not?</p> <p>8     <b>A. Yes.</b></p> <p>9     Q. And you sent your driver's license showing</p> <p>10    Oldchester; is that correct?</p> <p>11    <b>A. Yes.</b></p> <p>12    Q. And you've sent copies of refund checks, tax</p> <p>13    refund checks from both the Internal Revenue Service</p> <p>14    and the State of Maryland to you at Oldchester Road; is</p> <p>15    that correct?</p> <p>16    <b>A. Yes.</b></p> <p>17    Q. And you've identified Oldchester Road for</p> <p>18    property tax purposes as your primary residence; is</p> <p>19    that correct?</p> <p>20    <b>A. Yes.</b></p> <p>21    Q. And, in fact, the County has given you a \$692</p> <p>22    a year Homestead credit because that's your primary</p> <p>23    residence; is that correct?</p> <p>24    <b>A. I don't know. I believe I applied. I don't</b></p> <p>25    <b>think -- I get it because I rent rooms. I'm not sure.</b></p>
145	147
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146	148
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Transcript of Hearing  
Conducted on December 19, 2025

38 (149 to 152)

1 **I don't want to perjure myself.**

2 Q. Take my word for it. You get it. It's on  
3 your tax bill.

4 **A. Oh, thank you. God is good. Thank you.**

5 Q. So bear with me one second.

6 All right. You've introduced a myriad of  
7 paperwork dealing with a log of visitors and your  
8 sleeping. Obviously, this, unfortunately, did not all  
9 come in an easy order to review. That may be partially  
10 your fault. That may be partially staff's fault. I'm  
11 not sure.

12 But tell us about these logs. What can you  
13 summarize for us?

14 **A. Sure. And for the OZA hearing, I exhibited,  
15 I exhibited – summarize, summarize, sorry,  
16 summarize – Exhibit 8 with all the nights I spent from  
17 the time I moved in July 23 to July 24.**

18 July 24, I had a sign-in sheet for people.  
19 So I had to be there if they were coming to visit me  
20 and sign in, and I maintained that.

21 And then I took a picture of every day.  
22 Something different from my Android phone. Something  
23 from my phone to my vehicle that I was driving. So  
24 sometimes it would be the Outback. Sometimes it would  
25 be the Mitsubishi in the foreground. And something

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1 THE WITNESS: It's on -- it's on B. It's on  
2 6. It's on page -- Exhibit 10 Part E. That whole part  
3 is 50 pages. And it's on page 36 to 45. The OAH  
4 hearing from ADO 250 to the tally sheet. So that's on  
5 page 36 from Exhibit 10 part E pages -- pages -- I just  
6 had it. I'm so sorry. Pages 36 -- 45 to 50. 45 to  
7 50.

8 MR. GOITEIN: Could anybody clarify what Part  
9 E is? Because I'd see parts -- oh, Part E5. Got it.

10 THE WITNESS: Yes. Go all the way down. I'm  
11 sorry, sir. That's 50 pages, and that comes up at 45  
12 on page 45, sir. I know I didn't mean to send it so  
13 crappy. So -- anyway.

14 Q. (By Mr. Friedman) So, as I asked, can you  
15 clarify very briefly what these exhibits are intended  
16 to show.

17 **A. So I maintain that I moved in 2023 when I  
18 found out that I had bad osteothrombosis to make my  
19 primary living. So I had kept the tally. I had  
20 pictures. I had a sign-in sheet. I tried to do  
21 everything that I thought was appropriate to prove that  
22 I lived here.**

23 Q. Okay. Let's talk about the tenants in the  
24 house. We've heard testimony from two current tenants  
25 and one prior tenant, Mr. Sierra. Have you ever

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1 **interesting that happens on the streets --**

2 THE COURT: Ms. Favali, can I stop you for a  
3 minute. I'm not seeing the log on Exhibit 8.

4 THE WITNESS: It's on Exhibit 10.

5 THE COURT: Exhibit 10.

6 THE WITNESS: And it's my thing. It's  
7 Exhibit 10.

8 THE COURT: Okay. Well, don't find --  
9 Exhibit 10 is, like -- was 500 pages that they had to  
10 break down to get it to -- so don't worry about it. Do  
11 you happen to know where online it is?

12 THE WITNESS: Yes. It was on the OZA Exhibit  
13 8 on the first hearing. And then I used it again as if  
14 it is because if I was there in '23. I maintained it  
15 in '24 and '25.

16 THE COURT: I know. But you don't know  
17 where -- which exhibit it is in this?

18 THE WITNESS: Yes, I do. If you just give me  
19 one second, just not even one second. I went through  
20 every one of my exhibits. I'm sorry about it. And  
21 it's OZA Exhibit 8 that I've used both years.

22 Yes.

23 THE COURT: Okay. Well, I'm going to let it  
24 go. I did read all your exhibits, but I don't remember  
25 the visitors log, but --

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1 operated the house for short-term rentals, Airbnb, any  
2 of the above?

3 **A. Yes, I did. Years ago, before Don Chappell  
4 bought his house from the Calhouns, Mr. Calhoun came  
5 over one day and told me Airbnb had more requirements.  
6 I was running to Airbnb. And that was back before  
7 Don – Mr. Chappell bought his house. And I looked at  
8 all the requirements –**

9 Q. Wait a minute. How long ago are you talking,  
10 please?

11 **A. Six years. Eight years. Seven years. I'm  
12 on perjury. So let me just look up when Don bought his  
13 house. A year before Don bought his house.**

14 Q. All right. Go ahead.

15 **A. I then stopped running to Airbnb. And,  
16 actually, my three tenants that have been here since  
17 2021 are all on a monthly lease. But the deal is –  
18 and you have that exhibits on last year's OZAC hearing.  
19 So all their leases and all their rent tallies are on  
20 last year's OZAC.**

21 THE COURT: Well, I don't have those in this  
22 hearing.

23 Q. (By Mr. Friedman) I don't think you need  
24 them, ma'am.

25 **A. Okay. But they've been living there since**

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Transcript of Hearing  
Conducted on December 19, 2025

39 (153 to 156)

	153		155
1 2021.		1 1	MR. FRIEDMAN: Are you testifying? I'm a
2 THE COURT: I didn't see those. Go ahead.		2 little confused.	
3 Q. (By Mr. Friedman) But the point you're		3 THE COURT: I'm asking her does she remember	
4 making is that those three tenants have been there for		4 that?	
5 how long?		5 THE WITNESS: Yes, Judge Hanna. Yes, I do.	
6 A. 2021. '22. '23. '24. About five years.		6 That was way before these -- these are not these	
7 Four to five years. They all came in differently.		7 tenants. This was, like, more than five years ago,	
8 Q. So it's been quite a long time since you had		8 prior to the fire	
9 any short-term tenants?		9 THE COURT: No, I'm not testifying.	
10 A. And Rose -- because I listened to Ms. Bennet		10 I'm summarizing the testimony that you'll see in my	
11 at her last hearing, she said I have rough tenants.		11 decision -- or initial decision.	
12 Montgomery County has a program called Housing		12 MR. FRIEDMAN: Okay. I was just trying to	
13 Initiative Partnership. That's one of my exhibits.		13 understand the perspective.	
14 Housing Initiative Partnership matches		14 THE COURT: I don't see why we're going into	
15 homeowners that are vetted homeowners. Social security		15 the nature of the tenants, because, in my mind, it	
16 card. License. They come to the house and look at my		16 really doesn't have anything to do with this case, but	
17 bedroom and look at my house and see if one of the		17 I'll let you go forward if you want to go forward.	
18 rooms is appropriate for a tenant. Then they vet the		18 MR. FRIEDMAN: All right.	
19 tenant.		19 Q. (By Mr. Friedman) So the tenants that you	
20 Rose came from Housing Initiative		20 believe that Ms. Bennet was speaking about, are they	
21 Partnership. That's why she's been here only a short		21 still at the house?	
22 time, because I just joined the program, to try to make		22 A. No, they never -- no. Over five years ago.	
23 the neighborhood feel like I'm not -- trying to be safe		23 Q. I see. Okay. So, tell me about the	
24 and not having rough people.		24 handicapped access accommodations that are planned for	
25 Q. So you said Ms. Bennet referred to your		25 the accessory dwelling unit.	
	154		156
1 tenants as rough tenants. Do you know if any of your		1 A. So if I ever break a bone again, I'll be able	
2 tenants have ever abused or attacked or imposed at all		2 to wheel myself out of my car and wheel myself into the	
3 on Ms. Bennet, to your knowledge?		3 ADU and wheel myself out. So it'll be -- the	
4 A. No, not me or not anybody. I know they were		4 countertops in the kitchen are lower. The bathroom is	
5 law-abiding citizens. They've had the same car since		5 adjusted to my height. I'm shrinking every day. But	
6 they moved in. Oh, Jeff South changed his car once. So		6 the bathroom is adjusted to -- everything's adjusted to	
7 they've all had the same cars. Yes. Most of them had		7 me. My designer did that for me.	
8 the same jobs.		8 Q. And how about the access to the house itself?	
9 Q. Do they park their cars in front of Ms.		9 A. It's like a ramp. Yes. But my parking space	
10 Bennet's house?		10 will be here, and the ramp will be here.	
11 A. I don't think so, no. I mean, I don't think		11 Q. And are the doors wider than standard doors?	
12 so.		12 A. Yes. Handicap accessible. Yes, sir.	
13 Q. So what is it about your tenants that she was		13 Q. Both the interior and exterior doors?	
14 complaining about? Do you know?		14 A. Because it's only one bedroom. Yes, sir.	
15 A. I haven't talked to Ms. Bennet very often and		15 And, because it's only for me, I don't have a bathroom	
16 very much, so I don't know. No, sir.		16 door. I don't need one.	
17 Q. All right.		17 Q. All right. Just bear with me, please, for a	
18 THE COURT: Well, I don't want to belabor		18 moment.	
19 this, because I'm not sure it's relevant, the type of		19 I was going to ask you about your family	
20 tenants, because the issue is residency and parking,		20 history and the children you've adopted. But, frankly,	
21 and I'm not allowed to consider.		21 I don't think it's relevant to the application. I	
22 But I do recall testimony of some issues with		22 don't think I need to take the examiner's time.	
23 the tenants where they were, in the first case, where		23 A. Okay.	
24 they were coming to the doors of neighbors' homes		24 Q. Dr. Cooper has been treating you as your	
25 because they couldn't reach Ms. Bennet.		25 orthopedist for how long?	

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40 (157 to 160)

1     A. From 20 -- my first ankle was replaced in  
2 2016 because I did it before I retired.  
3     Q. And you retired from?  
4     A. Prince George's County Public Schools after  
5 20-some years.  
6     Q. As a teacher?  
7     A. Yes, sir. High school.  
8     Q. What were you teaching?  
9     A. Whatever my students needed to get out of  
10 high school, to be honest with you. But mostly --  
11 mostly government. English. Sometimes biology.  
12 Sometimes everything they needed to get out. It was  
13 kind of their last hope for high school students.  
14     Q. You had the tough kids?  
15     A. Yeah. I had the ankle bracelet variety.  
16 Yes, I did.  
17     Q. And Dr. Cooper has given you a written  
18 statement about your condition and your need for  
19 accommodations?  
20     A. Yes. That's on an affidavit he actually  
21 signed on Exhibit 10 Part F pages 3 to 14.  
22     Q. All right. And can you tell us a little more  
23 about the condition he's diagnosed.  
24     A. He didn't really diagnose it. He just kind  
25 of figured it out. My collarbone broke. A week later,

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1     A. Well, it was easy to take a picture every  
2 day --  
3     THE COURT: Mr. Friedman, where are we going  
4 with this? Does that have something to do with parking  
5 or primary residence?  
6     MR. FRIEDMAN: No. I think what it has to do  
7 with is the motivation of the objectives.  
8     THE COURT: Well, I'm not sure that's an  
9 issue that I'm authorized to resolve. Mr. Goitein, do  
10 you have a position on this, or Ms. Bennet?  
11     MR. GOITEIN: Your Honor, I don't think it's  
12 relevant at all. But, frankly, if Ms. Favali is going  
13 to offer some sort of speculation as to the motivation  
14 of the other parties here, I can sort of imagine what  
15 it's going to be for Mr. Friedman.  
16     That's not exactly testimony that I'm going  
17 to prevent from coming in because I think it will speak  
18 to the relationship that she has with her neighbors as  
19 compared to the relationship that they all have amongst  
20 each other. So I don't think it's relevant, but I  
21 didn't object for that reason.  
22     THE COURT: Okay. I'll let it in and give it  
23 the weight it deserves or that I'm able to.  
24     Ms. Bennet, did you have a comment?  
25     MS. BENNET: No.

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1     I fell. My ankle tibia and fibula broke. A year  
2 later, when I was in this house in the kitchen, I fell.  
3 Everybody else saw the same puddle of water. No one  
4 fell but me. I broke a kneecap. Nobody else broke a  
5 kneecap.  
6     So I have a disease. I have brittle bones.  
7 I'm just getting old. If I have more calcium. And  
8 it's not degenerative, but it does impact me. Yes. I  
9 didn't think I was as bad until James said I walk  
10 crookedly.  
11     Q. Okay. Is there anything else that you would  
12 like to briefly add?  
13     A. Briefly. When you have a life-changing  
14 experience, it calls for different plans. So when I  
15 broke everything and I realized this might happen  
16 again, that's why I'm so pressed on my ADU.  
17     That's briefly enough. How's that?  
18     Q. Okay. Let me ask one more question that I  
19 alluded to in my opening argument.  
20     Oldchester Road has had a fair amount of  
21 changes to the homes over the years. Can you talk a  
22 little bit about the other houses on Oldchester Road,  
23 including perhaps the people who have objected to your  
24 proposal.  
25     Go ahead.

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1     THE COURT: All right. Go ahead, Ms. Favali.  
2 You can answer his question.  
3     A. I don't know. I'd like to know -- I'd be  
4 happy to hear what my neighbors are saying. I'm all  
5 ears.  
6     THE COURT: No. Answer his question. I think  
7 his question was about the houses on the street.  
8     A. They're all much more beautiful than mine.  
9 They're all new. I loved it when I was learning when  
10 Mr. Finkel was building his house, how he was able to  
11 put an elevator in to get upstairs.  
12     So it's a pantry now, but it could be an  
13 elevator if you need handicap accessibility. I can't  
14 build an elevator in my house very easily. So I'm  
15 admiring all my neighbors' houses. Yes. Beautiful  
16 houses.  
17     Q. (By Mr. Friedman) All right. We can leave  
18 it at that. So if you're not allowed to build your  
19 ADU, are you going to have to move from this house to  
20 another residence that has handicapped access?  
21     A. Well, I was moved by gurney from Holy Cross  
22 to a rehab hospital. I had to stay there for seven  
23 months, so I don't know. I haven't planned that far.  
24 I was hoping to win this time. I don't know that  
25 answer, Greg. Sorry. Mr. Friedman.

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41 (161 to 164)

1       MR. FRIEDMAN: I have nothing further at this  
2 time.

3       THE COURT: Okay. Mr. Freeman, are you going  
4 to have her address off-street parking, or are you not  
5 prepared to do that? Is she not prepared to do that?

6       MR. FRIEDMAN: Oh. No, no. We can talk about  
7 the parking.

8       Q. (By Mr. Friedman) At this time today, prior  
9 to your ADU, where do you and your tenants park your  
10 cars?

11      **A. Either in the driveway or on the street. I'm  
12 usually the one who comes in last, so I usually park on  
13 the street. It's my Mitsubishi.**

14      Q. So how many cars are typically parked on the  
15 street?

16      **A. One.**

17      Q. Your Mitsubishi?

18      **A. I'm usually my Mitsubishi. I like that the  
19 best.**

20      Q. Which is a very small car, is it not?

21      **A. Yes. And I will explain the driveway, if  
22 you'd like me to now.**

23      Q. Well, I'm not there yet. Do any of your  
24 neighbors, specifically the objectors, do they ever  
25 park on the street?

1       **A. Well, at the last hearing, Mr. Mack said he  
2 had the silver car and was going to sell it in a week,  
3 but it's still there a year later. So, yes, there's  
4 one there.**

5       Q. That's on the street?

6       **A. Usually across from – it's probably there  
7 now. Usually across from the Mitsubishi. Yes, sir.**

8       Q. All right. Let's talk about the parking in  
9 your proposal. Go ahead.

10      **A. I did not mean that the parking pad that Ms.  
11 Caress and Ms. Jately came over and talked to me and AJ  
12 about. It was never meant to be a driveway permit. I  
13 know to do a driveway, you need a driveway permit and a  
14 right-of-way.**

15      I actually put the driveway in some of my  
16 documents on 10, 10 – 10 pages 27 to 34 part E. It's  
17 50 pages. But on pages 37 to 34 are my driveway  
18 permits and history. So I do know you do need a permit  
19 to put in a parking place.

20      I was just moving a patio that was there  
21 before down about 10 inches – 10 feet. It was going  
22 to be – to correspond with a circular driveway. It  
23 was going to be a circular patio. It was never meant  
24 to be a parking pad. I knew I needed an apron. I did  
25 not want to do that. I was just doing a pavement.

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1       I went to the county. There was no permits  
2 required. I was just building a patio. I did not -- I  
3 would never have done it. I moved up my old bench --  
4       Q. You're not answering my question. What are  
5 the parking provisions in the ADU proposal?

6       **A. Oh, I apologize. Two new parking spaces is  
7 what's on their documents -- their documents part. But  
8 the county submitted -- OZA submitted for me, the  
9 survey with two additional parking spaces from my  
10 survey.**

11      THE COURT: I think you're referring to  
12 DHCA's parking drawing.

13      THE WITNESS: Thank you, miss. Yes, thank  
14 you.

15      Q. (By Mr. Friedman) So, if your plan is  
16 approved and you were to build the ADU, you would be  
17 adding two parking spaces that Mr. Johnson has been  
18 made aware of; is that correct?

19      **A. Yes, sir.**

20      Q. Okay. And this would provide parking for how  
21 many vehicles?

22      **A. Well, mine and everybody else's. So the  
23 three tenants in the house and mine, four.**

24      THE COURT: How many tenants? What's the  
25 largest number of tenants you can have in the house?

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1       THE WITNESS: Four, Your Honor. If I don't  
2 live there, five. So when it was an Airbnb -- to go  
3 back -- it was five. I wasn't living there. Now that  
4 I'm living there, it's four. And that's on room  
5 rentals on brochure, page 2 from Exhibit 10 part F.  
6       Q. (By Mr. Friedman) The county code allows  
7 four unrelated persons.

8       **A. And then it's also on page Exhibit 10 part A  
9 pages 25 to 33, room rentals. It's a room rental  
10 brochure from the county. It's my housemates that have  
11 been there for five years or so.**

12      It's also the documentation of primary  
13 residency with the HIP, the housing initiative  
14 brochure. So every person that leaves, if they ever  
15 leave, will be a housing initiative partnership person  
16 that will come in, hopefully. Four people total.

17      Q. All right. So your circular driveway that  
18 exists, that would hold how many cars? Three?

19      **A. Yes.**

20      Q. And then you've got the two new spaces. So  
21 that would be all the vehicles you would ever need,  
22 wouldn't it be? And then, in addition, if somebody  
23 came to visit, they could pull in off the street behind  
24 those two new spaces, couldn't they?

