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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)

<p style="text-align: right;">1</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 MONTGOMERY COUNTY GOVERNMENT</p> <p>3 -----X</p> <p>4 IN RE: CARESSA BENNET, : Case No.</p> <p>5 ET AL. (OBJECTION), OTHER : ADO 26-03</p> <p>6 -----X</p> <p>7</p> <p>8 HEARING</p> <p>9 BEFORE THE HONORABLE LYNN ROBESON HANNAN</p> <p>10 Conducted virtually</p> <p>11 Friday, December 19, 2025</p> <p>12 9:32 a.m.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job Number: 610414</p> <p>24 Pages 1 - 303</p> <p>25 Transcribed by Lisa R. Erickson</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF THE OTHER, MONTGOMERY COUNTY</p> <p>3 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS:</p> <p>4 JONY ALEXANDER GUIASO-OSPINA, ESQ.</p> <p>5 MONTGOMERY COUNTY OFFICE OF</p> <p>6 ZONING AND ADMINISTRATIVE HEARINGS</p> <p>7 100 Maryland Avenue,</p> <p>8 County Office Building, Room 200</p> <p>9 Rockville, MD 20850</p> <p>10 (240) 777-6660</p> <p>11</p> <p>12 ON BEHALF OF THE OTHER, FLAVIA FAVALI:</p> <p>13 GREG FRIEDMAN, ESQ.</p> <p>14 THE LAW OFFICE OF GREG S. FRIEDMAN</p> <p>15 6216 Mazwood Road</p> <p>16 Rockville, MD 20852</p> <p>17 (301) 455-4734</p> <p>18</p> <p>19 ON BEHALF OF THE OTHER, KENNETH E. MACK:</p> <p>20 EVAN GOITEIN, ESQ.</p> <p>21 GOITEIN ROSA, LLC</p> <p>22 4550 Montgomery Avenue, Suite 760N</p> <p>23 Bethesda, MD 20814</p> <p>24 (301) 951-1555</p> <p>25</p> <p>26 ON BEHALF OF THE OTHER, CARESSA D. BENNET:</p> <p>27 CARESSA D. BENNET, ESQ.</p> <p>28 WOMBLE BOND DICKINSON (US) LLP</p> <p>29 2001 K Street, NW, Suite 400</p> <p>30 Washington, DC 20006</p> <p>31 (202) 857-4519</p> <p>32</p> <p>33 Also present:</p> <p>34 Alexia Eggleston - Court Reporter (Trainee- Shadow)</p> <p>35 Honorable Lynn Robeson Hannan - Presiding Official</p> <p>36 Caressa D. Bennet, Esquire - Witness, Objector</p> <p>37 Flavia Favali - License Applicant</p> <p>38 Thomas Howley - DHCA Program Manager II</p> <p>39 Johnson Nana - Administrative Specialist, OZAH</p> <p>40 David Johnson - DHCA Inspector</p> <p>41 Suzanne Vaughn - Witness, Community Resident</p> <p>42 Donna Reynolds - Witness, Community Resident</p> <p>43 Constance Sutter - Witness, Community Resident</p> <p>44 James Cyr (Jay) - Witness, Community Resident</p> <p>45 Rose Nantongo - Witness, Community Resident</p> <p>46 Stephen Chris Igbokwe - Witness, Community Resident</p> <p>47 Kathy O'Brien - Witness, Community Resident</p> <p>48 Anand Jagessar - Witness, Community Resident</p>
<p style="text-align: right;">2</p> <p>1 The hearing was held remotely</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Pursuant to agreement, before Matthew Weedon,</p> <p>16 Notary Public in and for the North Carolina.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 (Also present ct'd)</p> <p>2 Janet Long - Witness, Community Resident</p> <p>3 Dan Chappell - Objector</p> <p>4 David R. Goodfriend - Witness, Objector</p> <p>5 Britlan Malek - Witness, Objector</p> <p>6 Kenneth E. Mack - Witness, Objector</p> <p>7 Michael Bennet - Objector</p> <p>8 Georgia Brake Jaitly - Objector</p> <p>9 Steve Marquina - Objector</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 PROCEEDINGS</p> <p>2 THE COURT: I am calling the case of ADO</p> <p>3 2601, Objection of Carissa Bennett and Others to the</p> <p>4 Issuance of ADU License 157919.</p> <p>5 Is the court reporter ready?</p> <p>6 THE REPORTER: Yes, ma'am.</p> <p>7 THE COURT: Thank you.</p> <p>8 Okay. A few words on today's hearing. My</p> <p>9 name is Lynn Robeson Hannan. I actually was the</p> <p>10 hearing examiner that decided the first ADU case, first</p> <p>11 objection. And, so, I am somewhat familiar with the</p> <p>12 issues.</p> <p>13 A couple of things I want to go through about</p> <p>14 remote hearings. You can't use the chat to</p> <p>15 communicate. We're not allowed, for various reasons, I</p> <p>16 can't disable it. So do not use the chat because</p> <p>17 everything has to be on the record.</p> <p>18 Everything you want to say should be said --</p> <p>19 oh, and, also, please don't interrupt. Because, once</p> <p>20 you interrupt, it garbles the record. Of course, the</p> <p>21 attorneys can object or the citizens can object, but</p> <p>22 try to avoid cross-talking.</p> <p>23 And if you want to say something, please use</p> <p>24 the raise-your-hand button, and I will try my best to</p> <p>25 monitor it.</p>	<p style="text-align: right;">11</p> <p>1 MR. GOITEIN: Good morning. Evan Goitein,</p> <p>2 attorney for Kenneth Mack, objector.</p> <p>3 THE COURT: Okay. And I believe Ms. Bennet,</p> <p>4 are you here?</p> <p>5 MS. BENNET: Yes, Your Honor, I'm here.</p> <p>6 I'm having trouble seeing the screen because</p> <p>7 there's someone sharing the website. Is that going to,</p> <p>8 it's hard to see everybody because what I'm showing on</p> <p>9 my screen is the website with the hearing. Is that</p> <p>10 going to be removed so we can look at each other when</p> <p>11 we're talking?</p> <p>12 THE COURT: I will --</p> <p>13 MS. BENNET: It looks like someone named</p> <p>14 Donna Reynolds is sharing her screen.</p> <p>15 MS. REYNOLDS: Well, that's -- can you hear</p> <p>16 me?</p> <p>17 THE COURT: Who's speaking?</p> <p>18 MS. REYNOLDS: Donna Reynolds.</p> <p>19 THE COURT: Yes?</p> <p>20 MS. REYNOLDS: She said there's a problem</p> <p>21 with what I'm doing?</p> <p>22 THE COURT: Well, you're sharing your screen</p> <p>23 and it's reducing the size of the team's meeting. So</p> <p>24 we don't have a good view of the witnesses.</p> <p>25 MS. REYNOLDS: I'm not sure how to change</p>
<p style="text-align: right;">10</p> <p>1 The order of proceeding today is, typically,</p> <p>2 the objector, those who are objecting, put on their</p> <p>3 case first. In these cases, sometimes it's easier to</p> <p>4 have the applicant justify their position.</p> <p>5 But, you know, I will leave and then have the</p> <p>6 objectors respond. But, you know, I'm not going to</p> <p>7 change -- if anyone doesn't agree with that procedure,</p> <p>8 we can go with the typical procedure.</p> <p>9 MR. FRIEDMAN: This is Greg Friedman.</p> <p>10 I'm the attorney for the applicant. I'd like to go</p> <p>11 with the typical procedure.</p> <p>12 THE COURT: Okay, very well.</p> <p>13 So -- okay. The other thing is --</p> <p>14 MR. GOITEIN: Sorry, this is Evan Goitein. I</p> <p>15 just want to say good morning. I'm here on behalf of</p> <p>16 Kenneth Mack, an objector.</p> <p>17 THE COURT: I'm getting there. I'm getting</p> <p>18 there.</p> <p>19 MR. GOITEIN: I just wanted to respond to --</p> <p>20 THE COURT: What I'll do now is -- will the</p> <p>21 parties identify themselves for the record.</p> <p>22 So Mr. Friedman?</p> <p>23 MR. FRIEDMAN: Yes, Greg Friedman, attorney</p> <p>24 for Flavia Favali, applicant.</p> <p>25 THE COURT: Mr. Goitein.</p>	<p style="text-align: right;">12</p> <p>1 this. What do I need to do?</p> <p>2 THE COURT: Go up to the top of Teams. Do</p> <p>3 you see share?</p> <p>4 MS. REYNOLDS: Okay.</p> <p>5 THE COURT: My cursor's on it.</p> <p>6 MS. REYNOLDS: Yes.</p> <p>7 THE COURT: Now click that and see if you are</p> <p>8 -- turn off sharing.</p> <p>9 MS. REYNOLDS: Well, something came up that</p> <p>10 says share content.</p> <p>11 THE COURT: Okay. You need to --</p> <p>12 MR. FRIEDMAN: I don't think Ms. Reynolds is</p> <p>13 doing anything wrong because we're not -- I'm not</p> <p>14 having that problem.</p> <p>15 MS. BENNET: There we go.</p> <p>16 UNIDENTIFIED SPEAKER: I fixed it.</p> <p>17 THE COURT: Thank you.</p> <p>18 MS. BENNET: All right. I'm here, Caressa</p> <p>19 Bennet. I'm one of the objectors, and I'm representing</p> <p>20 myself.</p> <p>21 THE COURT: Okay.</p> <p>22 MR. MACK: Kenneth Mack. I'm Kenneth Mack.</p> <p>23 I'm one of the objectors</p> <p>24 THE COURT: Yes. Your attorney entered his</p> <p>25 appearance on your behalf. So you can let him do the</p>

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4 (13 to 16)

13	<p>1 heavy lifting.</p> <p>2 With that, this hearing is informal, but it</p> <p>3 does have certain formalities. Testimony is under oath</p> <p>4 and subject to cross examination. But there are some</p> <p>5 rules. The key is that it be fundamentally fair. And</p> <p>6 if anything comes up more in that, if anyone has any</p> <p>7 questions during the course of the hearing, please</p> <p>8 raise your hand, and you can ask them.</p> <p>9 All right. With that, Mr. Friedman, do you</p> <p>10 have an opening statement?</p> <p>11 MR. FRIEDMAN: I'll reserve.</p> <p>12 THE COURT: Okay. Mr. Goitein -- Goitein.</p> <p>13 I'm sorry.</p> <p>14 MR. GOITEIN: That's okay. Yes, I'd like to</p> <p>15 say something briefly.</p> <p>16 OPENING STATEMENTS</p> <p>17 MR. GOITEIN: First, just to respond to Mr.</p> <p>18 Friedman's comment about the order of things, I would</p> <p>19 ask that the applicant put on her case in chief first</p> <p>20 for two reasons. One is, I think that's the order</p> <p>21 under section 3.7 of the rules of procedure that were</p> <p>22 provided along with this. That is the standard order.</p> <p>23 Section 3.7 says the ordinary, but not</p> <p>24 mandatory order, of presentation is, and then starts</p> <p>25 with license applicant's case in chief under 3.7.1.</p>	15
14	<p>1 Of course, as the hearing examiner, you have</p> <p>2 the discretion to determine how that goes. And I</p> <p>3 think, in this particular hearing, it would make the</p> <p>4 most sense to hear from the applicant first, because,</p> <p>5 as you pointed out before, this is, essentially, the</p> <p>6 third time the same hearing has taken place. The first</p> <p>7 one that you presided over in 2023, the second one that</p> <p>8 occurred just last year, and, now, this is the third.</p> <p>9 And, so, I'd ask that, even though this is an</p> <p>10 informal hearing, that there be some sort of effort</p> <p>11 made to constrain or contain the evidence to what, if</p> <p>12 anything, has actually happened since the last decision</p> <p>13 was made so that we avoid giving Ms. Favali a third</p> <p>14 opportunity to try to determine what her occupancy</p> <p>15 status was back in 2023 or 2024.</p> <p>16 But I think that should be the focus of the</p> <p>17 hearing. And, because of that, it would make the most</p> <p>18 sense for her to put on her case first and explain what</p> <p>19 has happened since the last time that this body and the</p> <p>20 circuit court determined that she doesn't live at the</p> <p>21 subject property.</p> <p>22 THE COURT: You know, you caught me on the</p> <p>23 rules. You're correct.</p> <p>24 MR. FRIEDMAN: Well, I'm not so sure he is,</p> <p>25 ma'am. Typically, the applicant is the one who is the</p>	16
	<p>1 proponent in a hearing. In this case, we're here</p> <p>2 because of the objections. They're the moving party.</p> <p>3 And, typically, in any court or administrative</p> <p>4 proceeding, a moving party goes first.</p> <p>5 More important than that, we're not rehashing</p> <p>6 2023. So, I mean, 223 happened. It's over. At that</p> <p>7 point, Ms. Favali learned that she had to prove that</p> <p>8 she had been a permanent resident of this property.</p> <p>9 That it was a permanent residence.</p> <p>10 And what's happened -- so if the objectors</p> <p>11 are going to say that she's not a permanent resident in</p> <p>12 2025, 2023 is really irrelevant.</p> <p>13 THE COURT: Well, I am not going to rule on</p> <p>14 excluding evidence from -- I'm not going to rule on</p> <p>15 that right now. And we will see what comes up. I</p> <p>16 think that, you know, prior inconsistent, or -- prior</p> <p>17 inconsistent statements are at least available on</p> <p>18 cross-examination as a character to -- it's available</p> <p>19 on cross-examination. So I'm not going to use -- I'm</p> <p>20 not going to cut it off from now on, although I hope</p> <p>21 that the case in chief addresses what's happened from</p> <p>22 now on.</p> <p>23 The other thing is, he is right. We wrote</p> <p>24 these rules. I used to be director of OZA before my, I</p> <p>25 guess, retirement. And we did write these rules</p> <p>1 because of the efficiency of having the licensed</p> <p>2 applicant go first because it does work more</p> <p>3 efficiently in getting the information out. So she</p> <p>4 will have rebuttal.</p> <p>5 And, so, we are going to proceed according to</p> <p>6 the rules. Mr. Goitein, I'm a little embarrassed, but</p> <p>7 you're right. And I'm not going to limit the testimony</p> <p>8 right now.</p> <p>9 So, with that, Mr. Goitein, did you have an</p> <p>10 opening statement, Mr. Goitein?</p> <p>11 MR. GOITEIN: Yeah. I'm sorry. I find it's</p> <p>12 important to keep things on mute so there's not</p> <p>13 feedback, but then you have to unmute every time.</p> <p>14 Yes. So, by way of a brief opening, as you</p> <p>15 are aware, this is the third time a hearing has been</p> <p>16 conducted for this purpose. The prior two hearings,</p> <p>17 the examiners, including yourself, heard testimony from</p> <p>18 the neighbors, all of whom described what sounds like a</p> <p>19 wonderful neighborhood, where everyone who lives there</p> <p>20 knows each other and their families. And that the</p> <p>21 applicant, Ms. Favali, is not part of that community</p> <p>22 because she doesn't live there.</p> <p>23 Importantly for today, she came here each of</p> <p>24 the last two years saying the opposite thing, that she</p> <p>25 lived at the 7709 Oldchester address as her primary</p>	

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5 (17 to 20)

17	<p>1 residence.</p> <p>2 And, in the last hearing in 2024, she even</p> <p>3 said, Either eight people are lying, or I'm lying.</p> <p>4 Well, it was determined by the examiner and then by the</p> <p>5 circuit court that it was she who was lying. And, so,</p> <p>6 now she's coming back to try again.</p> <p>7 I expect we'll hear substantially the same</p> <p>8 testimony from all the objectors who have now had to</p> <p>9 come here for a third time, which is that they all live</p> <p>10 on the same street, they all know each other and know</p> <p>11 who lives there, and that she doesn't.</p> <p>12 I'll hold off on speaking more about the</p> <p>13 evidence, since we're going to hear from her first.</p> <p>14 But I will just point out, for example, that, as part</p> <p>15 of the exhibits, we have her driver's license, which I</p> <p>16 guess is different evidence that was there in 2024.</p> <p>17 But the driver's license says it was issued on December</p> <p>18 6, 2019. But that's not evidence that -- since it was</p> <p>19 determined in 2023 and 2024, that the property is not</p> <p>20 her primary residence, that she has since made it her</p> <p>21 primary residence. The same would be true of, for</p> <p>22 example, of her voter registration card.</p> <p>23 So, once the testimony is completed, I'd like</p> <p>24 the opportunity to argue about what I believe will be</p> <p>25 evident, which is that Ms. Favali has made several</p>	19	<p>1 you just mentioned. But I think that there's a third</p> <p>2 issue that was raised in the last hearing.</p> <p>3 And it was a question that was raised by the</p> <p>4 hearing examiner about, if, in the event that the ADU</p> <p>5 license is approved and granted and proceeds, whether</p> <p>6 Ms. Favali can continue to use the house as a boarding</p> <p>7 house for unrelated tenants with separate leases.</p> <p>8 And that was raised. And I think there's a</p> <p>9 statute that pertains to this, and I think it was</p> <p>10 raised in the recent order, or -- not order -- the</p> <p>11 report -- the director's report. I think we need to</p> <p>12 get to that issue as well because I think we're just</p> <p>13 going to keep repeating this over and over again every</p> <p>14 year if she loses at this point.</p> <p>15 I think she needs to understand what the law</p> <p>16 is. So I'd welcome the opportunity to go over those</p> <p>17 statutes at some point. So I think that third issue</p> <p>18 about how she's currently using the property and</p> <p>19 whether it's legal, and if she does move into an ADU</p> <p>20 that sits behind the property, whether that would be</p> <p>21 consistent with her continuing to use the house as a</p> <p>22 boarding house.</p> <p>23 THE COURT: I understand that, but I'm</p> <p>24 limited in what I can consider. And I hate to be</p> <p>25 bureaucratic, but that would be a zoning violation.</p>
18	<p>1 misrepresentations in order to treat the property in</p> <p>2 the way that she wants and has not demonstrated much</p> <p>3 regard for the regulations and code requirements and</p> <p>4 the aspect of this rental scheme, which she has at the</p> <p>5 property, which is continuing and is likely the reason</p> <p>6 for this ADU application.</p> <p>7 THE COURT: Okay. Thank you.</p> <p>8 I do just want to point out that there's two</p> <p>9 issues here. One is the primary residence, and one is</p> <p>10 the availability of on-street parking. So I hope that</p> <p>11 someone is prepared to address that.</p> <p>12 I could not really understand -- I see your</p> <p>13 hand, Ms. Bennet. Let me just finish for a moment.</p> <p>14 Or, no, you're represented by -- no, you're</p> <p>15 not.</p> <p>16 So I understand that a lot of this is about</p> <p>17 proof of residence. But I could not make out a lot of</p> <p>18 the pictures, but we'll get to that. But I hope that</p> <p>19 somebody is prepared to address the availability of</p> <p>20 on-street parking.</p> <p>21 Okay. With that, I want to hear Ms. Bennet</p> <p>22 because she had her hand raised.</p> <p>23 MS. BENNET: Yes. I just wanted to be -- I</p> <p>24 think there's really three issues here, Your Honor.</p> <p>25 The primary residence status. The parking issue that</p>	20	<p>1 And the statute limits me -- of the code limits me to</p> <p>2 looking at what was raised in the objections.</p> <p>3 So I cannot -- if it wasn't raised in the</p> <p>4 objections -- I understand your concern. It is my</p> <p>5 understanding off the cuff that roof rentals are</p> <p>6 permitted with a license, but not short-term. She has</p> <p>7 to have a separate license for short-term rentals; an</p> <p>8 Airbnb rental type of thing. But that -- again, that's</p> <p>9 not something I can really look at in this proceeding.</p> <p>10 MS. BENNET: Well, I'm just mentioning</p> <p>11 because it's mentioned in the report from the OZA</p> <p>12 director.</p> <p>13 THE COURT: I understand. I understand.</p> <p>14 But the code -- I can pull it up if you wish, but it</p> <p>15 does -- it's 2926.</p> <p>16 MS. BENNET: And I just -- if it's all right</p> <p>17 with you, as part of my opening statement, I just want</p> <p>18 to call out number three on the report, on the October</p> <p>19 6th report, where it says the ADU must be subordinate</p> <p>20 to the principal dwelling, whether attached or</p> <p>21 detached, and shall be the only additional living unit</p> <p>22 or residential use space on lot or parcel.</p> <p>23 And what I want to emphasize, it says no</p> <p>24 other tenants, Airbnbs, or short-term residential</p> <p>25 rentals are permitted. That's in the director's</p>