25      **A. Yes, sir.**

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42 (165 to 168)

	165	167
1 Q. So you could have all your tenants and you 2 and one or two visitors and not use the street at all; 3 is that correct?		1 somebody is lying; either eight people are lying or I'm 2 lying. Do you remember saying that?
4 A. Yes, sir.		3 A. Yes, I do.
5 Q. But the street parking is legal, isn't it?		4 Q. Okay. And you understand that, to the extent 5 that you put it that way, the determination was made 6 that you were lying at that time, right, not the other 7 eight people?
6 A. Yes, sir.		8 A. Yes, I do.
7 Q. Okay.		9 Q. Okay. But you're still contending today that 10 you've lived there since 2023, right?
8 MR. FRIEDMAN: Nothing further.		11 A. Yes.
9 THE WITNESS: And my daughter has come in. 10 Do you want to testify her now?		12 Q. And then you said, so I have to figure what 13 were the grounds that I lost this year? And then you 14 said, Yes, I will live here like I'm living here the 15 last year. And I will take a picture every day of 16 something notable that happens on the street that would 17 only happen this particular day at this particular 18 time. Do you remember telling everybody that's what 19 you were going to do?
11 MR. FRIEDMAN: Well, is she in a hurry to 12 leave?		20 A. Yes. And that's what I did. That's why you 21 have so many 434 pages of exhibits. I'm sorry.
13 THE WITNESS: Babies -- She's got two babies. 14 It's her baby's birthday.		22 Q. All right. So, according to your testimony, 23 you continued to live there in the manner that you had 24 before, and you took more pictures to try to prove it, 25 right?
15 MR. FRIEDMAN: Is she in a hurry to leave or 16 can we have your cross-examination first?		
17 THE WITNESS: Have my cross-examination. 18 Sorry. Yes. I'm sorry, sir.		
19 MR. FRIEDMAN: Okay. Let's please proceed.		
20 MR. GOITEIN: For what it's worth, it doesn't 21 matter to me if you want to accommodate the witness. 22 Whatever you guys want to do.		
23 THE COURT: One thing at a time. Whatever's 24 fastest.		
25 MR. FRIEDMAN: Thank you. Evan, why don't		
	166	168
1 you go ahead?		1 A. I started taking pictures. December 9th, I
2 MR. GOITEIN: All right. I think we just 3 decided we're going to do Ms. Favali's 4 cross-examination first.		2 started. November 19th, when Ms. Johnson called me
5 THE COURT: Okay.		3 from my landline home at (301) 320-3358 and told me to
6 CROSS-EXAMINATION		4 get on my email because there's objectors for my thing.
7 BY MR. GOITEIN:		5 I was in the Bahamas. I opened my email. My
8 Q. All right. Ms. Favali, you're still 9 contending that you moved into the property in 2023 10 following your accident, right?		6 daughter here had shoulder surgery. I really was
11 A. Yes.		7 worried about my daughter's shoulder surgery.
12 Q. Okay. And you're aware that you came before 13 this entity last year on December 9, 2024, and made the 14 same argument. And, at that time, it was determined 15 that 7709 Oldchester was not your primary residence, 16 right?		8 THE COURT: Keep it short.
17 A. Yes.		9 A. And then on December 9th, I started taking a
18 Q. Okay. And, in fact, at some point during the 19 middle of that hearing, you realized that, or you 20 believed, that that was going to be the outcome, right?		10 sign-in log. Yes. So started taking pictures just --
21 A. Yes.		11 November 19th. And I started my sign-in log on
22 Q. And you said something to the effect of, So 23 there's eight of you and seven of you. There's eight 24 of you saying that you're under perjury, that I don't 25 live here. And it was me saying, I do live here. So		12 December 9th. Yes.
		13 Q. (By Mr. Goitein) Okay.
		14 A. In preparation for this meeting today.
		15 Q. Your sign-in log is of various people that
		16 came to your house over the past year, right?
		17 A.
		18 Yes, sir.
		19 Q. Okay. And you heard all your witnesses
		20 testify earlier today, right?
		21 A. Yes, sir.
		22 Q. Okay. And you agree with all their
		23 testimony?
		24 A. Yes, sir.
		25 Q. Okay. And, so, then going back to the

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43 (169 to 172)

1 hearing on December 9, 2024, after making those  
2 statements that I previously recounted, you said, And,  
3 so, I'll have some evidence for next year, that is.  
4 Yes, you all say, I don't live here, right?

5 **A. Yes.**

6 Q. Remember announcing that you were going to do  
7 this again next year and have different evidence?

8 **A. I only presented the -- I only started taking  
9 the pictures November 19th. And I only started the  
10 sign-in sheet December 9th. So from November 19th of  
11 last year and December 9th is when I started my picture  
12 campaign and my sign-in campaign, yes.**

13 Q. Okay. So, in addition to your sign-in and  
14 your pictures, this time around, you also provided some  
15 more documentation, right?

16 **A. Yes.**

17 Q. Okay. So, for example, I think you  
18 previously testified about your voter registration that  
19 you have provided an exhibit that shows that you're  
20 registered to vote at that address, right?

21 **A. Yes, sir.**

22 Q. All right. But you would agree with me,  
23 right, that you've been registered to vote at that  
24 address since December 3, 2018?

25 **A. Yes, sir. I guess. Yes.**

170 1 Q. All right. So nothing's changed about your  
2 voter registration in the past two years, right?

3 **A. No, sir.**

4 Q. And our driver's license has your Oldchester  
5 Road address on it, right?

6 **A. Yes, sir.**

7 Q. And you didn't provide your driver's license  
8 last time, right?

9 **A. I thought I did, sir. So, that was my slip  
10 up. That's why I made sure I got it hand-stamped this  
11 time. So I have a copy of it.**

12 Q. All right.

13 But regardless of whether you did or you did not last  
14 time, your driver's license was issued to you on  
15 December 6, 2019, right?

16 **A. If you say so, yes, sir. I don't know. I  
17 forget. Yes.**

18 Q. And then you're also, I think it sounded like  
19 your lawyer gave you the good news that you're getting  
20 a Homestead credit on your tax -- your property taxes  
21 each year because you allege that you live there,  
22 right?

23 **A. Yes, sir.**

24 Q. But you've actually gotten that Homestead  
25 credit for at least the past four years, right?

169 1 **A. No, sir. When I went there to complain that  
2 I didn't get it, they told me because I had. I'm  
3 confused. But, when I went there and I talked -- I can  
4 tell you who I talked to. He was great. He said,  
5 because I rent rooms, they don't give it to me.**

6 **So how I got it this year is amazing to me,  
7 but God is good, as I said before. So -- well, I went  
8 to tax credits to ask -- physically, to the finance  
9 department. And they said, because I rent rooms, I  
10 can't get the Homestead Act. I said, Fine, That's what  
11 I thought.**

12 Q. Let's try this then. You have told -- you  
13 have represented, at least to the County, that your  
14 Oldchester Road was your principal residence at least  
15 since the 2022 tax year, right?

16 **A. Yes, sir.**

17 Q. All right. So last year, after the hearing  
18 examiner determined that Oldchester Road was not your  
19 primary residence, did you take any action to change  
20 any of the various benefits you get from the government  
21 because you claim this property as your primary  
22 residence?

23 **A. Not that I know of, sir.**

24 Q. Okay. So, for example, you believe that you  
25 don't need a license to rent rooms because you claim

172 1 that you live there, right?

2 **A. That's what I was told by Mr. Buma  
3 [phonetic], yeah.**

4 Q. And, so, if you didn't live there, then you  
5 would need a license to rent rooms, right?

6 **A. I had a license. This is kind of getting in  
7 the weeds. I have the rental license actually here, if  
8 you want me to put my screen from before I moved in.  
9 Yes. I did have a rental license all those years.**

10 **Yes, sir. I paid \$98 to the hearing -- yes.**

11 Q. Right. License number 76210, right?

12 **A. I believe so. Yes, if you say so.**

13 THE COURT: When did you drop the license?  
14 I'm sorry. Go ahead, Mr. Goitein.

15 MR. GOITEIN: That's my next question.

16 Q. (By Mr. Goitein) So you let that license  
17 expire, right? You no longer have that license?

18 **A. Because I was told by Mr. Tom Howley  
19 [phonetic]. I saw you on here one day, Mr. Howley. I  
20 went to your office. Because I live here, I no longer  
21 need a license, and I will have a license on the ADU.  
22 I believe this is true. So, every year I will have to  
23 go back and get a license on the ADU.**

24 Q. But you were told that you don't need to have  
25 a license because if you live there and are renting

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44 (173 to 176)

1 rooms, then you don't need a rental license, right?  
2 **A. Correct. And that's also in your brochure**  
3 **room rentals and on the county website. Yes.**  
4 Q. Right. But you were also told by the hearing  
5 examiner that you don't live there, right?

6 **A. Yes.**

7 Q. And you didn't do anything to get a license  
8 once this entity told you that you didn't live there?

9 **A. Because I believe I live here. I mean, I --**  
10 Q. So you just didn't accept the decision of the  
11 -- you didn't accept the decision of the hearing  
12 examiner?

13 MR. FRIEDMAN: I'm going to object to the  
14 question. You asked, she's answered. She says that  
15 she lives there. The hearing examiner doesn't live  
16 there. The hearing examiner made a determination.

17 THE COURT: That's not the question. I'm  
18 going to let her answer. The question is the  
19 determination was made that it wasn't her primary  
20 residence for the purposes of the ADU, correct?

21 MR. FRIEDMAN: Yes, that's correct. But the  
22 determination may have been wrong. She knows where she  
23 lives. The examiner doesn't live in the house.

24 THE COURT: I'm not retrying -- I'm going to  
25 let it in. I'm not going to retry that case. And I

1 don't know what to say. She disagreed, but that's a  
2 separate -- whether she -- we're talking about a  
3 license for whether she -- for a group home. Multiple  
4 rentals.

5 So we're talking a little bit about a  
6 different issue. But it does go to -- it does go to  
7 credibility. So I'm going to let it in, and you can  
8 clarify if you wish that she still believes she lived  
9 there.

10 Okay. So, Mr. Goitein, you can continue.  
11 But, Mr. Friedman, you can follow up if you believe,  
12 you know, for whatever reason why she didn't listen or  
13 abide by what the hearing examiner found.

14 So, Mr. Goitein, go ahead.

15 MR. GOITEIN: I think she answered the  
16 question, and I think, given what you've just said, I  
17 think the point is made. So, in the interest of the  
18 shortness of life today, I think I'll just move on.

19 Q. (By Mr. Goitein) All right. Ms. Favali,  
20 similarly, you get -- we talked before about your  
21 Homestead credit that you get because you claim that's  
22 your primary residence. And you got that Homestead  
23 credit last year, right?

24 **A. I don't believe I did. But I will go back**  
25 **and look, and I'll be very grateful if I did. I didn't**

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1 **apply for it because I did before, and then I took it**  
2 **away. So I never reapplied again.**

3 MR. GOITEIN: Do I have the ability to show  
4 her the exhibits?

5 THE COURT: Yes. I can show -- let me share  
6 my screen.

7 MR. GOITEIN: All you have to do is, I guess,  
8 show the -- okay.

9 THE COURT: Do you know the exhibit number?

10 THE WITNESS: It'll probably be his.

11 MR. GOITEIN: Yeah. So Mack Exhibit 1. I  
12 think that would be the simplest way to get there would  
13 be just the one.

14 THE COURT: I'm sorry. We don't order  
15 exhibits like they do in trial court. It's Exhibit 16.  
16 Are you seeing it?

17 THE WITNESS: Yes, ma'am.

18 MR. FRIEDMAN: It doesn't come up on my  
19 screen. If there's any way that somebody could email  
20 it to me, I'd appreciate it. I'll open my email.

21 THE COURT: You could also -- well, let me  
22 see if I can get this.

23 Q. (By Mr. Goitein) All right. So, Ms. Favali,  
24 you see this exhibit that's on the screen here. You  
25 recognize this is one of your property tax bills,

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1 right?

2 **A. Yes, sir.**

3 Q. All right. I'm going to wait until this is  
4 done so you can see it.

5 THE COURT: There's a link there. So, I'm  
6 emailing this to Mr. Friedman, Mr. Goitein, and Ms.  
7 Bennet.

8 MR. FRIEDMAN: Okay. I'm looking for your  
9 email. Thank you.

10 THE COURT: I spelled Ms. Bennet wrong. I'm  
11 just going to correct that real quick. It should be a  
12 link.

13 MR. FRIEDMAN: All right. I got from you --  
14 well, this may have been a little while ago -- a  
15 picture of the house.

16 THE COURT: That was Mr. Johnson's picture of  
17 the gravel area in the front of the house.

18 MR. FRIEDMAN: Okay. So, that, I did receive  
19 in my email.

20 THE COURT: All right.

21 MR. GOITEIN: Could we go to page 2 of this  
22 exhibit, please.

23 THE COURT: When you say this exhibit, this  
24 is Exhibit 16, I believe, which is the tax bill.

25 MR. GOITEIN: Right. So -- oh, sorry.

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45 (177 to 180)

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1 There. Right there. Thank you.  
2 Q. (By Mr. Goitein) Ms. Favali, do you see  
3 there in the middle of the page where it says county  
4 Homestead credit and then state Homestead credit?  
5 A. Yes.  
6 Q. All right. And, so, you see there at the  
7 bottom underneath the -- well, in sort of the payment  
8 part, it says, Levy year 2024. Do you see that toward  
9 the bottom right?  
10 A. Uh-huh.  
11 Q. All right. So do you now realize that you  
12 received the Homestead credit for that property being  
13 your primary residence in 2024?  
14 A. Isn't that wonderful? Yes, I do now. Thank  
15 you.  
16 Q. Okay. And, again, you understand that it was  
17 determined that for 2024, this was not your primary  
18 residence, right, despite what you believe?  
19 MR. FRIEDMAN: It was determined for purposes  
20 of the ADU application. It doesn't make it fact.  
21 THE COURT: Okay. Well, that's an objection.  
22 Let him finish with this witness. Let him finish.  
23 MR. FRIEDMAN: I'm sorry.  
24 THE COURT: We have so many witnesses, and  
25 I'm going to let him finish.

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1 looking at my tax credit. Yes, ma'am. Yes. I'm  
2 sorry. My bad.  
3 Q. (By Mr. Goitein) All right. Ms. Favali, you  
4 have been involved in a few lawsuits over the past  
5 year, right?  
6 A. Uh-huh.  
7 Q. Is that a yes?  
8 A. Yes.  
9 Q. By the way, when I say that, I'm not trying  
10 to be rude or cute. It's just so that, as you know,  
11 there's a transcript here, and "yes" is what they  
12 prefer as over "uh-huh."  
13 A. I apologize. Yes.  
14 Q. All right. And, so, it looks like you maybe  
15 had a tenant, Carmen Barnes, that you were trying to  
16 evict; is that right?  
17 A. Well, she was never a tenant, but I was  
18 trying to evict her.  
19 Q. All right.  
20 A. She was what they call squatter.  
21 Q. Okay. And in fact, it looks like there were  
22 two lawsuits that you filed against her, one to get her  
23 out of the property, and one to collect some money,  
24 right?  
25 A. Yes, I did. No, I didn't. Yes. Okay. Yes,

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1 Now, can you just -- so this is -- what does  
2 this bill represent, that she was not -- she did live  
3 at the property, or she didn't live at the property?  
4 MR. GOITEIN: Well, I believe Ms. Favali  
5 testified that she now realizes that she received the  
6 Homestead tax credit, which is available for her, for a  
7 property that's her primary residence.  
8 THE COURT: Right.  
9 Q. (By Mr. Goitein) So I believe my question  
10 that Mr. Friedman spoke to was, Ms. Favali, once it was  
11 determined by this body that you did not occupy that  
12 property as your primary residence, did you take any  
13 action to correct the tax records so that you'd get the  
14 tax credit?  
15 A. No, I did not. But it's such a blessing.  
16 No, I did not. But this is great because I was told I  
17 couldn't because I had renters in the house.  
18 THE COURT: Just answer the question.  
19 Q. (By Mr. Goitein) In fact, there are a number  
20 of things that work out pretty well for you that depend  
21 upon this property being your primary residence, right?  
22 A. (No audible response.)  
23 THE COURT: You have to answer in the  
24 affirmative --  
25 THE WITNESS: Oh. Yes. Yes, I was just

180

1 yes. Sorry.  
2 Q. And in both of those cases, you listed your  
3 address as the Kennedy Street address, right?  
4 A. I listed them on my court cases. Yes, sir.  
5 Q. Okay. And, in fact, you've initiated seven  
6 court cases in the past year and you listed your  
7 Kennedy Street address on all of them, right?  
8 A. I don't know if I did seven. But I always  
9 list my Kennedy Street house is my office address.  
10 Yes, it's my office. Yes.  
11 Q. Well, you don't make any representation that  
12 it's your office address, right? You just list it as  
13 your address when you file these various court papers?  
14 MR. FRIEDMAN: Excuse me.  
15 THE COURT: Let --  
16 MR. FRIEDMAN: No, no. I have to object to  
17 that. I don't know anybody who puts office colon when  
18 they put their address in their office. I doubt that  
19 Mr. Goitein does that when he files something.  
20 THE COURT: That's your testimony. So let  
21 him finish. I don't hear an evidentiary objection  
22 here. So let him finish with the witness, and you can  
23 reconstruct.  
24 A. Oh, to answer that question, Mr. -- I don't  
25 want to say your name wrong --

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46 (181 to 184)

1       MR. FRIEDMAN: He'll ask a question. Then,  
2 when he asks it, you can answer.  
3       THE WITNESS: Sorry.  
4       MR. GOITEIN: I think that's good enough.  
5 I'm done. No more questions.  
6       THE COURT: Well, I didn't hear the answer.  
7       THE WITNESS: My new answer -- my new and  
8 improved answer is on my side --  
9       MR. GOITEIN: She's trying to give a new and  
10 improved answer.  
11      THE COURT: Okay. We'll leave it. We'll  
12 leave it.  
13      Okay. Mr. Goitein, do you have any more  
14 questions?  
15      MR. GOITEIN: Not of this witness, no.  
16      THE COURT: Ms. Bennet, do you have any  
17 questions?  
18      I'm going to take this tax -- stop sharing  
19 the tax bill with that, unless anybody wants to see it  
20 again. Okay. With that, I'm going to stop sharing.  
21      Okay. Go ahead, Ms. Favali [sic]. Or Mr.  
22 Friedman, do you have more?  
23      MR. FRIEDMAN: Yeah, I do.  
24      REDIRECT EXAMINATION  
25 BY MR. FRIEDMAN:

1       Q. Ms. Favali, Mr. Goitein was to make it clear,  
2 if it wasn't already, as to what the determination was  
3 by the prior hearing examiner. Did that determination  
4 affect where you sleep each night?  
5       **A. I make sure I sleep at Oldchester each night.**  
6       Q. Okay.  
7       **A. Yes.**  
8       Q. So in fact, you understood what determination  
9 was, but you felt that that was not the actual facts;  
10 is that correct?  
11      **A. That is correct.**  
12      Q. And, therefore, if you were living in that  
13 house and spending more than 183 days a year there --  
14 and you apparently were spending much more than that --  
15 you were entitled to take a Homestead exemption; is  
16 that correct?  
17      **A. Yes, sir.**  
18      Q. Okay. Now, he also made a point of you  
19 listing your address as Kennedy Street on your court  
20 filings.  
21      **A. Yes, that's true.**  
22      Q. Those court filings were business related,  
23 not personal consumer related; is that correct?  
24      **A. Yes, sir.**  
25      Q. Okay. So if you have your office records at

181      1 Kennedy Street, wouldn't that be appropriate to use  
2 that address on your court filings?  
3       **A. Yes. And when I went to the lawyer's office,**  
4 **that's what --**  
5       Q. Yes or no?  
6       **A. Yes, yes.**  
7       Q. Okay.  
8       MR. FRIEDMAN: I've got nothing further.  
9       THE COURT: Okay. Ms. Bennet, did you get a  
10 chance to ask Ms. Favali some questions.  
11      You'll get redirect for her too.  
12      MS. BENNET: Yes, Your Honor, thank you.  
13      CROSS-EXAMINATION  
14 BY MS. BENNET:  
15      Q. Ms. Favali, we've had two hearings before  
16 this. And I just want to circle back on something Mr.  
17 Goitein raised related to the licenses and when you had  
18 the licenses. And I just want to get a question  
19 answered here.  
20      And this goes back to the first hearing. And  
21 the first hearing is in here as an exhibit. It was my  
22 Exhibit 9. I'm not sure what it's labeled on the  
23 website. But it's the transcript of the first hearing  
24 that was conducted on July 7, 2023. And, specifically,  
25 page 78 of that transcript, line 8. And this was --

182      184      1       THE COURT: I can share it.  
2       MS. BENNET: Okay. That's fine.  
3       Q. (By Ms. Bennet) And we may have to look at  
4 several of the pages. But, at the end of that hearing,  
5 you may recall, Ms. Favali, that we had basically  
6 concluded the hearing, but we were missing some of the  
7 evidence that --  
8       THE COURT: Which page are you talking about?  
9       MS. BENNET: Page 78 of the first hearing on  
10 July 27th. The transcript. That's that's actually the  
11 court order. That's not the right one.  
12      THE COURT: Oh, the transcript you want.  
13      MS. BENNET: The transcript of the hearing  
14 that you where you were the providing examiner.  
15      THE COURT: And which page again?  
16      MS. BENNET: Page 78.  
17      THE COURT: Okay. Go ahead.  
18      MS. BENNET: And, Your Honor, at the end of  
19 that hearing, we were trying to see how long we should  
20 keep the record open so that Ms. Favali could submit  
21 her rental licenses that she claimed to have. And you  
22 see on line 8, we were trying to just determine what  
23 the process was for that, for her to submit the  
24 hearings. And if you go on to page -- I think it's 79.  
25      I'll go to just reference 9 -- line 9, when

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47 (185 to 188)

1 you, the hearing examiner, were referencing to Nana  
2 Johnson that she would send -- Ms. Favali would send  
3 the licenses, and then we would have an opportunity to  
4 rebut or discuss the licenses that. And I just want to  
5 remind everyone that none of those licenses were  
6 submitted.

7 Q. (By Ms. Bennet) So, Ms. Favali, did you have  
8 those licenses, and did you just fail to submit them  
9 pursuant to the order of the hearing examiner?

10 A. No. If you -- can I can I submit it right  
11 here? It is right here.

12 Q. Well, I'm just trying to understand why you  
13 failed to submit it when you were directed to --

14 A. I thought I did.

15 Q. -- back in 2023.

16 A. Can I make this bigger so you can see, or can  
17 I just shoot it to Greg?

18 THE WITNESS: Greg, can I shoot it to you?  
19 Mr. Friedman?

20 Q. (By Ms. Bennet) I'm not asking that you  
21 submit them. I'm just trying to understand why in the  
22 world would you be asked by the hearing examiner to  
23 submit something that you claimed you have, and then  
24 never submit it?