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21	<p>1 report. I just wanted to note it for you.</p> <p>2 THE COURT: I understand. And I'd have to</p> <p>3 look at that. I wasn't focusing on that issue, but I'm</p> <p>4 just going to --</p> <p>5 MS. BENNET: It just appeared to me to be a</p> <p>6 condition of getting an ADU.</p> <p>7 THE COURT: I'd have to look at that. I did</p> <p>8 not focus on that issue. So I'm going to put that.</p> <p>9 I am going to, I'm looking for the code provision right</p> <p>10 now.</p> <p>11 MS. BENNET: I think I had the code as one of</p> <p>12 my exhibits.</p> <p>13 THE COURT: Is it 2926 of the code?</p> <p>14 MS. BENNET: I think I put in my exhibit.</p> <p>15 I called it Exhibit 3. I think you have it as Exhibit</p> <p>16 3</p> <p>17 THE COURT: Okay. Well, what I have --</p> <p>18 MS. BENNET: 3.3.3 is what I was looking at</p> <p>19 --</p> <p>20 THE COURT: It's on my screen for a minute.</p> <p>21 MS. BENNET: This is article 59-3 uses and</p> <p>22 use standards.</p> <p>23 THE COURT: Okay. That's the zoning</p> <p>24 ordinance. I'm going to show you just see. Are you</p> <p>25 able to see this?</p>	23	<p>1 second person.</p> <p>2 THE COURT: Well, that's fine.</p> <p>3 MR. FRIEDMAN: Yeah. The the crux of this</p> <p>4 case is whether or not Miss Favali is using this</p> <p>5 property as a primary domicile.</p> <p>6 THE COURT: Well, that's not the only issue.</p> <p>7 MR. FRIEDMAN: I'm not finished. I'm not</p> <p>8 finished, please.</p> <p>9 THE COURT: I shouldn't have interrupted.</p> <p>10 I'm sorry. I should not have interrupted</p> <p>11 MR. FRIEDMAN: No, no, no, no, no. And we</p> <p>12 also do have a parking issue to deal with. I</p> <p>13 understand that.</p> <p>14 The point I was going to make, though, is</p> <p>15 that -- and I started to say this earlier -- whether or</p> <p>16 not she had been a long-term user of this house as a</p> <p>17 primary residence in 2023 isn't really relevant to</p> <p>18 whether she has been using it as a primary residence</p> <p>19 since 2023.</p> <p>20 This is a new case, and it's a new</p> <p>21 application. This is her primary residence. This is</p> <p>22 where she votes. This is where she sleeps. This is</p> <p>23 where she has a driver's license. This is where she</p> <p>24 gets her personal mail.</p> <p>25 Yes, there are tenants in the house. She, as</p>
22	<p>1 MS. BENNET: Oh, my god. I'm going to put my</p> <p>2 face very close to my screen. So pardon me.</p> <p>3 THE COURT: Okay. This says the hearing</p> <p>4 examiner may only decide issues raised by the waiver or</p> <p>5 objection. So I did not see that issue raised in the</p> <p>6 objection. And I understand, now, there is -- so I'm</p> <p>7 really kind of -- my hands are tied on that one.</p> <p>8 Unless you want to file a zoning violation complaint,</p> <p>9 but -- and I thought I saw something --</p> <p>10 MS. BENNET: I'll tell you what I'll try to</p> <p>11 save us both some trouble. I'll try to tie it to the</p> <p>12 parking issue.</p> <p>13 THE COURT: Okay. Well, I'm going to, I'm</p> <p>14 going to let you raise it in case there's an appeal.</p> <p>15 But I just want to -- I just want to tell you -- I just</p> <p>16 wanted to point that out for you.</p> <p>17 MS. BENNET: Okay. Thank you. Thank you.</p> <p>18 THE COURT: Wait. I've got to stop sharing.</p> <p>19 I apologize for being so slow at this. I did retire.</p> <p>20 Let me see. Okay.</p> <p>21 All right. With that, Mr. Friedman, you're</p> <p>22 up.</p> <p>23 MR. FRIEDMAN: All right. Well, I guess at</p> <p>24 this point I need to give an opening statement because</p> <p>25 there's no reason to reserve if I'm not being the</p>	24	<p>1 a primary owner-applicant, is able to have up to four</p> <p>2 tenants in the property with her. They're like</p> <p>3 roommates. Most of them, three of the four of them,</p> <p>4 have been there for at least three years.</p> <p>5 They're not short-term tenants. It's not a</p> <p>6 rooming house. These are the people who make this</p> <p>7 their home. As in terms of a comment Ms. Bennet</p> <p>8 recently just made, under the rules, the owner of the</p> <p>9 property has to reside in the property if there's an</p> <p>10 ADU. But that person can live in the ADU, does not</p> <p>11 have to live in the primary or original house.</p> <p>12 I think the most important thing that's going</p> <p>13 on here, frankly -- and I was going to try to bring</p> <p>14 this out in the testimony of the objectors -- is this</p> <p>15 is a beautiful neighborhood. Oldchester is a very nice</p> <p>16 street. In fact, everyone here will be surprised to</p> <p>17 learn that I grew up on Oldchester Road in a 1950s</p> <p>18 split-level house. Most of the houses on Oldchester</p> <p>19 were 1950s split-level houses.</p> <p>20 Now, in recent years, many of those houses</p> <p>21 have been knocked down and replaced by much larger</p> <p>22 arts-and-crafts-type houses. Many of the houses that</p> <p>23 have not been replaced have been added to with</p> <p>24 \$200,000, \$300,000, \$400,000 additions.</p> <p>25 The objectors, I believe all or almost all of</p>

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25	<p>1 them live in houses in this category. And I think that</p> <p>2 they want her house gone. They don't like there being</p> <p>3 a small split-level house on the street. Even though</p> <p>4 that's the heritage of the street, they think it</p> <p>5 detracts from their neighborhood.</p> <p>6 That's not the point here. The point is,</p> <p>7 does she have a legal right to have an ADU? Does she</p> <p>8 have a health reason to need that ADU? Will they even</p> <p>9 see the ADU when they walk or drive by her house? And</p> <p>10 is there sufficient parking?</p> <p>11 And, in fact, the plans that have been</p> <p>12 submitted show that there will be two additional</p> <p>13 parking spaces in the behind the house next to the ADU.</p> <p>14 Well, we don't need two spaces for one person</p> <p>15 living in the ADU. So it actually increases the</p> <p>16 parking. So let's proceed and see what we can do here</p> <p>17 with this case.</p> <p>18 THE COURT: All right. Mr. Goitein, I'm</p> <p>19 going to let you have -- do you have any additional</p> <p>20 opening statements?</p> <p>21 MR. GOITEIN: I don't think I need to say</p> <p>22 anything more other than what I said originally.</p> <p>23 Other than that, I do agree with Ms. Bennet</p> <p>24 that the issue of whether or not -- if the ADU license</p> <p>25 were to be approved, whether that would result in</p>	27	<p>1 MR. FRIEDMAN: I don't think anybody has a</p> <p>2 right to object to that.</p> <p>3 THE COURT: Well, I'll make that --</p> <p>4 MR. GOITEIN: No objection.</p> <p>5 MS. BENNET: No objection.</p> <p>6 THE COURT: Go ahead.</p> <p>7 MR. FRIEDMAN: Okay. I'll call Suzanne</p> <p>8 Vaughn.</p> <p>9 THE COURT: Okay, Ms. Vaughn. Please turn</p> <p>10 your camera on.</p> <p>11 THE WITNESS: Good morning.</p> <p>12 THE COURT: Okay. You need to turn your</p> <p>13 camera -- now I'm coming up with a Nancie Park.</p> <p>14 MS. PARK: Right.</p> <p>15 MS. VAUGHN: I'm Suzanne Vaughn.</p> <p>16 THE COURT: Okay. Are you using someone</p> <p>17 else's computer? Is that why?</p> <p>18 THE WITNESS: No, ma'am. I'm using my own.</p> <p>19 THE COURT: Is there a Nancie Park here?</p> <p>20 Because somebody is --</p> <p>21 THE WITNESS: Yes, I'm here.</p> <p>22 THE COURT: Okay.</p> <p>23 MR. FRIEDMAN: Suzanne Vaughn comes after</p> <p>24 Nancie Park.</p> <p>25 THE COURT: I need her to turn her camera on.</p>
26	<p>1 ongoing permissible use of the property is something</p> <p>2 that would be relevant. But I think you've already</p> <p>3 made clear that we'll address that as we go on.</p> <p>4 THE COURT: All right. Thank you.</p> <p>5 MR. FRIEDMAN: If I might respond to that</p> <p>6 very quickly. I actually think that that's not an</p> <p>7 issue for today because there is no proof here of how</p> <p>8 the house will be used once that ADU is built, if it is</p> <p>9 approved. That's an issue that would come up at that</p> <p>10 point. If the house is not being used properly at the</p> <p>11 point where there is an ADU, that's when that issue</p> <p>12 would have to be dealt with.</p> <p>13 THE COURT: Well, let's reserve that. I</p> <p>14 don't want to argue the merits before we've even heard</p> <p>15 the testimony. So I understand your point, but you</p> <p>16 will have closing statements too.</p> <p>17 So, with that, Ms. Bennet, do you wish to go</p> <p>18 first or Mr. Goitein? I believe you represent Mr.</p> <p>19 Matt. I mean -- I'm sorry. I'm sorry.</p> <p>20 Mr. Friedman, it's your case in chief, Matt.</p> <p>21 MR. FRIEDMAN: Yes, ma'am. In order to</p> <p>22 inconvenience my witnesses as little as possible, I'm</p> <p>23 going to take my witnesses first, and then follow with</p> <p>24 Ms. Favali.</p> <p>25 THE COURT: Is there any objection to that?</p>	28	<p>1 MR. FRIEDMAN: Her camera's on. I think if</p> <p>2 you go to the bottom where you'll see it says 1/4.</p> <p>3 THE COURT: I got it.</p> <p>4 MR. FRIEDMAN: There's four pages. Okay.</p> <p>5 But, Suzanne, we just lost your camera. Or I did.</p> <p>6 THE COURT: I did too.</p> <p>7 MR. FRIEDMAN: Yes. Okay.</p> <p>8 THE WITNESS: Good morning.</p> <p>9 MR. FRIEDMAN: Are you swearing witnesses, or</p> <p>10 do we just proceed informally?</p> <p>11 THE COURT: I'm just trying to get her --</p> <p>12 okay.</p> <p>13 MR. CHAPPELL: Everybody can mute themselves.</p> <p>14 It will stop by spotlighting Nancie Park and Nancie</p> <p>15 Park. And, Nancy, if you can mute yourself, that would</p> <p>16 be extremely helpful for us to proceed.</p> <p>17 THE COURT: Is that the court reporter</p> <p>18 speaking?</p> <p>19 MR. CHAPPELL: No. I apologize. I'm just</p> <p>20 trying to help the technicalities.</p> <p>21 THE COURT: Who's speaking?</p> <p>22 MR. CHAPPELL: This is Dan Chappell.</p> <p>23 THE COURT: Okay. We'll get to you.</p> <p>24 MR. CHAPPELL: I'm just trying to help.</p> <p>25 THE COURT: Ms. Park, please raise your right</p>

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<p>29</p> <p>1 hand.</p> <p>2 THE WITNESS: Hand is raised.</p> <p>3 THE COURT: I don't see your hand raised.</p> <p>4 Raise your right hand.</p> <p>5 MS. PARK: It's raised.</p> <p>6 MS. VAUGHN: Excuse me, but I think you have</p> <p>7 the two of us confused. I'm Suzanne Vaughn. I have my</p> <p>8 voice on and the camera. Nancy does not have her</p> <p>9 camera on.</p> <p>10 THE COURT: Okay. We're taking you as a</p> <p>11 witness.</p> <p>12 THE WITNESS: I'm confused. Suzanne or</p> <p>13 Nancy?</p> <p>14 THE COURT: He called you first. So we're</p> <p>15 going to go with you. Ms. Park, please your mute</p> <p>16 yourself.</p> <p>17 Ms. Vaughn, please raise your right hand.</p> <p>18 SUZANNE VAUGHN,</p> <p>19 having first been sworn, testified as follows:</p> <p>20 THE COURT: Please state your name and</p> <p>21 address for the record and email address, please.</p> <p>22 THE WITNESS: Is my hand still up?</p> <p>23 THE COURT: Yes. You can put it down.</p> <p>24 THE WITNESS: Okay. My name is Suzanne</p> <p>25 Anderson Vaughn. I live at 13 Silverwood Circle,</p>	<p>31</p> <p>1 Q. Okay. And did those times, or many of them,</p> <p>2 occur during the last two years?</p> <p>3 A. Oh, definitely. Yes, sir.</p> <p>4 Q. Okay. Could you guesstimate for us the</p> <p>5 number of times you've been to the Oldchester Road</p> <p>6 house in the last two years.</p> <p>7 A. 20.</p> <p>8 Q. And, at those times, did you ever stay</p> <p>9 overnight?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. Was it clear to you on those times</p> <p>12 that Ms. Favali was living at that house?</p> <p>13 A. Oh, definitely. Yes, sir.</p> <p>14 Q. During the last two years, has she had you</p> <p>15 visit her at any other home?</p> <p>16 A. Yes. I visited her on Kennedy Street.</p> <p>17 Q. Okay. Do you think that was her home at that</p> <p>18 time?</p> <p>19 A. No, not that I can say. I've been at both</p> <p>20 places multiple times.</p> <p>21 Q. Which --</p> <p>22 A. Is --</p> <p>23 Q. I'm sorry. Go ahead.</p> <p>24 A. The one I understood that she lived in was</p> <p>25 the Oldchester location.</p>
<p>30</p> <p>1 Apartment 3, Annapolis, Maryland, 21403. My email</p> <p>2 address is suzyvaughn2 --</p> <p>3 THE COURT: How do you spell Suzy?</p> <p>4 THE WITNESS:</p> <p>5 S-u-z-y-v-a-u-g-h-n-2@gmail.com.</p> <p>6 THE COURT: Okay.</p> <p>7 MR. FRIEDMAN: Okay. And I'm going to try to</p> <p>8 expedite these questions of my witnesses as much as I</p> <p>9 can.</p> <p>10 DIRECT EXAMINATION</p> <p>11 BY MR. FRIEDMAN:</p> <p>12 Q. Ms. Vaughn, how do you know Ms. Favali?</p> <p>13 A. We're in the same sailing club.</p> <p>14 Q. And she joined the club in 2015; is that</p> <p>15 correct?</p> <p>16 A. Yes, sir, I believe so.</p> <p>17 Q. As much as you recall?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. So you've known her approximately 10</p> <p>20 years?</p> <p>21 A. Yes. She was on the same boat with me the</p> <p>22 first time she sailed with the club.</p> <p>23 Q. Okay. Have you visited her at the property</p> <p>24 at Oldchester Road?</p> <p>25 A. Oh, multiple times.</p>	<p>32</p> <p>1 Q. Okay. Thank you.</p> <p>2 MR. FRIEDMAN: I have no other questions for</p> <p>3 this witness.</p> <p>4 THE COURT: Thank you. Cross-examination.</p> <p>5 Let me let Mr. Goitein go first, and then, Ms. Bennet,</p> <p>6 we'll let you go next.</p> <p>7 MR. GOITEIN: All right.</p> <p>8 THE WITNESS: Am I still the witness?</p> <p>9 THE COURT: Yes, you're still the witness.</p> <p>10 Mr. Goitein or Ms. Bennet.</p> <p>11 MR. GOITEIN: Mr. Goitein. I'm sorry. I</p> <p>12 think I had myself on mute there.</p> <p>13 CROSS-EXAMINATION</p> <p>14 BY MR. GOITEIN:</p> <p>15 Q. Good morning, Ms. Vaughn. My name is Evan</p> <p>16 Goitein. I am an attorney. I represent Mr. Mack, one</p> <p>17 of the neighbors in this neighborhood.</p> <p>18 Where do you live?</p> <p>19 A. My street address again?</p> <p>20 Q. Yes. Where you --</p> <p>21 A. I live in Annapolis -- Annapolis, Maryland.</p> <p>22 Q. Okay. And you said you visited Ms. Favali at</p> <p>23 both the Kennedy Street address and the Oldchester Road</p> <p>24 address, right?</p> <p>25 A. Yes, sir.</p>

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<p>33</p> <p>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.</p>	<p>35</p> <p>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</p>
<p>34</p> <p>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. Freidman'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.</p>	<p>36</p> <p>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?</p>

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<p>37</p> <p>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.</p>	<p>39</p> <p>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.</p>
<p>38</p> <p>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</p>	<p>40</p> <p>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?</p>

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11 (41 to 44)

41	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,	43	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
42	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,	44	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)

<p>45</p> <p>1 trust myself. But, yeah, she's here.</p> <p>2 Q. Does she do her laundry in the house?</p> <p>3 A. Yes, yes, she definitely does her laundry</p> <p>4 here.</p> <p>5 Q. Does she entertain friends at the house?</p> <p>6 A. Yes, regularly.</p> <p>7 MR. FRIEDMAN: I have nothing further of this</p> <p>8 witness.</p> <p>9 THE COURT: All right. I'm going to let Mr.</p> <p>10 Goitein ask questions, and then we'll go to Ms. Bennet.</p> <p>11 CROSS-EXAMINATION</p> <p>12 BY MR. GOITEIN:</p> <p>13 Q. Good morning. All the things you just</p> <p>14 testified about that Ms. Favali does at the house,</p> <p>15 laundry, having meals, has she done those things the</p> <p>16 entire time you've lived there?</p> <p>17 A. Yes. There is no change.</p> <p>18 Q. All right. Thank you.</p> <p>19 MR. GOITEIN: That's the only question I</p> <p>20 have.</p> <p>21 THE COURT: Ms. Bennet, do you have any</p> <p>22 questions?</p> <p>23 MS. BENNET: No, I don't.</p> <p>24 THE COURT: Okay. Mr. Igbokwe?</p> <p>25 THE WITNESS: You can use my original name,</p>	<p>47</p> <p>1 A. We met through Al-Anon. So we're friends,</p> <p>2 and we became friends from meeting through there.</p> <p>3 Q. Do you see her often?</p> <p>4 A. Yes.</p> <p>5 Q. Have you visited her at the house on</p> <p>6 Oldchester Road?</p> <p>7 A. Multiple times, yes.</p> <p>8 Q. Okay. Over a period of -- I'm sorry. How</p> <p>9 long did you say?</p> <p>10 A. Three years.</p> <p>11 Q. Okay. And does it appear to you that that's</p> <p>12 her primary residence?</p> <p>13 A. It's the only residence I knew of, up until</p> <p>14 this hearing stuff.</p> <p>15 Q. Can you guesstimate how many times you've</p> <p>16 been to the house?</p> <p>17 A. Approximately 15 to 20. We go on walks</p> <p>18 together.</p> <p>19 Q. Okay.</p> <p>20 MR. FRIEDMAN: Have nothing further of Ms.</p> <p>21 Sutter.</p> <p>22 THE COURT: Mr. Goitein?</p> <p>23 CROSS-EXAMINATION</p> <p>24 BY MR. GOITEIN:</p> <p>25 Q. Good morning, Ms. Sutter. In the three years</p>
<p>46</p> <p>1 Parker. It's fine, too.</p> <p>2 THE COURT: You are welcome to stay on, but</p> <p>3 you may be excused.</p> <p>4 THE WITNESS: Thank you, ma'am.</p> <p>5 THE COURT: Okay.</p> <p>6 MR. FRIEDMAN: The applicant calls Constance</p> <p>7 Sutter.</p> <p>8 THE COURT: Okay.</p> <p>9 THE WITNESS: I'm here.</p> <p>10 THE COURT: Ms. Sutter, please raise your</p> <p>11 right hand.</p> <p>12 CONSTANCE SUTTER,</p> <p>13 having first been sworn, testified as follows:</p> <p>14 THE COURT: Okay. Please state your name and</p> <p>15 address for the record and your email address.</p> <p>16 THE WITNESS: Constance Sutter. My current</p> <p>17 address -- I moved here last month -- is 25744</p> <p>18 Woodfield Road, Damascus, Maryland, 20872. My email</p> <p>19 address is sutter.cons@gmail.com.</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MR. FRIEDMAN:</p> <p>22 Q. Ms. Sutter, how long have you known Ms.</p> <p>23 Favali?</p> <p>24 A. Three years.</p> <p>25 Q. How do you know her?</p>	<p>48</p> <p>1 that you've known Ms. Favali, have you ever been to her</p> <p>2 house on Kennedy Street?</p> <p>3 A. No.</p> <p>4 Q. Okay. So the only house you've been to is</p> <p>5 the one on Oldchester Road, right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And have you, of the -- what did you</p> <p>8 say -- you visited 15 or 20 times?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. When do you think the first time was</p> <p>11 that you visited her in the house?</p> <p>12 A. I looked it up. It was December 9, 2023.</p> <p>13 Q. Okay. And when you visited her at that time,</p> <p>14 did you believe that was her primary residence?</p> <p>15 A. Yes.</p> <p>16 Q. All right. When was the last time you</p> <p>17 visited her?</p> <p>18 A. Maybe a couple weeks ago.</p> <p>19 Q. Notice any change in what you observe in the</p> <p>20 house between the first time in you saw her and the</p> <p>21 last time you were there?</p> <p>22 A. She reupholstered the chairs. Is there</p> <p>23 anything in particular you'd like me to identify as a</p> <p>24 change that's relevant to you?</p> <p>25 Q. Anything other than --</p>

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13 (49 to 52)

49	1 THE COURT: Let him ask the questions, okay? 2 THE WITNESS: I'd answer it if I understood. 3 Q. (By Mr. Goitein) Anything other than the 4 newly upholstered chairs that you noticed as being 5 different in the house from the first time you visited 6 in 2023? 7 A. No, sir. It's roughly the same. 8 Q. All right. Thank you. 9 MR. GOITEIN: No further questions. 10 THE COURT: Ms. Bennet, any questions? 11 MS. BENNET: Yes. 12 CROSS-EXAMINATION 13 BY MS. BENNET: 14 Q. Hi, Constance. I think we met at the appeal 15 hearing. So nice to see you again. 16 A. Yes. And we ran into each other, I think, a 17 couple times in the neighborhood. 18 Q. Oh, I was going to ask you. I don't recall 19 ever seeing you in the neighborhood, but that could be 20 my eyesight. I don't know. 21 Oh, I actually do think I remember seeing you 22 one time in the neighborhood. I do. I just didn't 23 place the face. I think you're absolutely right about 24 that. 25 My question is, has Ms. Favali ever invited	51	1 A. No. I think we were looking at pictures on 2 her phone. 3 Q. Oh, on her phone. I see. Okay. 4 MR. GOITEIN: No further questions. 5 THE COURT: Is there redirect? 6 MR. FRIEDMAN: No, thank you. 7 THE COURT: Great. Thank you. 8 MR. FRIEDMAN: The applicant calls Nancie 9 Park. 10 THE COURT: Just a minute. You may be 11 excused. 12 Okay. Ms. Park? 13 Ms. Park? 14 MR. FRIEDMAN: Well, we may have lost her. I 15 don't know if she was on a schedule. 16 Let's go on to -- is James Cyr present? 17 THE WITNESS: Yes, I'm present. 18 MR. FRIEDMAN: All right. Calling James Cyr, 19 please. 20 THE COURT: Mr. Cyr, please raise your right 21 hand. 22 JAMES CYR, 23 having first been sworn, testified as follows: 24 THE COURT: Are you really in your car? 25 THE WITNESS: Yes, ma'am.
50	1 you into her bedroom at the 7709 Oldchester Street 2 house? 3 A. Yes. 4 Q. What did you observe in there as far as her 5 belongings and things like that? 6 A. I was just excited to see the headboard that 7 I'd seen over Zoom. Other than that, she had some 8 books and, you know, a nice bedroom. Yeah. I'm sorry. 9 What else -- 10 Q. I'm not going to testify here, but just give 11 me a minute here. So you have been in her bedroom at 12 7709 Oldchester Road? 13 A. Yes. 14 Q. Okay. Has she ever shown you any of the 15 photographs of her family while you were there? 16 A. Yes. In fact, I've met her family. At least 17 some grandkids. 18 Q. I didn't ask if you met the family. I asked 19 if you'd seen photographs of them. 20 A. Yes. Well, that's when I saw some 21 photographs. 22 Q. Okay. And were they photographs staged 23 around the house? 24 A. I don't remember. 25 Q. Were they in a photo album?	52	1 I'm between appointments, but I wanted to make this for 2 Mr. -- 3 THE COURT: I just admired your car. I 4 thought maybe it was Formula One or something. 5 THE WITNESS: I appreciate that very much. 6 Thank you, and good morning. 7 THE COURT: I apologize. Please state your 8 name and address and email address for the record. 9 THE WITNESS: My name is James Cyr. I live 10 at 2 Maplecrest Court, Potomac, Maryland, 20854. My 11 email address is firstname.lastname.outlook.com. 12 THE COURT: Okay. Mr. Friedman? 13 MR. FRIEDMAN: Yes. 14 DIRECT EXAMINATION 15 BY MR. FRIEDMAN: 16 Q. Mr. Cyr, do you know Ms. Favali? 17 A. Yes, very well. 18 Q. How do you know her? 19 A. I moved in with her when my mother had 20 cancer. It was a complicated situation in late 2020. 21 And I lived there for several years. 22 Q. In the 7709 Oldchester Road property? 23 A. That's correct. 24 Q. When you say you lived there for several 25 years, did you live there continually? You were a