25 A. I thought I did.

1 MR. FRIEDMAN: I'm going to object because I  
2 don't understand why this is relevant to today's  
3 proceeding.

4 MS. BENNET: It goes to her credibility and  
5 -- it goes to her credibility.

6 THE COURT: Yeah. I'll let it in.

7 MS. BENNET: It goes to her credibility and  
8 her failure to follow the law and the authorities that  
9 are in charge of enforcing the law.

10 THE COURT: I'm not admitting it as to her  
11 failure to follow the law. It does go to her  
12 credibility.

13 MS. BENNET: Okay. That's fine.

14 THE COURT: I'm not making a finding on  
15 whether she failed to follow the law.

16 Q. (By Ms. Bennet) But is it your testimony  
17 that you never submitted it?

18 A. It's my testimony that I believe I submitted  
19 it. I have it right here. And I thought when I talked  
20 to Mr. Howley -- I think I can pull it up on my email  
21 -- that, when you live in your house, you don't need --  
22 As I said before -- this is being redundant  
23 now -- when you -- where's my thing? Can you see it  
24 now?

25 When you live in a house, you don't need a

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1 rental license. So if I'm living in my house in 2023,  
2 that's when it expired in June. I moved in, in July.  
3 So I believed I didn't need it. But I thought I  
4 submitted this.

5 THE COURT: Thank you.

6 Q. (By Ms. Bennet) Okay. Thank you.

7 Now let's talk about the parking a little bit  
8 more and your cars. I want to talk to you a little bit  
9 about your cars. So I think we've established today  
10 that you have a Mitsubishi Eclipse, a sports car.

11 And I want to go back to the second hearing  
12 and the transcript. And that was on December 9th.

13 MS. BENNET: And I can give you page numbers  
14 and reference points if you want to put that on the  
15 screen. I don't know if you need to, but if you'd like  
16 to show it to her, it's the second transcript of the  
17 second hearing that took place on December 9, 2024.

18 THE COURT: Going to the page. What page is  
19 it?

20 MS. BENNET: It's page 85. And it's the  
21 first line where it says, I don't have numerous cars.  
22 I wish I did, but I don't.

23 THE COURT: Okay. Just give me a moment to  
24 share that. I've got it up.

25 Okay. Are you seeing it?

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1 MS. BENNET: Yes.

2 Q. (By Ms. Bennet) So I'll just read it.

3 So Ms. Favali says, I don't have numerous  
4 cars. I wish I did, but I don't. And my Mitsubishi  
5 will probably not be around much longer. It's a 2000  
6 -- no. It's a 2007 with about 200,000 miles. So it's  
7 not going to live very long. That's why we got the  
8 Subaru. So my numerous cars are three.

9 And when you say the numerous cars are three,  
10 I think it was also someone else testified that you had  
11 a truck and a trailer.

12 A. That's one of the three, yes.

13 Q. Okay. And, so, believe you testified earlier  
14 that you drive the Mitsubishi, primarily.

15 A. I'm shocked that it's still living. It's way  
16 over 200,000 and it's still a 2007. Yes, ma'am. I  
17 can't even get parts for it.

18 Q. Okay. So when we see sometimes the  
19 Mitsubishi, sometimes we see the Subaru, sometimes we  
20 see the truck, sometimes we see multiple variations of  
21 those at the 7709 Oldchester address, how are you --  
22 are you driving those cars there? Who's driving those  
23 cars there?

24 A. Well, when Jan Long testified earlier, she  
25 said you took pictures of my cars on Kennedy Street

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48 (189 to 192)

1 earlier this week. So I park them at Kennedy Street.  
2 Like I told you, I only drive one car. I only can  
3 drive one car at a time. I don't park them -- I park  
4 them at my office. I have plenty of office space  
5 parking, as you noticed, as you said, in this exhibit.

6 So I park my numerous cars in my office  
7 unless I'm driving one of them. And I rarely drive  
8 anything but the Mitsubishi unless I have my grands.  
9 Tomorrow, I'll take them in my Subaru.

10 Q. So when you build the ADU, if you're allowed  
11 to build the ADU and park cars -- your cars there, what  
12 are you planning on doing with the cars, with the three  
13 cars and the trailer?

14 A. Well, last year when I testified under oath,  
15 I thought my Subaru would have died by now. But I have  
16 a wonderful mechanic. So, right now, I'll probably do  
17 the same thing as ever.

18 I'll keep my two cars, if I have two cars.  
19 If my Mitsubishi dies, I'm not replacing it. So I'll  
20 have only two. My numerous cars will be down to dual  
21 cars, I guess, too.

22 And I'm Subaru-ing a truck. I rarely use the  
23 truck. Rarely use the truck.

24 Q. And Mr. -- I think his name is Jay-sid  
25 [phonetic]?

1 A. Jagessar, yes. He was on earlier today.  
2 Q. And he said he drives you around quite a bit.  
3 A. Well, actually -- too bad he's offline.  
4 But, yes. I go to South Carolina to renovate my car.  
5 My truck broke down. He actually picked me up in North  
6 Carolina.

7 So he's a wonderful chauffeur. And I do pay  
8 him, yes. So I do pay him when I need to.

9 Q. Does he ever drive you to your Oldchester  
10 address?

11 A. I live here. No, I'm already here.

12 Q. Does he drive you to --

13 A. Oh, I'm sorry. One time I said that online  
14 too. One time, I got my son, my number -- another son  
15 lives in Reston. I always drive when I go away. I  
16 usually leave out of Dulles, and I leave my car in his  
17 parking spot in Reston. He Ubers me to Dulles.

18 That time, I got my planes mixed up, and I  
19 did have James drive me to DC. And I left my car here  
20 for over a week. I'm very sorry. Yes, I did that  
21 once.

22 Only once.

23 Q. Does he ever drive you to your Kennedy Street  
24 address?

25 A. No. Not that I can recall.

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1 Q. Okay. And then your motivation for building  
2 the ATU has been for your health and your care and  
3 being able to have an accessory -- a handicap  
4 accessible place to live. Which your current home, it  
5 sounds like, even though you installed a ramp and got  
6 county funding to do that, it's not up to snuff. From  
7 your perspective; is that correct? Is that your  
8 testimony?

9 A. I will be less than a minute. When I broke  
10 my collarbone. I couldn't wheel my wheelchair when I  
11 broke my ankle to the fibula. So that's when I  
12 realized -- and then, when I broke my kneecap a year  
13 later, in 2024, it took the medics over 45 minutes to  
14 extricate me from the room I'm in right now out of this  
15 door because my leg was broken.

16 So, yes, accessibility and livability was a  
17 wonderful tax credit. I paid well over \$10,000 to get  
18 a \$10,000 tax credit. I submitted bills this year. I  
19 did not do anything nefarious, like it was suggested at  
20 last hearing.

21 I did everything legal and credible, I  
22 believe. But, yes, taking 45 minutes to get me out of  
23 my room and around the hall to downstairs and out the  
24 door showed me that, yes, I have to continue my  
25 pursuit. Yes, ma'am.

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1 Q. Okay. And then your friend who lives in  
2 Martha's Vineyard -- and I'm sorry. I did not write  
3 her name down.

4 A. Dr. Park. Nancy Park. Yes.

5 Q. She testified that you, as part of your  
6 Singles on Sailboats, went with her to, I think it was  
7 the San Juan Islands --

8 A. We did.

9 Q. -- for seven to 10 days, and that was in  
10 2024?

11 A. We did.

12 Q. So you're capable of sailing and getting  
13 around on the boat okay without any health issues?

14 A. Every sailor knows that you hold the  
15 lifeline. You always have one hand for your task and  
16 one hand for the line -- one hand for the boat. So I  
17 never leave. I always have a lifeline, whatever task  
18 I'm doing, yes. And Nancy actually does fine. And the  
19 captain was 82. The first mate was 84. We did great.  
20 We had a wonderful time.

21 Q. Okay, good. Good for you. And then you also  
22 testified earlier today that you were addicted to  
23 Dilaudid, I believe you said?

24 A. I realized, yes. I realized at the hospital,  
25 yes, it was sad. I was in -- I was in Holy Cross for

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49 (193 to 196)

1 over -- well over a week. And they couldn't set my leg  
2 because it was so swollen and they splinted it. It was  
3 so painful.

4 Yes, they shot me. When I realized what  
5 Dilaudid was, I looked it up when the nurse came in to  
6 give me my injection. I had -- I went off cold turkey.  
7 Yes.

8 Q. So my question is -- so you're no longer  
9 addicted to Dilaudid; is that your testimony?

10 A. When I went to Holy Cross, I realized I have  
11 an addictive personality. No, no. Thank you.

12 Q. What do you mean by an "addictive  
13 personality"?

14 A. What I mean by it is I need to take better  
15 care of myself. Like, I would like to be, as James  
16 said, I -- James put it perfectly in his -- James Cyr,  
17 a trainer, has told me to slow down. I like being  
18 busy. I like working. I need to learn how to slow  
19 down. It's an addiction to work. I need to slow down  
20 and smell the roses. Yes, thank you.

21 Q. So are you in any painkillers right now while  
22 you're testifying before us today?

23 A. No, I haven't been on a painkiller since I  
24 left the hospital at Holy Cross in 2023.

25 Q. Okay. You're not on any painkillers today

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1 Q. (By Ms. Bennet) Do you recall, this would  
2 have been like in, I think -- I can't even remember the  
3 date now. Maybe you can recall when Georgia Daly and I  
4 approached you on your street as you were putting  
5 the --

6 A. Yes. October 4th. Yes, ma'am.

7 Q. I think it was after that, but --

8 A. I think I got my permit -- yes. Anyway, your  
9 question. I'm sorry.

10 Q. So when we approached you and you were  
11 working -- I believe you call him AJ, and he testified  
12 earlier today. Mr. -- I don't know how to say his last  
13 name.

14 THE COURT: Jagessar.

15 Q. (By Ms. Bennet) Jagessar, yes. And the  
16 truck was there and the trailer was there. Do you  
17 remember that day?

18 A. I do indeed.

19 Q. Okay. And we approached you to find out what  
20 you were doing because we noticed that you were  
21 building this big pad, and we came over and said hello  
22 and greeted you. And we asked what you were doing. Do  
23 you remember that?

24 A. I do remember that, yes. And, AJ, I think is  
25 still on the line. Yes. He can testify too. Yes.

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1 while you're testifying?

2 A. No. I don't take any medicine at all,  
3 actually.

4 Q. Okay. Thank you. And can we talk a little  
5 bit about the parking pad or patio and what's going on  
6 there.

7 A. Certainly, if you want to pull up exhibits on  
8 my number 10. You want to pull up -- I'm sorry for  
9 being so late. I don't know how those --

10 THE COURT: I'm sorry. What are you looking  
11 for?

12 THE WITNESS: I'm looking for -- I'm sorry,  
13 examiner -- hearing examiner. Driveway permits and  
14 history. Pages 27 to 34 on Exhibit 10 part E. And  
15 then on Exhibit 10, part F1. The first page. I don't  
16 know why those got so mixed up. I'm sorry.

17 THE COURT: Give me the parts again.

18 THE WITNESS: Part 10 -- part F. I'm sorry.

19 THE COURT: Okay. That's where I was getting  
20 confused.

21 THE WITNESS: I'm sorry. And go to page 1  
22 Oh, yeah. That's my --

23 MS. BENNET: I didn't actually ask for any  
24 exhibits to be brought up for my question, but I'll  
25 just ask my question.

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1 Q. So, on that day, we asked if you were putting  
2 in a parking pad to create some additional parking. Do  
3 you remember that?

4 A. I do, indeed.

5 Q. And what did you tell us you were doing --

6 A. Definitely not. I was moving the two beds --

7 THE COURT: What did you tell her you were  
8 doing?

9 THE WITNESS: I was moving the patio that  
10 was there in the morning down 10 feet. That's all.

11 Q. (By Ms. Bennet) And when you say "patio,"  
12 do you mean the bench that had the couple of flagstones  
13 in front of it?

14 A. Yes.

15 Q. And that was very close to the tree?

16 A. Yes.

17 Q. All right.

18 MS. BENNET: I don't have any further  
19 questions.

20 THE COURT: Mr. Friedman, any follow-up?

21 MR. FRIEDMAN: No, I don't think so.

22 THE COURT: Okay. With that, Ms. Favali --  
23 well, I think you probably would want to stick around.  
24 So let's have you here the whole day.

25 All right. Mr. Friedman, any more witnesses?

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50 (197 to 200)

	197		199
1	MR. FRIEDMAN: Last one. Veronica	1	<b>A. Yes, sir.</b>
2	Moskaitis.	2	Q. Okay. Can you tell us where your mom's
3	THE COURT: You? Okay. Please raise your	3	primary residence is today.
4	right hand.	4	<b>A. Bethesda. Yes. Oldchester Road.</b>
5	VERONICA MOSKAITIS,	5	Q. And that's where you are right now; is that
6	having first been sworn, testified as follows:	6	correct?
7	THE COURT: Can you put your hand down and	7	<b>A. Yes.</b>
8	just give me -- spell your last name, and then give me	8	Q. Okay. And about how long has it been that
9	your address and email address.	9	it's been her primary residence?
10	THE WITNESS: Okay. My last name,	10	<b>A. I can remember when she broke -- after her</b>
11	M-o-s-k-a-i-t-i-s. My address is 12300 Q-u-i-n-c-e	11	<b>1 leg. Her accident. So it's been -- I'd say it's been</b>
12	Valley Drive, Gaithersburg, Maryland, 20878. And my --	12	<b>going on three years.</b>
13	you said email. Email is my first name, 15313	13	Q. Okay. And do you or your kids ever stay over
14	@gmail.com.	14	there at Oldchester?
15	THE COURT: Can I just -- it's Veronica15313?	15	<b>A. My kids -- my kids will. I haven't.</b>
16	THE WITNESS: @gmail.com.	16	Q. Okay. And how often do they stay there?
17	THE COURT: Go ahead, Mr. Friedman.	17	<b>A. Within this year, they really -- Chase, he</b>
18	MR. FRIEDMAN: Okay. First, there's	18	<b>hasn't. Last year, my son did a few times. And then,</b>
19	something going on with my screen. Is there a sharing	19	<b>two years before that, my girls. I have twin girls.</b>
20	going on or anything that can be stopped?	20	Q. And when they stay there, is your mom there
21	THE COURT: Yes, I'll stop it.	21	also?
22	MR. FRIEDMAN: Okay.	22	<b>A. Yes, yes.</b>
23	THE COURT: Is that better?	23	Q. In fact, you wouldn't leave your kids there
24	MR. FRIEDMAN: Yes, much better. Now I can	24	if she wasn't there, would you?
25	see you.	25	<b>A. No. And there's an extra room. So there's</b>
	198		200
1	THE COURT: Okay.	1	<b>another room. So they'll be in there. And with my</b>
2	MR. FRIEDMAN: Thank you.	2	<b>nephew. So I know my nephew comes a few times.</b>
3	DIRECT EXAMINATION	3	Q. Okay. And you've been a witness to the
4	BY MR. FRIEDMAN:	4	medical problems that your mom has experienced?
5	Q. Okay.	5	<b>A. Oh, yes.</b>
6	<b>A. Sorry I'm not dressed appropriately I was</b>	6	Q. And do you think that the current house, as
7	<b>running around.</b>	7	you're sitting in right now, is a suitable place for
8	Q. No, Veronica, you're dressed fine.	8	her to be? Is that where she should age in place?
9	Okay. You are the youngest of six children;	9	<b>A. No, no, no, no.</b>
10	is that correct?	10	Q. Why not?
11	<b>A. I'm not the youngest. I'm, like, in the</b>	11	<b>12 middle.</b>
12		12	<b>accident, she had, like, screws in her legs, and she</b>
13	Q. Oh, I'm sorry.	13	<b>14 couldn't really move around in this place. So I know</b>
14	<b>A. The youngest girl.</b>	14	<b>it's really tight.</b>
15	Q. The youngest girl. That's what I heard.	15	<b>So I know, like, more space would be perfect</b>
16	Okay. And are you all adopted?	16	<b>16 for her. She's really flighty, and she -- she hurts</b>
17	<b>A. Yes, sir.</b>	17	<b>17 herself a lot. So I think more space for her would be</b>
18	Q. So how old were you when you were adopted?	18	<b>18 helpful.</b>
19	<b>A. I was five.</b>	19	Q. And have you been to the Kennedy street house
20	Q. Okay. And you still see your mother	20	20 in Hyattsville?
21	regularly?	21	<b>A. Yes. I used to live there.</b>
22	<b>A. I do. Not as much. I'm getting -- getting</b>	22	Q. You used to live there. And that was how
23	<b>older. But not as much. But I do. My kids probably</b>	23	23 long ago?
24	<b>see her more.</b>	24	<b>A. Oh, my gosh. Maybe over 20 -- I just turned</b>
25	Q. Okay. You are local, right?	25	<b>40, so, like -- yeah, over 20 years ago.</b>

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51 (201 to 204)

	201		203
1	Q. Okay.	1	<b>A. I want to say going on 10 years, maybe 10.</b>
2	<b>A. I'll go there like when she needs help or --</b>	2	<b>Years. My son -- yeah.</b>
3	Q. And does she -- does she use that now as a	3	Q. And you said you have twin daughters and do
4	place to live, or as an office?	4	you have two sons? One son? I didn't catch that.
5	<b>A. Oh, no. As an office or she'll go there --</b>	5	<b>A. Greg, he's 18. Jace, he's 6. Elijah and</b>
6	<b>if she's not working, she'll clean up. We'll help her</b>	6	<b>Latasia, they just turned 20 today. That's why I</b>
7	<b>clean up.</b>	7	<b>look -- I've been running around.</b>
8	Q. But it's not her home?	8	Q. Okay. You don't look old enough to have kids
9	<b>A. No, no.</b>	9	9 that old.
10	Q. Okay.	10	<b>A. Thank you.</b>
11	MR. FRIEDMAN: I have nothing further for the	11	Q. And then at the Kennedy Street address, I
12	witness.	12	know you said you haven't lived there for 20 years.
13	THE COURT: Mr. Goitein?	13	13 Does anyone live there?
14	CROSS-EXAMINATION	14	<b>A. No.</b>
15	BY MR. GOITEIN:	15	Q. It's just a vacant house? There's nothing in
16	Q. Good afternoon. I just want to confirm that	16	16 it?
17	nothing about your mother's use of the property has	17	<b>A. No.</b>
18	changed since -- in the past three years, right?	18	Q. Are there any personal effects in the house?
19	<b>A. The use of the home?</b>	19	<b>A. As far as?</b>
20	Q. Well, you said that you believe that she's	20	Q. Does anybody have any belongings in the
21	lived there as a primary residence since she hurt	21	21 house?
22	herself in approximately three years ago, right?	22	<b>A. I know, like, our bedrooms where we -- she</b>
23	<b>A. Yes.</b>	23	<b>keeps -- she keeps, like, clothes she likes giving away</b>
24	Q. And, so, the manner in which she has lived in	24	<b>24 to her students. So, like, people that need clothes</b>
25	the house has been consistent for the last three years?	25	<b>25 and stuff. So that's the only clothes I really see in</b>
	202		204
1	<b>A. She probably added stuff to it, to the house.</b>	1	<b>1 there. Or our old clothes too. She still has --</b>
2	THE COURT: No, no, don't -- don't talk to --	2	<b>2 she -- yeah. Her old clothes, but --</b>
3	THE WITNESS: I know.	3	3 Q. What about family mementos?
4	<b>A. I'm not going to lie. But, honestly, she's</b>	4	<b>4 A. Oh, yeah. We have pictures. We have -- yes.</b>
5	<b>always -- she's always doing some -- she's always doing</b>	5	<b>5 Because I was there. I lived there until I graduated</b>
6	<b>something to her house. And, so, I'm not even -- she's</b>	6	<b>6 2004. Maybe 2005. Yeah. So, still, all of our stuff</b>
7	<b>7 always doing something slight or trying to fix up</b>	7	<b>7 is there. Christmas stuff. And --</b>
8	<b>8 something in the house, to answer your question, maybe.</b>	8	8 Q. When you guys celebrated Christmas for the
9	Q. (By Mr. Goitein) And has that always been	9	9 past three years, where have you celebrated Christmas?
10	the case?	10	<b>10 A. Oh, here, here. Thanksgiving.</b>
11	<b>A. Oh, yeah. With all her houses.</b>	11	11 Q. So the holidays, like, whenever there's big
12	Q. All right. Thank you. I don't have any	12	12 gatherings?
13	other questions for you?	13	<b>13 A. Oh, definitely here, yeah. Because that</b>
14	THE COURT: Ms. Bennet, any questions?	14	<b>14 house -- yeah. There's no room in that house.</b>
15	You're almost done.	15	15 Q. Is it hard to celebrate when there are
16	CROSS-EXAMINATION	16	16 tenants in the house?
17	BY MS. BENNET:	17	<b>17 A. No, absolutely not. I might see one. But,</b>
18	Q. Hi, Veronica.	18	<b>18 no. Like I said -- like, this year, we really -- I</b>
19	<b>A. Hi.</b>	19	<b>19 didn't come this Thanksgiving -- no. Just my family</b>
20	Q. I'm Carri Bennet. I live a couple of houses	20	<b>20 this Thanksgiving that came. But I guess us was</b>
21	down from 7709 Oldchester Road. You testified that	21	<b>21 getting older, so it's harder -- harder for us to get</b>
22	your address was -- I think it was 123 Quince Valley	22	<b>22 together. But it's been here -- like, last year, I</b>
23	Drive in Gaithersburg, Maryland; is that correct?	23	<b>23 didn't come over here. The year before that, I did.</b>
24	<b>A. Yes, ma'am. Yes.</b>	24	<b>24 And this year, I came for Thanksgiving. I think it was</b>
25	Q. How long have you lived there?	25	<b>25 just me. Yeah, it was just me and my kids.</b>

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52 (205 to 208)

	205	
1	Q. Okay.	207
2	MS. BENNET: I think that's all I have.	
3	THE COURT: Thank you. Okay. Any redirect,	
4	Mr. Friedman?	
5	MR. FRIEDMAN: No.	
6	THE COURT: All right. Thank you, Veronica.	
7	THE WITNESS: Thank you.	
8	THE COURT: You can go about your business.	
9	THE WITNESS: Happy holidays.	
10	THE COURT: Thank you.	
11	Okay. Mr. Friedman -- you know what? I'm	
12	going to step up just a second. Don't say anything,	
13	Ms. Flavia. I'm going to step up a minute. I've been	
14	going over to this side because the sun keeps changing.	
15	I'm just going to stand up and lower the blind.	
16	Okay. Mr. Friedman, do you have	
17	more from Ms. Flavia?	
18	MR. FRIEDMAN: No, I think we rest.	
19	THE COURT: Okay. Thank you.	
20	Mr. Goitein, Ms. Bennet, do you want five	
21	minutes before you start your cases, or would you like	
22	to proceed?	
23	MR. GOITEIN: I'll leave that to Ms. Bennet.	
24	MS. BENNET: I'm fine.	
25	MR. GOITEIN: I'm fine if we want to just	
	206	
1	proceed.	208
2	THE COURT: Okay. Ms. Bennet, you're the	
3	principal objector. Do you want to, do you have a	
4	witness or do you have evidence? And, before you	
5	answer that, how many people here want to testify to	
6	support the objection? Not to support the ADU, but to	
7	object to the ADU. Can I get a sense of --	
8	MR. GOITEIN: I think the answer to that	
9	question is five. We've got Mr. Mack. Ms. Bennet.	
10	Believe Mr. Goodfriend is going to speak.	
11	THE COURT: Okay.	
12	MR. GOITEIN: I don't want to put anyone else	
13	on the spot, but I think that there might be two	
14	others.	
15	THE COURT: Okay. I just wanted to get a	
16	sense of where we are. Okay. Ms. Bennet --	
17	MR. GOITEIN: Lest you be overly concerned, I	
18	think that the testimony of two to three of the	
19	object -- - of the other interested parties to the	
20	objectors will probably not be too long -- I don't	
21	think any of them are going to be that long. I mean,	
22	we're not going to be -- cumulatively, I don't think	
23	it'll be more than an hour.	
24	THE COURT: Okay. Thank you.	
25	Ms. Bennet, do you want to go?	

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53 (209 to 212)

	209	211
1	THE COURT: Okay. Anything else as to	1 everyone has to move out of the way of the traffic.
2	residency?	2 There's a basketball hoop there where the kids play
3	THE WITNESS: (No audible response.)	3 basketball. And it's -- when I say there, it's in
4	THE COURT: How about on-street parking? I	4 the -- I can't remember if it's in Mr. Finkel's yard or
5	haven't heard that much about on-street parking and the	5 Mr. Chappell's yard. I think it's in Mr. Chappell's --
6	criteria is do other residents have enough parking	6 I mean not Chappell -- Chappell's yard.
7	spaces to park their vehicles on-street within 300	7 So it's just -- it's a kind of -- it's a
8	feet?	8 dangerous situation.
9	THE WITNESS: I think I might -- I don't know	9 THE COURT: Do you have a driveway?
10	if I'm more than 300 feet. But our street gets very	10 THE WITNESS: Do I have -- I have a driveway.
11	crowded with parking and lots of cars. And there's	11 THE COURT: Okay.
12	been some construction activity as well this past year,	12 THE WITNESS: And I have a -- and I have a
13	so that makes parking even tougher on the street.	13 two-car garage. But my driveway -- you can only go one
14	I've had a lot of times when I've had guests	14 at a time up into the garages.
15	that come to visit me not have places to park in front	15 THE COURT: It's a tandem?
16	of my house. And the parking in front of Ms. Favali's	16 THE WITNESS: It's a two -- one single lane
17	house on that side of the street, it's often very full	17 driveway entrance.
18	on both sides of the street, making it difficult.	18 THE COURT: Are there times that you've tried
19	There are no sidewalks. It makes it	19 to park on the street but weren't able to?
20	difficult to walk through. And cars have to stop and	20 THE WITNESS: Not me. My guests. Or they've
21	go one at a time through the passageway that's	21 had to park pretty far away and walk.
22	available.	22 THE COURT: Okay. Anything else, Ms. Bennet,
23	On the day that I was talking to Ms. Favali	23 anything else you'd like to say?
24	about the parking pad, there were several instances	24 THE WITNESS: Not at this time, no.
25	where she was backing up into the street as she was	25 THE COURT: Okay. Mr. Goitein -- how do you
	210	212
1	talking. And I think at least three times, I had to	1 say your name, Goitein?
2	guide her back to a safe place from a car coming	2 MR. GOITEIN: Yeah. You've been doing a good
3	through.	3 job of it.
4	And I think her daughter just testified that	4 THE COURT: Okay. Do you have any other
5	she's a little bit flighty and that she worries about	5 questions for Ms. Bennet?
6	her space issues. So it seemed like she was a little	6 MR. GOITEIN: Just a couple.
7	-- putting herself in a bit of danger standing in the	7 CROSS-EXAMINATION
8	road trying to talk to us. And, again, there's no	8 BY MR. GOITEIN:
9	sidewalk, so that seemed to be an issue.	9 Q. Ms. Bennet, have there been times when you
10	THE COURT: Are you saying the cars are	10 were not able to park your car directly in front of
11	parked -- there are cars in the driveway that block the	11 your house?
12	path of being able to walk down the street?	12 A. Not me personally. Because I have a garage
13	THE WITNESS: The cars parked -- oftentimes,	13 space. But my family members and people visiting me or
14	there's three cars parked in that horseshoe. And then	14 spending the night at my house could not.
15	there's cars filling up both sides of the street in	15 Q. Let me ask it a better way. Have there been
16	front of her house. It's not all the time. But it's	16 times where there was not available parking in front of
17	like this -- I mean, this was a weekend. And, so --	17 your house?
18	And then traffic tries to go through, and we	18 A. Yes.
19	don't have sidewalks on the street. So to walk, if	19 Q. How frequently would you say that occurs?
20	you're walking your dog, if you're just taking a walk,	20 A. Maybe 20, 30 times a year. 20 to 30 times a
21	you have to walk in the street. And you have to walk	21 year.
22	-- because the cars are there, you can't really walk on	22 Q. All right. You said that you've seen Ms.
23	the grass because the cars are blocking.	23 Favali -- did you say two or three times in the past
24	I mean, it's -- just everyone just walks in	24 year?
25	the street. And then, as traffic comes through,	25 A. Like, since I wasn't really -- I wasn't here

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54 (213 to 216)

213 1 the first four months of the year, so since, like, May,  
2 probably two to three. Maybe four times. I forgot  
3 about the hearing.

4 Q. Okay. Who lives -- if you're facing her  
5 house, who lives to the right?

6 A. **Mr. Chappell.**

7 Q. All right. And who lives to the left?

8 A. **Mr. Finkel.**

9 Q. Okay. So how would you compare the three or  
10 four times that you saw Ms. Favali during that time  
11 period to the frequency with which you saw Mr. Chappell  
12 and or Mr. Finkel?

13 A. I see it's Chappell. And I don't know why I  
14 keep saying Chappell because I think she said Chappell  
15 and then I keep thinking of the Dave Chappell, the  
16 comedian.

17 His name is Dan Chappell. It's not Don.  
18 It's Dan Chappell. I see Mr. Chappell a lot, and we're  
19 very friendly with each other. He and his wife and I  
20 have had lunch together.

21 I mean, we see each other all the time. The  
22 kids are out. The trick-or-treating. All that kind of  
23 stuff. Just like you would with any neighbor.

24 Mr. Finkel, I don't see as much. Oftentimes,  
25 I see him, you know, getting in and out of his vehicle

215 1 Q. (By Mr. Goitein) But I just wanted you to  
2 describe what those pictures demonstrate.

3 A. Yeah. So I've been very -- I mean, I've been  
4 meaning to --

5 THE COURT: For the record, they're on the  
6 screen.

7 A. Yeah. I've been meaning to determine this  
8 for a while now, since the last two hearings, and I  
9 just never had the time to do it. But this first  
10 picture, I took the day -- it was the day after it  
11 snowed on December 14th. So this was taken in the  
12 afternoon.

13 It's showing the parking pad. The driveway.  
14 And, as you can see, this is on a Sunday when most  
15 people tend to be home and no cars are here, except the  
16 one parked way up front, which I think is a tenant's  
17 car and it has snow on it.

18 And then if you want to scroll down, I can  
19 explain what the next -- and you can see the pavers  
20 that she's planning on doing the parking, but that  
21 gives you an idea.

22 It's, like, one lane going around and then  
23 the horseshoe off to the left. An ADU is planned to be  
24 put behind the house. The driveway is still one lane.

25 And then there's two parking spaces where, I

214 1 and driving. But he lives two or three houses down.  
2 And, obviously, have known him for some time.

3 Q. When you say "don't see him as much," I mean,  
4 how does it compare with how often you see Ms. Favali?

5 A. Oh, I see Mr. Finkel more than I see Ms.  
6 Favali.

7 Q. Would you say you see Mr. Finkel at least  
8 weekly?

9 A. Probably more like monthly.

10 Q. All right. You took a number of pictures  
11 that you submitted as exhibits. Can you just explain  
12 what those pictures demonstrate.

13 A. The ones that were submitted --

14 (Cross-talk.)

15 Q. (By Mr. Goitein) Exhibit 12H, I believe.

16 A. Are these the ones that they --

17 THE COURT: I have OZA's inspection report.  
18 I have Chapter 9 of the zoning statute. I have second  
19 photos of Flavia's two homes. I have excerpts of  
20 transcripts.

21 THE WITNESS: I think he's referring to  
22 photos of Flavia's two homes.

23 MR. GOITEIN: Photos of Flavia's two homes,  
24 yes. And I was just -- I mean, if you want to put them  
25 on the screen, that's fine.

216 1 believe, if you had the second parking space for the  
2 ADU, you wouldn't be able to get the cars out. You'd  
3 only have -- if you park two cars there, you're going  
4 to have to shuffle the cars around to get them out.

5 Same thing with the horseshoe driveway.

6 There's usually three cars parked in there. The middle  
7 car has to get the other two cars to move if they want  
8 to get their car out. So that's just something showing  
9 that.

10 THE COURT: Do you see three cars parked? Do  
11 you see --

12 THE WITNESS: I see it a lot of times because  
13 I drive by -- I'm checking this now because I'm trying  
14 to be observant. But when I drive by, I don't see  
15 Flavia, but I see cars. And there's a lot of times  
16 there's three cars parked in the horseshoe.

17 And, so, the middle car that's stuck at the  
18 top of horseshoe would not be able to get out of the  
19 driveway without one of the other cars being moved.  
20 And, so, that has to be something I guess that the  
21 tenants work out amongst themselves about where they  
22 park. But it also drives the parking onto the street  
23 so that they don't have to fiddle around with that.

24 THE COURT: Are there times, when parking,  
25 you can't get in the driveway?

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55 (217 to 220)

	217	219
1        THE WITNESS: Yeah. There's a car usually 2 parked right, like, at that entrance right there. I 3 don't -- yeah.	1        So my testimony is that Oldchester is not her primary 2 residence. That this is a way to get her what she 3 wants.	
4        THE COURT: What entrance where?	4        And what she wants is another building that 5 she can rent out to tenants when everything's said and 6 done. And that's what the concern is, that she says 7 she's going to live there. She says she needs to have 8 it as her for health reasons and for handicapped 9 accessibility.	
5        THE WITNESS: Okay. So you see the car 6 that's parked up front? Usually, there's a car parked 7 at the -- like, the street is right there, and there's 8 a car.	10       The ADU is going to be much smaller than the 11 home at Oldchester. And, as her daughter testified, 12 she needs more space so she doesn't trip and fall over 13 things.	
9        There's three cars on the U. If you think of 10 it as an H, like, a small H, there's usually three cars 11 in the curve of the H.	14       The house -- the biggest house that she has 15 is the house on Oldchester. But yet she rents it out 16 to four or five people and causes a lot of parking 17 issues.	
12       THE COURT: Okay. And then the drive aisle 13 that goes straight is left open?	18       THE COURT: Four or five? He testified 19 three.	
14       THE WITNESS: Yeah. And sometimes there's a 15 car parked up there. Sometimes there's a trailer 16 parked up there that has South Carolina license plates. 17 And then I have seen the Mitsubishi parked sometimes. 18 And then sometimes I'll see the Subaru. But not the 19 Subaru so often.	20       THE WITNESS: Okay. Well, I don't know how 21 many she has. I think, at some point, it's either a 22 five bedroom or four bedroom. So if she moves into the 23 ADU herself and then she's renting that out, I just 24 question the validity and credibility of what she's 25 saying.	
20       The Mitsubishi -- and a lot of times, the 21 Mitsubishi is parked on the -- it'll be sometimes in 22 the driveway. Sometimes it's on the street.		220
23       So if you want to scroll up, I can go through 24 the rest of the pictures.	1        THE COURT: Okay.	
25       So then I just decided to -- well, that's	2        Q. (By Mr. Goitein) And just two more quick 3 questions for you, Ms. Bennet. The first is it looks 4 like on the pictures you showed us of the vehicles, the 5 tags are not from Maryland. Do you know where Ms. 6 Favali's cars are registered?	
1        just showing the parking pad and the -- that's all on 2 the same day. So if you go to the Kennedy Street one, 3 I just decided to drive over there to see what this 4 house looked like. So I took a picture of the house. 5       And then, if you keep going down one more, 6 that vehicle is her Subaru.	7 <b>A. The trailer has a South Carolina license 8 plate, and I think the truck does too.</b>	
7       THE COURT: That's parked on the street?	9       THE COURT: What do you mean by -- the truck 10 and the trailer that's in the last photo before the 11 map?	
8       THE WITNESS: Yeah, it's parked on the 9 street. I don't -- I think she -- keep going. And 10 that's the Subaru from a different angle. And a 11 different angle and has the snow on it. And then this 12 is the truck and trailer that we often see on 13 Oldchester as well.	12       THE WITNESS: Yes.	
14       And you can keep going. I think there's 15 another picture of the trailer. And that's it. But, 16 also, if you keep going down one more. Keep going. 17 My sense is that she's over there a lot more living 18 there. But this shows the distance was -- like, why 19 you would have two homes in such close distance to one 20 another.	13       THE COURT: Okay.	
21       THE COURT: The map.	14       THE WITNESS: I have seen that that has South 15 Carolina plates. I don't recall about the truck, but I 16 think it might have South Carolina plates too. And 17 then the Subaru, I thought had a Maryland license. But 18 maybe I didn't take a good enough photograph of that to 19 be able to tell. I can't tell. I can try to blow it 20 up on my phone.	
22       THE WITNESS: Yeah. And then, again, since I 23 have not been in the home on Oldchester, and I think 24 that the daughter just testified that a lot of their 25 personal family belongings are kept at Kennedy Street.	21       Q. (By Mr. Goitein) No, that's okay. All 22 right. And then, lastly, based on your observations, 23 have you noticed any change in Ms. Favali's use of the 24 Oldchester Road property as compared to 2024?	
	25 <b>A. No. It's still rented out to tenants and</b>	

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56 (221 to 224)

221 1 different cars seem to show up, and it's hard to track  
2 what's going on there.

3 Q. What about her presence? Is it any different  
4 than what you observed in 2024?

5 A. No.

6 Q. Okay. Thank you.

7 MR. GOITEIN: I don't have any other  
8 questions.

9 THE COURT: All right. Mr. Friedman?

10 MR. FRIEDMAN: Yeah, I've got cross.

11 THE COURT: Do you want the pictures up? Do  
12 you want the pictures up still?

13 MR. FRIEDMAN: No, you can take them down.  
14 Can we fix the screen?

15 THE COURT: How's that?

16 THE WITNESS: I think you're still sharing  
17 your screen with me because I'm real big.

18 THE COURT: Wait a minute.

19 There.

20 MR. FRIEDMAN: There we go. Thank you very,  
21 very much.

22 CROSS-EXAMINATION

23 BY MR. FRIEDMAN:

24 Q. All right. So let me ask you a question.  
25 I'm looking at these pictures that you put up, and it

223 1 pictures, I thought that was your exhibit.

2 A. I don't know what you're calling Exhibit 7.

3 THE COURT: Okay. Let me get it.

4 Q. (By Mr. Friedman) I'm looking under the OZA  
5 email that has the exhibit list, and Exhibit Number 7  
6 has parking pictures. Exhibit Number 1 --

7 A. Are those the pictures that were attached to  
8 the objection?

9 Q. Yes.

10 A. Okay. That's a different set of pictures.

11 Q. I'm sorry. Let's look at those pictures  
12 then. Number 7, parking pictures?

13 THE COURT: You should be seeing them.

14 THE WITNESS: No.

15 THE COURT: Hold on. Now you should be  
16 seeing them.

17 THE WITNESS: Yeah. So that's the  
18 Mitsubishi. That is her car. But that was on a  
19 different day. You'll see my pictures had snow.

20 Q. (By Mr. Friedman) So you didn't take this  
21 picture?

22 A. I believe Georgia Daly took that picture.

23 But I did use it as my submission for the objection to  
24 show the parking stuff.

25 Q. So do we agree that this supports Ms.

222 1 seems to me that they confirm Ms. Favali's statements  
2 that she predominantly keeps the truck and trailer and  
3 the Subaru at Hyattsville. That's what your pictures  
4 show. And that she keeps the Mitsubishi, which she  
5 drives every day at Kennedy Street, where she lives, as  
6 your picture shows. Am I missing something?

7 A. My pictures didn't show that the Mitsubishi  
8 was at Oldchester.

9 Q. It sure does.

10 MR. GOITEIN: Objection.

11 Q. (By Mr. Friedman) The picture that I just  
12 looked at shows the Mitsubishi in the circular  
13 driveway.

14 A. There was no cars in the circular driveway.

15 Q. All right. Then maybe I was looking at the  
16 wrong pictures. Let me go back to -- under your  
17 exhibits.

18 THE COURT: Is that the Mitsubishi to the  
19 right?

20 THE WITNESS: That's not the Mitsubishi.

21 THE COURT: So that's all I see.

22 THE WITNESS: Yeah. There were no cars  
23 parked in the circular driveway.

24 Q. (By Mr. Friedman) Okay. Then I'm looking at  
25 the wrong pictures. So under Exhibit Number 7, parking

224 1 Favali's testimony that she drives that car and keeps  
2 it at her home on Oldchester Road?

3 A. No, I would not agree with that. Because  
4 what I'm saying is she's parked there that day. So she  
5 does go there on occasion, it appears. I don't see it  
6 all the time.

7 I didn't actually see these pictures because  
8 they were not pictures I took. These were pictures  
9 taken by my neighbor, Georgia Daly. Because I was  
10 actually -- I travel a lot. I travel for work. And I  
11 asked Georgia if she could go shoot some pictures that  
12 I could attach to the objection. So these were taken  
13 right before I filed my objection.

14 Q. I see. But this does show the Mitsubishi  
15 where Ms. Favali testified, doesn't it?

16 A. It shows it in front of the house --

17 Q. It's a yes-or-no question.

18 A. My testimony is that it shows it --

19 THE COURT: Don't talk over her.

20 A. -- on that day, on that particular day.

21 Are you talking over me, or you want me to  
22 answer?

23 THE COURT: I want you both to stop. Mr.  
24 Friedman, you're talking over her, and I can't hear her  
25 answer. So what was your question again?