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14 (53 to 56)

<p>53</p> <p>1 full-time tenant?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And did Ms. Favali live in the property at</p> <p>4 that time?</p> <p>5 A. Yes, sir. It was complicated because one of</p> <p>6 the first things I learned that drew me to Ms. Favali</p> <p>7 was that she has many children and grandchildren.</p> <p>8 She's constantly trying to set them up for their</p> <p>9 future, and that seems to require her to manage</p> <p>10 multiple properties, which also requires her to be at</p> <p>11 different properties depending on which project she's</p> <p>12 working at. Which things she's improving. Which thing</p> <p>13 that she's trying to clean up.</p> <p>14 She does so much that it ends up being very</p> <p>15 chaotic and messy. But my understanding from my</p> <p>16 interactions with her are that she was raised in that</p> <p>17 house. She's lived in that house for a very long time.</p> <p>18 She inherited it from her father, and then ended up</p> <p>19 buying it at some point.</p> <p>20 I don't know how the law works with all of</p> <p>21 this and how that would qualify, but she's been there</p> <p>22 much more often than not. While I was a tenant</p> <p>23 there -- or maybe she could correct me. Shortly after</p> <p>24 I moved out, she had a very bad injury, which I think</p> <p>25 was a spiral fracture of her right leg that caused her</p>	<p>55</p> <p>1 A. I was trying to remember. I believe it was</p> <p>2 towards the end of 2022. It may have been early 2023</p> <p>3 as well.</p> <p>4 Q. All right. And was it Ms. Favali's primary</p> <p>5 residence at that time?</p> <p>6 A. Yes. Once she was injured, it became</p> <p>7 necessary for her to try to get this ADU situation</p> <p>8 running. So, from that time, she was trying to do</p> <p>9 everything that she can to make sure that she was doing</p> <p>10 the right thing to make that possible.</p> <p>11 Q. And have you visited her at Oldchester Road</p> <p>12 since that time?</p> <p>13 A. Yes, many, many times.</p> <p>14 Q. Okay. And is it your testimony that it's her</p> <p>15 primary residence today?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 MR. FRIEDMAN: I have nothing further of this</p> <p>19 witness.</p> <p>20 THE COURT: Mr. Goitein?</p> <p>21 CROSS-EXAMINATION</p> <p>22 BY MR. GOITEIN:</p> <p>23 Q. Good morning, Mr. Cyr. My name is Evan</p> <p>24 Goitein. I'm an attorney representing one of the</p> <p>25 neighbors, Kenneth Mack.</p>
<p>54</p> <p>1 to need this ADU situation.</p> <p>2 She can no longer get around the way that she</p> <p>3 used to. Her foot is a bit crooked now, and she's been</p> <p>4 generally having a hard time. No offense, Ms. Favali.</p> <p>5 I'm just trying to explain my understanding of the ADU</p> <p>6 situation. And that was sort of what, I guess, started</p> <p>7 all of this. That was my personal experience being</p> <p>8 around that.</p> <p>9 We became close friends. And we would go out</p> <p>10 together frequently, and we would have lunch and</p> <p>11 breakfast together frequently at Oldchester and Kennedy</p> <p>12 and Oliver.</p> <p>13 I tried to help her with different</p> <p>14 landscaping projects and things like that that I could.</p> <p>15 She's clearly got a lot to chew. It's more</p> <p>16 complicated. And I think that may be where the origin</p> <p>17 of this misunderstanding is coming from than just</p> <p>18 simply where did she reside at that time.</p> <p>19 While she resided at Oldchester as, I</p> <p>20 believe, her primary residence, she's doing all these</p> <p>21 other projects where she's sleeping at Kennedy or</p> <p>22 sleeping at Oliver, sleeping wherever to try to</p> <p>23 maintain everything and get everything running</p> <p>24 Q. When was it that you moved out of the</p> <p>25 Oldchester Road property?</p>	<p>56</p> <p>1 You didn't participate in the previous</p> <p>2 hearings related to this issue, did you?</p> <p>3 A. No, sir. I was unaware of them.</p> <p>4 Q. Okay. Are you aware that -- well, have you</p> <p>5 ever done any work for Ms. Favali?</p> <p>6 A. Yes.</p> <p>7 Q. Are you aware that she referred to you as her</p> <p>8 chauffeur?</p> <p>9 A. Yes, she does. She's been helping me to try</p> <p>10 to build my client. So I do Uber. But I believe that</p> <p>11 she thinks that it would be better for me to be a</p> <p>12 chauffeur. And, so, she will sort of market me as such</p> <p>13 to everyone to try to help me. So it's been a blessing.</p> <p>14 She's been a blessing in my life in general.</p> <p>15 Q. Okay. And you're not aware of any change in</p> <p>16 the status of her residence since you moved out in</p> <p>17 2022, right?</p> <p>18 A. No. As I stated for Mr. Friedman, I have</p> <p>19 driven her around quite a lot when she needs to go</p> <p>20 between places. Sometimes she goes herself. Sometimes</p> <p>21 I take her.</p> <p>22 I think that, again, that's where some of</p> <p>23 this misunderstanding is coming from. She's always</p> <p>24 doing something at one of the different properties. I</p> <p>25 don't know how the law works as to primary residence,</p>

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15 (57 to 60)

<p>57</p> <p>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</p>	<p>59</p> <p>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</p>
<p>58</p> <p>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</p>	<p>60</p> <p>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.</p>

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16 (61 to 64)

<p>61</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>15 A. Definitely.</p> <p>16 THE COURT: Well, okay. For what it's worth.</p> <p>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.</p> <p>24 Q. Thank you very much.</p> <p>25 THE COURT: Now, I don't think on direct, we</p>	<p>63</p> <p>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.</p> <p>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.</p> <p>11 THE COURT: Any questions based on my 12 questions?</p> <p>13 MR. GOITEIN: I have one.</p> <p>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?</p> <p>17 A. I believe so. She was working at a property, 18 slipped and -- yeah, and broke her entire leg.</p> <p>19 Q. Okay.</p> <p>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.</p>
<p>62</p> <p>1 really covered the medical issue.</p> <p>2 Mr. Goitein, do you have any questions on the 3 medical issues?</p> <p>4 MR. GOITEIN: Sort of.</p> <p>5 FURTHER CROSS-EXAMINATION 6 BY MR. GOITEIN:</p> <p>7 Q. Mr. Cyr, you're aware that, as it currently 8 exists, the Oldchester Road property has handicap 9 access, right?</p> <p>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.</p> <p>14 Q. And that understanding comes from Ms. Favali 15 telling you that, right?</p> <p>16 A. I've seen the design.</p> <p>17 THE COURT: Well, how does she access 18 currently?</p> <p>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.</p> <p>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.</p>	<p>64</p> <p>1 Q. Okay. Thank you.</p> <p>2 THE COURT: Anyone else?</p> <p>3 MR. FRIEDMAN: I have nothing further for 4 this witness.</p> <p>5 THE COURT: Okay, Mr. Cyr. Thank you. You 6 may be excused.</p> <p>7 THE WITNESS: Thank you, everyone. Have a 8 nice day.</p> <p>9 MR. FRIEDMAN: Thank you.</p> <p>10 Donna Reynolds, please.</p> <p>11 THE WITNESS: Yes, I'm here.</p> <p>12 THE COURT: Ms. Reynolds, please raise your 13 right hand.</p> <p>14 DONNA REYNOLDS, 15 having first been sworn, testified as follows:</p> <p>16 THE COURT: Please state your name, address, 17 and email address for the record, please.</p> <p>18 THE WITNESS: Donna Reynolds.</p> <p>19 I live at 405 East --</p> <p>20 THE COURT: Just a second. There's an echo. 21 Do you have another device on?</p> <p>22 THE WITNESS: No.</p> <p>23 THE COURT: Okay. Go ahead. We'll try. Ms. 24 Reynolds, give me your address again.</p> <p>25 THE WITNESS: 405 East Maiden Street in</p>

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17 (65 to 68)

65	1 Washington, Pennsylvania. 2 THE COURT: And your email address? 3 THE WITNESS: Dnnrynlds@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	67	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 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.	68	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)

69	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	71	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.
70	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?	72	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)

73	<p>1 THE COURT: Well, okay. I was going to</p> <p>2 suggest going to a cafe or something that might have</p> <p>3 better Wi-Fi, but --</p> <p>4 THE WITNESS: I can to go down to the</p> <p>5 business center and try, but I'll see. Okay. Thank</p> <p>6 you.</p> <p>7 THE COURT: All right. Mr. Friedman, would</p> <p>8 you go on with your next witness.</p> <p>9 MR. FRIEDMAN: Yeah, hi. One more moment,</p> <p>10 please.</p> <p>11 Are any more of these witnesses on right now?</p> <p>12 I don't see anybody on the call.</p> <p>13 All right. Calling Rose Nantongo. Are you</p> <p>14 on, Rose?</p> <p>15 THE WITNESS: Yes, I am. I am in. I'm on the</p> <p>16 phone.</p> <p>17 THE COURT: I don't have a camera. I don't</p> <p>18 have a picture. Yeah, put your camera on.</p> <p>19 THE WITNESS: Okay. Then I have to put the</p> <p>20 phone off and go to Zoom.</p> <p>21 THE COURT: It's not Zoom. Go to OZA's</p> <p>22 website and click on the link to the meeting.</p> <p>23 THE WITNESS: Oh, sorry. I clicked. It</p> <p>24 said, By phone. Hello?</p> <p>25 THE COURT: The problem is I need a camera.</p>	75	<p>1 before she testifies?</p> <p>2 MR. FRIEDMAN: Well, yeah, I was hoping to</p> <p>3 because she'll be much longer, and I didn't want to</p> <p>4 keep these people.</p> <p>5 THE COURT: No, I understand. I understand.</p> <p>6 MR. FRIEDMAN: Especially somebody who wants</p> <p>7 to get on the slopes at Alta. I'm very jealous.</p> <p>8 THE COURT: Well, what I'm going to suggest</p> <p>9 is -- I know it might break your focus, but, you know,</p> <p>10 neither one is here. I don't see either one, Nancy</p> <p>11 Parks or -- so the best I can suggest at this point is</p> <p>12 that you call Ms. Favali, and we will interrupt her. I</p> <p>13 understand the inconvenience, but we will interrupt</p> <p>14 her --</p> <p>15 (Cross-talk.)</p> <p>16 THE WITNESS: I'm here for Ms. Favali. My</p> <p>17 name is Janet Long.</p> <p>18 THE COURT: Okay. Mr. Friedman, was she one</p> <p>19 of your witnesses?</p> <p>20 MR. FRIEDMAN: Yeah, she was actually. I --</p> <p>21 THE COURT: Okay. Then we'll go with that.</p> <p>22 Ms. Long, please raise your right hand.</p> <p>23 Oh, just a second. Ms. Bennet is raising her</p> <p>24 hand. Ms. Bennet, what is your question?</p> <p>25 MS. BENNET: This is just a technical issue.</p>
74	<p>1 THE WITNESS: This is an Android.</p> <p>2 THE COURT: It doesn't matter. You should be</p> <p>3 able to join.</p> <p>4 THE WITNESS: Let me see.</p> <p>5 Add video.</p> <p>6 THE COURT: Let's do this: I'm going to send</p> <p>7 you the link to the dial-in instructions, and you</p> <p>8 should be able to just click on the meeting.</p> <p>9 THE WITNESS: Okay.</p> <p>10 THE COURT: I'm going to share my screen.</p> <p>11 Oh, did she just go? Do you see the screen,</p> <p>12 ma'am?</p> <p>13 MR. FRIEDMAN: My screen's doing very weird</p> <p>14 things right now.</p> <p>15 THE COURT: Well, I shared mine, so perhaps</p> <p>16 she could see the call-in instructions, but --</p> <p>17 MS. BENNET: I think she hung up, Your Honor.</p> <p>18 THE COURT: Okay. Sorry to sigh. We will --</p> <p>19 do you have another witness you can call, Mr. Friedman?</p> <p>20 MR. FRIEDMAN: I think I've called everybody</p> <p>21 except for those last two, Nancy and Rose.</p> <p>22 THE COURT: And are you having Ms. Favali</p> <p>23 testify?</p> <p>24 MR. FRIEDMAN: Of course.</p> <p>25 THE COURT: But you want to get these in</p>	76	<p>1 I think you're still sharing your screen with us,</p> <p>2 because we're seeing what's on your screen.</p> <p>3 THE COURT: How's that?</p> <p>4 MS. BENNET: That's good.</p> <p>5 THE COURT: Okay. Thanks. Ms. Long, please</p> <p>6 raise your right hand.</p> <p>7 THE WITNESS: Now I can't see my view. Not</p> <p>8 that I have to, but let me just see. Well, anyway,</p> <p>9 here I am.</p> <p>10 THE COURT: Okay. Thank you. We can see</p> <p>11 you, and that's what counts.</p> <p>12 JANET LONG,</p> <p>13 having first been sworn, testified as follows:</p> <p>14 THE COURT: Please state your name, address,</p> <p>15 and email address for the record.</p> <p>16 THE WITNESS: My name is Janet Helen Long. My</p> <p>17 address is 4224 Kennedy Street, Hyattsville, 20781. My</p> <p>18 email is janh29long@gmail.</p> <p>19 THE COURT: Thank you. Go ahead, Mr.</p> <p>20 Friedman.</p> <p>21 MR. FRIEDMAN: Thank you.</p> <p>22 DIRECT EXAMINATION</p> <p>23 BY MR. FRIEDMAN:</p> <p>24 Q. Ms. Long, are you the next-door neighbor of</p> <p>25 the house on Kennedy Street that's owned by Ms. Favali?</p>

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20 (77 to 80)

<p>77</p> <p>1 A. Yes.</p> <p>2 Q. And how long have you known Ms. Favali?</p> <p>3 A. Five -- plus five years. A little over five</p> <p>4 years.</p> <p>5 Q. Does anyone live in the Kennedy Street house</p> <p>6 or is it vacant?</p> <p>7 A. In Ms. Favali's house?</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. No. She's there occasionally, but she</p> <p>10 doesn't live there anymore.</p> <p>11 Q. Does she keep one or two vehicles there?</p> <p>12 A. Yes, sometimes. She has three vehicles.</p> <p>13 Q. And do you know how long it's been since she</p> <p>14 used that house as a residence, if ever?</p> <p>15 A. I don't know exactly how long, no. I know</p> <p>16 that this court hearing has been going on for quite</p> <p>17 some time.</p> <p>18 Q. And during that time?</p> <p>19 A. During that time, what?</p> <p>20 Q. Has she used Kennedy Street as a residence?</p> <p>21 A. Not as a primary residence, no.</p> <p>22 Q. Okay. Have you ever visited her at the</p> <p>23 Oldchester Road property by any chance?</p> <p>24 A. Yes, I have. At least two times, maybe three</p> <p>25 times.</p>	<p>79</p> <p>1 asked Rose to just stay on the line.</p> <p>2 THE COURT: Mr. Goitein?</p> <p>3 MR. GOITEIN: Thank you.</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. GOITEIN:</p> <p>6 Q. Good morning, Ms. Long. So when was the last</p> <p>7 time you were at the Oldchester property?</p> <p>8 A. I don't know exactly when.</p> <p>9 MS. NANTONGO: I don't hear you. Could you</p> <p>10 repeat that?</p> <p>11 MS. LONG: Oh, you're talking to me.</p> <p>12 THE COURT: Okay. Don't just jump in. If you</p> <p>13 can't hear, raise your hand --</p> <p>14 MS. NANTONGO: Oh, sorry, sorry, sorry.</p> <p>15 THE COURT: -- and I will get to you.</p> <p>16 Okay. Mr. Goitein, can you re-ask your</p> <p>17 question.</p> <p>18 Q. (By Mr. Goitein) Ms. Long, can you recall</p> <p>19 when the last time was that you visited Ms. Favali at</p> <p>20 the Oldchester Road property?</p> <p>21 A. The only when I can answer to is that it was</p> <p>22 spring weather. It was warmer weather. But I don't</p> <p>23 remember exactly when.</p> <p>24 Q. Within the past year?</p> <p>25 A. Possibly.</p>
<p>78</p> <p>1 Q. And how recently was that?</p> <p>2 A. It's been a while. I'm kind of new to the</p> <p>3 Maryland area. And even, though I grew up in Jersey,</p> <p>4 the traffic down here is not a friend of mine, so I</p> <p>5 really don't go into cities much. But I've been there</p> <p>6 to the other place in Bethesda two or three times.</p> <p>7 Q. And was it clear to you that that was her</p> <p>8 residence?</p> <p>9 A. Oh, yeah, absolutely.</p> <p>10 Q. And have you happened to see anybody taking</p> <p>11 photographs of her Kennedy Street house recently?</p> <p>12 A. Yeah.</p> <p>13 Q. Who was that, if you know?</p> <p>14 A. I can't identify -- what is the word? I just</p> <p>15 knew that it was someone that I recognized from the</p> <p>16 hearing that I went to in Bethesda.</p> <p>17 Q. Is that anybody you see on your screen now?</p> <p>18 A. Well, all I see are, you know, initials.</p> <p>19 MS. NANTONGO: Sorry. I had problems.</p> <p>20 THE WITNESS: Doesn't matter.</p> <p>21 MR. FRIEDMAN: All right. Nothing further of</p> <p>22 this witness. Rose, please stay on the line with us.</p> <p>23 THE COURT: I have to ask you for</p> <p>24 cross-examination.</p> <p>25 MR. FRIEDMAN: Yes, I know. That's why I</p>	<p>80</p> <p>1 Q. So you're not sure if it was in 2024 or 2025?</p> <p>2 A. No, I can't say exactly. No, I can't.</p> <p>3 Q. All right. I mean, as far as you know, the</p> <p>4 Oldchester -- as far as you know -- well, are you</p> <p>5 friends with Ms. Favali?</p> <p>6 A. Yes.</p> <p>7 Q. Do you guys talk to each other about what's</p> <p>8 going on in your lives on occasion?</p> <p>9 A. Absolutely.</p> <p>10 Q. Okay. So if she had made some significant</p> <p>11 change in her residency, you would know about it,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And she hasn't made, as far as you know, she</p> <p>15 hasn't made any significant change, at least in the</p> <p>16 past year, right?</p> <p>17 A. She has made it known clearly to me that now</p> <p>18 her primary residence is in Bethesda.</p> <p>19 Q. Right. And that's been the case since -- you</p> <p>20 testified before, that's been the case for the past</p> <p>21 couple of years, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you said that you're aware of how</p> <p>24 long this case has been going on, right?</p> <p>25 A. A couple of years.</p>

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21 (81 to 84)

81	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.	83	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?
82	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	84	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)

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

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>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</p>	<p style="text-align: right;">91</p> <p>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.</p>
<p style="text-align: right;">90</p> <p>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</p>	<p style="text-align: right;">92</p> <p>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</p>

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24 (93 to 96)

<p>93</p> <p>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.</p>	<p>95</p> <p>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?</p>
<p>94</p> <p>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. Freidman, 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</p>	<p>96</p> <p>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</p>

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25 (97 to 100)

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

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26 (101 to 104)

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

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27 (105 to 108)

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

109	111
1 essentially, when I inspected it, my recollection is	1 their residential property on occasion?
2 that there's two driveways. Or one way to think about	2 A. There are laws that prohibit work vehicles
3 it would be that there's two driveways.	3 and the number of vehicles and that sort of thing. But
4 There's a horseshoe driveway in front of the	4 I did not see any. I had no reason to -- you know, the
5 dwelling, and to the right side of the dwelling, to the	5 conditions I found, certainly, I didn't have any reason
6 right side of the property line, there's a driveway	6 to think that there were any laws being violated or
7 that runs back to the rear of the property.	7 rules or, you know.
8 THE COURT: And that's also tandem, correct?	8 Q. All right. Thank you.
9 THE WITNESS: I'm sorry?	9 A. Yes, sir.
10 THE COURT: That's also tandem parking?	10 THE COURT: Okay. With that, Mr. Johnson,
11 THE WITNESS: Yeah. I believe it's all	11 you can take a big sigh.
12 single-width vehicle parking.	12 THE WITNESS: Thank you.
13 THE COURT: Single-width.	13 THE COURT: And, exit the hot seat. You're
14 THE WITNESS: I don't recall. And I could	14 welcome to stay in the hearing if you wish.
15 certainly review some of the notes and other things I	15 THE WITNESS: Yes, ma'am.
16 have, but my recollection is that --	16 THE COURT: And, we will move on. Well, it's
17 THE COURT: I looked, and it didn't show --	17 11:46. So how long -- Mr. Friedman, how long do you
18 the ADU drawing didn't show -- I'll get that. It	18 think Ms. Favali is going to take?
19 didn't show --	19 MR. FRIEDMAN: Well, Ms. Favali is going to
20 THE WITNESS: The horseshoe.	20 take a while, but Rose Nantongo and Kathy O'Brien will
21 THE COURT: The horseshoe, yeah.	21 each take just a few minutes.
22 You measured the horseshoe, right?	22 THE COURT: Well, let's get them in and then
23 THE WITNESS: I apologize. I didn't hear	23 we'll go to lunch. What we may want to do -- and I
24 that.	24 hesitate saying this. But what we may want to do is
25 THE COURT: You measured the horseshoe,	25 think about an extra -- if we can't get through Ms.
110	112
1 correct?	1 Favali with all the questions. We will try.
2 THE WITNESS: Yes, ma'am, yes. That was part	2 We will try at this point. But, while you're
3 of our consideration for parking, yes.	3 at lunch, you may think about possible dates if we
4 THE COURT: Okay. But, as far as you know,	4 can't get through Ms. Favali in a timely manner.
5 it's single, single width?	5 MR. GOITEIN: Is there a -- is there a time
6 THE WITNESS: That's correct.	6 this afternoon by which the hearing must conclude?
7 THE COURT: Thank you.	7 THE COURT: 5:00.
8 Mr. Friedman, do you have any follow-up?	8 MR. GOITEIN: Oh, okay. What -- I hope we
9 Redirect?	9 can get through by then.
10 MR. FRIEDMAN: Yeah. Just one quick	10 THE COURT: So do I. But I have been through
11 question.	11 these. I have some experience with --
12 REDIRECT EXAMINATION	12 Anyway, how many witnesses? I see a lot of
13 BY MR. FRIEDMAN:	13 people from the neighborhood that are allowed to
14 Q. Mr. Johnson, you said you visited the	14 testify if they wish beyond your -- in this matter, so
15 property several times. Have you ever seen a truck and	15 -- because it is a public hearing.
16 trailer parked there on those occasions?	16 So that's what is making me say that. If you
17 A. I believe so. I do definitely recall seeing a	17 want to coordinate testimony over lunch to try to get
18 trailer there. In fact, I had a conversation with the	18 it through, you know, we can do that, okay?
19 applicant regarding the trailer, and there were other	19 MR. GOITEIN: I think we'll be pretty
20 vehicles. Because, typically, when I've inspected,	20 efficient.
21 she's had a handyman or someone that would assist in	21 THE COURT: That would be great.
22 repairs of the home there as well, and he may have had	22 Okay. Mr. Friedman, who's your next witness?
23 a vehicle on site.	23 MR. FRIEDMAN: Well, let me ask. Ms.
24 Q. Okay. And are you aware of any law that	24 Nantongo and Ms. O'Brien, is either one of you in a big
25 prohibits somebody from bringing a work vehicle to	25 hurry?