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57 (225 to 228)

	225	227
1	Q. (By Mr. Friedman) Doesn't that support Ms.	1 Oliver Street?
2	Favali's testimony that she drives the Mitsubishi and	2 MR. FRIEDMAN: That's my next question. I
3	keeps it at Oldchester Road where she lives? It's yes	3 haven't gotten that far yet.
4	or no.	4 THE COURT: So you're presuming, based on
5	<b>A. I will say that she drives the Mitsubishi.</b>	5 these pictures, that no one lives there?
6	<b>It's her Mitsubishi and she parks there on occasion.</b>	6 MR. FRIEDMAN: That's correct.
7	Q. And the picture that you just testified that	7 THE COURT: I'll let you do it. But I will
8	you took at Kennedy Street, that shows the two other	8 say I think it's a little speculative, especially as I
9	vehicles, which also supports her statement where she	9 see some stuff stored on the porch.
10	keeps them, doesn't it?	10 THE WITNESS: Yeah. Your Honor, there are
11	<b>A. It shows that they were parked there on that</b>	11 books. There was a broom resting on the porch. Books.
12	<b>day, that one day, that date stamped on the picture.</b>	12 I just wanted to see whether this was an
13	Q. You're right. I can only draw a presumption	13 office, and it did not look like an office to me. And
14	that if it's parked there that day, it's parked there	14 her daughter testified that their family personal
15	15 other days. Would that be a fair presumption?	15 effects from long time living in the family are stored
16	<b>A. Well, I also see both of those vehicles</b>	16 in that house or in that house. And that her mother
17	<b>parked at this house as well.</b>	17 goes there often and is there.
18	Q. Okay. Let me ask you another question. I'm	18 Q. (By Mr. Friedman) I hate to testify here,
19	looking at that picture, and I see the house on Kennedy	19 but, for more than 10 years, my office was in a house
20	Street. And it appears to me that there's no lights	20 in downtown Rockville, and I went there every day, and
21	on. Did you see any residential activity going on	21 I had pictures of my children. But it wasn't my
22	there?	22 residence. That should have been in my argument, but I
23	THE COURT: We're back on Kennedy Street?	23 wanted to make a point.
24	MR. FRIEDMAN: Kennedy Street.	24 Let me ask you a different question, Ms.
25	Q. (By Mr. Friedman) Did you see anybody come in	25 Bennet. Do you or your husband have an office?
	226	228
1	or come out?	1 <b>A. My husband and I are partners at Womble Bond</b>
2	<b>A. I did not see anybody come in and come out.</b>	2 <b>Dickinson. So we have, conceivably, 39 offices. But</b>
3	<b>But I do believe there were lights on at the house.</b>	3 <b>we work out of the Washington, D.C. office and the</b>
4	Q. Well, it doesn't appear so from your picture.	4 <b>Greenville, South Carolina office.</b>
5	Why don't you take a look at the picture and see if you	5 Q. Okay. And you do go to those offices, right?
6	want to change that answer.	6 <b>A. Yes.</b>
7	<b>A. No. This was at 2:00 in the afternoon, so it</b>	7 Q. And do you have your own space there, or is
8	<b>doesn't tell me anything. I can't conclude anything</b>	8 it --
9	<b>from that.</b>	9 <b>A. No. I do remote, so I use an Agile office</b>
10	Q. All right. She's testified that that's her	10 <b>when I'm there.</b>
11	office. You seem to disagree. But there doesn't	11 Q. I see. And did you ever have an office
12	appear to be any evidence that anybody's living there.	12 there?
13	Now, you just testified that you think that	13 <b>A. Yeah. Yes, I did. Not in the same location</b>
14	all she's looking for is another place to rent out. If	14 <b>that we're at now. But, prior to that, I had my own</b>
15	you were she and you were looking for another place to	15 <b>office.</b>
16	rent out, wouldn't you rent that vacant house you	16 Q. And did you have any family pictures in your
17	already own?	17 office?
18	<b>A. Which vacant house are you referring to, sir?</b>	18 <b>A. Yes.</b>
19	Q. Well, she can only sleep at Kennedy Street or	19 Q. And was that office as proximate to your
20	Oldchester, so whichever one you choose, one of them is	20 house as Kennedy Street is to Oldchester?
21	going to be vacant.	21 <b>A. No.</b>
22	THE COURT: Doesn't she have a house at	22 Q. Do you understand my question?
23	Oliver Street too?	23 <b>A. You're asking me how far my office is from my</b>
24	MR. FRIEDMAN: I'm sorry?	24 <b>house.</b>
25	THE COURT: Doesn't she have a house on	25 Q. Well, you testified that it didn't make sense

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58 (229 to 232)

1 to you that she would have an office so close to her  
2 house. So I'm asking you --

3 **A. Well, I didn't used to live in my office.**

4 THE COURT: Stop. I think she already  
5 answered. I think she answered that, no, they aren't.  
6 It's less proximate than these two. Is that your  
7 answer?

8 THE WITNESS: That is correct.

9 THE COURT: Okay.

10 Q. (By Mr. Friedman) How long was your commute  
11 then, if you don't mind me asking?

12 **A. It depends when I left.**

13 Q. Do me a favor. Please answer the question.

14 **A. My office is nine miles from my house.**

15 Q. And, to tell you the truth, I think Bethesda  
16 to Hyattsville is probably pretty close to nine miles,  
17 don't you think?

18 **A. Put the map up there. I don't know. I can't  
19 testify to that. I think it's further Depends on which  
20 way you go.**

21 Q. All right. So you've spoken a lot about  
22 parking, and you spoke about how difficult it might be  
23 for the person parked in the middle on the horseshoe.  
24 Is it illegal to park three cars on that horseshoe  
25 circular driveway?

1 **A. No.**

2 Q. And does it inconvenience you when somebody  
3 parks three cars in that circular driveway?

4 **A. If those are only the three cars, no. But if  
5 it spills out onto the road, yes.**

6 Q. Okay. So let's talk about that. Does Ms.  
7 Favali or any of her tenants ever park in front of your  
8 house?

9 **A. I don't know what vehicles her tenants all  
10 drive, so I can't answer that question. There are cars  
11 parked in front of my house a lot.**

12 Q. And you said your guests sometimes can't park  
13 in front of your house. When that happens, do they  
14 maybe park in front of Ms. Favali's house?

15 **A. No. They have to park further down in front  
16 of the Malik's house, or even further on the other side  
17 of Maiden Road.**

18 Q. You made a point that you see her less often  
19 than your next-door neighbor. But then you told us how  
20 close you are with your next-door neighbor. You  
21 socialize with them. You go to lunch with them.

22 How often do you see the people who are two  
23 doors or three doors from you on the other side of your  
24 house?

25 **A. Oh, I go out to dinner with them. I go to**

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1 **holiday parties. I see them, you know, bringing in  
2 their groceries. Doing all the kind of things normal  
3 neighbors do. Dropping their kids off. Doing those  
4 types of things.**

5 Q. Okay. So you socialize with a lot of people  
6 in the neighborhood?

7 **A. Yeah.**

8 Q. And wouldn't it make sense that those would  
9 be the people you would see more often, and the fact  
10 that somebody who you don't particularly like, you  
11 would hardly ever see? Wouldn't that be reasonable?

12 **A. I don't dislike Ms. Favali. You're putting,  
13 you're testifying that I don't like her. I've never  
14 said I don't like her. I've tried to help her do what  
15 she needs to do to make her case. I sat with her in  
16 the hearing on the appeal case. I attended it and told  
17 her things that she needed to do to help with her case.  
18 I don't not dislike her.**

19 Q. Oh. So what do you think she should do to  
20 help with her case, please?

21 **A. I think she should live there and she should  
22 she should live in the house and make it her permanent  
23 residence and do what is required by the law.**

24 Q. So if it is her personal -- or her permanent  
25 residence or personal residence, then you don't have an

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230 1 objection to this ADU?

2 **A. No.**

3 Q. Okay. When you see somebody at 10:00 p.m.  
4 taking their trash out, doesn't that imply or wouldn't  
5 you want to infer that that person's going to sleep in  
6 that house? 10 o'clock at night?

7 **A. Well, what I have seen is that the car pulls  
8 up. The couple of times I've seen this, the car is  
9 pulled up at 10 o'clock at night. I'm out with my dog.  
10 I see her drive up. I see her pull up the trash.**

11 **And then I don't know if she's just on trash  
12 day. Knows that she needs to pull the trash up because  
13 that's part of her job as the landlord and taking care  
14 of the trash for the tenants.**

15 Q. I think that's a far stretch, ma'am.

16 THE COURT: Well, you can think what you  
17 want, but --

18 THE WITNESS: You can think what you want,  
19 but I'm just saying she may --

20 THE COURT: Let me interrupt for a minute.  
21 I'm getting worried about the time because I don't  
22 know. I have a few more questions for Miss Favali. So  
23 I assumed you would do rebuttal, but I just -- it's  
24 3:08, and I want to make sure we get through this.

25 I'm looking at Exhibit 7, and I think I'm

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59 (233 to 236)

1 sharing my screen. And I noticed that Miss Favali -- I  
2 wonder if she is parked there for a long time because  
3 she's blocking another car in. And that's one.

4 That's, I think, the issue that Miss Bennet  
5 referred to with the tandem parking. So I have  
6 questions on how many tenants she's going to have.  
7 Max. Not now; max. And some other questions.

8 MR. FRIEDMAN: So I think I think that that  
9 goes -- I'm sorry.

10 THE COURT: Can we get through -- well, I  
11 don't want to deprive you of cross-examination. But if  
12 you want to continue to cross, but I want to try and  
13 get everyone in.

14 MR. FRIEDMAN: I'm almost done.

15 THE COURT: Okay.

16 Q. (By Mr. Friedman) Miss Bennet, How long have  
17 you been at this house?

18 A. We moved in, in 1997. So I think it's now 28  
19 years.

20 Q. Okay. So you're familiar, I assume, with the  
21 situation which occurred with a lot at Maiden Lane in  
22 Oldchester?

23 A. Yes.

24 Q. Okay. To clarify for those who are  
25 listening, who are not aware, there was a lot that was

1 owned by the county that was used by a cut-through --  
2 used as a cut-through by people in the neighborhood.  
3 It's very pretty. But it's just one lot --

4 THE COURT: Are you testifying now?

5 MR. FRIEDMAN: No. Well, I'm not testifying.  
6 I'm giving you the background to save time because you  
7 asked me to try to expedite things.

8 THE COURT: No. Just go, okay?

9 MR. FRIEDMAN: So this will lead to my  
10 question.

11 THE COURT: Well, let Miss Bennet tell us  
12 about Maiden Lane. We have to have somebody tell us.

13 MR. FRIEDMAN: Well, I'm laying the  
14 foundation for the question I'm going to ask. Bear  
15 with me. And if you need me to go back and have her  
16 say the same things, I will.

17 THE COURT: All right. Go ahead.

18 Q. (By Mr. Friedman) Okay. So we have a very  
19 pretty lot there that the neighborhood used as a  
20 cut-through. People would ride their bikes or walk  
21 through. The county sold it, and the neighborhood  
22 organized and objected; is that correct?

23 A. Yes.

24 Q. And you all were successful. The county  
25 ended up buying the lot back from the person; is that

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1 correct?

2 A. Yes. And they turned it into the 200th  
3 Montgomery County Park.

4 Q. Which was a good thing. We all agree. My  
5 point is that the neighborhood organized to combat  
6 change, to combat a development of a property with  
7 another home; isn't that correct?

8 A. It wasn't to combat change. The county had  
9 sold it illegally. And it was to follow the law.

10 THE COURT: You know what? I know you keep  
11 going back to motives, but, A, this isn't a change.  
12 And, B, because this has been her rental house for  
13 several years. And, B, the motives -- how did they --  
14 if you have to go into them, can you do it more  
15 quickly?

16 MR. FRIEDMAN: All right. I'll abandon the  
17 question.

18 THE COURT: All right. Anything else?

19 MR. FRIEDMAN: No, ma'am.

20 THE COURT: You may be excused -- well,  
21 you're not on the stand anymore.

22 Mr. Goitein, do you have another witness you  
23 want to call?

24 MR. GOITEIN: I don't have another witness.  
25 I just want to remind, I guess, Ms. Bennet that, to the

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1 extent that she was calling herself as a witness, she  
2 could redirect if there's anything she wanted to do in  
3 response to Mr. Friedman's questions. I'm not sure  
4 there is. I just want to make sure that she's not  
5 deprived of that opportunity if she wants to.  
6 But I'm not suggesting she needs to.

7 THE COURT: Yeah, you do have the right to  
8 rehabilitate yourself.

9 THE WITNESS: I don't think I need  
10 rehabilitation. Thank you.

11 MR. GOITEIN: Agreed. So if Ms. Bennet has  
12 done that, if I could call a witness or two because I'm  
13 a little bit concerned about other people's ability to  
14 stay on the call as we move forward.

15 THE COURT: Go ahead.

16 MR. GOITEIN: All right. So then let's go  
17 with David Goodfriend.

18 THE WITNESS: Yeah. Here I am. Can you hear  
19 me okay?

20 THE COURT: I can hear, but I can't see. So  
21 -- now I can see both.

22 THE WITNESS: There we go. Okay.

23 THE COURT: Okay, please raise your right  
24 hand.

25 DAVID GOODFRIEND,

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60 (237 to 240)

1 having first been sworn, testified as follows:  
2       THE COURT: Just second state your name,  
3 address, and email address for the record.  
4       THE WITNESS: My name is David Goodfriend.  
5 My address is 7713 Oldchester Road. My email address  
6 is david@istreetadvocates.com.  
7       THE COURT: Is I just the letter I?  
8       THE WITNESS: Yeah. Just the letter I and  
9 the word "street" and the word "advocates" with an S.  
10 Because, apparently, we don't know how to make a simple  
11 email domain. We had to make it complicated. Sorry  
12 about that.  
13       THE COURT: Okay. Go ahead, Mr. Goodfriend.  
14       THE WITNESS: Thank you, Your Honor. I'd  
15 like to just incorporate by reference the statements  
16 that I made in my complaint form regarding the street  
17 parking and to underscore what Carri Bennet and others  
18 have said about the street parking. But I don't want  
19 to be repetitive in the interest of time.  
20       There's one thing I wanted to make sure I got  
21 on the record. Even though we, in no way, concede the  
22 statement that the questions by Mr. Friedman were  
23 irrelevant, I think it is important to point out that  
24 right across the street from me at 7714 Oldchester Road  
25 is a lovely woman.

1       Her last name is Thornton. Her husband died  
2 a number of years ago. She lives in the house that  
3 they bought in 1970. And the house has not changed  
4 much at all; maybe a few coats of paint. But she's a  
5 lovely neighbor. We just had her in our home across  
6 the street a couple weeks ago. I often go across the  
7 street to check on her. She's a widow living alone and  
8 is elderly.

9       I want to dispel this notion that, somehow,  
10 the complainants in this proceeding are biased against  
11 people who live in original homes on our street. That  
12 is not what's going on here. What's going on here, in  
13 fact, is a desire to preserve the rule of law and peace  
14 and livability on our street.

15       When we've seen police cars coming at all  
16 times, day and night, at 7709 Oldchester Road, when  
17 we've seen cars parked, trucks parked, trailers parked  
18 for long periods of time, that's quite the opposite of  
19 the neighborly mood that we have on the street.

20       So, far from being motivated by people who  
21 live in the original homes, I would argue that what  
22 we're trying to do is preserve much of the good  
23 feelings that Mr. Friedman himself even described from  
24 when he lived on Oldchester Road. That, if anything,  
25 is the motive. Although, again, I don't concede the

237       1 objection based on relevance to conversations about  
2 motive.  
3       Finally, I just want to point out that  
4 nothing in this community, on this street, has gone on  
5 the record to oppose rental of our homes. The other  
6 house right across the street from me, 7710 Oldchester  
7 Road, is rented. It's rented to a family. The home is  
8 actually owned by the Bowen family, who used to live  
9 here. They moved out.  
10       Rentals are fine. People who live on our  
11 street and rent; no problems. We've never raised  
12 objections to that. They abide by the law.  
13 They are peaceable and good neighbors. We want good  
14 neighbors. We want a good neighborhood.  
15       And that, if anything, is the motive here.  
16 The parking is an issue. Myself, Terry Bennet, Flavia  
17 Favali, we all have one-lane driveways. That means you  
18 can pull a car in, but if the first car in wants to  
19 come out, every other car has to move and let that car  
20 out. And, even in the context of the horseshoe-shaped  
21 driveway that Flavia Favali has added that to is  
22 single-lane.  
23       So imagine a school bus coming down  
24 Oldchester Road, which it does often, or a truck and  
25 multiple cars have to back out of the Flavia Favali

238       240  
1       property. You can only imagine the traffic jam that  
2 that causes, and we've seen it.  
3       So, with that, I'll --  
4       THE COURT: Can you describe that for me?  
5 Because I want to know about the on-street parking.  
6       THE WITNESS: Yeah.  
7       THE COURT: I can't hear you. There must be  
8 a delay.  
9       THE WITNESS: Can you hear me now?  
10       THE COURT: Yeah.  
11       THE WITNESS: Okay. Each of our lots along  
12 the same side of the street as Ms. Favali are about the  
13 same size, and two full-sized cars could park  
14 comfortably in front of our lots. Three would be  
15 pushing it. Maybe smaller cars, bumper to bumper.  
16       THE COURT: On street?  
17       THE WITNESS: On street; that's correct.  
18       The driveways that I described, my driveway,  
19 Carri Bennet's driveway, Flavia Favali's driveway,  
20 they're all single-car width. So even if you could  
21 park three cars in there, the person whose car is all  
22 the way in has to ask or move the other cars out of the  
23 way, to back out. Believe me, this has been a fire  
24 drill performed multiple times in my household, and  
25 it's not pretty.

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61 (241 to 244)

1       First, we have to back out the car that's  
2   closest to the street, park it on the street. Then we  
3   have to back out the other car that's coming out. And  
4   now imagine trying to do that with a school bus that  
5   takes up more than half the width of Oldchester Road,  
6   or a dump truck.

7       THE COURT: How wide do you think Oldchester  
8   Road is?

9       THE WITNESS: Two car widths -- no, let's  
10   think about this. If there's a car parked on either  
11   side of Oldchester, there are some vehicles that  
12   couldn't squeeze past them. So I would call it two and  
13   a half car widths. And, at some point, it's even more  
14   narrow.

15       To take Oldchester Road past Flavia Favali's  
16   home through a stop sign towards Bradley Boulevard, it  
17   becomes almost one car width. The cars have to wait  
18   for each other to go past.

19       But where we live, myself, Carrie Bennet,  
20   Flavia Favali, I would call it two and a half car  
21   widths wide. When two cars are parked on the street  
22   across from each other, yes, you can get by them. But  
23   only one car at a time can do that, and some larger  
24   vehicles couldn't do that.

25       THE COURT: Now, what have you observed as

1   far as parking on the street? Is your family able to  
2   get spots, or are there conditions at this location  
3   that have been problematic?

4       And I do note that that Exhibit 7, I think,  
5   points out what you were saying. The picture of, I  
6   guess it's Ms. Favali's car parked at the end of the  
7   driveway so nobody can get out.

8       But what have you observed?

9       THE WITNESS: Well, in fairness, my wife and  
10   I don't have trouble parking at our own home, because  
11   one of us will park in the driveway, and one of us will  
12   park in the street. So that, even if a neighbor has  
13   guests over, we have enough parking for our two  
14   vehicles. I should point out that we're now empty  
15   nesters, so our house is far less populated than it was  
16   when we had a bunch of teenagers running around here  
17   and pulling in and out of the driveway. But, in  
18   fairness, we have not had trouble parking at our own  
19   property.

20       You also asked, though, what I've observed  
21   outside Ms. Favali's home. And, prior to the  
22   commencement of this proceeding -- and I think that's  
23   important to point out, prior to the commencement of  
24   this proceeding, there was an industrial scale trailer.  
25   It looked like the kind of trailer you would haul

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1   another car in or a bunch of lawn machinery in. It had  
2   a metal bottom made of kind of a crisscross pattern.  
3   It just looked industrial.

4       I think it had South Carolina plates. I  
5   can't recall exactly. Anyway, that thing was parked in  
6   front of Ms. Favali's home for a long period of time,  
7   so much so that leaves were gathering underneath the  
8   wheels of the trailer.

9       And then there was another vehicle, a car,  
10   that was parked, also, on the same side of the street  
11   that looked like it hadn't been used in a while. And  
12   then, if memory serves me correctly, there was a box  
13   truck, an even larger vehicle, belonging to one of the  
14   tenants, one of the renters in the Favali property that  
15   was parked on the opposite side of the street from the  
16   Favali driveway. All of which is to say that was a lot  
17   of tonnage parked in front of the Favali property.

18       Now, there was a point at which the trailer  
19   was moved into the driveway, pulled all the way up. I  
20   do recall that. Eventually, the box truck went away.  
21   Eventually the old car went away. And, again, this was  
22   prior to the commencement of this proceeding that we're  
23   in now.

24       THE COURT: When you say "this proceeding,"  
25   does that mean the most recent application?

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1       THE WITNESS: Yes, and -- yes, the most  
2   recent application for the ADU. So this is after the  
3   2023 ruling and the prior ruling.

4       I'm trying to make the point that I think  
5   behavior changed after the first two rulings and before  
6   the commencement of this proceeding. Because there are  
7   today fewer vehicles parked in and around the Favali  
8   property, but they often -- sometimes they'll come  
9   back. They'll show up.