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29 (113 to 116)

<p>113</p> <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>115</p> <p>1 Q. Actually, it's 7709.</p> <p>2 A. Oh. I'm dyslexic. Sorry.</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. Probably 20, 25.</p> <p>6 Q. And has it always appeared to you that that's</p> <p>7 her primary residence?</p> <p>8 A. That's her primary residence, right. She</p> <p>9 gets her bills there. She gets her -- she's living</p> <p>10 there. There's furniture there. Etcetera. And she</p> <p>11 does not answer her phone at her old number, which was</p> <p>12 in her house. Never, never.</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>114</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. I know Flavia through the SOS Sailing Club,</p> <p>16 which has 1,300 members.</p> <p>17 Q. And how long have you known her?</p> <p>18 A. I've known her for three or four years.</p> <p>19 Q. Okay. And do you consider yourself friends?</p> <p>20 A. Yes. We're very close friends.</p> <p>21 Q. And have you visited her at her home?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Where is that home?</p> <p>24 A. Her home is in Bethesda, Maryland. It's on</p> <p>25 7904 Oldchester Road, Bethesda, Maryland.</p>	<p>116</p> <p>1 A. Yes. Several different times.</p> <p>2 Q. And she's always slept there too?</p> <p>3 A. Yeah. One time, she gave up her bed for me,</p> <p>4 you know, as a guest.</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. She slept in another room.</p> <p>8 Q. In the same house?</p> <p>9 A. Yes.</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. No.</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. It's on Kennedy Street in Hyattsville.</p> <p>21 Q. Okay.</p> <p>22 A. 4222.</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. Yes.</p>

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30 (117 to 120)

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

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31 (121 to 124)

121	1 legs that we heard about, is it difficult for her to do 2 the sailing? 3 A. She does modified activities that will 4 accommodate her disabilities. 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 A. Right. 9 Q. And that was a year ago? 10 A. I'd have to go get my calendar if you want 11 the exact date. 12 Q. But in 20 -- are you saying 2025 or 2024? 13 A. '24. 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,	123	1 BY MR. FRIEDMAN: 2 Q. Ms. Nantango, how long have you lived at 7709 3 Oldchester? 4 A. Almost going to seven months. 5 Q. Okay. And the other people who live there, 6 have they been there longer or shorter than you? 7 A. I found them there. I don't know when they 8 moved in. 9 Q. Okay. But they were there before you? 10 A. Yes. 11 Q. Okay. And you've all lived there continually 12 since that time; is that correct? 13 A. Could you repeat that? 14 Q. You've all lived there continually since you 15 moved in; is that correct? 16 A. Yes, sir. 17 Q. Okay. So does Ms. Favali have any short-term 18 rentals, people who come for just a day or two or three 19 or a week? 20 A. No. 21 Q. And you were introduced to her by the 22 Montgomery County Housing Partnership; is that correct? 23 A. Yes, I went to the Montgomery County. 24 Q. Okay. And does she regularly park a truck 25 and a trailer at that house?
122	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	124	1 A. I don't see any truck. The truck that comes 2 there comes to do the renovations. 3 Q. Is that her truck or somebody else's? 4 A. Somebody else's. 5 Q. Okay. 6 A. I see them coming. Like, three or four 7 people. The last time I saw them, two were on top of 8 the roof, and two were cleaning down. Because I don't 9 talk to anybody there. I just went. I saw them high 10 and left. 11 Q. Okay. And does Flavia Favali live at that 12 Oldchester Road house? 13 A. Yes. 14 Q. And she sleeps there? 15 A. She sleeps there. 16 Q. Okay. She eats meals there? 17 A. In the morning -- sorry. In the morning, she 18 makes coffee for everybody and puts it in the kitchen. 19 And, before I go to work, I pour mine and leave. 20 Q. Okay. Does she eat her meals there? 21 A. Sorry? 22 Q. Does she eat meals there? 23 A. Does she live there? 24 Q. No. Does she eat there? 25 A. Yes.

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32 (125 to 128)

125	<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. Favali 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>	127	<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>
126	<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>	128	<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 Favali's attorney. You and she have been friends for a</p> <p>25 long time; isn't that correct?</p>

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

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133	<p>1 A. Yes.</p> <p>2 Q. And she told you that the reason why she was</p> <p>3 making -- that she did something in 2023 was because</p> <p>4 she wanted to get this approval for the ADU, right?</p> <p>5 A. Yes.</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</p> <p>13 be excused as a witness.</p> <p>14 THE WITNESS: Okay.</p> <p>15 THE COURT: You can stay on the meeting, but</p> <p>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</p> <p>20 up as AJ on your screen.</p> <p>21 THE COURT: Yeah, I've got him. But I don't</p> <p>22 have that. Mr. Jagessar? I'm sorry if I said that</p> <p>23 incorrectly. Can you turn your camera on, Mr.</p> <p>24 Jagessar.</p> <p>25 Mr. Jagessar?</p>	135	<p>1 the hearing, but mute your mics because we don't want</p> <p>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.</p> <p>5 Please mute your mics, and we will return at one</p> <p>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</p> <p>10 say your name?</p> <p>11 THE WITNESS: Anand Jagessar.</p> <p>12 MR. GOITEIN: I'm sorry. I don't want to</p> <p>13 interrupt, but it looks like not everyone is back. And</p> <p>14 I would say, most notably, I don't see Carri Bennet on</p> <p>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</p> <p>19 Bennet, but it's on hold. It says on hold. Do you</p> <p>20 mind texting or calling her if you -- oh, you're -- I'm</p> <p>21 sorry. You're Kenneth Mack's client -- attorney.</p> <p>22 THE REPORTER: Would you like to go off the</p> <p>23 record for a moment, counsel?</p> <p>24 THE COURT: Yeah, we'll go off the record</p> <p>25 for -- we'll come back at 1:05.</p>
134	<p>1 MR. FRIEDMAN: He may be muted also.</p> <p>2 THE COURT: Mr. Jagessar, may you -- I don't</p> <p>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</p> <p>7 show up as muted. So what we can do is take a lunch,</p> <p>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.</p> <p>11 Favali and then the objectors can begin their case.</p> <p>12 So, because of the time frame -- I would like</p> <p>13 to finish today -- I would like to take just a</p> <p>14 45-minute lunch so that we would be back here at 1</p> <p>15 o'clock.</p> <p>16 If you feel you need more to discuss things</p> <p>17 with your client or whatever you need to do, just let</p> <p>18 us know where you are at any particular time. We can</p> <p>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>	136	<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</p> <p>4 your right hand.</p> <p>5 ANAND JAGESSAR,</p> <p>6 having first been sworn, testified as follows:</p> <p>7 THE COURT: Okay. Please state your name and</p> <p>8 address and email address for the record, please.</p> <p>9 THE WITNESS: Anand Jagessar. Address 7411</p> <p>10 Hendricks Drive, Hyattsville, Maryland, 20784, email</p> <p>11 anandjagessar@yahoo.com.</p> <p>12 THE COURT: There's no dot or anything</p> <p>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.</p> <p>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</p> <p>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>137</p> <p>1 A. Handyman work. Like any repairs that need to 2 be done in the houses. 3 Q. And how long have you been working with her? 4 A. I would say roughly about four years. 5 Q. Okay. And which properties have you worked 6 on? 7 A. Bethesda. Kennedy. Oliver Street. 8 Q. Okay. Do you know which one of those 9 properties she lives at? 10 A. Bethesda. 11 Q. That's the Oldchester Road property? 12 A. Yes. 13 Q. And how often do you see her? 14 A. Very often. At least once a week. 15 Q. Okay. So how long do you think she's been 16 living in the Oldchester Road as her primary home? 17 A. I would say roughly at least three, three and 18 a half years, roughly. I'm not certain the correct 19 time. 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? 24 A. Yes. 25 Q. And which ones, if you remember?</p>	<p>139</p> <p>1 property? 2 A. Yes. 3 Q. And you've been inside the Oldchester Road 4 property, right? 5 A. Yes. 6 Q. The Oldchester Road property is bigger, 7 right? 8 A. Yes. 9 Q. More square footage? 10 A. Yes. 11 Q. You'd agree it's better for hosting people? 12 A. Yes. 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? 16 A. Correct. 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? 21 A. Yes. Most of the time when I got to meet her 22 to discuss any type of work, most of the time we meet 23 at the Bethesda House, Oldchester. 24 Q. All right. So no change in the last three 25 years, right?</p>
<p>138</p> <p>1 A. Most of the time the truck is there. The 2 trailer is there. And sometimes the Subaru. I think 3 it's a Subaru. The Outback Subaru. And she's using 4 the Mitsubishi. 5 Q. Okay. So when you say "here," you're 6 referring to Kennedy Street? 7 A. Yes. The vehicles, yes. 8 Q. Okay. So am I understanding you correctly 9 that, typically, two of her three vehicles are at 10 Kennedy Street? 11 A. Yes. 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? 15 A. They're hers. 16 Q. Okay. 17 MR. FRIEDMAN: I don't think I have anything 18 further of this witness. 19 THE COURT: All right. Mr. Goitein? 20 MR. GOITEIN: Thank you. 21 CROSS-EXAMINATION 22 BY MR. GOITEIN: 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>140</p> <p>1 A. Right. 2 Q. All right. Thank you. 3 MR. GOITEIN: Nothing further. 4 THE COURT: Ms. Bennet? I think you're -- 5 are you -- you're muted. 6 MS. BENNET: Oh, I did it. I was trying not 7 to do that. It's an all-day thing here. I did it one 8 time. Okay. 9 CROSS-EXAMINATION 10 BY MS. BENNET: 11 Q. I'm Carri Bennet. I live a couple houses 12 down from the Oldchester House. 13 With respect to the Mitsubishi vehicle, the 14 sports car, I believe that is, do you know how old that 15 car is? 16 A. No, I know it's old, but I don't know exactly 17 how old it is. I don't know the year. 18 Q. Okay. Has Ms. Favali had trouble with that 19 vehicle breaking down or anything like that? 20 A. Yes. Sometime she mentioned it to me, that 21 she had a problem with the vehicle. 22 Q. And the Subaru, is that a newer vehicle? 23 A. Than the Mitsubishi? Yes. 24 Q. Yes. 25 A. Yes, it's a newer vehicle.</p>

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<p>141</p> <p>1 Q. Okay. Thank you.</p> <p>2 MS. BENNET: That's all the questions I have.</p> <p>3 Thank you.</p> <p>4 THE COURT: Mr. Friedman, any redirect?</p> <p>5 MR. FRIEDMAN: No, ma'am.</p> <p>6 THE COURT: Thank you. You may be excused,</p> <p>7 Mr. Jagessar, although you may stay on the phone or the</p> <p>8 team's meeting if you wish.</p> <p>9 THE WITNESS: Okay. Thank you.</p> <p>10 MR. FRIEDMAN: All right. I am waiting</p> <p>11 for -- let me see. Well, I don't think she's on yet.</p> <p>12 One of Ms. Favali's daughters wanted to</p> <p>13 testify, but let's go on with Ms. Favali.</p> <p>14 THE COURT: Okay.</p> <p>15 MR. FRIEDMAN: With your permission, I may</p> <p>16 interrupt her testimony to take her daughter, Veronica.</p> <p>17 THE COURT: I don't have a problem with that.</p> <p>18 But I do have to find her.</p> <p>19 MR. FRIEDMAN: Yeah. Ms. Favali, are you</p> <p>20 here?</p> <p>21 THE COURT: I see her. Okay.</p> <p>22 Please raise your right hand.</p> <p>23 FLAVIA FAVALI,</p> <p>24 having first been sworn, testified as follows:</p> <p>25 THE COURT: Can you state your name, address,</p>	<p>143</p> <p>1 my last dad died -- my last parent died -- I'm sorry --</p> <p>2 I purchased the property in the inheritance. I knew I</p> <p>3 couldn't afford to live in it. I rented bedrooms,</p> <p>4 which was legal. I had a rental license for 10 or 11</p> <p>5 years. I went to Montgomery County Housing and</p> <p>6 Landlord Affairs. It was legal to do. So I've been</p> <p>7 renting bedrooms.</p> <p>8 When I had a fatal, to me -- it was not</p> <p>9 fatal. I'm still here, and I'm loving life, and I'm</p> <p>10 very grateful. I had -- for seven months, I couldn't</p> <p>11 move anything on my right side from my collarbone,</p> <p>12 which hasn't healed yet -- I guess that's what happens</p> <p>13 with bad bones -- and to my right ankle. I previously</p> <p>14 had my left ankle replaced. That has nothing to do --</p> <p>15 I could still sail. I could still be ambulatory. I</p> <p>16 was loving life.</p> <p>17 The -- seven months, I fell on February 15,</p> <p>18 2023. Rushed to the hospital. I have an addictive</p> <p>19 personality. I got addicted to Dilaudid. I then went</p> <p>20 to a nursing home -- rehabilitation hospital, to learn</p> <p>21 how to walk again. It was awful. There was roaches.</p> <p>22 I just knew something had to be done.</p> <p>23 They were building -- Montgomery County was</p> <p>24 building ADUs. Montgomery County believed in</p> <p>25 age-friendly. Montgomery County believed in aging in</p>
<p>142</p> <p>1 and email for the record.</p> <p>2 THE WITNESS: Flavia Favali.</p> <p>3 Flavia4222@comcast.net. 7709 Oldchester Road,</p> <p>4 Bethesda, Maryland.</p> <p>5 THE COURT: Okay. Go ahead, Mr. Friedman.</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MR. FRIEDMAN:</p> <p>8 Q. Okay. Ms. Favali, can you go over the</p> <p>9 history of your primary residences for -- I don't</p> <p>10 know -- as far back as you want to go. I just think</p> <p>11 that the panel needs some -- or the hearing examiner</p> <p>12 needs some context here.</p> <p>13 A. Okay. This will be, I promise, one minute.</p> <p>14 It's 1:12. So I was -- my dad built this house back in</p> <p>15 the '50s. I left at 16. I got married.</p> <p>16 I lived in Montgomery County my whole life</p> <p>17 until I was 48. I lived in a house much like the</p> <p>18 houses on the block here in Two Acres. I walked out</p> <p>19 with all my six kids because of strife between the</p> <p>20 family.</p> <p>21 I bought that Kennedy Street property as a</p> <p>22 place to keep, and I never thought my marriage would</p> <p>23 dissolve. I never thought that. Unfortunately, it</p> <p>24 did.</p> <p>25 So when my parents' property came up for --</p>	<p>144</p> <p>1 place. So I quickly drew up plans for an ADU. I built</p> <p>2 it. I went to permitting, and I got it. I did not</p> <p>3 know all the ramifications of principal residency, and</p> <p>4 I'm sorry.</p> <p>5 I then realized what principal residency was,</p> <p>6 and I lived here. I gave a whole tally, which the</p> <p>7 hearing officer didn't like. I gave all the friends</p> <p>8 that came. It's a still tally. It's still friends.</p> <p>9 Many of them came today.</p> <p>10 And life just happens. You don't remember</p> <p>11 the date. But I remember February 15, 2023, my</p> <p>12 collarbone broke. The next week, I couldn't -- my hand</p> <p>13 was in a sling. I couldn't tie my shoes. I tripped</p> <p>14 over my shoes, my shoelaces, and that's when my ankle,</p> <p>15 tibia, and fibula broke.</p> <p>16 Back in -- I was finally better. I was</p> <p>17 finally working on this. I had the license to do this.</p> <p>18 My objectors, my neighbors, said no.</p> <p>19 Then, in 2024, I was in my refrigerator in my</p> <p>20 primary house, and I broke my kneecap. Couldn't move</p> <p>21 then. I was taken to the hospital. Nobody could see</p> <p>22 that on the street --</p> <p>23 Oh, hi, sweetie. You look pretty. Well,</p> <p>24 better than me.</p> <p>25 THE COURT: Ms. Favali --</p>

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37 (145 to 148)

<p>145</p> <p>1 THE WITNESS: Make it shorter? Sorry.</p> <p>2 A. So then I broke everything --</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 A. Because you had a severity, for me -- for</p> <p>11 me -- it wouldn't maybe bother somebody else. But, for</p> <p>12 me, I couldn't move for seven months. Couldn't drive.</p> <p>13 Couldn't walk. Couldn't really do anything.</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 A. When I could walk again and get out of the</p> <p>23 hospital at Potomac was around -- and my doctor, Dr.</p> <p>24 Cooper, wrote an affidavit to build a handicapped ADU,</p> <p>25 not because I was getting better and I could walk, but</p>	<p>147</p> <p>1 vehicles?</p> <p>2 A. The only vehicle, the only driver except for</p> <p>3 Anand can use my truck. Yes. And the truck is an '05</p> <p>4 -- that is an '07, and the Subaru is a '15.</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 all the vehicles are at Kennedy Street, primarily.</p> <p>9 Q. Well, how do you get to Oldchester?</p> <p>10 A. Oh, I'm sorry. So I have the Mitsubishi in</p> <p>11 the car today when I take the grandkids. One of my</p> <p>12 kids just came in and I have grandkids. I'll take the</p> <p>13 Subaru because it has bigger room. I only use the</p> <p>14 truck for repairs and renovations.</p> <p>15 Q. So, typically, how many of your cars are</p> <p>16 parked at Oldchester Road?</p> <p>17 A. Only one.</p> <p>18 Q. Because you can only drive one at a time?</p> <p>19 A. Correct.</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 A. Yes. And Ms. Bennet actually put photos up</p> <p>25 about where my vehicles are on Kennedy Street. So</p>
<p>146</p> <p>1 because I will have ongoing breaks like I had in 2024.</p> <p>2 So, because my bones are so bad, having a</p> <p>3 handicapped ADU, yes, I did have a permitted house for</p> <p>4 accessibility and livability. But when you have a</p> <p>5 broken collarbone, you can't get a wheelchair --</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 A. July of 2023.</p> <p>10 Q. Thank you.</p> <p>11 A. Sorry.</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 A. Never in Oliver Street, maybe not even 14</p> <p>16 days at Kennedy Street. One of my children just came</p> <p>17 over. I spent nights at my children's house. I</p> <p>18 spent -- like, at Suzanne Vaughn, who testified, I</p> <p>19 spent a week or two helping her with her needs.</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 houses and help them out, just like they helped me out.</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>148</p> <p>1 thank you. Yes.</p> <p>2 Q. Okay. And where are you registered to vote?</p> <p>3 A. Maryland. Bethesda. I'm sorry. Oldchester</p> <p>4 Road. I'm sorry.</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 A. Yes.</p> <p>9 Q. And you sent your driver's license showing</p> <p>10 Oldchester; is that correct?</p> <p>11 A. Yes.</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 A. Yes.</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 A. Yes.</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 A. I don't know. I believe I applied. I don't</p> <p>25 think -- I get it because I rent rooms. I'm not sure.</p>

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38 (149 to 152)

<p>149</p> <p>1 I don't want to perjure myself.</p> <p>2 Q. Take my word for it. You get it. It's on</p> <p>3 your tax bill.</p> <p>4 A. Oh, thank you. God is good. Thank you.</p> <p>5 Q. So bear with me one second.</p> <p>6 All right. You've introduced a myriad of</p> <p>7 paperwork dealing with a log of visitors and your</p> <p>8 sleeping. Obviously, this, unfortunately, did not all</p> <p>9 come in an easy order to review. That may be partially</p> <p>10 your fault. That may be partially staff's fault. I'm</p> <p>11 not sure.</p> <p>12 But tell us about these logs. What can you</p> <p>13 summarize for us?</p> <p>14 A. Sure. And for the OZA hearing, I exhibited,</p> <p>15 I exhibited – summarize, summarize, sorry,</p> <p>16 summarize – Exhibit 8 with all the nights I spent from</p> <p>17 the time I moved in July 23 to July 24.</p> <p>18 July 24, I had a sign-in sheet for people.</p> <p>19 So I had to be there if they were coming to visit me</p> <p>20 and sign in, and I maintained that.</p> <p>21 And then I took a picture of every day.</p> <p>22 Something different from my Android phone. Something</p> <p>23 from my phone to my vehicle that I was driving. So</p> <p>24 sometimes it would be the Outback. Sometimes it would</p> <p>25 be the Mitsubishi in the foreground. And something</p>	<p>151</p> <p>1 THE WITNESS: It's on -- it's on B. It's on</p> <p>2 6. It's on page -- Exhibit 10 Part E. That whole part</p> <p>3 is 50 pages. And it's on page 36 to 45. The OAH</p> <p>4 hearing from ADO 250 to the tally sheet. So that's on</p> <p>5 page 36 from Exhibit 10 part E pages -- pages -- I just</p> <p>6 had it. I'm so sorry. Pages 36 -- 45 to 50. 45 to</p> <p>7 50.</p> <p>8 MR. GOITEIN: Could anybody clarify what Part</p> <p>9 E is? Because I'd see parts -- oh, Part E5. Got it.</p> <p>10 THE WITNESS: Yes. Go all the way down. I'm</p> <p>11 sorry, sir. That's 50 pages, and that comes up at 45</p> <p>12 on page 45, sir. I know I didn't mean to send it so</p> <p>13 crappily. So -- anyway.</p> <p>14 Q. (By Mr. Friedman) So, as I asked, can you</p> <p>15 clarify very briefly what these exhibits are intended</p> <p>16 to show.</p> <p>17 A. So I maintain that I moved in 2023 when I</p> <p>18 found out that I had had osteothrombosis to make my</p> <p>19 primary living. So I had kept the tally. I had</p> <p>20 pictures. I had a sign-in sheet. I tried to do</p> <p>21 everything that I thought was appropriate to prove that</p> <p>22 I lived here.</p> <p>23 Q. Okay. Let's talk about the tenants in the</p> <p>24 house. We've heard testimony from two current tenants</p> <p>25 and one prior tenant, Mr. Sierra. Have you ever</p>
<p>150</p> <p>1 interesting that happens on the streets --</p> <p>2 THE COURT: Ms. Favali, can I stop you for a</p> <p>3 minute. I'm not seeing the log on Exhibit 8.</p> <p>4 THE WITNESS: It's on Exhibit 10.</p> <p>5 THE COURT: Exhibit 10.</p> <p>6 THE WITNESS: And it's my thing. It's</p> <p>7 Exhibit 10.</p> <p>8 THE COURT: Okay. Well, don't find --</p> <p>9 Exhibit 10 is, like -- was 500 pages that they had to</p> <p>10 break down to get it to -- so don't worry about it. Do</p> <p>11 you happen to know where online it is?</p> <p>12 THE WITNESS: Yes. It was on the OZA Exhibit</p> <p>13 8 on the first hearing. And then I used it again as if</p> <p>14 it is because if I was there in '23. I maintained it</p> <p>15 in '24 and '25.</p> <p>16 THE COURT: I know. But you don't know</p> <p>17 where -- which exhibit it is in this?</p> <p>18 THE WITNESS: Yes, I do. If you just give me</p> <p>19 one second, just not even one second. I went through</p> <p>20 every one of my exhibits. I'm sorry about it. And</p> <p>21 it's OZA Exhibit 8 that I've used both years.</p> <p>22 Yes.</p> <p>23 THE COURT: Okay. Well, I'm going to let it</p> <p>24 go. I did read all your exhibits, but I don't remember</p> <p>25 the visitors log, but --</p>	<p>152</p> <p>1 operated the house for short-term rentals, Airbnb, any</p> <p>2 of the above?</p> <p>3 A. Yes, I did. Years ago, before Don Chappell</p> <p>4 bought his house from the Calhouns, Mr. Calhoun came</p> <p>5 over one day and told me Airbnb had more requirements.</p> <p>6 I was running to Airbnb. And that was back before</p> <p>7 Don -- Mr. Chappell bought his house. And I looked at</p> <p>8 all the requirements --</p> <p>9 Q. Wait a minute. How long ago are you talking,</p> <p>10 please?</p> <p>11 A. Six years. Eight years. Seven years. I'm</p> <p>12 on perjury. So let me just look up when Don bought his</p> <p>13 house. A year before Don bought his house.</p> <p>14 Q. All right. Go ahead.</p> <p>15 A. I then stopped running to Airbnb. And,</p> <p>16 actually, my three tenants that have been here since</p> <p>17 2021 are all on a monthly lease. But the deal is --</p> <p>18 and you have that exhibits on last year's OZAC hearing.</p> <p>19 So all their leases and all their rent tallies are on</p> <p>20 last year's OZAC.</p> <p>21 THE COURT: Well, I don't have those in this</p> <p>22 hearing.</p> <p>23 Q. (By Mr. Friedman) I don't think you need</p> <p>24 them, ma'am.</p> <p>25 A. Okay. But they've been living there since</p>