10       THE COURT: Yeah. Let me just -- one thing I  
11   can do -- for instance, I can put conditions -- if I  
12   decide she has proven her case, I can put the  
13   conditions on the conditional use, and that would bar  
14   parking of commercial vehicles, you know, unless  
15   they're servicing the property at that time.

16       And I can limit the number of tenants if --  
17   and I can prohibit -- you know, I can put conditions  
18   on. So think about that too.

19       THE WITNESS: That's very helpful, Your  
20   Honor.

21       THE COURT: Because we have had --

22       THE WITNESS: I think that's very helpful.

23       THE COURT: We have had cases with tandem  
24   parking before that was causing a problem because  
25   nobody was parking in the driveway. They were parking

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62 (245 to 248)

	245	1 on the street because they were blocking. 2 So I do have authority to place conditions on 3 the grant if I decide she meets other standards. 4 THE WITNESS: I certainly like the sound of 5 that, Your Honor. But you can understand why we, the 6 neighbors, aren't convinced that Ms. Favali would 7 follow orders, since there have been prior orders that 8 she's not following. 9 THE COURT: I do understand that. I do. 10 THE WITNESS: But your point is well taken, 11 Your Honor. And back to my point about other renters 12 on our street. I don't object to people renting. I 13 might want to rent my house to a family someday. 14 Yeah. Anyway, I think I've said everything I 15 want to put on the record. 16 THE COURT: Any problems with parking that 17 you have observed on the street? 18 THE WITNESS: Yeah. I just have some kind of 19 primal fear that a child is going to get hit by a car. 20 I mean, when our children were small, it just put the 21 fear of God in me to see cars having to weave around 22 parked cars because you can't see a small child. 23 Dan Chappell has small children right next 24 door to Flavia, and they walk outside to get the school 25 bus. They shoot baskets. I'm just, you know,	1 neighborhood, and the more clutter and congestion in 2 parked cars on the street, the harder it is for that 3 through traffic to see a small child. 4 THE COURT: Okay. Anything else? 5 Mr. Goitein, do you have any questions? 6 MR. GOITEIN: No questions for Mr. 7 Goodfriend. 8 THE COURT: Anything else, Mr. Goodfriend? 9 THE WITNESS: No. Thank you for all the 10 time. 11 THE COURT: Mr. Friedman, do you have cross? 12 MR. FRIEDMAN: Just a little bit. 13 CROSS-EXAMINATION 14 BY MR. FRIEDMAN: 15 Q. I was interested in your statement about 16 preserving the rule of law and livability of the 17 neighborhood. Could you expound on that a little bit. 18 A. Sure. Many of us, myself included, have had 19 to apply for permits for renovation. For construction. 20 For any number of things. I obeyed the law. I did not 21 allow any contractor to set foot on our property until 22 we had all the proper permits and clearances. 23 And, on top of that, when I was required to 24 report or to hold off, I did. Again, I'm confused and 25 a little saddened by my observation of Ms. Favali that,
	246	1 perpetually afraid for small children who are riding 2 bikes. Alex Finkel has young children, or at least his 3 daughter is very young still, and they ride scooters. 4 Count me as paranoid and terrified that one 5 of those children is going to get hurt from traffic 6 that is weaving around parked cars. I don't know what 7 the law says about that, but it's just a fear of mine. 8 And I do think that we've had problems on Oldchester 9 Road, ironically, with people speeding to get around a 10 traffic light at the intersection of Wilson and 11 Bradley. 12 So much so that we -- I mean, I worked on 13 this a lot. Petitioned the county government and the 14 state to change the timing of the traffic light at the 15 intersection of Wilson and Bradley because traffic 16 would back up and people would peel through Oldchester 17 to get that -- to get around that traffic light. 18 So we've had problems and fears of traffic on 19 Oldchester Road for quite some time since my children 20 were young. And now they're grown and out of the 21 house. So if I could paint that picture for you, this 22 is not a backwater residential street as much as I'd 23 like it to be. 24 There is traffic from Bradley Boulevard, from 25 Wilson Lane, people trying to get into the	1 yes, she has applied for a permit. That's why we're 2 all here. 3 But you've heard now multiple witnesses 4 explain how, even in the face of an order, as Ms. 5 Bennet pointed out, when Ms. Favali was supposed to 6 provide information, she didn't. 7 So we seem to live in an era when some people 8 think it's okay for them not to obey the law; that's 9 for somebody else. And it just bothers me to my core. 10 I'm a licensed attorney in the state of 11 Maryland. And I think it's important that we all abide 12 by the same rules. 13 Q. And do you think that she would embark on 14 building an ADU without getting all the permits that 15 she'd need? 16 A. If past is prologue, her willingness to 17 ignore orders from the county government lead me to 18 believe that, as the judge just said, even a condition 19 imposed here -- I would question whether or not it 20 would be met. We have a pattern and practice issue 21 with this neighbor. 22 Q. What orders of the county government has she 23 not complied with? 24 A. I refer you back to the testimony of Carri 25 Bennet and her observation that, even when -- and your

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63 (249 to 252)

	249	1 client conceded this on the record -- she was asked to 2 provide information. She did not. I'm sure there are 3 other examples, but you asked for an example. That's 4 one. 5 Q. Well, what orders that have to do with the 6 maintenance of this property, the orders that might 7 affect you, has she violated? 8 A. Well, let's start with licensure for renting 9 out a multiple dwelling unit. Every home on this 10 street is a single-family unit. Ms. Favali has turned 11 her residential property into a multi-dwelling unit. 12 Now, I recognize that that's a zoning issue 13 not relevant to the question at hand. But we have now 14 received testimony, fact witnesses in this proceeding 15 as to how she did not meet the standards required of a 16 multi-dwelling unit. 17 Q. Which I thought you testified that she did 18 comply. 19 A. I'll refer you back to the record in this 20 proceeding. 21 Q. Please do. Go ahead. 22 A. Yes. 23 Q. Go ahead. I'm listening. 24 THE WITNESS: Is the court reporter on? 25 MR. GOITEIN: Your Honor, I'd object to going	251	1 question was whether or not I could expect that she 2 would abide by regulations and orders from the county 3 with respect to an ADU. My answer is no, I don't 4 believe that could expect her -- 5 MR. FRIEDMAN: That was three questions back. 6 THE WITNESS: That could -- 7 (Cross-talk.) 8 THE COURT: Okay. Please, please. 9 What I heard from you -- and I'm just going 10 to call it -- his question is, Do you think she will 11 abide by the rules? I'll rephrase. What's your basis 12 for thinking she won't abide by the rules and 13 regulations as far as complying with conditions? 14 MR. FRIEDMAN: If I might clarify my 15 question, ma'am. 16 THE COURT: Go ahead. 17 MR. FRIEDMAN: I asked that, and his answer 18 was, Well, she didn't comply with the court order to 19 provide documents. And I said, That's not what I'm 20 talking about. I'm talking about what is it about the 21 house that you think she's ever violated that might 22 affect you personally? And that's what the answer I'm 23 looking for. 24 (Cross-talk.) 25 Q. (By Mr. Friedman) Let's not suppose. What
	250	1 back to the court -- I mean, I think Mr. Friedman is 2 trying to make a point, and Mr. Goodfriend is saying, 3 you know, the hearing examiner is going to decide based 4 upon the record. 5 But I'm beginning to get quite concerned that 6 the other witnesses who should have an opportunity to 7 testify today are not going to be able to because of 8 the time. So I'd object to that question. 9 MR. FRIEDMAN: Well, I'm sorry, but Mr. 10 Goodfriend has testified that she's violated court 11 orders that have to do with the house. And he calls it 12 a multiple dwelling unit, which the testimony is that 13 it's a four-bedroom house. That one kitchen; it's not 14 a multiple dwelling unit. I don't know what he's 15 talking about, and that's why I'm asking him to 16 clarify. 17 THE WITNESS: I gave you one example. You're 18 asking for more examples. The example I gave you was 19 the order from the county that she submit data and she 20 failed to meet that order. You've asked for more. 21 MR. FRIEDMAN: You said that and I asked you 22 what has she violated with respect to the house that 23 might affect you, Mr. Goodfriend, and I was waiting for 24 the response. 25 THE WITNESS: No. I believe, sir, your	252	1 violations has she done that you say she hasn't 2 complied with? 3 A. She lied. She was found lying to the 4 government, to this adjudicator, and, therefore, I 5 don't believe her if she says, I will live by 6 conditions imposed by an order. She lied once. She 7 lied twice. She'll lie again. 8 She failed to meet the requirements of an 9 order. Therefore, I don't believe if there are 10 restrictions on parking. If there are restrictions on 11 the number of tenants. If there are restrictions on 12 time of day behavior. I don't think she'll abide by 13 any of it based on her past behavior already on this 14 record. 15 Q. So let's talk about the parking, now that you 16 brought it up. You testified that you and your wife 17 routinely park a car on the street. And I assume from 18 your testimony that, when you had teenage kids and they 19 may have had a third or fourth car, that there have 20 been more than one car parked on the street. Is that a 21 fair assumption? 22 A. Yes. As I said, I cannot tell you that we've 23 had trouble parking in front of our house. We have 24 not. 25 Q. Okay. But, in fact, in her house, there's

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64 (253 to 256)

	253	255
1 room to park five cars off the street, isn't there?		1 and go on their merry way. It was a way to get around
2 THE COURT: Well, is there?		2 backed up traffic at the intersection of Wilson and
3 THE WITNESS: I don't --		3 Bradley Lane.
4 Q. (By Mr. Friedman) Yes. There's two on the		4 Now, thankfully, the county, recognizing this
5 state driveway and three on the park too.		5 problem, shortened the duration of the red light at
6 A. If every -- if four of those cars --		6 that intersection. So the problem is less than it once
7 (Cross-talk.)		7 was, but it still happens.
8 THE COURT: You know what? We gotta get		8 People know that if they turn off of
9 through this. It's now quarter to 4:00. If you want		9 Oldchester Road -- sorry; I think my dog wants to
10 to go an extra day, I'll go an extra day and you can		10 testify next. Drivers know that if they turn onto
11 have additional cross-examination. It's up to you.		11 Oldchester Road off of Bradley or Wilson, they can get
12 I just want to alert you because I still have		12 around the traffic light at the intersection of Wilson
13 some questions, too, of Ms. Favali. So you go ahead if		13 and Bradley.
14 this point is really important to you on		14 Q. So you're saying that people drive six or
15 cross-examination. I think his answer to the question		15 seven blocks to avoid the very two short blocks between
16 is he believes that she has lied in the past.		16 Oldchester and Wilson Lane, where there's one house on
17 MR. FRIEDMAN: Okay. We're past that.		17 each block? Is that what you're telling me?
18 Q. (By Mr. Friedman) Is it true that Ken Mack		18 A. No. I'm saying that there's a traffic --
19 has had a car parked for sale on the street for many		19 Q. People drive six or seven --
20 months?		20 (Cross-talk.)
21 A. I live right across the street from Ken Mack		21 A. No, your geography is wrong. It's not six or
22 and I don't recall a car for sale --		22 seven blocks. You take a left onto Oldchester from
23 THE COURT: Who's talking? Mr. Goodfriend?		23 Bradley Boulevard --
24 THE WITNESS: Yes. I assume the question is		24 Q. (By Mr. Friedman) GO to Bradley. Go to --
25 directed at me?		25 (Cross-talk.)
	254	256
1 MR. FRIEDMAN: Yes, sir.		1 THE COURT: I think all he's saying is
2 A. Can you ask Ken Mack? He's right here.		2 there's more cut-through traffic in the neighborhood
3 Q. (By Mr. Friedman) All right. We'll get to		3 that adds to any conflicts that may occur.
4 Ken Mack, if that's what you prefer.		4 MR. FRIEDMAN: I know what he's saying,
5 Let me ask you one more question. I mean,		5 ma'am. But I think --
6 you seem to think that the number of cars at Ms.		6 THE COURT: Well, then, I'll schedule another
7 Favali's house somehow could affect traffic and speed		7 day.
8 on Oldchester because of proximity to Wilson and		8 MR. FRIEDMAN: I think it's quite a stretch
9 Bradley.		9 that people go six or seven blocks instead of two very,
10 And, as you already referred, I grew up right		10 very short blocks on Bradley Boulevard.
11 there. I don't see how parking on that end of		11 I think that's manufactured.
12 Oldchester, at least four blocks from Wilson and		12 THE COURT: Well, I've done a lot of zoning
13 Bradley, is going to have any effect on that		13 cases, and I've got to tell you --
14 intersection. Can you please explain that to me, and		14 THE WITNESS: Manufactured? Wait a minute.
15 then I'll let you off the hook.		15 Did counsel just say I manufactured evidence? Are you
16 A. Yeah. I'd be happy to. Prior to the county		16 asserting that, counsel? Be very careful how you
17 changing the timing of the traffic lights at the		17 answer my question.
18 intersection of Wilson and Bradley, during rush hour at		18 MR. FRIEDMAN: All right.
19 a red light, traffic would back up so far that somebody		19 THE WITNESS: Are you accusing me of
20 driving out of Bethesda along Bradley Boulevard would		20 manufacturing --
21 come to the end of that line of traffic and, lo and		21 THE COURT: Okay. We're going to take a
22 behold, just to their left was Oldchester Road.		22 five-minute break. We'll come back, consult your
23 They would turn left, speed along Oldchester		23 calendars, and we'll be back on the record at 3:47.
24 Road to get to Wilson Lane at the other end, turn right		24 That's it.
25 to get back to the intersection of Wilson and Bradley,		25 (Recess from 3:43 p.m. to 3:50 p.m.)

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65 (257 to 260)

	257		259
1	THE COURT: Back on the record. Do you have	1	MS. BENNET: Ms. Malek.
2	any more questions, Mr. Friedman?	2	THE COURT: I'm sorry. Yes, you are. Okay,
3	MR. FRIEDMAN: No, thank you.	3	go ahead.
4	THE COURT: Okay. Mr. Goodfriend, for Mr.	4	MR. GOITEIN: But if Ms. Malek wants to go
5	Goitein, do you have any follow-up to what you said on	5	first, then that might be easier. I mean, I'm going to
6	cross-examination?	6	try to do cleanup, I guess, with Mr. Mack. So it might
7	THE WITNESS: No, Your Honor.	7	be better to have the other witnesses go first, so then
8	THE COURT: All right. Thank you. You may	8	we'd be more efficient with him.
9	be excused.	9	THE COURT: Okay. Ms. Malek, please raise
10	Mr. Goitein, do you have another witness?	10	10 your right hand.
11	MR. GOITEIN: Yes. I don't know if Alex	11	BRITALEN MALEK,
12	Finkel is still available, but my understanding is that	12	12 having first been sworn, testified as follows:
13	he wanted to speak next.	13	THE COURT: State your name and address and
14	THE COURT: Mr. Finkel, can you turn your	14	14 email address for the record.
15	camera on so I can find you. Does anyone see Mr.	15	THE WITNESS: Britalen Malek, as it's spelled
16	Finkel?	16	16 in the quotations here. I'm at 7700 Oldchester Road
17	MR. GOITEIN: I don't. Maybe he's gone.	17	17 Bethesda, and my email address is
18	MS. BENNET: I got a text from him that said	18	18 britalen.malek@gmail.com.
19	he had to leave to pick up his child.	19	THE COURT: Okay. Just the spelling of your
20	THE COURT: Well, there is the possibility of	20	20 name, first name, dot, last name?
21	rescheduling. If Mr. Finkel wants to come back and	21	THE WITNESS: Yes.
22	weigh in, he can do that. I'm sorry we lost him	22	THE COURT: And that was Gmail?
23	because of an argument.	23	THE WITNESS: Yes.
24	So, Mr. Goitein, do you have another witness?	24	THE COURT: Okay. Go ahead.
25	MR. GOITEIN: I do have another witness. My	25	THE WITNESS: We've lived at our home since
	258		260
1	client, Mr. Mack, will testify. I don't know what Mr.	1	2016, down the street from Ms. Favali. Just wanted to
2	Finkel was going to say, and I frankly don't know the	2	make three quick points. Number one, the parking
3	extent to which his testimony would be needed.	3	situation on our street, I think, is quite dangerous.
4	I do think he was available for six and a	4	I do believe our street to be more narrow
5	half hours today. I think it was reasonable to expect	5	than the average streets, if you compare it to like
6	that would have been enough. So if his testimony is	6	Plainville -- or, sorry -- Plainview or Whittier
7	going to be important and we need to find another date	7	Boulevard or on some of the other streets around here,
8	for that, then I'm not opposed to that.	8	our street is more narrow.
9	MR. FRIEDMAN: No objection.	9	And, like Mr. Goodfriend described, we do get
10	THE COURT: I would like him available	10	cut-through traffic. And, honestly, that was one of
11	because I know that people have been on this call for a	11	the reasons that we almost didn't buy our house back in
12	long time, and I'm really trying to get a sense of	12	2016, was because the amount of traffic that cuts
13	what's going on as far as parking. So I would like to	13	through Oldchester Road. And, at the time, my children
14	set another date if he can't come back today. It	14	were young, and we had to weigh that very carefully.
15	doesn't have to be all day. It can just be him.	15	So he's correct on that.
16	MR. FRIEDMAN: My understanding is that Mr.	16	And then I will also say that Ms. Favali's
17	Finkel also lives next door to the subject property, so	17	home appears to have more activity out front than the
18	that's kind of why I think it might be important.	18	average house on the street. More people coming and
19	THE COURT: Okay. So we'll do that. So why	19	going. More cars pulling in and pulling out. More
20	don't you call -- we'll get together at, like, a	20	cars parked there long term. I mean, that trailer, I
21	quarter to 5:00 and schedule another date.	21	honestly thought it was abandoned.
22	Is there anyone else that wants to support	22	It was there for so long. And various other
23	the objector's case?	23	cars, again, with upstate license plates.
24	MR. GOITEIN: Well, I'm going to call Mr.	24	I'm sorry?
25	Mack.	25	THE COURT: Sorry to cut you off. Okay. Go

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66 (261 to 264)

1 back to the trailer. How long was the trailer there?  
2 THE WITNESS: It's been there for long  
3 stretches of time. I can't say for sure if it isn't  
4 moved. Like, I'd say it was there for several months,  
5 at least at one point a few years ago.

6 I believe -- I forgot who mentioned that  
7 there were leaves underneath the wheels of the trailer.  
8 That was absolutely the case. Cobwebs on the back of  
9 the trailer. I mean, it sat there for a long time.

10 And, again, it may have been moved for a  
11 couple days. But then it would be back for long  
12 periods of time.

13 And that's also been the case for some  
14 commercial vans I've seen over the years. I can't give  
15 you exact dates, but I have seen cars and trucks parked  
16 there for long periods of time, as well as that  
17 trailer.

18 So I do get very concerned when I walk my dog  
19 a lot on the street. And when there's a car coming in  
20 either direction in front of Ms. Favali's house and  
21 some of our other neighbors. You have to stop to wait  
22 for the cars to go by. There is not enough space for a  
23 pedestrian and a car to go through the single lane.

24 And that's the same for bicyclists. And I've  
25 seen some close calls on the street. So that was my

262 1 first concern with the parking situation being  
2 dangerous.  
3 I echo the concerns about primary residency.  
4 I've never met Ms. Favali in person. I know what she  
5 looks like from our proceedings. I've never seen  
6 her -- that's not true. I've seen her once unloading  
7 groceries in her driveway. But I don't see her coming  
8 and going the way that I see my other neighbors coming  
9 and going. So I question that.

10 And then I just have concerns about the ADU  
11 in general. I am speculating, or I'm concerned, that  
12 the additional bedrooms in the ADU will be used as  
13 additional rental units, which would be, potentially,  
14 it sounds like up to at least two more residents with  
15 cars parking, coming and going on the street.

16 So that sums up my concerns.

17 THE COURT: Now, can you park in your  
18 driveway?

19 THE WITNESS: Yes. Yes, I can.  
20 I'm several houses down. I'm about three to four  
21 houses down from Ms. Favali on the opposite side of the  
22 street

23 THE COURT: Okay. And you say "more  
24 activity," what do you mean by that? Cars coming and  
25 going? Is that what you're saying?

263 1 THE WITNESS: Yeah. There's just often --  
2 you know, I spent a lot of time just kind of driving  
3 back and forth. You know, kid stuff. And I just see a  
4 lot of people often in the front yard.

5 And I'm not complaining about that. It's  
6 just that there's just a lot of activity around the  
7 house in general. So it just adds to the business of  
8 our street. People coming and going. Cars pulling in  
9 and out. Certainly, cars backing out of the driveway,  
10 you know, while waiting for, like, a work truck to pull  
11 up. So it's just -- it's a busy residence.

12 THE COURT: Okay. Anything else you'd like  
13 to say?

14 THE WITNESS: No.

15 THE COURT: Okay. Mr. Goitein, do you have  
16 any follow-up questions for her, then we'll go to Mr.  
17 Friedman.

18 MR. GOITEIN: Just a couple of quick  
19 questions.

20 CROSS-EXAMINATION

21 BY MR. GOITEIN:

22 Q. Ms. Malek, how does the activity at Ms.  
23 Favali's property compare to the activity around the  
24 other houses in the neighborhood?