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39 (153 to 156)

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

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40 (157 to 160)

<p>157</p> <p>1 A. From 20 -- my first ankle was replaced in</p> <p>2 2016 because I did it before I retired.</p> <p>3 Q. And you retired from?</p> <p>4 A. Prince George's County Public Schools after</p> <p>5 20-some years.</p> <p>6 Q. As a teacher?</p> <p>7 A. Yes, sir. High school.</p> <p>8 Q. What were you teaching?</p> <p>9 A. Whatever my students needed to get out of</p> <p>10 high school, to be honest with you. But mostly --</p> <p>11 mostly government. English. Sometimes biology.</p> <p>12 Sometimes everything they needed to get out. It was</p> <p>13 kind of their last hope for high school students.</p> <p>14 Q. You had the tough kids?</p> <p>15 A. Yeah. I had the ankle bracelet variety.</p> <p>16 Yes, I did.</p> <p>17 Q. And Dr. Cooper has given you a written</p> <p>18 statement about your condition and your need for</p> <p>19 accommodations?</p> <p>20 A. Yes. That's on an affidavit he actually</p> <p>21 signed on Exhibit 10 Part F pages 3 to 14.</p> <p>22 Q. All right. And can you tell us a little more</p> <p>23 about the condition he's diagnosed.</p> <p>24 A. He didn't really diagnose it. He just kind</p> <p>25 of figured it out. My collarbone broke. A week later,</p>	<p>159</p> <p>1 A. Well, it was easy to take a picture every</p> <p>2 day --</p> <p>3 THE COURT: Mr. Friedman, where are we going</p> <p>4 with this? Does that have something to do with parking</p> <p>5 or primary residence?</p> <p>6 MR. FRIEDMAN: No. I think what it has to do</p> <p>7 with is the motivation of the objectives.</p> <p>8 THE COURT: Well, I'm not sure that's an</p> <p>9 issue that I'm authorized to resolve. Mr. Goitein, do</p> <p>10 you have a position on this, or Ms. Bennet?</p> <p>11 MR. GOITEIN: Your Honor, I don't think it's</p> <p>12 relevant at all. But, frankly, if Ms. Favali is going</p> <p>13 to offer some sort of speculation as to the motivation</p> <p>14 of the other parties here, I can sort of imagine what</p> <p>15 it's going to be for Mr. Friedman.</p> <p>16 That's not exactly testimony that I'm going</p> <p>17 to prevent from coming in because I think it will speak</p> <p>18 to the relationship that she has with her neighbors as</p> <p>19 compared to the relationship that they all have amongst</p> <p>20 each other. So I don't think it's relevant, but I</p> <p>21 didn't object for that reason.</p> <p>22 THE COURT: Okay. I'll let it in and give it</p> <p>23 the weight it deserves or that I'm able to.</p> <p>24 Ms. Bennet, did you have a comment?</p> <p>25 MS. BENNET: No.</p>
<p>158</p> <p>1 I fell. My ankle tibia and fibula broke. A year</p> <p>2 later, when I was in this house in the kitchen, I fell.</p> <p>3 Everybody else saw the same puddle of water. No one</p> <p>4 fell but me. I broke a kneecap. Nobody else broke a</p> <p>5 kneecap.</p> <p>6 So I have a disease. I have brittle bones.</p> <p>7 I'm just getting old. If I have more calcium. And</p> <p>8 it's not degenerative, but it does impact me. Yes. I</p> <p>9 didn't think I was as bad until James said I walk</p> <p>10 crookedly.</p> <p>11 Q. Okay. Is there anything else that you would</p> <p>12 like to briefly add?</p> <p>13 A. Briefly. When you have a life-changing</p> <p>14 experience, it calls for different plans. So when I</p> <p>15 broke everything and I realized this might happen</p> <p>16 again, that's why I'm so pressed on my ADU.</p> <p>17 That's briefly enough. How's that?</p> <p>18 Q. Okay. Let me ask one more question that I</p> <p>19 alluded to in my opening argument.</p> <p>20 Oldchester Road has had a fair amount of</p> <p>21 changes to the homes over the years. Can you talk a</p> <p>22 little bit about the other houses on Oldchester Road,</p> <p>23 including perhaps the people who have objected to your</p> <p>24 proposal.</p> <p>25 Go ahead.</p>	<p>160</p> <p>1 THE COURT: All right. Go ahead, Ms. Favali.</p> <p>2 You can answer his question.</p> <p>3 A. I don't know. I'd like to know -- I'd be</p> <p>4 happy to hear what my neighbors are saying. I'm all</p> <p>5 ears.</p> <p>6 THE COURT: No. Answer his question. I think</p> <p>7 his question was about the houses on the street.</p> <p>8 A. They're all much more beautiful than mine.</p> <p>9 They're all new. I loved it when I was learning when</p> <p>10 Mr. Finkel was building his house, how he was able to</p> <p>11 put an elevator in to get upstairs.</p> <p>12 So it's a pantry now, but it could be an</p> <p>13 elevator if you need handicap accessibility. I can't</p> <p>14 build an elevator in my house very easily. So I'm</p> <p>15 admiring all my neighbors' houses. Yes. Beautiful</p> <p>16 houses.</p> <p>17 Q. (By Mr. Friedman) All right. We can leave</p> <p>18 it at that. So if you're not allowed to build your</p> <p>19 ADU, are you going to have to move from this house to</p> <p>20 another residence that has handicapped access?</p> <p>21 A. Well, I was moved by gurney from Holy Cross</p> <p>22 to a rehab hospital. I had to stay there for seven</p> <p>23 months, so I don't know. I haven't planned that far.</p> <p>24 I was hoping to win this time. I don't know that</p> <p>25 answer, Greg. Sorry. Mr. Freidman.</p>

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41 (161 to 164)

<p>161</p> <p>1 MR. FRIEDMAN: I have nothing further at this</p> <p>2 time.</p> <p>3 THE COURT: Okay. Mr. Freeman, are you going</p> <p>4 to have her address off-street parking, or are you not</p> <p>5 prepared to do that? Is she not prepared to do that?</p> <p>6 MR. FRIEDMAN: Oh. No, no. We can talk about</p> <p>7 the parking.</p> <p>8 Q. (By Mr. Friedman) At this time today, prior</p> <p>9 to your ADU, where do you and your tenants park your</p> <p>10 cars?</p> <p>11 A. Either in the driveway or on the street. I'm</p> <p>12 usually the one who comes in last, so I usually park on</p> <p>13 the street. It's my Mitsubishi.</p> <p>14 Q. So how many cars are typically parked on the</p> <p>15 street?</p> <p>16 A. One.</p> <p>17 Q. Your Mitsubishi?</p> <p>18 A. I'm usually my Mitsubishi. I like that the</p> <p>19 best.</p> <p>20 Q. Which is a very small car, is it not?</p> <p>21 A. Yes. And I will explain the driveway, if</p> <p>22 you'd like me to now.</p> <p>23 Q. Well, I'm not there yet. Do any of your</p> <p>24 neighbors, specifically the objectors, do they ever</p> <p>25 park on the street?</p>	<p>163</p> <p>1 I went to the county. There was no permits</p> <p>2 required. I was just building a patio. I did not -- I</p> <p>3 would never have done it. I moved up my old bench --</p> <p>4 Q. You're not answering my question. What are</p> <p>5 the parking provisions in the ADU proposal?</p> <p>6 A. Oh, I apologize. Two new parking spaces is</p> <p>7 what's on their documents -- their documents part. But</p> <p>8 the county submitted -- OZA submitted for me, the</p> <p>9 survey with two additional parking spaces from my</p> <p>10 survey.</p> <p>11 THE COURT: I think you're referring to</p> <p>12 DHCA's parking drawing.</p> <p>13 THE WITNESS: Thank you, miss. Yes, thank</p> <p>14 you.</p> <p>15 Q. (By Mr. Friedman) So, if your plan is</p> <p>16 approved and you were to build the ADU, you would be</p> <p>17 adding two parking spaces that Mr. Johnson has been</p> <p>18 made aware of; is that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. And this would provide parking for how</p> <p>21 many vehicles?</p> <p>22 A. Well, mine and everybody else's. So the</p> <p>23 three tenants in the house and mine, four.</p> <p>24 THE COURT: How many tenants? What's the</p> <p>25 largest number of tenants you can have in the house?</p>
<p>162</p> <p>1 A. Well, at the last hearing, Mr. Mack said he</p> <p>2 had the silver car and was going to sell it in a week,</p> <p>3 but it's still there a year later. So, yes, there's</p> <p>4 one there.</p> <p>5 Q. That's on the street?</p> <p>6 A. Usually across from -- it's probably there</p> <p>7 now. Usually across from the Mitsubishi. Yes, sir.</p> <p>8 Q. All right. Let's talk about the parking in</p> <p>9 your proposal. Go ahead.</p> <p>10 A. I did not mean that the parking pad that Ms.</p> <p>11 Caress and Ms. Jatelly came over and talked to me and AJ</p> <p>12 about. It was never meant to be a driveway permit. I</p> <p>13 know to do a driveway, you need a driveway permit and a</p> <p>14 right-of-way.</p> <p>15 I actually put the driveway in some of my</p> <p>16 documents on 10, 10 -- 10 pages 27 to 34 part E. It's</p> <p>17 50 pages. But on pages 37 to 34 are my driveway</p> <p>18 permits and history. So I do know you do need a permit</p> <p>19 to put in a parking place.</p> <p>20 I was just moving a patio that was there</p> <p>21 before down about 10 inches -- 10 feet. It was going</p> <p>22 to be -- to correspond with a circular driveway. It</p> <p>23 was going to be a circular patio. It was never meant</p> <p>24 to be a parking pad. I knew I needed an apron. I did</p> <p>25 not want to do that. I was just doing a pavement.</p>	<p>164</p> <p>1 THE WITNESS: Four, Your Honor. If I don't</p> <p>2 live there, five. So when it was an Airbnb -- to go</p> <p>3 back -- it was five. I wasn't living there. Now that</p> <p>4 I'm living there, it's four. And that's on room</p> <p>5 rentals on brochure, page 2 from Exhibit 10 part F.</p> <p>6 Q. (By Mr. Friedman) The county code allows</p> <p>7 four unrelated persons.</p> <p>8 A. And then it's also on page Exhibit 10 part A</p> <p>9 pages 25 to 33, room rentals. It's a room rental</p> <p>10 brochure from the county. It's my housemates that have</p> <p>11 been there for five years or so.</p> <p>12 It's also the documentation of primary</p> <p>13 residency with the HIP, the housing initiative</p> <p>14 brochure. So every person that leaves, if they ever</p> <p>15 leave, will be a housing initiative partnership person</p> <p>16 that will come in, hopefully. Four people total.</p> <p>17 Q. All right. So your circular driveway that</p> <p>18 exists, that would hold how many cars? Three?</p> <p>19 A. Yes.</p> <p>20 Q. And then you've got the two new spaces. So</p> <p>21 that would be all the vehicles you would ever need,</p> <p>22 wouldn't it be? And then, in addition, if somebody</p> <p>23 came to visit, they could pull in off the street behind</p> <p>24 those two new spaces, couldn't they?</p> <p>25 A. Yes, sir.</p>

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165	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? 4 A. Yes, sir. 5 Q. But the street parking is legal, isn't it? 6 A. Yes, sir. 7 Q. Okay. 8 MR. FRIEDMAN: Nothing further. 9 THE WITNESS: And my daughter has come in. 10 Do you want to testify her now? 11 MR. FRIEDMAN: Well, is she in a hurry to 12 leave? 13 THE WITNESS: Babies -- She's got two babies. 14 It's her baby's birthday. 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	167	1 somebody is lying; either eight people are lying or I'm 2 lying. Do you remember saying that? 3 A. Yes, I do. 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? 8 A. Yes, I do. 9 Q. Okay. But you're still contending today that 10 you've lived there since 2023, right? 11 A. Yes. 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? 20 A. Yes. And that's what I did. That's why you 21 have so many 434 pages of exhibits. I'm sorry. 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?
166	1 you go ahead? 2 MR. GOITEIN: All right. I think we just 3 decided we're going to do Ms. Favali's 4 cross-examination first. 5 THE COURT: Okay. 6 CROSS-EXAMINATION 7 BY MR. GOITEIN: 8 Q. All right. Ms. Favali, you're still 9 contending that you moved into the property in 2023 10 following your accident, right? 11 A. Yes. 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? 17 A. Yes. 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? 21 A. Yes. 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	168	1 A. I started taking pictures. December 9th, I 2 started. November 19th, when Ms. Johnson called me 3 from my landline home at (301) 320-3358 and told me to 4 get on my email because there's objectors for my thing. 5 I was in the Bahamas. I opened my email. My 6 daughter here had shoulder surgery. I really was 7 worried about my daughter's shoulder surgery. 8 THE COURT: Keep it short. 9 A. And then on December 9th, I started taking a 10 sign-in log. Yes. So started taking pictures just -- 11 November 19th. And I started my sign-in log on 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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<p>169</p> <p>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.</p>	<p>171</p> <p>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</p>
<p>170</p> <p>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?</p>	<p>172</p> <p>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 How ley 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</p>

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<p>173</p> <p>1 rooms, then you don't need a rental license, right?</p> <p>2 A. Correct. And that's also in your brochure</p> <p>3 room rentals and on the county website. Yes.</p> <p>4 Q. Right. But you were also told by the hearing</p> <p>5 examiner that you don't live there, right?</p> <p>6 A. Yes.</p> <p>7 Q. And you didn't do anything to get a license</p> <p>8 once this entity told you that you didn't live there?</p> <p>9 A. Because I believe I live here. I mean, I --</p> <p>10 Q. So you just didn't accept the decision of the</p> <p>11 -- you didn't accept the decision of the hearing</p> <p>12 examiner?</p> <p>13 MR. FRIEDMAN: I'm going to object to the</p> <p>14 question. You asked, she's answered. She says that</p> <p>15 she lives there. The hearing examiner doesn't live</p> <p>16 there. The hearing examiner made a determination.</p> <p>17 THE COURT: That's not the question. I'm</p> <p>18 going to let her answer. The question is the</p> <p>19 determination was made that it wasn't her primary</p> <p>20 residence for the purposes of the ADU, correct?</p> <p>21 MR. FRIEDMAN: Yes, that's correct. But the</p> <p>22 determination may have been wrong. She knows where she</p> <p>23 lives. The examiner doesn't live in the house.</p> <p>24 THE COURT: I'm not retrying -- I'm going to</p> <p>25 let it in. I'm not going to retry that case. And I</p>	<p>175</p> <p>1 apply for it because I did before, and then I took it</p> <p>2 away. So I never reapplied again.</p> <p>3 MR. GOITEIN: Do I have the ability to show</p> <p>4 her the exhibits?</p> <p>5 THE COURT: Yes. I can show -- let me share</p> <p>6 my screen.</p> <p>7 MR. GOITEIN: All you have to do is, I guess,</p> <p>8 show the -- okay.</p> <p>9 THE COURT: Do you know the exhibit number?</p> <p>10 THE WITNESS: It'll probably be his.</p> <p>11 MR. GOITEIN: Yeah. So Mack Exhibit 1. I</p> <p>12 think that would be the simplest way to get there would</p> <p>13 be just the one.</p> <p>14 THE COURT: I'm sorry. We don't order</p> <p>15 exhibits like they do in trial court. It's Exhibit 16.</p> <p>16 Are you seeing it?</p> <p>17 THE WITNESS: Yes, ma'am.</p> <p>18 MR. FRIEDMAN: It doesn't come up on my</p> <p>19 screen. If there's any way that somebody could email</p> <p>20 it to me, I'd appreciate it. I'll open my email.</p> <p>21 THE COURT: You could also -- well, let me</p> <p>22 see if I can get this.</p> <p>23 Q. (By Mr. Goitein) All right. So, Ms. Favali,</p> <p>24 you see this exhibit that's on the screen here. You</p> <p>25 recognize this is one of your property tax bills,</p>
<p>174</p> <p>1 don't know what to say. She disagreed, but that's a</p> <p>2 separate -- whether she -- we're talking about a</p> <p>3 license for whether she -- for a group home. Multiple</p> <p>4 rentals.</p> <p>5 So we're talking a little bit about a</p> <p>6 different issue. But it does go to -- it does go to</p> <p>7 credibility. So I'm going to let it in, and you can</p> <p>8 clarify if you wish that she still believes she lived</p> <p>9 there.</p> <p>10 Okay. So, Mr. Goitein, you can continue.</p> <p>11 But, Mr. Friedman, you can follow up if you believe,</p> <p>12 you know, for whatever reason why she didn't listen or</p> <p>13 abide by what the hearing examiner found.</p> <p>14 So, Mr. Goitein, go ahead.</p> <p>15 MR. GOITEIN: I think she answered the</p> <p>16 question, and I think, given what you've just said, I</p> <p>17 think the point is made. So, in the interest of the</p> <p>18 shortness of life today, I think I'll just move on.</p> <p>19 Q. (By Mr. Goitein) All right. Ms. Favali,</p> <p>20 similarly, you get -- we talked before about your</p> <p>21 Homestead credit that you get because you claim that's</p> <p>22 your primary residence. And you got that Homestead</p> <p>23 credit last year, right?</p> <p>24 A. I don't believe I did. But I will go back</p> <p>25 and look, and I'll be very grateful if I did. I didn't</p>	<p>176</p> <p>1 right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. I'm going to wait until this is</p> <p>4 done so you can see it.</p> <p>5 THE COURT: There's a link there. So, I'm</p> <p>6 emailing this to Mr. Friedman, Mr. Goitein, and Ms.</p> <p>7 Bennet.</p> <p>8 MR. FRIEDMAN: Okay. I'm looking for your</p> <p>9 email. Thank you.</p> <p>10 THE COURT: I spelled Ms. Bennet wrong. I'm</p> <p>11 just going to correct that real quick. It should be a</p> <p>12 link.</p> <p>13 MR. FRIEDMAN: All right. I got from you --</p> <p>14 well, this may have been a little while ago -- a</p> <p>15 picture of the house.</p> <p>16 THE COURT: That was Mr. Johnson's picture of</p> <p>17 the gravel area in the front of the house.</p> <p>18 MR. FRIEDMAN: Okay. So, that, I did receive</p> <p>19 in my email.</p> <p>20 THE COURT: All right.</p> <p>21 MR. GOITEIN: Could we go to page 2 of this</p> <p>22 exhibit, please.</p> <p>23 THE COURT: When you say this exhibit, this</p> <p>24 is Exhibit 16, I believe, which is the tax bill.</p> <p>25 MR. GOITEIN: Right. So -- oh, sorry.</p>

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<p>177</p> <p>1 There. Right there. Thank you.</p> <p>2 Q. (By Mr. Goitein) Ms. Favali, do you see</p> <p>3 there in the middle of the page where it says county</p> <p>4 Homestead credit and then state Homestead credit?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And, so, you see there at the</p> <p>7 bottom underneath the -- well, in sort of the payment</p> <p>8 part, it says, Levy year 2024. Do you see that toward</p> <p>9 the bottom right?</p> <p>10 A. Uh-huh.</p> <p>11 Q. All right. So do you now realize that you</p> <p>12 received the Homestead credit for that property being</p> <p>13 your primary residence in 2024?</p> <p>14 A. Isn't that wonderful? Yes, I do now. Thank</p> <p>15 you.</p> <p>16 Q. Okay. And, again, you understand that it was</p> <p>17 determined that for 2024, this was not your primary</p> <p>18 residence, right, despite what you believe?</p> <p>19 MR. FRIEDMAN: It was determined for purposes</p> <p>20 of the ADU application. It doesn't make it fact.</p> <p>21 THE COURT: Okay. Well, that's an objection.</p> <p>22 Let him finish with this witness. Let him finish.</p> <p>23 MR. FRIEDMAN: I'm sorry.</p> <p>24 THE COURT: We have so many witnesses, and</p> <p>25 I'm going to let him finish.</p>	<p>179</p> <p>1 looking at my tax credit. Yes, ma'am. Yes. I'm</p> <p>2 sorry. My bad.</p> <p>3 Q. (By Mr. Goitein) All right. Ms. Favali, you</p> <p>4 have been involved in a few lawsuits over the past</p> <p>5 year, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. By the way, when I say that, I'm not trying</p> <p>10 to be rude or cute. It's just so that, as you know,</p> <p>11 there's a transcript here, and "yes" is what they</p> <p>12 prefer as over "uh-huh."</p> <p>13 A. I apologize. Yes.</p> <p>14 Q. All right. And, so, it looks like you maybe</p> <p>15 had a tenant, Carmen Barnes, that you were trying to</p> <p>16 evict; is that right?</p> <p>17 A. Well, she was never a tenant, but I was</p> <p>18 trying to evict her.</p> <p>19 Q. All right.</p> <p>20 A. She was what they call squatter.</p> <p>21 Q. Okay. And in fact, it looks like there were</p> <p>22 two lawsuits that you filed against her, one to get her</p> <p>23 out of the property, and one to collect some money,</p> <p>24 right?</p> <p>25 A. Yes, I did. No, I didn't. Yes. Okay. Yes,</p>
<p>178</p> <p>1 Now, can you just -- so this is -- what does</p> <p>2 this bill represent, that she was not -- she did live</p> <p>3 at the property, or she didn't live at the property?</p> <p>4 MR. GOITEIN: Well, I believe Ms. Favali</p> <p>5 testified that she now realizes that she received the</p> <p>6 Homestead tax credit, which is available for her, for a</p> <p>7 property that's her primary residence.</p> <p>8 THE COURT: Right.</p> <p>9 Q. (By Mr. Goitein) So I believe my question</p> <p>10 that Mr. Friedman spoke to was, Ms. Favali, once it was</p> <p>11 determined by this body that you did not occupy that</p> <p>12 property as your primary residence, did you take any</p> <p>13 action to correct the tax records so that you'd get the</p> <p>14 tax credit?</p> <p>15 A. No, I did not. But it's such a blessing.</p> <p>16 No, I did not. But this is great because I was told I</p> <p>17 couldn't because I had renters in the house.</p> <p>18 THE COURT: Just answer the question.</p> <p>19 Q. (By Mr. Goitein) In fact, there are a number</p> <p>20 of things that work out pretty well for you that depend</p> <p>21 upon this property being your primary residence, right?</p> <p>22 A. (No audible response.)</p> <p>23 THE COURT: You have to answer in the</p> <p>24 affirmative --</p> <p>25 THE WITNESS: Oh. Yes. Yes, I was just</p>	<p>180</p> <p>1 yes. Sorry.</p> <p>2 Q. And in both of those cases, you listed your</p> <p>3 address as the Kennedy Street address, right?</p> <p>4 A. I listed them on my court cases. Yes, sir.</p> <p>5 Q. Okay. And, in fact, you've initiated seven</p> <p>6 court cases in the past year and you listed your</p> <p>7 Kennedy Street address on all of them, right?</p> <p>8 A. I don't know if I did seven. But I always</p> <p>9 list my Kennedy Street house is my office address.</p> <p>10 Yes, it's my office. Yes.</p> <p>11 Q. Well, you don't make any representation that</p> <p>12 it's your office address, right? You just list it as</p> <p>13 your address when you file these various court papers?</p> <p>14 MR. FRIEDMAN: Excuse me.</p> <p>15 THE COURT: Let --</p> <p>16 MR. FRIEDMAN: No, no. I have to object to</p> <p>17 that. I don't know anybody who puts office colon when</p> <p>18 they put their address in their office. I doubt that</p> <p>19 Mr. Goitein does that when he files something.</p> <p>20 THE COURT: That's your testimony. So let</p> <p>21 him finish. I don't hear an evidentiary objection</p> <p>22 here. So let him finish with the witness, and you can</p> <p>23 reconstruct.</p> <p>24 A. Oh, to answer that question, Mr. -- I don't</p> <p>25 want to say your name wrong --</p>

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181	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:	183	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	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	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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<p>185</p> <p>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.</p>	<p>187</p> <p>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?</p>
<p>186</p> <p>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</p>	<p>188</p> <p>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</p>

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<p>189</p> <p>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]?</p>	<p>191</p> <p>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.</p>
<p>190</p> <p>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.</p>	<p>192</p> <p>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</p>

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<p>193</p> <p>1 over -- well over a week. And they couldn't set my leg</p> <p>2 because it was so swollen and they splinted it. It was</p> <p>3 so painful.</p> <p>4 Yes, they shot me. When I realized what</p> <p>5 Dilaudid was, I looked it up when the nurse came in to</p> <p>6 give me my injection. I had -- I went off cold turkey.</p> <p>7 Yes.</p> <p>8 Q. So my question is -- so you're no longer</p> <p>9 addicted to Dilaudid; is that your testimony?</p> <p>10 A. When I went to Holy Cross, I realized I have</p> <p>11 an addictive personality. No, no. Thank you.</p> <p>12 Q. What do you mean by an "addictive</p> <p>13 personality"?</p> <p>14 A. What I mean by it is I need to take better</p> <p>15 care of myself. Like, I would like to be, as James</p> <p>16 said, I -- James put it perfectly in his -- James Cyr,</p> <p>17 a trainer, has told me to slow down. I like being</p> <p>18 busy. I like working. I need to learn how to slow</p> <p>19 down. It's an addiction to work. I need to slow down</p> <p>20 and smell the roses. Yes, thank you.</p> <p>21 Q. So are you in any painkillers right now while</p> <p>22 you're testifying before us today?</p> <p>23 A. No, I haven't been on a painkiller since I</p> <p>24 left the hospital at Holy Cross in 2023.</p> <p>25 Q. Okay. You're not on any painkillers today</p>	<p>195</p> <p>1 Q. (By Ms. Bennet) Do you recall, this would</p> <p>2 have been like in, I think -- I can't even remember the</p> <p>3 date now. Maybe you can recall when Georgia Daly and I</p> <p>4 approached you on your street as you were putting</p> <p>5 the --</p> <p>6 A. Yes. October 4th. Yes, ma'am.</p> <p>7 Q. I think it was after that, but --</p> <p>8 A. I think I got my permit -- yes. Anyway, your</p> <p>9 question. I'm sorry.</p> <p>10 Q. So when we approached you and you were</p> <p>11 working -- I believe you call him AJ, and he testified</p> <p>12 earlier today. Mr. -- I don't know how to say his last</p> <p>13 name.</p> <p>14 THE COURT: Jagessar.</p> <p>15 Q. (By Ms. Bennet) Jagessar, yes. And the</p> <p>16 truck was there and the trailer was there. Do you</p> <p>17 remember that day?</p> <p>18 A. I do indeed.</p> <p>19 Q. Okay. And we approached you to find out what</p> <p>20 you were doing because we noticed that you were</p> <p>21 building this big pad, and we came over and said hello</p> <p>22 and greeted you. And we asked what you were doing. Do</p> <p>23 you remember that?</p> <p>24 A. I do remember that, yes. And, AJ, I think is</p> <p>25 still on the line. Yes. He can testify too. Yes.</p>
<p>194</p> <p>1 while you're testifying?</p> <p>2 A. No. I don't take any medicine at all,</p> <p>3 actually.</p> <p>4 Q. Okay. Thank you. And can we talk a little</p> <p>5 bit about the parking pad or patio and what's going on</p> <p>6 there.</p> <p>7 A. Certainly, if you want to pull up exhibits on</p> <p>8 my number 10. You want to pull up -- I'm sorry for</p> <p>9 being so late. I don't know how those --</p> <p>10 THE COURT: I'm sorry. What are you looking</p> <p>11 for?</p> <p>12 THE WITNESS: I'm looking for -- I'm sorry,</p> <p>13 examiner -- hearing examiner. Driveway permits and</p> <p>14 history. Pages 27 to 34 on Exhibit 10 part E. And</p> <p>15 then on Exhibit 10, part F1. The first page. I don't</p> <p>16 know why those got so mixed up. I'm sorry.</p> <p>17 THE COURT: Give me the parts again.</p> <p>18 THE WITNESS: Part 10 -- part F. I'm sorry.</p> <p>19 THE COURT: Okay. That's where I was getting</p> <p>20 confused.</p> <p>21 THE WITNESS: I'm sorry. And go to page 1</p> <p>22 Oh, yeah. That's my --</p> <p>23 MS. BENNET: I didn't actually ask for any</p> <p>24 exhibits to be brought up for my question, but I'll</p> <p>25 just ask my question.</p>	<p>196</p> <p>1 Q. So, on that day, we asked if you were putting</p> <p>2 in a parking pad to create some additional parking. Do</p> <p>3 you remember that?</p> <p>4 A. I do, indeed.</p> <p>5 Q. And what did you tell us you were doing?</p> <p>6 A. Definitely not. I was moving the two beds --</p> <p>7 THE COURT: What did you tell her you were</p> <p>8 doing?</p> <p>9 THE WITNESS: I was moving the patio that</p> <p>10 was there in the morning down 10 feet. That's all.</p> <p>11 Q. (By Ms. Bennet) And when you say "patio,"</p> <p>12 do you mean the bench that had the couple of flagstones</p> <p>13 in front of it?</p> <p>14 A. Yes.</p> <p>15 Q. And that was very close to the tree?</p> <p>16 A. Yes.</p> <p>17 Q. All right.</p> <p>18 MS. BENNET: I don't have any further</p> <p>19 questions.</p> <p>20 THE COURT: Mr. Friedman, any follow-up?</p> <p>21 MR. FRIEDMAN: No, I don't think so.</p> <p>22 THE COURT: Okay. With that, Ms. Favali --</p> <p>23 well, I think you probably would want to stick around.</p> <p>24 So let's have you here the whole day.</p> <p>25 All right. Mr. Friedman, any more witnesses?</p>

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

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

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52 (205 to 208)

205	1 Q. Okay. 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	207	1 MS. BENNET: I'm actually going to let 2 attorney Evan Guthrie go first. I mean, not first. 3 I'm going to let him lead, and I'll testify as a 4 witness when he calls on me. 5 THE COURT: Okay. Who is going to testify? 6 MS. BENNET: I'm going to testify as a -- I'm 7 an objector. Yes, Mr. Goitein. Sorry. I said your 8 name wrong. 9 MR. GOITEIN: So I'm not going to testify. 10 THE COURT: So who do you want first? 11 MS. BENNET: Who do you want to go first? 12 MR. GOITEIN: I kind of wanted Ms. Bennet to 13 go first, but -- 14 MS. BENNET: All right. I'm fine. I'm fine 15 with it. I'm just -- 16 THE COURT: Please raise your right hand. 17 CARESSA D. BENNET, 18 having first been sworn, testified as follows: 19 THE COURT: State your name, address and 20 email address for the record. 21 THE WITNESS: My name is Caressa Bennet. I 22 go by Carri Bennet. My address is 7705 Oldchester 23 Road, Bethesda, Maryland, 20817. My email address is 24 carri C-a-r-r-i dot bennet b-e-n-n-e-t @wbd-us.com. 25 THE COURT: Go ahead.
206	1 proceed. 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?	208	1 THE WITNESS: I was just going to say that we 2 still have -- I still have issues with her saying that 3 this is her primary residence. I think that, the last 4 three years, she's been claiming it's her primary 5 residence. I don't think that there's anything that's 6 any different from before. 7 I was not here the first four months of the 8 year. So I don't know what happened the first four 9 months of 2025 because I was at our second home in 10 Greenville, South Carolina. Then I came back in 11 early -- late April. I had some hip surgery, and I've 12 been around pretty much except for traveling for work. 13 I have seen Ms. Flavia Favali two or three 14 times, once on the street when Georgia and I -- my 15 neighbor, Georgia Jatelly, who is on here. We saw her 16 laying the groundwork for the parking pad. And I saw 17 her a couple of other nights when I was taking my dog 18 out to go for her -- last night of going to the 19 bathroom. Pulling up probably around 10 o'clock at 20 night and bringing the trash in one time, and that's 21 all I have seen her. 22 THE COURT: Okay. Anything else? 23 THE WITNESS: Oh, I know. I'm sorry. I saw 24 her at the here at the -- at the -- in court on the 25 appeal. - I did attend the appeal.

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53 (209 to 212)

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

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54 (213 to 216)

<p style="text-align: right;">213</p> <p>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</p>	<p style="text-align: right;">215</p> <p>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</p>
<p style="text-align: right;">214</p> <p>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.</p>	<p style="text-align: right;">216</p> <p>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?</p>

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55 (217 to 220)

217	<p>1 THE WITNESS: Yeah. There's a car usually 2 parked right, like, at that entrance right there. I 3 don't -- yeah. 4 THE COURT: What entrance where? 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. 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. 12 THE COURT: Okay. And then the drive aisle 13 that goes straight is left open? 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 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. 23 So if you want to scroll up, I can go through 24 the rest of the pictures. 25 So then I just decided to -- well, that's</p>	219	<p>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 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. 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. 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. 18 THE COURT: Four or five? He testified 19 three. 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.</p>
218	<p>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 THE COURT: That's parked on the street? 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. 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. 21 THE COURT: The map. 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.</p>	220	<p>1 THE COURT: Okay. 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? 7 A. The trailer has a South Carolina license 8 plate, and I think the truck does too. 9 THE COURT: What do you mean by -- the truck 10 and the trailer that's in the last photo before the 11 map? 12 THE WITNESS: Yes. 13 THE COURT: Okay. 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. 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 A. No. It's still rented out to tenants and</p>

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56 (221 to 224)

<p>221</p> <p>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</p>	<p>223</p> <p>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.</p>
<p>222</p> <p>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</p>	<p>224</p> <p>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?</p>

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57 (225 to 228)

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

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<p>229</p> <p>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?</p>	<p>231</p> <p>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</p>
<p>230</p> <p>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</p>	<p>232</p> <p>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</p>

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233	<p>1 sharing my screen. And I noticed that Miss Favali -- I</p> <p>2 wonder if she is parked there for a long time because</p> <p>3 she's blocking another car in. And that's one.</p> <p>4 That's, I think, the issue that Miss Bennet</p> <p>5 referred to with the tandem parking. So I have</p> <p>6 questions on how many tenants she's going to have.</p> <p>7 Max. Not now; max. And some other questions.</p> <p>8 MR. FRIEDMAN: So I think I think that that</p> <p>9 goes -- I'm sorry.</p> <p>10 THE COURT: Can we get through -- well, I</p> <p>11 don't want to deprive you of cross-examination. But if</p> <p>12 you want to continue to cross, but I want to try and</p> <p>13 get everyone in.</p> <p>14 MR. FRIEDMAN: I'm almost done.</p> <p>15 THE COURT: Okay.</p> <p>16 Q. (By Mr. Friedman) Miss Bennet, How long have</p> <p>17 you been at this house?</p> <p>18 A. We moved in, in 1997. So I think it's now 28</p> <p>19 years.</p> <p>20 Q. Okay. So you're familiar, I assume, with the</p> <p>21 situation which occurred with a lot at Maiden Lane in</p> <p>22 Oldchester?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. To clarify for those who are</p> <p>25 listening, who are not aware, there was a lot that was</p>	235	<p>1 correct?</p> <p>2 A. Yes. And they turned it into the 200th</p> <p>3 Montgomery County Park.</p> <p>4 Q. Which was a good thing. We all agree. My</p> <p>5 point is that the neighborhood organized to combat</p> <p>6 change, to combat a development of a property with</p> <p>7 another home; isn't that correct?</p> <p>8 A. It wasn't to combat change. The county had</p> <p>9 sold it illegally. And it was to follow the law.</p> <p>10 THE COURT: You know what? I know you keep</p> <p>11 going back to motives, but, A, this isn't a change.</p> <p>12 And, B, because this has been her rental house for</p> <p>13 several years. And, B, the motives -- how did they --</p> <p>14 if you have to go into them, can you do it more</p> <p>15 quickly?</p> <p>16 MR. FRIEDMAN: All right. I'll abandon the</p> <p>17 question.</p> <p>18 THE COURT: All right. Anything else?</p> <p>19 MR. FRIEDMAN: No, ma'am.</p> <p>20 THE COURT: You may be excused -- well,</p> <p>21 you're not on the stand anymore.</p> <p>22 Mr. Goitein, do you have another witness you</p> <p>23 want to call?</p> <p>24 MR. GOITEIN: I don't have another witness.</p> <p>25 I just want to remind, I guess, Ms. Bennet that, to the</p>
234	<p>1 owned by the county that was used by a cut-through --</p> <p>2 used as a cut-through by people in the neighborhood.</p> <p>3 It's very pretty. But it's just one lot --</p> <p>4 THE COURT: Are you testifying now?</p> <p>5 MR. FRIEDMAN: No. Well, I'm not testifying.</p> <p>6 I'm giving you the background to save time because you</p> <p>7 asked me to try to expedite things.</p> <p>8 THE COURT: No. Just go, okay?</p> <p>9 MR. FRIEDMAN: So this will lead to my</p> <p>10 question.</p> <p>11 THE COURT: Well, let Miss Bennet tell us</p> <p>12 about Maiden Lane. We have to have somebody tell us.</p> <p>13 MR. FRIEDMAN: Well, I'm laying the</p> <p>14 foundation for the question I'm going to ask. Bear</p> <p>15 with me. And if you need me to go back and have her</p> <p>16 say the same things, I will.</p> <p>17 THE COURT: All right. Go ahead.</p> <p>18 Q. (By Mr. Friedman) Okay. So we have a very</p> <p>19 pretty lot there that the neighborhood used as a</p> <p>20 cut-through. People would ride their bikes or walk</p> <p>21 through. The county sold it, and the neighborhood</p> <p>22 organized and objected; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you all were successful. The county</p> <p>25 ended up buying the lot back from the person; is that</p>	236	<p>1 extent that she was calling herself as a witness, she</p> <p>2 could redirect if there's anything she wanted to do in</p> <p>3 response to Mr. Friedman's questions. I'm not sure</p> <p>4 there is. I just want to make sure that she's not</p> <p>5 deprived of that opportunity if she wants to.</p> <p>6 But I'm not suggesting she needs to.</p> <p>7 THE COURT: Yeah, you do have the right to</p> <p>8 rehabilitate yourself.</p> <p>9 THE WITNESS: I don't think I need</p> <p>10 rehabilitation. Thank you.</p> <p>11 MR. GOITEIN: Agreed. So if Ms. Bennet has</p> <p>12 done that, if I could call a witness or two because I'm</p> <p>13 a little bit concerned about other people's ability to</p> <p>14 stay on the call as we move forward.</p> <p>15 THE COURT: Go ahead.</p> <p>16 MR. GOITEIN: All right. So then let's go</p> <p>17 with David Goodfriend.</p> <p>18 THE WITNESS: Yeah. Here I am. Can you hear</p> <p>19 me okay?</p> <p>20 THE COURT: I can hear, but I can't see. So</p> <p>21 -- now I can see both.</p> <p>22 THE WITNESS: There we go. Okay.</p> <p>23 THE COURT: Okay, please raise your right</p> <p>24 hand.</p> <p>25 DAVID GOODFRIEND,</p>

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237	<p>1 having first been sworn, testified as follows:</p> <p>2 THE COURT: Just second state your name,</p> <p>3 address, and email address for the record.</p> <p>4 THE WITNESS: My name is David Goodfriend.</p> <p>5 My address is 7713 Oldchester Road. My email address</p> <p>6 is david@istreetadvocates.com.</p> <p>7 THE COURT: Is I just the letter I?</p> <p>8 THE WITNESS: Yeah. Just the letter I and</p> <p>9 the word "street" and the word "advocates" with an S.</p> <p>10 Because, apparently, we don't know how to make a simple</p> <p>11 email domain. We had to make it complicated. Sorry</p> <p>12 about that.</p> <p>13 THE COURT: Okay. Go ahead, Mr. Goodfriend.</p> <p>14 THE WITNESS: Thank you, Your Honor. I'd</p> <p>15 like to just incorporate by reference the statements</p> <p>16 that I made in my complaint form regarding the street</p> <p>17 parking and to underscore what Carri Bennet and others</p> <p>18 have said about the street parking. But I don't want</p> <p>19 to be repetitive in the interest of time.</p> <p>20 There's one thing I wanted to make sure I got</p> <p>21 on the record. Even though we, in no way, concede the</p> <p>22 statement that the questions by Mr. Friedman were</p> <p>23 irrelevant, I think it is important to point out that</p> <p>24 right across the street from me at 7714 Oldchester Road</p> <p>25 is a lovely woman.</p>	239	<p>1 objection based on relevance to conversations about</p> <p>2 motive.</p> <p>3 Finally, I just want to point out that</p> <p>4 nothing in this community, on this street, has gone on</p> <p>5 the record to oppose rental of our homes. The other</p> <p>6 house right across the street from me, 7710 Oldchester</p> <p>7 Road, is rented. It's rented to a family. The home is</p> <p>8 actually owned by the Bowen family, who used to live</p> <p>9 here. They moved out.</p> <p>10 Rentals are fine. People who live on our</p> <p>11 street and rent; no problems. We've never raised</p> <p>12 objections to that. They abide by the law.</p> <p>13 They are peaceable and good neighbors. We want good</p> <p>14 neighbors. We want a good neighborhood.</p> <p>15 And that, if anything, is the motive here.</p> <p>16 The parking is an issue. Myself, Terry Bennet, Flavia</p> <p>17 Favali, we all have one-lane driveways. That means you</p> <p>18 can pull a car in, but if the first car in wants to</p> <p>19 come out, every other car has to move and let that car</p> <p>20 out. And, even in the context of the horseshoe-shaped</p> <p>21 driveway that Flavia Favali has added that to is</p> <p>22 single-lane.</p> <p>23 So imagine a school bus coming down</p> <p>24 Oldchester Road, which it does often, or a truck and</p> <p>25 multiple cars have to back out of the Flavia Favali</p>
238	<p>1 Her last name is Thornton. Her husband died</p> <p>2 a number of years ago. She lives in the house that</p> <p>3 they bought in 1970. And the house has not changed</p> <p>4 much at all; maybe a few coats of paint. But she's a</p> <p>5 lovely neighbor. We just had her in our home across</p> <p>6 the street a couple weeks ago. I often go across the</p> <p>7 street to check on her. She's a widow living alone and</p> <p>8 is elderly.</p> <p>9 I want to dispel this notion that, somehow,</p> <p>10 the complainants in this proceeding are biased against</p> <p>11 people who live in original homes on our street. That</p> <p>12 is not what's going on here. What's going on here, in</p> <p>13 fact, is a desire to preserve the rule of law and peace</p> <p>14 and livability on our street.</p> <p>15 When we've seen police cars coming at all</p> <p>16 times, day and night, at 7709 Oldchester Road, when</p> <p>17 we've seen cars parked, trucks parked, trailers parked</p> <p>18 for long periods of time, that's quite the opposite of</p> <p>19 the neighborly mood that we have on the street.</p> <p>20 So, far from being motivated by people who</p> <p>21 live in the original homes, I would argue that what</p> <p>22 we're trying to do is preserve much of the good</p> <p>23 feelings that Mr. Friedman himself even described from</p> <p>24 when he lived on Oldchester Road. That, if anything,</p> <p>25 is the motive. Although, again, I don't concede the</p>	240	<p>1 property. You can only imagine the traffic jam that</p> <p>2 that causes, and we've seen it.</p> <p>3 So, with that, I'll --</p> <p>4 THE COURT: Can you describe that for me?</p> <p>5 Because I want to know about the on-street parking.</p> <p>6 THE WITNESS: Yeah.</p> <p>7 THE COURT: I can't hear you. There must be</p> <p>8 a delay.</p> <p>9 THE WITNESS: Can you hear me now?</p> <p>10 THE COURT: Yeah.</p> <p>11 THE WITNESS: Okay. Each of our lots along</p> <p>12 the same side of the street as Ms. Favali are about the</p> <p>13 same size, and two full-sized cars could park</p> <p>14 comfortably in front of our lots. Three would be</p> <p>15 pushing it. Maybe smaller cars, bumper to bumper.</p> <p>16 THE COURT: On street?</p> <p>17 THE WITNESS: On street; that's correct.</p> <p>18 The driveways that I described, my driveway,</p> <p>19 Carri Bennet's driveway, Flavia Favali's driveway,</p> <p>20 they're all single-car width. So even if you could</p> <p>21 park three cars in there, the person whose car is all</p> <p>22 the way in has to ask or move the other cars out of the</p> <p>23 way, to back out. Believe me, this has been a fire</p> <p>24 drill performed multiple times in my household, and</p> <p>25 it's not pretty.</p>