25 A. I'd say it's -- I can't really characterize

264 1 the type of activity. But it's just busier. I see  
2 more people outside. All adults. I don't see any  
3 children around there. People coming and going.  
4 Unloading things from their car. Things like that.  
5 Q. Do you have any idea how many cars sort of  
6 you associate with that address?

7 A. I associate a lot of cars, and they're not  
8 always the same cars. You know, often, there, are cars  
9 in the driveway in the horseshoe, and, often, there are  
10 cars at the top of the driveway.

11 But then there are very often cars on the  
12 street in front of her house. I mean, I'd say the area  
13 in front of her house, which is also in front of, like,  
14 Mr. Mack's house and Ms. Bennet's house, that is the  
15 most congested part of Oldchester Road from Bradley to  
16 Wilson -- right? Yeah. That is the most congested  
17 part, in my opinion, on our street.

18 Q. Okay. And then you said you've lived there  
19 about five or six years -- I'm sorry. You said you've  
20 lived there since 2016?

21 A. Correct.

22 Q. Great. Have you noticed any difference in  
23 Ms. Favali's presence at the property in the past year  
24 as compared to the years you've lived there before?

25 A. No. As I mentioned, I've only seen her once.

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67 (265 to 268)

	265	267
1	Q. Okay.	1 BY MR. GOITEIN:
2	<b>A. In totality.</b>	2 Q. Good afternoon, Mr. Mack. How long have you
3	Q. How often have you seen her before then?	3 lived at that address?
4	<b>A. None.</b>	4 <b>A. We purchased the house in 2009. We lived</b>
5	Q. All right. And how does that compare to your	5 <b>there until 2011. Then we moved overseas for a few</b>
6	other neighbors?	6 <b>years. We rented the house to a single family. We</b>
7	<b>A. Oh, I see everybody coming and going.</b>	7 <b>moved back around the beginning of 2016 I believe, and</b>
8	<b>Walking dogs. Chatting in the street.</b>	8 <b>we've lived here ever since.</b>
9	Q. All right. Thank you.	9 Q. Okay. Did you participate in the hearing in
10	MR. GOITEIN: I don't have any other	10 December of last year on this issue?
11	questions.	11 <b>A. Yes.</b>
12	THE COURT: I'm sorry. I'm taking notes with	12 Q. Okay. At that time, do you recall testifying
13	this live slide.	13 that you were working from home at the time?
14	Okay. Mr. Friedman?	14 <b>A. Yes.</b>
15	MR. FRIEDMAN: Yeah, I just have one	15 Q. Where's your house in proximity to Ms.
16	question.	16 Favali's property?
17	CROSS-EXAMINATION	17 <b>A. Directly across the street.</b>
18	BY MR. FRIEDMAN:	18 Q. All right. Were you able to observe her
19	Q. You expressed a concern about additional	19 property on a daily basis?
20	bedrooms, and you said bedrooms, plural, in the ADU.	20 <b>A. Yes. My office is right across. It's out on</b>
21	Would it affect your opinion if you knew that there was	<b>21 the street and on the house.</b>
22	only one bedroom, one bath in the ADU? Because that's	22 Q. Okay. So, would it be fair to say that
23	the plan.	23 you're looking directly at that -- when you're in your
24	<b>A. Yeah. I guess I heard somebody say two</b>	24 office, you would be looking directly out to her house?
25	<b>rooms. I don't know if they meant bedrooms or rooms in</b>	25 <b>A. Correct.</b>
	266	268
1	<b>general. I'm just concerned about any additional</b>	1 Q. All right. At the time last year, in
2	<b>residents in the main house or in the ADU, given that</b>	2 December of 2024, did you testify that you believe that
3	<b>we already have all this activity and all this traffic.</b>	3 that was not her primary residence, right?
4	Q. Okay. Thank you.	4 <b>A. Right.</b>
5	THE COURT: Okay. So, Ms. Bennet, do you	5 Q. Okay. Based upon your observations over the
6	have any questions?	6 past year, has anything changed about your opinion as
7	MS. BENNET: No, I don't. Thank you.	7 Ms. Favali's occupancy of that property?
8	THE COURT: Okay. With that, Mr. Goitein, do	8 <b>A. No. I don't see her around very often. I</b>
9	you want to go with your next witness?	<b>9 don't see that anything has changed from last year or</b>
10	Thank you, Ms. Malek.	<b>10 the year before. The same pattern. I see her on</b>
11	THE REPORTER: Mr. Goitein, you're on mute.	<b>11 occasion, but not like I see other neighbors coming and</b>
12	MR. GOITEIN: That's actually probably not	<b>12 going. Bringing groceries. Walking dogs. Being</b>
13	the worst thing in that scenario.	<b>13 around. I don't see that. I don't see her very much.</b>
14	Yeah. I'll call Mr. Mack now.	14 Q. I think you mentioned earlier that you rented
15	THE COURT: Mr. Mack please turn your camera	15 the property for a while. Do you ever have any
16	on and raise your right hand.	16 problems with any of your neighbors because you were
17	KENNETH MACK,	17 renting your property out?
18	having first been sworn, testified as follows:	18 <b>A. No. Because we rented just to a single</b>
19	THE COURT: Please state your name, address,	<b>19 family, just like ours. And, so, it wouldn't have</b>
20	and email address for the record.	<b>20 changed the pattern or the dynamic.</b>
21	THE WITNESS: My name is Kenneth Mack. My	21 Q. All right. And how would you describe sort
22	address is 7708 Oldchester Road, Bethesda, Maryland.	22 of the general activity around Ms. Favali's property?
23	My email address is kenneth.mack at gmail.com.	23 <b>A. It can get very congested. Different tenants</b>
24	THE COURT: Okay. Go ahead.	<b>24 coming and going through different exits. On occasion,</b>
25	DIRECT EXAMINATION	<b>25 police show up, as they did earlier this month, in</b>

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68 (269 to 272)

<p>269</p> <p>1 relation to a tenant.</p> <p>2 It's quite active, quite disturbing</p> <p>3 sometimes, particularly when law enforcement is</p> <p>4 involved. And in terms of cars --</p> <p>5 Q. But before you talk about the cars -- sorry,</p> <p>6 hold on. Before you talk about the cars, can you</p> <p>7 describe more about the -- you said earlier this month,</p> <p>8 law enforcement was called to the house. What happened</p> <p>9 then, based upon your observations?</p> <p>10 A. I was walking a few weeks ago, and there were</p> <p>11 four police cars there. And they were kind of walking</p> <p>12 around the property, going around the back. And then,</p> <p>13 finally, they approached the main door.</p> <p>14 Alex Finkel was there also. He came out of</p> <p>15 his house and saw this too. And one of the tenants, I</p> <p>16 guess, came out. They asked him -- I believe, and this</p> <p>17 is just what I think I heard. One of the police</p> <p>18 officers asked if he had a weapon. I believe he said</p> <p>19 no. They asked him to turn around. I didn't want to</p> <p>20 hang out. So I eventually, you know, walked off. Yeah.</p> <p>21 Q. Did you see Ms. Favali during that incident?</p> <p>22 A. No, she wasn't there. At least I didn't see</p> <p>23 her there.</p> <p>24 Q. Okay. You were going to say, I think, before</p> <p>25 I interrupted you, about the cars and the activity</p>	<p>271</p> <p>1 certainly, and potentially dangerous.</p> <p>2 Q. How frequently would you say there are cars</p> <p>3 that are associated with the property owned by Ms.</p> <p>4 Favali parked on the street in front of her house?</p> <p>5 A. Quite often. And the reason is obvious.</p> <p>6 Even though she's got that long driveway, it's a</p> <p>7 single-lane driveway. Same with that horseshoe that</p> <p>8 she built; single-lane.</p> <p>9 So if you've got four tenants, each with a</p> <p>10 car, maybe multiple cars, and then, God forbid, an ADU,</p> <p>11 it's one thing if you've got family members, and you</p> <p>12 can ask each of them to move their car so you can back</p> <p>13 it out. But if you've got multiple tenants, it's</p> <p>14 impossible to do that.</p> <p>15 And, so, people are naturally going to park</p> <p>16 on the street, rather than box themselves in,</p> <p>17 potentially with a fellow tenant who has wandered off</p> <p>18 somewhere or is busy or tied up. With two cars, it</p> <p>19 would be impossible. So, naturally, they're going to</p> <p>20 park on the street.</p> <p>21 Q. Has that had any impact on your ability to</p> <p>22 find on-street parking?</p> <p>23 A. Yes, it does. And, in fact, I'm often</p> <p>24 anxious if I need to park on the street. When I'm</p> <p>25 approaching, I'm thinking to myself, Is this going to</p>
<p>270</p> <p>1 outside 7709. What can you tell us about the volume of</p> <p>2 activity with respect to the vehicles that you</p> <p>3 associate with that property?</p> <p>4 A. They change often because the tenants change.</p> <p>5 But there will be cars parked in front of her house.</p> <p>6 In front of our house. And it becomes a choke point.</p> <p>7 So, as cars come moving quickly down, they have to kind</p> <p>8 of squeeze through between the cars that are there.</p> <p>9 And, yeah, if the fire truck had to come down, it would</p> <p>10 be a big concern.</p> <p>11 So a lot of cars. A lot of congestion. I</p> <p>12 also want to corroborate and affirm what one of the</p> <p>13 other witnesses said, which is that people -- and I've</p> <p>14 been there many years, so I'm absolutely sure of this.</p> <p>15 When people, to save time as they're trying</p> <p>16 to go between Wilson Lane and Bradley Boulevard, just</p> <p>17 cut through Oldchester and the diagonal, and they go</p> <p>18 very fast, and there's a lot of traffic that moves as</p> <p>19 people try to save time to avoid the light at the</p> <p>20 intersection of Wilson Lane and Bradley Boulevard. So,</p> <p>21 even though it looks in a photograph like a very kind</p> <p>22 of calm street, it gets a lot of traffic.</p> <p>23 And, between my house and the house owned by</p> <p>24 Ms. Favali, that is the choke point. And it can really</p> <p>25 be a concerning problem. It can be inconvenient,</p>	<p>272</p> <p>1 be another time where I'm going to have to park</p> <p>2 somewhere else if I need to park in front of the house</p> <p>3 for something? It's happened. We usually park in our</p> <p>4 garage, but during the times when it's necessary to</p> <p>5 park on the street, it's not always available.</p> <p>6 Q. Okay. Do you have any other concerns about</p> <p>7 Ms. Favali's request for an ADU?</p> <p>8 A. I have legal concerns, and I have practical</p> <p>9 concerns.</p> <p>10 Q. Let's start with the practical concerns.</p> <p>11 What are those?</p> <p>12 A. So there are the concerns about the volume of</p> <p>13 people jammed into one house like that, certainly.</p> <p>14 And, particularly when there's a constant turnover, we</p> <p>15 have safety concerns. We just don't know. It's one</p> <p>16 thing to rent out a house to a single family that's</p> <p>17 going to be there for the long run and get to know</p> <p>18 them. But this constant rotation, it does create</p> <p>19 concerns.</p> <p>20 But in terms of order in the street, again,</p> <p>21 the parking is a real concern. And ADU will add -- it</p> <p>22 will mean more cars on the street. And that's the last</p> <p>23 thing we need right now.</p> <p>24 Q. All right. Thank you.</p> <p>25 MR. GOITEIN: I don't have any other</p>

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69 (273 to 276)

1 questions.

2 THE COURT: I just had a couple. You keep  
3 referring to the Favali house as a choke point on the  
4 street. I don't know exactly what you mean by that.

5 THE WITNESS: I can explain. Sure. When  
6 people park in front of a house and then somebody else  
7 wants to park on the other side of the street, they'll  
8 naturally move up just a little bit so that you won't  
9 have two cars absolutely parallel to each other on  
10 either side of the street. So that if someone wants to  
11 move forward, like a fire engine or whatever. They can  
12 bend out around the first car and then come in around  
13 the second.

14 If you've got two cars that are directly  
15 across from each other, that creates a tight space.  
16 But then when you multiply that, and you've got  
17 multiple cars on either side of the street, then you've  
18 got a very narrow situation. And it really can slow  
19 things down and potentially be dangerous.

20 THE COURT: How many cars do you see  
21 generally parked in the driveway?

22 THE WITNESS: Sometimes I'll see one or two  
23 or three. Sometimes they'll just be on the street. I  
24 don't see what was alluded to earlier by someone that  
25 everyone in an orderly fashion kind of parks all their

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1 disturbing, take up the enjoyment that I have of the  
2 house that we live in and the neighborhood. It's  
3 unfortunate that it exists.

4 It's unfortunate that we need to gather here  
5 every year about this. But it felt uncomfortable and  
6 sometimes scary, particularly when my children were  
7 young. You know, now they're older.

8 My son is 15, and my daughter is 19. I'm not afraid  
9 for their safety anymore like I was when this whole  
10 thing started. But it's still unpleasant to --

11 THE COURT: Impeding traffic, impeding street  
12 movements, or safety in terms of what?

13 THE WITNESS: Traffic. And also when the  
14 police show up for different people at different times.  
15 That is a red flag that there's some something  
16 potentially that is -- there's a potentially dangerous  
17 person in the house. And that's frightening when you  
18 have little kids, and you don't know who these  
19 neighbors are and what the issue is.

20 I don't want to drift off. I'm happy to  
21 answer these questions, but I would I want to honor the  
22 hearings approach if you want to focus just on the  
23 issues that are presented to us. But that has always  
24 been an issue of great concern.

25 THE COURT: I was actually asking to see if

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1 cars kind of lined up on the driveway.

2 I don't know. It's hard to know. Obviously,  
3 I'm not familiar with all the cars that are associated  
4 with any given tenant because there's turnover. It is  
5 a turnover situation.

6 THE COURT: How often do they turn over? Do  
7 you have an estimate? I think Ms. Favali testified she  
8 had them on 30-day leases. But do you have any idea --  
9 and I know you may not have tracked this -- how  
10 frequent the turnover is?

11 THE WITNESS: I'm not sure. I'm often seeing  
12 new faces. Yeah. So I don't know. I think it's  
13 pretty often.

14 THE COURT: Well, I think some of the tenants  
15 said she had the same tenants for six to four years.  
16 Well, I think some of the tenants said she had the same  
17 tenants for six to four years. Now, maybe I got that  
18 --

19 THE WITNESS: No, I heard that too. And that  
20 does not ring true with my own observations. I have  
21 not interviewed or spoken with any of these folks that  
22 testified today. I spoke with one of the tenants a  
23 year or two ago then for that.

24 But I really have tried to live my life and  
25 not let this scene across the street, which was very

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1 it was traffic conditions.

2 THE WITNESS: Oh, as for traffic. Sure, I  
3 would I would worry about that because there's no  
4 sidewalks on Oldchester Road. There's no place to go  
5 if you're walking down the street and it's the only  
6 place to walk in car --

7 This is actually a really good point that you  
8 raise, which is that I often find myself timing as I'm  
9 walking my dog down the street and I hear a car coming  
10 behind me and I'm approaching my house. I'm thinking,  
11 Can I get between these cars quickly enough, so that,  
12 if the car doesn't see me or the person I'm walking  
13 beside, I can be out of their way before they reach the  
14 choke point. And we try to dress with reflective gear  
15 and so forth so this doesn't happen because the street  
16 is not well lit. But I'm often finding myself trying to  
17 time the situation to make sure I'm not caught between  
18 cars as I approach my house.

19 THE COURT: Thank you. Mr. Goitein, is there  
20 anything else?

21 Q. (By Mr. Goitein) Mr. Mack, do you know the  
22 names of any of the people who live at 7709 Oldchester?

23 A. I don't believe I do and I say I don't  
24 believe I do because at one time there was a person  
25 named Jeff, I believe, and I spoke with him. I think

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70 (277 to 280)

1 there was Jeff, and then I don't remember anybody  
2 else's name other than him.

3 Q. Do you remember when the last time you saw  
4 Jeff was?

5 A. It was over a year ago.

6 Q. Okay. Are there any other houses in what you  
7 consider to be your neighborhood where you could say  
8 the same thing? In other words, you don't know who  
9 lives there?

10 A. Definitely not.

11 And I want to corroborate what one of the other  
12 witnesses said before, which is there's plenty of old  
13 style houses on the street. Small. Smaller than Ms.  
14 Favali's house. They're wonderful neighbors. There's  
15 no congestion in front of their house. We're delighted  
16 to have a mix of houses on our street.

17 MR. GOITEIN: No further questions for me.

18 Thank you.

19 THE COURT: Mr. Friedman?

20 MR. FRIEDMAN: Yes. Thank you.

21 CROSS-EXAMINATION

22 BY MR. FRIEDMAN:

23 Q. You mentioned police activity, which,  
24 frankly, nobody else or maybe one person has mentioned.  
25 I was unaware of. Have you seen anybody be arrested at

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1 to hear it. I don't know if -- I'm not going to assert  
2 that anyone is lying, because, like I said, I have not  
3 done an inventory of the house. I do know for sure  
4 that some of the people have constantly turned over.  
5 If anybody has lied on this call and they have not, in  
6 fact, lived there that whole time, that would not  
7 surprise me, because I'm not familiar with them.

8 But I'm not saying -- I'm not asserting that  
9 anyone is lying. I will assert there has been  
10 significant turnover of the people living in that  
11 house.

12 Q. Have you made an effort to introduce yourself  
13 to any of the tenants?

14 A. Yeah. Like I mentioned that person, Jeff.  
15 There was somebody else. There was somebody else  
16 who -- I went over to their -- to 7709, knocked on the  
17 door, spoke with somebody there. A few years ago, he  
18 had some very weird and unpleasant things to say, which  
19 I'm not going to repeat on this call.

20 There was another gentleman who used to hang  
21 out. Sit on the kind of front porch for a while. He  
22 eventually disappeared. I had some chat with him from  
23 time to time. This is a number of years ago. So,  
24 yeah, I have not --

25 Q. Thank you. You commented -- you said that

279

1 the house?

2 A. So if Alex Finkel had stayed on this call,  
3 he --

4 Q. Well, he'll have a chance to testify. I  
5 asked you, sir.

6 A. No. I left the scene in December. If you're  
7 asking me whether in previous instances I've seen  
8 people arrested, I cannot recall. People have, I  
9 think, had to go with officers in the past, but I  
10 cannot recall whether any of them have been arrested.

11 There have been a number of incidents, Mr.  
12 Friedman, where the police have come. And I'm happy to  
13 go -- well, I am on record about that right now.

14 And it waxes and wanes any given year,  
15 whether it's a lot of police or not. But that's  
16 actually the big red flag that started our concerns,  
17 was the intense police activity going to that house to  
18 deal with tenant issues. And -- yeah. I'm glad to  
19 know the examiner's going to give an opportunity for  
20 Mr. Finkel to speak, because he can talk about that  
21 too.

22 Q. All right. And you referred to constant  
23 turnover. Are you saying that the people who testified  
24 that they've lived there for four-plus years are lying?

25 A. So in terms of the person -- I was surprised

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1 the traffic issue was compounded by the fact that it's  
2 a dark street. Have you or any of your neighbors  
3 petitioned the county for more street lights?

4 A. I have not. The problem would not be solved  
5 simply by making it brighter. But that would obviously  
6 help. But it's not like, Oh, all we need to do to fix  
7 this danger issue of having to thread your way between  
8 cars is to make it brighter so that they won't hit you  
9 if your timing is off on your walk. But no, I have  
10 not.

11 I don't know if anybody else has

12 Q. And my last question is, you talked about  
13 your concerns for child safety when your children were  
14 younger. Did either of your children have any incident  
15 ever with anybody from Ms. Favali's house?