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241	<p>1 First, we have to back out the car that's</p> <p>2 closest to the street, park it on the street. Then we</p> <p>3 have to back out the other car that's coming out. And</p> <p>4 now imagine trying to do that with a school bus that</p> <p>5 takes up more than half the width of Oldchester Road,</p> <p>6 or a dump truck.</p> <p>7 THE COURT: How wide do you think Oldchester</p> <p>8 Road is?</p> <p>9 THE WITNESS: Two car widths -- no, let's</p> <p>10 think about this. If there's a car parked on either</p> <p>11 side of Oldchester, there are some vehicles that</p> <p>12 couldn't squeeze past them. So I would call it two and</p> <p>13 a half car widths. And, at some point, it's even more</p> <p>14 narrow.</p> <p>15 To take Oldchester Road past Flavia Favali's</p> <p>16 home through a stop sign towards Bradley Boulevard, it</p> <p>17 becomes almost one car width. The cars have to wait</p> <p>18 for each other to go past.</p> <p>19 But where we live, myself, Carrie Bennet,</p> <p>20 Flavia Favali, I would call it two and a half car</p> <p>21 widths wide. When two cars are parked on the street</p> <p>22 across from each other, yes, you can get by them. But</p> <p>23 only one car at a time can do that, and some larger</p> <p>24 vehicles couldn't do that.</p> <p>25 THE COURT: Now, what have you observed as</p>	243	<p>1 another car in or a bunch of lawn machinery in. It had</p> <p>2 a metal bottom made of kind of a crisscross pattern.</p> <p>3 It just looked industrial.</p> <p>4 I think it had South Carolina plates. I</p> <p>5 can't recall exactly. Anyway, that thing was parked in</p> <p>6 front of Ms. Favali's home for a long period of time,</p> <p>7 so much so that leaves were gathering underneath the</p> <p>8 wheels of the trailer.</p> <p>9 And then there was another vehicle, a car,</p> <p>10 that was parked, also, on the same side of the street</p> <p>11 that looked like it hadn't been used in a while. And</p> <p>12 then, if memory serves me correctly, there was a box</p> <p>13 truck, an even larger vehicle, belonging to one of the</p> <p>14 tenants, one of the renters in the Favali property that</p> <p>15 was parked on the opposite side of the street from the</p> <p>16 Favali driveway. All of which is to say that was a lot</p> <p>17 of tonnage parked in front of the Favali property.</p> <p>18 Now, there was a point at which the trailer</p> <p>19 was moved into the driveway, pulled all the way up. I</p> <p>20 do recall that. Eventually, the box truck went away.</p> <p>21 Eventually the old car went away. And, again, this was</p> <p>22 prior to the commencement of this proceeding that we're</p> <p>23 in now.</p> <p>24 THE COURT: When you say "this proceeding,"</p> <p>25 does that mean the most recent application?</p>
242	<p>1 far as parking on the street? Is your family able to</p> <p>2 get spots, or are there conditions at this location</p> <p>3 that have been problematic?</p> <p>4 And I do note that that Exhibit 7, I think,</p> <p>5 points out what you were saying. The picture of, I</p> <p>6 guess it's Ms. Favali's car parked at the end of the</p> <p>7 driveway so nobody can get out.</p> <p>8 But what have you observed?</p> <p>9 THE WITNESS: Well, in fairness, my wife and</p> <p>10 I don't have trouble parking at our own home, because</p> <p>11 one of us will park in the driveway, and one of us will</p> <p>12 park in the street. So that, even if a neighbor has</p> <p>13 guests over, we have enough parking for our two</p> <p>14 vehicles. I should point out that we're now empty</p> <p>15 nesters, so our house is far less populated than it was</p> <p>16 when we had a bunch of teenagers running around here</p> <p>17 and pulling in and out of the driveway. But, in</p> <p>18 fairness, we have not had trouble parking at our own</p> <p>19 property.</p> <p>20 You also asked, though, what I've observed</p> <p>21 outside Ms. Favali's home. And, prior to the</p> <p>22 commencement of this proceeding -- and I think that's</p> <p>23 important to point out, prior to the commencement of</p> <p>24 this proceeding, there was an industrial scale trailer.</p> <p>25 It looked like the kind of trailer you would haul</p>	244	<p>1 THE WITNESS: Yes, and -- yes, the most</p> <p>2 recent application for the ADU. So this is after the</p> <p>3 2023 ruling and the prior ruling.</p> <p>4 I'm trying to make the point that I think</p> <p>5 behavior changed after the first two rulings and before</p> <p>6 the commencement of this proceeding. Because there are</p> <p>7 today fewer vehicles parked in and around the Favali</p> <p>8 property, but they often -- sometimes they'll come</p> <p>9 back. They'll show up.</p> <p>10 THE COURT: Yeah. Let me just -- one thing I</p> <p>11 can do -- for instance, I can put conditions -- if I</p> <p>12 decide she has proven her case, I can put the</p> <p>13 conditions on the conditional use, and that would bar</p> <p>14 parking of commercial vehicles, you know, unless</p> <p>15 they're servicing the property at that time.</p> <p>16 And I can limit the number of tenants if --</p> <p>17 and I can prohibit -- you know, I can put conditions</p> <p>18 on. So think about that too.</p> <p>19 THE WITNESS: That's very helpful, Your</p> <p>20 Honor.</p> <p>21 THE COURT: Because we have had --</p> <p>22 THE WITNESS: I think that's very helpful.</p> <p>23 THE COURT: We have had cases with tandem</p> <p>24 parking before that was causing a problem because</p> <p>25 nobody was parking in the driveway. They were parking</p>

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<p>245</p> <p>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,</p>	<p>247</p> <p>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,</p>
<p>246</p> <p>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</p>	<p>248</p> <p>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</p>

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<p style="text-align: right;">249</p> <p>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</p>	<p style="text-align: right;">251</p> <p>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</p>
<p style="text-align: right;">250</p> <p>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</p>	<p style="text-align: right;">252</p> <p>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</p>

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

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

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261	<p>1 back to the trailer. How long was the trailer there?</p> <p>2 THE WITNESS: It's been there for long</p> <p>3 stretches of time. I can't say for sure if it isn't</p> <p>4 moved. Like, I'd say it was there for several months,</p> <p>5 at least at one point a few years ago.</p> <p>6 I believe -- I forget who mentioned that</p> <p>7 there were leaves underneath the wheels of the trailer.</p> <p>8 That was absolutely the case. Cobwebs on the back of</p> <p>9 the trailer. I mean, it sat there for a long time.</p> <p>10 And, again, it may have been moved for a</p> <p>11 couple days. But then it would be back for long</p> <p>12 periods of time.</p> <p>13 And that's also been the case for some</p> <p>14 commercial vans I've seen over the years. I can't give</p> <p>15 you exact dates, but I have seen cars and trucks parked</p> <p>16 there for long periods of time, as well as that</p> <p>17 trailer.</p> <p>18 So I do get very concerned when I walk my dog</p> <p>19 a lot on the street. And when there's a car coming in</p> <p>20 either direction in front of Ms. Favali's house and</p> <p>21 some of our other neighbors. You have to stop to wait</p> <p>22 for the cars to go by. There is not enough space for a</p> <p>23 pedestrian and a car to go through the single lane.</p> <p>24 And that's the same for bicyclists. And I've</p> <p>25 seen some close calls on the street. So that was my</p>	263	<p>1 THE WITNESS: Yeah. There's just often --</p> <p>2 you know, I spent a lot of time just kind of driving</p> <p>3 back and forth. You know, kid stuff. And I just see a</p> <p>4 lot of people often in the front yard.</p> <p>5 And I'm not complaining about that. It's</p> <p>6 just that there's just a lot of activity around the</p> <p>7 house in general. So it just adds to the business of</p> <p>8 our street. People coming and going. Cars pulling in</p> <p>9 and out. Certainly, cars backing out of the driveway,</p> <p>10 you know, while waiting for, like, a work truck to pull</p> <p>11 up. So it's just -- it's a busy residence.</p> <p>12 THE COURT: Okay. Anything else you'd like</p> <p>13 to say?</p> <p>14 THE WITNESS: No.</p> <p>15 THE COURT: Okay. Mr. Goitein, do you have</p> <p>16 any follow-up questions for her, then we'll go to Mr.</p> <p>17 Friedman.</p> <p>18 MR. GOITEIN: Just a couple of quick</p> <p>19 questions.</p> <p>20 CROSS-EXAMINATION</p> <p>21 BY MR. GOITEIN:</p> <p>22 Q. Ms. Malek, how does the activity at Ms.</p> <p>23 Favali's property compare to the activity around the</p> <p>24 other houses in the neighborhood?</p> <p>25 A. I'd say it's -- I can't really characterize</p>
262	<p>1 first concern with the parking situation being</p> <p>2 dangerous.</p> <p>3 I echo the concerns about primary residency.</p> <p>4 I've never met Ms. Favali in person. I know what she</p> <p>5 looks like from our proceedings. I've never seen</p> <p>6 her -- that's not true. I've seen her once unloading</p> <p>7 groceries in her driveway. But I don't see her coming</p> <p>8 and going the way that I see my other neighbors coming</p> <p>9 and going. So I question that.</p> <p>10 And then I just have concerns about the ADU</p> <p>11 in general. I am speculating, or I'm concerned, that</p> <p>12 the additional bedrooms in the ADU will be used as</p> <p>13 additional rental units, which would be, potentially,</p> <p>14 it sounds like up to at least two more residents with</p> <p>15 cars parking, coming and going on the street.</p> <p>16 So that sums up my concerns.</p> <p>17 THE COURT: Now, can you park in your</p> <p>18 driveway?</p> <p>19 THE WITNESS: Yes. Yes, I can.</p> <p>20 I'm several houses down. I'm about three to four</p> <p>21 houses down from Ms. Favali on the opposite side of the</p> <p>22 street</p> <p>23 THE COURT: Okay. And you say "more</p> <p>24 activity," what do you mean by that? Cars coming and</p> <p>25 going? Is that what you're saying?</p>	264	<p>1 the type of activity. But it's just busier. I see</p> <p>2 more people outside. All adults. I don't see any</p> <p>3 children around there. People coming and going.</p> <p>4 Unloading things from their car. Things like that.</p> <p>5 Q. Do you have any idea how many cars sort of</p> <p>6 you associate with that address?</p> <p>7 A. I associate a lot of cars, and they're not</p> <p>8 always the same cars. You know, often, there, are cars</p> <p>9 in the driveway in the horseshoe, and, often, there are</p> <p>10 cars at the top of the driveway.</p> <p>11 But then there are very often cars on the</p> <p>12 street in front of her house. I mean, I'd say the area</p> <p>13 in front of her house, which is also in front of, like,</p> <p>14 Mr. Mack's house and Ms. Bennet's house, that is the</p> <p>15 most congested part of Oldchester Road from Bradley to</p> <p>16 Wilson -- right? Yeah. That is the most congested</p> <p>17 part, in my opinion, on our street.</p> <p>18 Q. Okay. And then you said you've lived there</p> <p>19 about five or six years -- I'm sorry. You said you've</p> <p>20 lived there since 2016?</p> <p>21 A. Correct.</p> <p>22 Q. Great. Have you noticed any difference in</p> <p>23 Ms. Favali's presence at the property in the past year</p> <p>24 as compared to the years you've lived there before?</p> <p>25 A. No. As I mentioned, I've only seen her once.</p>

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<p>265</p> <p>1 Q. Okay.</p> <p>2 A. In totality.</p> <p>3 Q. How often have you seen her before then?</p> <p>4 A. None.</p> <p>5 Q. All right. And how does that compare to your</p> <p>6 other neighbors?</p> <p>7 A. Oh, I see everybody coming and going.</p> <p>8 Walking dogs. Chatting in the street.</p> <p>9 Q. All right. Thank you.</p> <p>10 MR. GOITEIN: I don't have any other</p> <p>11 questions.</p> <p>12 THE COURT: I'm sorry. I'm taking notes with</p> <p>13 this live slide.</p> <p>14 Okay. Mr. Friedman?</p> <p>15 MR. FRIEDMAN: Yeah, I just have one</p> <p>16 question.</p> <p>17 CROSS-EXAMINATION</p> <p>18 BY MR. FRIEDMAN:</p> <p>19 Q. You expressed a concern about additional</p> <p>20 bedrooms, and you said bedrooms, plural, in the ADU.</p> <p>21 Would it affect your opinion if you knew that there was</p> <p>22 only one bedroom, one bath in the ADU? Because that's</p> <p>23 the plan.</p> <p>24 A. Yeah. I guess I heard somebody say two</p> <p>25 rooms. I don't know if they meant bedrooms or rooms in</p>	<p>267</p> <p>1 BY MR. GOITEIN:</p> <p>2 Q. Good afternoon, Mr. Mack. How long have you</p> <p>3 lived at that address?</p> <p>4 A. We purchased the house in 2009. We lived</p> <p>5 there until 2011. Then we moved overseas for a few</p> <p>6 years. We rented the house to a single family. We</p> <p>7 moved back around the beginning of 2016 I believe, and</p> <p>8 we've lived here ever since.</p> <p>9 Q. Okay. Did you participate in the hearing in</p> <p>10 December of last year on this issue?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. At that time, do you recall testifying</p> <p>13 that you were working from home at the time?</p> <p>14 A. Yes.</p> <p>15 Q. Where's your house in proximity to Ms.</p> <p>16 Favali's property?</p> <p>17 A. Directly across the street.</p> <p>18 Q. All right. Were you able to observe her</p> <p>19 property on a daily basis?</p> <p>20 A. Yes. My office is right across. It's out on</p> <p>21 the street and on the house.</p> <p>22 Q. Okay. So, would it be fair to say that</p> <p>23 you're looking directly at that -- when you're in your</p> <p>24 office, you would be looking directly out to her house?</p> <p>25 A. Correct.</p>
<p>266</p> <p>1 general. I'm just concerned about any additional</p> <p>2 residents in the main house or in the ADU, given that</p> <p>3 we already have all this activity and all this traffic.</p> <p>4 Q. Okay. Thank you.</p> <p>5 THE COURT: Okay. So, Ms. Bennet, do you</p> <p>6 have any questions?</p> <p>7 MS. BENNET: No, I don't. Thank you.</p> <p>8 THE COURT: Okay. With that, Mr. Goitein, do</p> <p>9 you want to go with your next witness?</p> <p>10 Thank you, Ms. Malek.</p> <p>11 THE REPORTER: Mr. Goitein, you're on mute.</p> <p>12 MR. GOITEIN: That's actually probably not</p> <p>13 the worst thing in that scenario.</p> <p>14 Yeah. I'll call Mr. Mack now.</p> <p>15 THE COURT: Mr. Mack please turn your camera</p> <p>16 on and raise your right hand.</p> <p>17 KENNETH MACK,</p> <p>18 having first been sworn, testified as follows:</p> <p>19 THE COURT: Please state your name, address,</p> <p>20 and email address for the record.</p> <p>21 THE WITNESS: My name is Kenneth Mack. My</p> <p>22 address is 7708 Oldchester Road, Bethesda, Maryland.</p> <p>23 My email address is kenneth.mack at gmail.com.</p> <p>24 THE COURT: Okay. Go ahead.</p> <p>25 DIRECT EXAMINATION</p>	<p>268</p> <p>1 Q. All right. At the time last year, in</p> <p>2 December of 2024, did you testify that you believe that</p> <p>3 that was not her primary residence, right?</p> <p>4 A. Right.</p> <p>5 Q. Okay. Based upon your observations over the</p> <p>6 past year, has anything changed about your opinion as</p> <p>7 Ms. Favali's occupancy of that property?</p> <p>8 A. No. I don't see her around very often. I</p> <p>9 don't see that anything has changed from last year or</p> <p>10 the year before. The same pattern. I see her on</p> <p>11 occasion, but not like I see other neighbors coming and</p> <p>12 going. Bringing groceries. Walking dogs. Being</p> <p>13 around. I don't see that. I don't see her very much.</p> <p>14 Q. I think you mentioned earlier that you rented</p> <p>15 the property for a while. Do you ever have any</p> <p>16 problems with any of your neighbors because you were</p> <p>17 renting your property out?</p> <p>18 A. No. Because we rented just to a single</p> <p>19 family, just like ours. And, so, it wouldn't have</p> <p>20 changed the pattern or the dynamic.</p> <p>21 Q. All right. And how would you describe sort</p> <p>22 of the general activity around Ms. Favali's property?</p> <p>23 A. It can get very congested. Different tenants</p> <p>24 coming and going through different exits. On occasion,</p> <p>25 police show up, as they did earlier this month, in</p>

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<p style="text-align: right;">269</p> <p>1 relation to a tenant. 2 It's quite active, quite disturbing 3 sometimes, particularly when law enforcement is 4 involved. And in terms of cars -- 5 Q. But before you talk about the cars -- sorry, 6 hold on. Before you talk about the cars, can you 7 describe more about the -- you said earlier this month, 8 law enforcement was called to the house. What happened 9 then, based upon your observations? 10 A. I was walking a few weeks ago, and there were 11 four police cars there. And they were kind of walking 12 around the property, going around the back. And then, 13 finally, they approached the main door. 14 Alex Finkel was there also. He came out of 15 his house and saw this too. And one of the tenants, I 16 guess, came out. They asked him -- I believe, and this 17 is just what I think I heard. One of the police 18 officers asked if he had a weapon. I believe he said 19 no. They asked him to turn around. I didn't want to 20 hang out. So I eventually, you know, walked off. Yeah. 21 Q. Did you see Ms. Favali during that incident? 22 A. No, she wasn't there. At least I didn't see 23 her there. 24 Q. Okay. You were going to say, I think, before 25 I interrupted you, about the cars and the activity</p>	<p style="text-align: right;">271</p> <p>1 certainly, and potentially dangerous. 2 Q. How frequently would you say there are cars 3 that are associated with the property owned by Ms. 4 Favali parked on the street in front of her house? 5 A. Quite often. And the reason is obvious. 6 Even though she's got that long driveway, it's a 7 single-lane driveway. Same with that horseshoe that 8 she built; single-lane. 9 So if you've got four tenants, each with a 10 car, maybe multiple cars, and then, God forbid, an ADU, 11 it's one thing if you've got family members, and you 12 can ask each of them to move their car so you can back 13 it out. But if you've got multiple tenants, it's 14 impossible to do that. 15 And, so, people are naturally going to park 16 on the street, rather than box themselves in, 17 potentially with a fellow tenant who has wandered off 18 somewhere or is busy or tied up. With two cars, it 19 would be impossible. So, naturally, they're going to 20 park on the street. 21 Q. Has that had any impact on your ability to 22 find on-street parking? 23 A. Yes, it does. And, in fact, I'm often 24 anxious if I need to park on the street. When I'm 25 approaching, I'm thinking to myself, Is this going to</p>
<p style="text-align: right;">270</p> <p>1 outside 7709. What can you tell us about the volume of 2 activity with respect to the vehicles that you 3 associate with that property? 4 A. They change often because the tenants change. 5 But there will be cars parked in front of her house. 6 In front of our house. And it becomes a choke point. 7 So, as cars come moving quickly down, they have to kind 8 of squeeze through between the cars that are there. 9 And, yeah, if the fire truck had to come down, it would 10 be a big concern. 11 So a lot of cars. A lot of congestion. I 12 also want to corroborate and affirm what one of the 13 other witnesses said, which is that people -- and I've 14 been there many years, so I'm absolutely sure of this. 15 When people, to save time as they're trying 16 to go between Wilson Lane and Bradley Boulevard, just 17 cut through Oldchester and the diagonal, and they go 18 very fast, and there's a lot of traffic that moves as 19 people try to save time to avoid the light at the 20 intersection of Wilson Lane and Bradley Boulevard. So, 21 even though it looks in a photograph like a very kind 22 of calm street, it gets a lot of traffic. 23 And, between my house and the house owned by 24 Ms. Favali, that is the choke point. And it can really 25 be a concerning problem. It can be inconvenient,</p>	<p style="text-align: right;">272</p> <p>1 be another time where I'm going to have to park 2 somewhere else if I need to park in front of the house 3 for something? It's happened. We usually park in our 4 garage, but during the times when it's necessary to 5 park on the street, it's not always available. 6 Q. Okay. Do you have any other concerns about 7 Ms. Favali's request for an ADU? 8 A. I have legal concerns, and I have practical 9 concerns. 10 Q. Let's start with the practical concerns. 11 What are those? 12 A. So there are the concerns about the volume of 13 people jammed into one house like that, certainly. 14 And, particularly when there's a constant turnover, we 15 have safety concerns. We just don't know. It's one 16 thing to rent out a house to a single family that's 17 going to be there for the long run and get to know 18 them. But this constant rotation, it does create 19 concerns. 20 But in terms of order in the street, again, 21 the parking is a real concern. And ADU will add -- it 22 will mean more cars on the street. And that's the last 23 thing we need right now. 24 Q. All right. Thank you. 25 MR. GOITEIN: I don't have any other</p>

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273	<p>1 questions.</p> <p>2 THE COURT: I just had a couple. You keep</p> <p>3 referring to the Favali house as a choke point on the</p> <p>4 street. I don't know exactly what you mean by that.</p> <p>5 THE WITNESS: I can explain. Sure. When</p> <p>6 people park in front of a house and then somebody else</p> <p>7 wants to park on the other side of the street, they'll</p> <p>8 naturally move up just a little bit so that you won't</p> <p>9 have two cars absolutely parallel to each other on</p> <p>10 either side of the street. So that if someone wants to</p> <p>11 move forward, like a fire engine or whatever. They can</p> <p>12 bend out around the first car and then come in around</p> <p>13 the second.</p> <p>14 If you've got two cars that are directly</p> <p>15 across from each other, that creates a tight space.</p> <p>16 But then when you multiply that, and you've got</p> <p>17 multiple cars on either side of the street, then you've</p> <p>18 got a very narrow situation. And it really can slow</p> <p>19 things down and potentially be dangerous.</p> <p>20 THE COURT: How many cars do you see</p> <p>21 generally parked in the driveway?</p> <p>22 THE WITNESS: Sometimes I'll see one or two</p> <p>23 or three. Sometimes they'll just be on the street. I</p> <p>24 don't see what was alluded to earlier by someone that</p> <p>25 everyone in an orderly fashion kind of parks all their</p>	275	<p>1 disturbing, take up the enjoyment that I have of the</p> <p>2 house that we live in and the neighborhood. It's</p> <p>3 unfortunate that it exists.</p> <p>4 It's unfortunate that we need to gather here</p> <p>5 every year about this. But it felt uncomfortable and</p> <p>6 sometimes scary, particularly when my children were</p> <p>7 young. You know, now they're older.</p> <p>8 My son is 15, and my daughter is 19. I'm not afraid</p> <p>9 for their safety anymore like I was when this whole</p> <p>10 thing started. But it's still unpleasant to --</p> <p>11 THE COURT: Impeding traffic, impeding street</p> <p>12 movements, or safety in terms of what?</p> <p>13 THE WITNESS: Traffic. And also when the</p> <p>14 police show up for different people at different times.</p> <p>15 That is a red flag that there's some something</p> <p>16 potentially that is -- there's a potentially dangerous</p> <p>17 person in the house. And that's frightening when you</p> <p>18 have little kids, and you don't know who these</p> <p>19 neighbors are and what the issue is.</p> <p>20 I don't want to drift off. I'm happy to</p> <p>21 answer these questions, but I would I want to honor the</p> <p>22 hearings approach if you want to focus just on the</p> <p>23 issues that are presented to us. But that has always</p> <p>24 been an issue of great concern.</p> <p>25 THE COURT: I was actually asking to see if</p>
274	<p>1 cars kind of lined up on the driveway.</p> <p>2 I don't know. It's hard to know. Obviously,</p> <p>3 I'm not familiar with all the cars that are associated</p> <p>4 with any given tenant because there's turnover. It is</p> <p>5 a turnover situation.</p> <p>6 THE COURT: How often do they turn over? Do</p> <p>7 you have an estimate? I think Ms. Favali testified she</p> <p>8 had them on 30-day leases. But do you have any idea --</p> <p>9 and I know you may not have tracked this -- how</p> <p>10 frequent the turnover is?</p> <p>11 THE WITNESS: I'm not sure. I'm often seeing</p> <p>12 new faces. Yeah. So I don't know. I think it's</p> <p>13 pretty often.</p> <p>14 THE COURT: Well, I think some of the tenants</p> <p>15 said she had the same tenants for six to four years.</p> <p>16 Well, I think some of the tenants said she had the same</p> <p>17 tenants for six to four years. Now, maybe I got that</p> <p>18 --</p> <p>19 THE WITNESS: No, I heard that too. And that</p> <p>20 does not ring true with my own observations. I have</p> <p>21 not interviewed or spoken with any of these folks that</p> <p>22 testified today. I spoke with one of the tenants a</p> <p>23 year or two ago then for that.</p> <p>24 But I really have tried to live my life and</p> <p>25 not let this scene across the street, which was very</p>	276	<p>1 it was traffic conditions.</p> <p>2 THE WITNESS: Oh, as for traffic. Sure, I</p> <p>3 would I would worry about that because there's no</p> <p>4 sidewalks on Oldchester Road. There's no place to go</p> <p>5 if you're walking down the street and it's the only</p> <p>6 place to walk in car --</p> <p>7 This is actually a really good point that you</p> <p>8 raise, which is that I often find myself timing as I'm</p> <p>9 walking my dog down the street and I hear a car coming</p> <p>10 behind me and I'm approaching my house. I'm thinking,</p> <p>11 Can I get between these cars quickly enough, so that,</p> <p>12 if the car doesn't see me or the person I'm walking</p> <p>13 beside, I can be out of their way before they reach the</p> <p>14 choke point. And we try to dress with reflective gear</p> <p>15 and so forth so this doesn't happen because the street</p> <p>16 is not well lit. But I'm often finding myself trying to</p> <p>17 time the situation to make sure I'm not caught between</p> <p>18 cars as I approach my house.</p> <p>19 THE COURT: Thank you. Mr. Goitein, is there</p> <p>20 anything else?</p> <p>21 Q. (By Mr. Goitein) Mr. Mack, do you know the</p> <p>22 names of any of the people who live at 7709 Oldchester?</p> <p>23 A. I don't believe I do and I say I don't</p> <p>24 believe I do because at one time there was a person</p> <p>25 named Jeff, I believe, and I spoke with him. I think</p>

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<p style="text-align: right;">277</p> <p>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</p>	<p style="text-align: right;">279</p> <p>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</p>
<p style="text-align: right;">278</p> <p>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</p>	<p style="text-align: right;">280</p> <p>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.</p>

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<p>281</p> <p>1 Mr. Chappell? Thank you Please raise your 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</p>	<p>283</p> <p>1 And if you look at her exhibits, I believe 2 it's the stamped parking, that is the driveway that you 3 see down the right-hand side of her lot. That is a 4 single lane. And the depiction in the stamp parking 5 shows two cars parked back there. 6 Only one of those cars can pull out. And if 7 a car is parked anywhere in that driveway, those cars 8 would not be able to exit without playing Tetris with 9 the cars and parking them on the street. Coming off of 10 that, that driveway is part of the horseshoe of the H, 11 the upside down you, if you will, of the H. The other 12 end of that is another exit, ingress, egress on the 13 property. 14 So if you visualize that in theory, you can 15 only have two cars parked in there. And I think some 16 of the photographs show that with two cars parked in 17 there. 18 THE COURT: I know it's late. Can you hold 19 on. Because I want to bring up a picture that I think 20 would help me and it's Exhibit 9 -- or 7. 21 THE WITNESS: Yeah. 22 THE COURT: I've still got it up. Now I just 23 have to go back. Sorry. 24 MR. GOITEIN: If you want to, yeah. If you 25 do pull up 7, that's fine.</p>
<p>282</p> <p>1 to give a statement, so if there's something you want 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 A. That's correct. 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 A. Okay. I'm trying to paint the picture 19 because I think the hearing examiner is trying to 20 understand it as well. Think of the letter H, okay, 21 It's a little lowercase h. And, as the back of the h 22 goes up, that is the driveway that runs from the 23 street. That is the only entrance on the street on 24 that side that will run to the back of the house, which 25 is where the ADU is proposed to go.</p>	<p>284</p> <p>1 THE COURT: Okay. There's one I thought I 2 saw that showed -- this one. 3 MR. GOITEIN: Just go to the third one. 4 Perfect. 5 THE WITNESS: So see where that silver car 6 is? 7 THE COURT: I do. 8 THE WITNESS: That is the driveway that goes 9 down the side of the house. And if you look at her 10 stamped parking exhibit, that is what's going to be 11 used to gain access to the ADU. It's not two lanes. 12 It's impossible to have two lanes. She would be in 13 total -- 14 THE COURT: That was my initial question. 15 Yeah. 16 THE WITNESS: My house is the one you see 17 there on the right. Her house is on the left. You 18 would either go into my property or her house to add a 19 second lane. And the black car you see there at the 20 top of the U, or the top of the hump of the lowercase 21 H, if you parked a car behind it, it would block that 22 silver car. If you parked a car in front of it, that 23 black car could only reverse out of there. So in 24 theory, without having to move a car, you can only have 25 three cars parked in there.</p>

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285	<p>1 THE COURT: With unrestricted access.</p> <p>2 THE WITNESS: With unrestricted access.</p> <p>3 That's a perfect way of putting it.</p> <p>4 THE COURT: Is it a single lane proceeding</p> <p>5 through the hump of the H right where it's proceeding?</p> <p>6 THE WITNESS: Yes.</p> <p>7 THE COURT: And is the intersection with the</p> <p>8 driveway to I mean, the street to the left, is that</p> <p>9 used as an exit? I saw Ms. Favali at the parking using</p> <p>10 it that way.</p> <p>11 THE WITNESS: There you go. So, see, there's</p> <p>12 the silver car, the black car and Ms. Favali's car.</p> <p>13 That black car cannot exit forwards without her moving</p> <p>14 her car. It can only reverse out.</p> <p>15 MR. FRIEDMAN: Yeah, so?</p> <p>16 THE COURT: Who said that? I hope it wasn't</p> <p>17 Mr. Friedman. You didn't just say, "Yeah, so," did</p> <p>18 you?</p> <p>19 MR. FRIEDMAN: I was thinking to myself, I'm</p> <p>20 sorry.</p> <p>21 THE COURT: I don't want any more, just stop</p> <p>22 talking. I don't want any more editorial comments.</p> <p>23 MR. FRIEDMAN: I'll save it for my questions</p> <p>24 of the witness. I apologize.</p> <p>25 THE COURT: Thank you.</p>	287	<p>1 there's only three or four tenants that live there, but</p> <p>2 we've had more than that. And some of those tenants</p> <p>3 have more than one vehicle, I think.</p> <p>4 We've talked about other tenants that have a</p> <p>5 day vehicle and a work vehicle. So if a tenant has a</p> <p>6 work vehicle, a work truck -- and I think Jeff, who Mr.</p> <p>7 Mack was referring to, had a vehicle and a work truck,</p> <p>8 which is fine. I mean, there's nothing illegal with</p> <p>9 that.</p> <p>10 It's just I'm speaking to the parking count</p> <p>11 and the congestion and the choke point, which all the</p> <p>12 neighbors have spoken about here today.</p> <p>13 THE COURT: Do you ever have trouble getting</p> <p>14 on-street parking? Do you have a single driveway?</p> <p>15 THE WITNESS: My apron, like Ms. Bennet's, is</p> <p>16 a single, and then it opens up to our two-car garage.</p> <p>17 But it's a single apron.</p> <p>18 THE COURT: Do you park on the street?</p> <p>19 THE WITNESS: Occasionally. Occasionally,</p> <p>20 other people park in front of my house, and I don't.</p> <p>21 Occasionally, some of my guests park on the street.</p> <p>22 But, no, not on a permanent basis. Infrequently.</p> <p>23 But I park in my driveway, and my wife parks</p> <p>24 in the garage, and our kids have bicycles and scooters</p> <p>25 on the other side.</p>
286	<p>1 Okay. So tell me what you -- are there five</p> <p>2 cars parked on this driveway on a regular -- or three</p> <p>3 cars, or how it -- you know, is it fully utilized on a</p> <p>4 regular basis?</p> <p>5 THE WITNESS: It is. And there are times</p> <p>6 where both of Ms. Favali's cars have been there, the</p> <p>7 Subaru, or even the trailer or the truck. We have</p> <p>8 submitted in 2023, in your previous photographs,</p> <p>9 showing the Subaru there.</p> <p>10 I even think one of Ms. Favali's -- her</p> <p>11 Exhibit 10 part 1 page 19, is a picture of her Subaru</p> <p>12 in front of the house. So it is not just at her</p> <p>13 Kennedy Street house. It is sometimes at this house.</p> <p>14 Sometimes --</p> <p>15 THE COURT: I guess my question is, do you</p> <p>16 observe parking problems in that driveway?</p> <p>17 THE WITNESS: I do. I mean, it's a shuffle</p> <p>18 of the cars to exit. And if she has two or three of</p> <p>19 her cars there, then, you know, where are tenants</p> <p>20 parking?</p> <p>21 THE COURT: Okay.</p> <p>22 THE WITNESS: I mean, and it's not always the</p> <p>23 case. And, frankly, you know, more often it's just one</p> <p>24 or two of her cars are there, or a car and a trailer.</p> <p>25 But, on occasion, yeah, you have that. And maybe today</p>	288	<p>1 THE COURT: Okay. Anything else you'd like</p> <p>2 to say?</p> <p>3 THE WITNESS: Not that hasn't already been</p> <p>4 mentioned with her tenants and the challenges we've had</p> <p>5 over the years. Her that have put into record in '23</p> <p>6 and '24, which I think you have or were party to</p> <p>7 previously.</p> <p>8 THE COURT: Is parking on the street, is it</p> <p>9 more populated in the evening?</p> <p>10 THE WITNESS: Yes. Some of her tenants, I</p> <p>11 think, work from home or they're -- I don't know. I</p> <p>12 can't speculate what they do. But there are cars there</p> <p>13 throughout the day. But more so in the evening, but</p> <p>14 also keep in mind --</p> <p>15 THE COURT: I'm talking about the whole</p> <p>16 street.</p> <p>17 THE WITNESS: Oh, yeah, I would say that's a</p> <p>18 fair statement. But, to raise kind of a point with her</p> <p>19 horseshoe with two egresses, there isn't a whole lot of</p> <p>20 space for cars to park throughout. Otherwise, you're</p> <p>21 going to block one of those entrances.</p> <p>22 So, on her side, in front of her house, maybe</p> <p>23 you can put one to two cars in between those little two</p> <p>24 driveways.</p> <p>25 THE COURT: It has two -- it's a horseshoe.</p>

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<p>289</p> <p>1 I get it.</p> <p>2 THE WITNESS: And it goes right up to her</p> <p>3 property line, for the most part.</p> <p>4 THE COURT: Okay. Is there anything else</p> <p>5 you'd like to say?</p> <p>6 THE WITNESS: No.</p> <p>7 THE COURT: Mr. Goitein, do you have anything</p> <p>8 you want to say?</p> <p>9 Q. (By Mr. Goitein) Mr. Chappell, how many</p> <p>10 cars -- and I understand it may vary from time to time.</p> <p>11 But how many cars do you generally associate with the</p> <p>12 7709 property?</p> <p>13 A. Maybe five. It's hard to keep track.</p> <p>14 Q. And does that include a car for Ms. Favali or</p> <p>15 not?</p> <p>16 A. I would say so.</p> <p>17 Q. All right. And how does that compare to the</p> <p>18 other houses in the neighborhood?</p> <p>19 A. A lot more.</p> <p>20 MR. GOITEIN: I don't have any additional</p> <p>21 questions. Thank you.</p> <p>22 THE COURT: Ms. Bennet, do you have any</p> <p>23 questions?</p> <p>24 MR. GOITEIN: No, I don't.</p> <p>25 THE COURT: Mr. Friedman?</p>	<p>291</p> <p>1 A. I didn't say it was dangerous. But my point</p> <p>2 is this: She can have three cars without having to</p> <p>3 move a car to exit or enter. And when she has to move</p> <p>4 a car, that contributes to the traffic and the log jam</p> <p>5 that occurs.</p> <p>6 It's a constant game of moving cars in front</p> <p>7 of the house, which a car that's moving leads to an</p> <p>8 accident. A car that's stationary and parking in a</p> <p>9 driveway is less likely to have an accident.</p> <p>10 Q. That's correct. And she can park more cars</p> <p>11 in her driveway than you can, can't she?</p> <p>12 THE COURT: It's also got more people in the</p> <p>13 house. Come on.</p> <p>14 A. She has more cars than I do as well, sir.</p> <p>15 Q. (By Mr. Friedman) Which tenants have had</p> <p>16 more than one vehicle?</p> <p>17 A. I believe Jeff did.</p> <p>18 Q. But he doesn't live there, does he?</p> <p>19 A. I don't know who lives there on a frequent</p> <p>20 basis. She lives there, and we just heard she owns</p> <p>21 four vehicles. I can show you pictures. She submitted</p> <p>22 into evidence a photo of her Subaru in front of the</p> <p>23 house. So if you want to go down that path, we can we</p> <p>24 can talk about that.</p> <p>25 Q. I do want to go down that path because she</p>
<p>290</p> <p>1 MR. FRIEDMAN: Yeah, very, very quickly.</p> <p>2 CROSS-EXAMINATION</p> <p>3 BY MR. FRIEDMAN:</p> <p>4 Q. Mr. Chappell, you said you park in the</p> <p>5 driveway typically and your wife parks in the garage.</p> <p>6 How do you get there? Do you pull in pull in directly</p> <p>7 off the street, head in?</p> <p>8 A. I can pull in head in first, or sometimes I</p> <p>9 back into the driveway.</p> <p>10 Q. Which do you do more often?</p> <p>11 A. I have a lot of kids and drive a lot of</p> <p>12 carpools and I'm a big car, and sometimes it's easier</p> <p>13 to back in. I'm also unloading a lot of groceries.</p> <p>14 Honestly, 50/50 if I back in or pull in.</p> <p>15 Q. So when you pull in head in or your wife</p> <p>16 pulls in head in and you leave, you have to back out</p> <p>17 into Oldchester Road; isn't that correct?</p> <p>18 A. If I pull in head in, yes.</p> <p>19 Q. So why is it any more dangerous if somebody</p> <p>20 backs out of Ms. Favali's driveway than if you back out</p> <p>21 of yours?</p> <p>22 A. Did I say it was dangerous?</p> <p>23 Q. Yes, you actually did. You said that it was</p> <p>24 that you thought that it was contributing to traffic</p> <p>25 that people would back out of the driveway.</p>	<p>292</p> <p>1 testified that she only has one car at a time there</p> <p>2 because she can only drive one car at a time. Do you</p> <p>3 disagree with that?</p> <p>4 A. She also testified as a chauffeur that drives</p> <p>5 her between -- around.</p> <p>6 MR. FRIEDMAN: I have nothing further. Thank</p> <p>7 you.</p> <p>8 THE COURT: Okay. Mr. Goitein, do you have</p> <p>9 any redirect?</p> <p>10 MR. GOITEIN: No.</p> <p>11 THE COURT: Okay. So where we are now --</p> <p>12 have we finished with all the witnesses on both sides?</p> <p>13 MS. BENNET: I'm not sure if Georgia Jaitly</p> <p>14 was going to testify. She had tried to file an</p> <p>15 objection, but hers came in a day late.</p> <p>16 THE COURT: Okay. Is Ms. Jaitly here?</p> <p>17 THE WITNESS: Yes, I am.</p> <p>18 THE COURT: Are you available, still, to</p> <p>19 testify?</p> <p>20 THE WITNESS: I'm waiting for a vet</p> <p>21 appointment, but I'm available.</p> <p>22 THE COURT: Okay, well, I hope everything's</p> <p>23 Okay. Please raise your right hand.</p> <p>24 GEORGIA JAITLY,</p> <p>25 having first been sworn, testified as follows:</p>

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<p>293</p> <p>1 THE COURT: Okay. Please state your name, 2 street address, and email for the record. 3 THE WITNESS: Georgia Jaitly J-a-i-t-l-y.703 4 Oldchester Road, Bethesda. 5 THE COURT: And your email? 6 THE WITNESS: J-a-i -- I'm sorry. 7 GeorgiaJaitly@gmail.com. 8 THE COURT: Georgia Jaitly, like, all one 9 word? 10 THE WITNESS: Yes. 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. 14 MR. GOITEIN: I'll just let her go ahead. 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. 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 I also have lived in my house for 30 years, 25 and it was built in 1936. And in no way do I feel</p>	<p>295</p> <p>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? 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. 12 THE COURT: Okay. 13 Oh, we have Ms. Jaitly back. Thank you. 14 I can't -- I can't hear. We can't hear. 15 THE WITNESS: Okay. Sorry about that. 16 THE COURT: That's okay. You're doing pretty 17 good. 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. 22 THE WITNESS: Yes, it's crowded. Especially 23 on that section after Mr. Chappell's house. 24 THE COURT: Okay. That was my question. 25 Mr. Goitein, do you have any questions based</p>
<p>294</p> <p>1 frowned upon by any of my neighbors that I live in an 2 old house. 3 THE COURT: You know, you can spend time on 4 that, but you don't have to address it. 5 THE WITNESS: No, I'm not. 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. 19 THE COURT: Okay. 20 THE WITNESS: That's it. Thank you. 21 THE COURT: What are the parking conditions 22 that you observe on the street? 23 THE WITNESS: What did you say? I'm sorry. 24 THE COURT: What are the parking conditions 25 -- oops, we lost her. Maybe she'll come back.</p>	<p>296</p> <p>1 on mine? 2 MR. GOITEIN: Yeah, just briefly. 3 DIRECT EXAMINATION 4 BY MR. GOITEIN: 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? 11 A. No, I don't believe so. 12 Q. Okay. 13 MR. GOITEIN: That's the only question I had. 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</p>

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<p>297</p> <p>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. Freidman? 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</p>	<p>299</p> <p>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</p>
<p>298</p> <p>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. Freidman. 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.</p>	<p>300</p> <p>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</p>

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<p style="text-align: right;">301</p> <p>1 you will let her do that.</p> <p>2 THE COURT: Well, can she come the 12th?</p> <p>3 MS. BENNET: I think so. Yes, ma'am.</p> <p>4 THE COURT: Why doesn't she come on the 12th</p> <p>5 when you do your rebuttal case.</p> <p>6 MR. FRIEDMAN: Fair enough.</p> <p>7 THE COURT: Court reporter, Monday, January</p> <p>8 12th at 9:30. The next hearing will be held on</p> <p>9 Microsoft Teams.</p> <p>10 Thank you, everyone. Good night.</p> <p>11 (Off the record at 5:02 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">303</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, Lisa R. Erickson, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio of the</p> <p>4 foregoing proceeding; that said transcript is a true</p> <p>5 and accurate record of the proceedings to the best of</p> <p>6 my knowledge, skills, and ability; and that I am</p> <p>7 neither counsel for, related to, nor employed by any of</p> <p>8 the parties to the case and have no interest, financial</p> <p>9 or otherwise, in its outcome.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 <i>Lisa Erickson</i></p> <p>17</p> <p>18 LISA R. ERICKSON</p> <p>19 December 31 2025</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">302</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC</p> <p>2</p> <p>3 I, Matthew Weedon, the officer before whom the</p> <p>4 foregoing proceedings were taken, do hereby certify</p> <p>5 that any witness(es) in the foregoing proceedings were</p> <p>6 fully sworn; that the proceedings were recorded by me</p> <p>7 and thereafter reduced to typewriting by a qualified</p> <p>8 transcriptionist; that said digital audio recording of</p> <p>9 said proceedings are a true and accurate record to the</p> <p>10 best of my knowledge, skills, and ability; and that I</p> <p>11 am neither counsel for, related to, nor employed by any</p> <p>12 of the parties to this case and have no interest,</p> <p>13 financial or otherwise, in its outcome.</p> <p>14</p> <p>15</p> <p>16 <i>Matthew Weedon</i></p> <p>17 _____</p> <p>18 Matthew weedon</p> <p>19 NOTARY PUBLIC FOR THE STATE OF MARYLAND</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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