16 A. No.

17 Q. Thank you.

18 MR. FRIEDMAN: Nothing further.

19 THE COURT: All right. Mr. Goitein?

20 MR. GOITEIN: Nothing more from me on this  
21 witness. I think -- is Dan Chappell going to testify?

22 THE COURT: Mr. Chappell?

23 MR. FRIEDMAN: I believe he had to jump off  
24 as well.

25 THE COURT: Oh, he's here.

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71 (281 to 284)

	281	
1	Mr. Chappell? Thank you Please raise your	283
2	right hand.	
3		
4	DAN CHAPPELL,	
5	having first been sworn, testified as follows:	
6	THE COURT: And please state your name,	
7	address, street address, and email address for the	
8	record.	
9	THE WITNESS: Dan Chappell. Address is 7707	
10	Oldchester Road, Bethesda, Maryland, 20817. Email	
11	address dpchappell@gmail.com.	
12	THE COURT: Can you give me that again? I	
13	was writing something else. Can you give me that	
14	email? Just email.	
15	THE WITNESS: Dpchappell@gmail.com.	
16	THE COURT: P-a-j?	
17	THE WITNESS: D-P-C-H, as in Harry, A as in	
18	Apple, P as in Peter, P as in Peter, E as in Echo, L-L,	
19	@gmail.com.	
20	THE COURT: Trying to make you use the Naval	
21	alphabet.	
22	Okay. Mr. Goitein, do you want to ask any	
23	questions?	
24	MR. GOITEIN: Sure. I mean, Mr. Chappell, I	
25	don't know if you had -- certainly as you're entitled	
	282	
1	to give a statement, so if there's something you want	284
2	to say before I ask any questions regarding your	
3	position on this issue.	
4	THE WITNESS: I was just going to comment on	
5	the parking, but I'd like to make it quick. Just I	
6	think you've heard it ad nauseam, but I'm happy to hear	
7	an example.	
8	DIRECT EXAMINATION	
9	BY MR. GOITEIN:	
10	Q. That's what I was going to ask you about. I	
11	mean, you live directly next to the subject property,	
12	right?	
13	<b>A. That's correct.</b>	
14	Q. All right. And so what can you tell us about	
15	the terms of activity you see around that house with	
16	respect to the cars and how it affects the parking on	
17	the street?	
18	<b>A. Okay. I'm trying to paint the picture</b>	
19	<b>because I think the hearing examiner is trying to</b>	
20	<b>understand it as well. Think of the letter H, okay,</b>	
21	<b>It's a little lowercase h. And, as the back of the h</b>	
22	<b>goes up, that is the driveway that runs from the</b>	
23	<b>street. That is the only entrance on the street on</b>	
24	<b>that side that will run to the back of the house, which</b>	
25	<b>is where the ADU is proposed to go.</b>	

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72 (285 to 288)

	285	
1	THE COURT: With unrestricted access.	1 there's only three or four tenants that live there, but
2	THE WITNESS: With unrestricted access.	2 we've had more than that. And some of those tenants
3	That's a perfect way of putting it.	3 have more than one vehicle, I think.
4	THE COURT: Is it a single lane proceeding	4 We've talked about other tenants that have a
5	through the hump of the H right where it's proceeding?	5 day vehicle and a work vehicle. So if a tenant has a
6	THE WITNESS: Yes.	6 work vehicle, a work truck -- and I think Jeff, who Mr.
7	THE COURT: And is the intersection with the	7 Mack was referring to, had a vehicle and a work truck,
8	driveway to I mean, the street to the left, is that	8 which is fine. I mean, there's nothing illegal with
9	used as an exit? I saw Ms. Favali at the parking using	9 that.
10	it that way.	10 It's just I'm speaking to the parking count
11	THE WITNESS: There you go. So, see, there's	11 and the congestion and the choke point, which all the
12	the silver car, the black car and Ms. Favali's car.	12 neighbors have spoken about here today.
13	That black car cannot exit forwards without her moving	13 THE COURT: Do you ever have trouble getting
14	her car. It can only reverse out.	14 on-street parking? Do you have a single driveway?
15	MR. FRIEDMAN: Yeah, so?	15 THE WITNESS: My apron, like Ms. Bennet's, is
16	THE COURT: Who said that? I hope it wasn't	16 a single, and then it opens up to our two-car garage.
17	Mr. Friedman. You didn't just say, "Yeah, so," did	17 But it's a single apron.
18	you?	18 THE COURT: Do you park on the street?
19	MR. FRIEDMAN: I was thinking to myself, I'm	19 THE WITNESS: Occasionally. Occasionally,
20	sorry.	20 other people park in front of my house, and I don't.
21	THE COURT: I don't want any more, just stop	21 Occasionally, some of my guests park on the street.
22	talking. I don't want any more editorial comments.	22 But, no, not on a permanent basis. Infrequently.
23	MR. FRIEDMAN: I'll save it for my questions	23 But I park in my driveway, and my wife parks
24	of the witness. I apologize.	24 in the garage, and our kids have bicycles and scooters
25	THE COURT: Thank you.	25 on the other side.
	286	
1	Okay. So tell me what you -- are there five	288
2	cars parked on this driveway on a regular -- or three	1 THE COURT: Okay. Anything else you'd like
3	cars, or how it -- you know, is it fully utilized on a	2 to say?
4	regular basis?	3 THE WITNESS: Not that hasn't already been
5	THE WITNESS: It is. And there are times	4 mentioned with her tenants and the challenges we've had
6	where both of Ms. Favali's cars have been there, the	5 over the years. Her that have put into record in '23
7	Subaru, or even the trailer or the truck. We have	6 and '24, which I think you have or were party to
8	submitted in 2023, in your previous photographs,	7 previously.
9	showing the Subaru there.	8 THE COURT: Is parking on the street, is it
10	I even think one of Ms. Favali's -- her	9 more populated in the evening?
11	Exhibit 10 part 1 page 19, is a picture of her Subaru	10 THE WITNESS: Yes. Some of her tenants, I
12	in front of the house. So it is not just at her	11 think, work from home or they're -- I don't know. I
13	Kennedy Street house. It is sometimes at this house.	12 can't speculate what they do. But there are cars there
14	Sometimes --	13 throughout the day. But more so in the evening, but
15	THE COURT: I guess my question is, do you	14 also keep in mind --
16	observe parking problems in that driveway?	15 THE COURT: I'm talking about the whole
17	THE WITNESS: I do. I mean, it's a shuffle	16 street.
18	of the cars to exit. And if she has two or three of	17 THE WITNESS: Oh, yeah, I would say that's a
19	her cars there, then, you know, where are tenants	18 fair statement. But, to raise kind of a point with her
20	parking?	19 horseshoe with two egresses, there isn't a whole lot of
21	THE COURT: Okay.	20 space for cars to park throughout. Otherwise, you're
22	THE WITNESS: I mean, and it's not always the	21 going to block one of those entrances.
23	case. And, frankly, you know, more often it's just one	22 So, on her side, in front of her house, maybe
24	or two of her cars are there, or a car and a trailer.	23 you can put one to two cars in between those little two
25	But, on occasion, yeah, you have that. And maybe today	24 driveways.
	25 THE COURT: It has two -- it's a horseshoe.	

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73 (289 to 292)

	289	
1	I get it.	
2	THE WITNESS: And it goes right up to her	
3	property line, for the most part.	
4	THE COURT: Okay. Is there anything else	
5	you'd like to say?	
6	THE WITNESS: No.	
7	THE COURT: Mr. Goitein, do you have anything	
8	you want to say?	
9	Q. (By Mr. Goitein) Mr. Chappell, how many	
10	cars -- and I understand it may vary from time to time.	
11	But how many cars do you generally associate with the	
12	7709 property?	
13	<b>A. Maybe five. It's hard to keep track.</b>	
14	Q. And does that include a car for Ms. Favali or	
15	not?	
16	<b>A. I would say so.</b>	
17	Q. All right. And how does that compare to the	
18	other houses in the neighborhood?	
19	<b>A. A lot more.</b>	
20	MR. GOITEIN: I don't have any additional	
21	questions. Thank you.	
22	THE COURT: Ms. Bennet, do you have any	
23	questions?	
24	MR. GOITEIN: No, I don't.	
25	THE COURT: Mr. Friedman?	
	290	
1	MR. FRIEDMAN: Yeah, very, very quickly.	
2	CROSS-EXAMINATION	
3	BY MR. FRIEDMAN:	
4	Q. Mr. Chappell, you said you park in the	
5	driveway typically and your wife parks in the garage.	
6	How do you get there? Do you pull in pull in directly	
7	off the street, head in?	
8	<b>A. I can pull in head in first, or sometimes I</b>	
9	<b>back into the driveway.</b>	
10	Q. Which do you do more often?	
11	<b>A. I have a lot of kids and drive a lot of</b>	
12	<b>carpools and I'm a big car, and sometimes it's easier</b>	
13	<b>to back in. I'm also unloading a lot of groceries.</b>	
14	<b>Honestly, 50/50 if I back in or pull in.</b>	
15	Q. So when you pull in head in or your wife	
16	pulls in head in and you leave, you have to back out	
17	into Oldchester Road; isn't that correct?	
18	<b>A. If I pull in head in, yes.</b>	
19	Q. So why is it any more dangerous if somebody	
20	backs out of Ms. Favali's driveway than if you back out	
21	of yours?	
22	<b>A. Did I say it was dangerous?</b>	
23	Q. Yes, you actually did. You said that it was	
24	that you thought that it was contributing to traffic	
25	that people would back out of the driveway.	
	291	
1	<b>A. I didn't say it was dangerous. But my point</b>	
2	<b>is this: She can have three cars without having to</b>	
3	<b>move a car to exit or enter. And when she has to move</b>	
4	<b>a car, that contributes to the traffic and the log jam</b>	
5	<b>that occurs.</b>	
6	<b>It's a constant game of moving cars in front</b>	
7	<b>of the house, which a car that's moving leads to an</b>	
8	<b>accident. A car that's stationary and parking in a</b>	
9	<b>driveway is less likely to have an accident.</b>	
10	Q. That's correct. And she can park more cars	
11	in her driveway than you can, can't she?	
12	THE COURT: It's also got more people in the	
13	house. Come on.	
14	<b>A. She has more cars than I do as well, sir.</b>	
15	Q. (By Mr. Friedman) Which tenants have had	
16	more than one vehicle?	
17	<b>A. I believe Jeff did.</b>	
18	Q. But he doesn't live there, does he?	
19	<b>A. I don't know who lives there on a frequent</b>	
20	<b>basis. She lives there, and we just heard she owns</b>	
21	<b>four vehicles. I can show you pictures. She submitted</b>	
22	<b>into evidence a photo of her Subaru in front of the</b>	
23	<b>house. So if you want to go down that path, we can we</b>	
24	<b>can talk about that.</b>	
25	Q. I do want to go down that path because she	
	292	
1	testified that she only has one car at a time there	
2	because she can only drive one car at a time. Do you	
3	disagree with that?	
4	<b>A. She also testified as a chauffeur that drives</b>	
5	<b>her between -- around.</b>	
6	MR. FRIEDMAN: I have nothing further. Thank	
7	you.	
8	THE COURT: Okay. Mr. Goitein, do you have	
9	any redirect?	
10	MR. GOITEIN: No.	
11	THE COURT: Okay. So where we are now --	
12	have we finished with all the witnesses on both sides?	
13	MS. BENNET: I'm not sure if Georgia Jaitly	
14	was going to testify. She had tried to file an	
15	objection, but hers came in a day late.	
16	THE COURT: Okay. Is Ms. Jaitly here?	
17	THE WITNESS: Yes, I am.	
18	THE COURT: Are you available, still, to	
19	testify?	
20	THE WITNESS: I'm waiting for a vet	
21	appointment, but I'm available.	
22	THE COURT: Okay, well, I hope everything's	
23	Okay. Please raise your right hand.	
24	GEORGIA JAITLEY,	
25	having first been sworn, testified as follows:	

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1       THE COURT: Okay. Please state your name, 2 street address, and email for the record.	1       Jaitly. I don't see her. Well, if she can 2 come back, she's free to come back to the next hearing. 3 So is anyone able to reach out to Mr. -- was it Finkle 4 that could not come?	
3       THE WITNESS: Georgia Jaitly J-a-i-t-l-y.703 4 Oldchester Road, Bethesda.	5       Yes, Ms. Bennet, you have your hand raised. 6       MS. BENNET: Yeah, I was able to text with 7 him. He was actually going out -- I think he was 8 going out of town for the holidays. And he says, I 9 asked him when he would be available again for another 10 hearing. And he says he'll be back in town January 11 5th.	
5       THE COURT: And your email?	12      THE COURT: Okay.	
6       THE WITNESS: J-a-i -- I'm sorry.	13      Oh, we have Ms. Jaitly back. Thank you.	
7       GeorgiaJaitly@gmail.com.	14      I can't -- I can't hear. We can't hear.	
8       THE COURT: Georgia Jaitly, like, all one 9 word?	15      THE WITNESS: Okay. Sorry about that.	
10      THE WITNESS: Yes.	16      THE COURT: That's okay. You're doing pretty	
11      THE COURT: Okay. Mr. Goitein, do you want 12 to let her make a statement, or do you -- let me know 13 what you want to do.	17 good.	
14      MR. GOITEIN: I'll just let her go ahead.	18      What have you observed as far -- I see your 19 puppy in there. What have you observed as far as 20 parking on the street? There's a lot. I don't want to 21 put words in your mouth.	
15      THE WITNESS: Hi. Yeah. I have lived on 16 this street for about 30 years, and I've had a lot of 17 problems. And I've noticed the traffic -- the 18 cut-through traffic has increasingly been a problem on 19 the street.	22      THE WITNESS: Yes, it's crowded. Especially 23 on that section after Mr. Chappell's house.	
20      And at her address, especially if a car is 21 parked on the street on both sides, across from one 22 another, it is very difficult to get through. And I've 23 seen that her tenants do that on, you know, occasion.	24      THE COURT: Okay. That was my question.	
24      I also have lived in my house for 30 years, 25 and it was built in 1936. And in no way do I feel	25      Mr. Goitein, do you have any questions based	
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1       frowned upon by any of my neighbors that I live in an 2 old house.	1       on mine?	
3       THE COURT: You know, you can spend time on 4 that, but you don't have to address it.	2       MR. GOITEIN: Yeah, just briefly.	
5       THE WITNESS: No, I'm not.	3       DIRECT EXAMINATION	
6       And, also, I did have a conversation with a 7 neighbor across the street just recently when it came 8 up that we were having to do these hearings about 9 Flavia's ADA. And she informed me that she had to 10 approach one of her tenants that had parked in front of 11 her house to kindly not do that anymore because she has 12 an elderly father that comes to visit her. And it's 13 very difficult if he can't park in front of her house 14 for him to ambulate inside her house. And she said 15 that the person was very rude and said, I can park 16 anywhere that I want to. And I would think that if 17 Flavia is wanting everything to go well, she would not 18 have tenants that kind of spoke like that.	4       BY MR. GOITEIN:	
19      THE COURT: Okay.	5       Q. Ms. Jaitly, you described an incident where a 6 neighbor had asked a tenant of Ms. Flavia's to move a 7 car so her elderly father could park in front of the 8 house. Do you know if Ms. Flavia got involved in that 9 situation at all to try to help either her tenant or 10 her neighbor?	
20      THE WITNESS: That's it. Thank you.	11      A. No, I don't believe so.	
21      THE COURT: What are the parking conditions 22 that you observe on the street?	12      Q. Okay.	
23      THE WITNESS: What did you say? I'm sorry.	13      MR. GOITEIN: That's the only question I had.	
24      THE COURT: What are the parking conditions 25 -- oops, we lost her. Maybe she'll come back.	14      THE COURT: Ms. Bennet, any questions?	
	15      CROSS-EXAMINATION	
	16 BY MS. BENNET:	
	17      Q. Georgia, did you want to have -- you were 18 with me when we approached Flavia about what she was 19 building in the front yard. Do you want to recount any 20 of that from your perspective?	
	21      A. Yeah. We just approached and kindly asked 22 her kind of what she was doing. And she was saying 23 what she was doing. And I mentioned that, I mean, 24 we're doing construction at our house. And it took us 25 a while to get a permit because we had to jump through	

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1 hoops for right away and protecting our trees, et  
2 cetera, et cetera. And they delayed us, like, a month  
3 or two because of this.

4 And I politely informed her, Even if it's a  
5 patio, you just can't bring it all the way to the  
6 street. You need to have -- that's the right-of-way of  
7 the county, and you have to have a permit or you have  
8 to get permission to do that.

9 And she said that she didn't need one, as far  
10 as I can recall, and that this was, you know, just  
11 going to be a patio. And, since then, I have never  
12 seen that come to fruition or seeing a bench there or  
13 seen it used as a patio extension. It's just -- it's  
14 just gravel just waiting there. What looks to be two  
15 parking places that somebody could just pull in two  
16 cars, and it's totally over the curve of the road.

17 THE COURT: Okay. Anything else?

18 MS. BENNET: Not for me, no.

19 THE COURT: Mr. Friedman?

20 MR. FRIEDMAN: Just one question.

21 CROSS-EXAMINATION

22 BY MR. FRIEDMAN:

23 Q. You said it looks like a place for two cars.

24 Have you seen any cars parked there?

25 A. No. But I've been part-time living in

299  
1 THE COURT: Okay. Well, we'll let Mr. Finkle  
2 settle in until the 12th. How's that?  
3 MS. BENNET: I think Evan said he couldn't do  
4 the 12th; is that correct.

5 MR. GOITEIN: It is correct.

6 THE COURT: You can't do the 12th?

7 MR. GOITEIN: Well, that's what I said, but I  
8 can --

9 THE COURT: Well, I could do the 9th.

10 Normally, we don't do 12th --

11 MR. GOITEIN: No, I definitely can't do the  
12 9th. I'll make the 12th work. I'll just get someone  
13 else to cover the other thing.

14 THE COURT: You're sure?

15 MR. GOITEIN: Sure.

16 THE COURT: And do we need to check with Mr.  
17 Finkle right now?

18 MS. BENNET: I don't know if we can check  
19 with him right now. I'll try to text him and see if he  
20 can do the 12th. I mean, that's what we're saying, the  
21 12th at 9:30?

22 THE COURT: Yeah. Court reporter, how about  
23 if I give you a few minutes -- we'll go off the record.  
24 Court reporter, if I call us back at 5, can you still  
25 be here for two minutes, just so we can announce a new

298  
1 Delaware.

2 Q. You and me both.

3 MR. FRIEDMAN: Okay. I have nothing further.

4 THE WITNESS: All right. Thank you.

5 THE COURT: Thank you for your testimony.

6 Okay. Now, what were we doing?

7 So Mr. Finkle will be back on January 5th.

8 So we can set a time and date today, and then no other  
9 notice me -- And I'm really, I assume you want some  
10 rebuttal, Mr. Friedman.

11 MR. FRIEDMAN: Not too much, but yes.

12 THE COURT: Okay. So we can reschedule. Let  
13 me go look at our dates here. We can give him a chance  
14 to settle in for a weekend. And we can do it on the  
15 8th at 9:30.

16 MR. FRIEDMAN: That would be fine with me.

17 THE COURT: Or the 12th at 9:30.

18 MR. FRIEDMAN: Also fine with me.

19 THE COURT: Anyone else have any comment on  
20 those dates?

21 MS. BENNET: I'm checking.

22 MR. GOITEIN: I can do the 8th. Not the  
23 12th.

24 MS. BENNET: I was going to say, I cannot do  
25 the 8th, but I could do the 12th.

300  
1 time?

2 THE REPORTER: Sure.

3 THE COURT: Do you want to go off the record  
4 now?

5 Go off the record now. We'll see if we can  
6 get Mr. Finkle, and then I'll come back at 5:00, and  
7 we'll just reschedule to a date certain.

8 THE REPORTER: Okay, sounds good. I'm taking  
9 us off the record.

10 THE COURT: Thank you.

11 (Recess from 4:51 p.m. to 5:00 p.m.)

12 THE REPORTER: Okay. We're back on the  
13 record.

14 THE COURT: Okay. The parties have conferred  
15 and we can get Mr. Finkle on and have Ms. Favali's --  
16 any rebuttal on Monday, January 12th at 9:30. And the  
17 hearing will be held remotely.

18 So, with that, I'm going to adjourn this  
19 hearing till January --

20 Yes?

21 MR. FRIEDMAN: Excuse me, just one moment.  
22 Ms. Rose Nantango, who previously testified this  
23 morning, has just come home to Oldchester. And she  
24 would like about 60 seconds to clarify the incident  
25 where the elderly gentleman needed a parking space, if

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1 you will let her do that. 2 THE COURT: Well, can she come the 12th? 3 MS. BENNET: I think so. Yes, ma'am. 4 THE COURT: Why doesn't she come on the 12th 5 when you do your rebuttal case. 6 MR. FRIEDMAN: Fair enough. 7 THE COURT: Court reporter, Monday, January 8 12th at 9:30. The next hearing will be held on 9 Microsoft Teams. 10 Thank you, everyone. Good night. 11 (Off the record at 5:02 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25	301 1 CERTIFICATE OF TRANSCRIBER 2 I, Lisa R. Erickson, do hereby certify that this 3 transcript was prepared from the digital audio of the 4 foregoing proceeding; that said transcript is a true 5 and accurate record of the proceedings to the best of 6 my knowledge, skills, and ability; and that I am 7 neither counsel for, related to, nor employed by any of 8 the parties to the case and have no interest, financial 9 or otherwise, in its outcome. 10 11 12 13 14 15 16 <i>Lisa Erickson</i> 17 18 LISA R. ERICKSON 19 December 31 2025 20 21 22 23 24 25
302 1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 3 I, Matthew Weedon, the officer before whom the 4 foregoing proceedings were taken, do hereby certify 5 that any witness(es) in the foregoing proceedings were 6 fully sworn; that the proceedings were recorded by me 7 and thereafter reduced to typewriting by a qualified 8 transcriptionist; that said digital audio recording of 9 said proceedings are a true and accurate record to the 10 best of my knowledge, skills, and ability; and that I 11 am neither counsel for, related to, nor employed by any 12 of the parties to this case and have no interest, 13 financial or otherwise, in its outcome. 14 15 16  17 18 Matthew weedon 19 NOTARY PUBLIC FOR THE STATE OF MARYLAND 20 21 22 23 24 25	

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