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Transcript of OZAH Hearing

Date: January 17, 2023

Case: Objection to Accessory Dwelling Unit License No. 145926, In Re:

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January 17, 2023


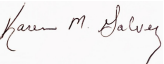
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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 (Whereupon, the court reporter was duly</p> <p>3 sworn.)</p> <p>4 MS. HANNAN: Okay. I'm calling the case</p> <p>5 of ADO 23-02, Objection of J. Scott Pinover to an</p> <p>6 Accessory Dwelling Unit License. Would the parties</p> <p>7 introduce themselves for the record?</p> <p>8 MR. MOEN: Sure. I'll introduce myself.</p> <p>9 I'm Alexander Moen, and I am the owner of 5205</p> <p>10 Albemarle Street, where we have put in the</p> <p>11 application for the permit for the ADU.</p> <p>12 MS. HANNAN: Okay. And I'm looking at</p> <p>13 -- is -- is Mr. Pinover here?</p> <p>14 MR. MOEN: He is not showing up in the</p> <p>15 participant list.</p> <p>16 MS. HANNAN: List. Okay. I see Mr. --</p> <p>17 is it Guillen? Guillen?</p> <p>18 MR. GUILLEN: Guillen, yes. Yes, it's</p> <p>19 Guillen.</p> <p>20 MS. HANNAN: How do you say it?</p> <p>21 Guillen?</p> <p>22 MR. GUILLEN: Yes.</p> <p>23 MS. HANNAN: I'm sorry.</p> <p>24 MR. GUILLEN: It's okay.</p> <p>25 MS. HANNAN: I see a Montgomery County</p>	<p>7</p> <p>1 I still don't see Mr. Pinover, so I am</p> <p>2 going to go off the record. Please -- because I can</p> <p>3 hear you, please mute your mics and turn off your</p> <p>4 -- or at least mute your mics, and -- and we'll be</p> <p>5 back at, I guess, 10 to 10:00, 9:50. Okay. Thank</p> <p>6 you.</p> <p>7 (Whereupon, a recess was taken.)</p> <p>8 MS. HANNAN: We're back on the record</p> <p>9 please. It's now 9:50. OZAH did send notice that</p> <p>10 the hearing would start at 9:30. The hearing did</p> <p>11 start at 9:30. And also for the record, OZAH</p> <p>12 staff, Ms. Johnson, did try to call Mr. Pinover</p> <p>13 during the break and didn't get an answer. So</p> <p>14 what we're going to do today is -- obviously the</p> <p>15 burden of proof is on him, but I'm going to let</p> <p>16 the parties say something. Do -- do you believe</p> <p>17 that the -- the focus of this hearing is that the</p> <p>18 -- any of the Director's findings are incorrect,</p> <p>19 and -- and I'll pull them up -- I'll pull them up</p> <p>20 here. Let me just go here. Okay. What you're</p> <p>21 looking at are the Director's findings. Now, Mr.</p> <p>22 Moen, I'm going to -- this is informal, but there</p> <p>23 are -- certain formalities and testimonies are</p> <p>24 under oath, so please raise your right hand. Can</p> <p>25 you turn your camera on and raise your right hand?</p>
<p>6</p> <p>1 lanyard on you. Are you from the Housing</p> <p>2 Department?</p> <p>3 MR. GUILLEN: Yes, I'm -- yes. I've</p> <p>4 worked for the Department of Housing and Community</p> <p>5 Affairs. We handle the -- the preliminary</p> <p>6 inspections when we get applications for accessory</p> <p>7 --</p> <p>8 MS. HANNAN: Okay, don't -- we're not at</p> <p>9 testimony; I just need you to identify yourself</p> <p>10 for the record. Well, I am going to give -- I</p> <p>11 can't start without Mr. Pinover, so I am going to</p> <p>12 give him -- go off the record -- and I apologize</p> <p>13 -- for 15 minutes. Please don't leave the</p> <p>14 meeting. Well, before I do that, I will -- my</p> <p>15 computer is acting up. Okay. A couple of things</p> <p>16 about our meetings on Microsoft Teams, but I have</p> <p>17 started recording it and it -- it's recorded</p> <p>18 anyway by our court reporter, who is responsible</p> <p>19 for a verbatim transcript. We record it through</p> <p>20 Microsoft Teams because, in case the court</p> <p>21 reporter has any questions. The remote format</p> <p>22 tends to be -- can be garbled. So I'm not going</p> <p>23 to say anymore until -- so it is being recorded,</p> <p>24 but it's also mandatory to record it verbatim</p> <p>25 through the court reporter.</p>	<p>8</p> <p>1 MR. MOEN: Yes.</p> <p>2 Whereupon,</p> <p>3 ALEXANDER MOEN</p> <p>4 being first duly sworn or affirmed to testify to</p> <p>5 the truth, the whole truth, and nothing but the</p> <p>6 truth, was examined and testified as follows:</p> <p>7 MS. HANNAN: And do you find anything</p> <p>8 inaccurate? You're -- what you're looking at is</p> <p>9 Exhibit 3, which is the DHC Director's Report of</p> <p>10 Findings on Accessory Apartment Class 3 License</p> <p>11 Application 145926. Reviewing that, do you see</p> <p>12 anything in that that is inaccurate?</p> <p>13 MR. MOEN: I do not. That -- that seems</p> <p>14 very accurate, yes.</p> <p>15 MS. HANNAN: And it looks like you have</p> <p>16 more than two parking spaces on your driveway.</p> <p>17 MR. MOEN: Correct. We could probably</p> <p>18 fit four cars in our driveway.</p> <p>19 MS. HANNAN: Okay. Thank you. Does</p> <p>20 anyone that is not with the applicant wish to</p> <p>21 question? I think everybody here is associated</p> <p>22 with the applicant. Mr. Gordon, do you want to</p> <p>23 say something?</p> <p>24 MR. GORDON: No, I do not.</p> <p>25 MS. HANNAN: Okay. Mr. Guillen, do you</p>

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<p>9</p> <p>1 have anything to say?</p> <p>2 MR. GUILLEN: I don't have anything to</p> <p>3 say.</p> <p>4 MS. HANNAN: Okay. Well, with that, I</p> <p>5 apologize for taking everyone's time. I have 30</p> <p>6 days to write a report. Given the length of this</p> <p>7 hearing, I do not think that it will take that</p> <p>8 long, but we do have a lot of cases right now. So</p> <p>9 is there anything -- before I go off the record,</p> <p>10 is there anything that anyone wants to say? Okay,</p> <p>11 hearing none.</p> <p>12 I have 30 days to write the report.</p> <p>13 There are appeal rights if you disagree with my</p> <p>14 decision. You have 10 days after I -- or the --</p> <p>15 in this case, you have 30 days to appeal to the</p> <p>16 Circuit Court. So I'm leaving the record open for</p> <p>17 10 days from today -- 10 -- no, 10 days, which</p> <p>18 would be until the 27th, Friday the 27th. The</p> <p>19 record is open not to receive any additional</p> <p>20 testimony, but only to receive the transcript. We</p> <p>21 need the transcript to cite to before we can issue</p> <p>22 the decision. So there's no additional testimony.</p> <p>23 I will not accept letters from anyone, and you</p> <p>24 can expect the decision, if not before 30 days,</p> <p>25 within 30 days.</p>	<p>11</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2 I, Brendon Cuenca, the officer before</p> <p>3 whom the foregoing proceedings were taken, do</p> <p>4 hereby certify that said proceedings were</p> <p>5 electronically recorded by me; and that I am</p> <p>6 neither counsel for, related to, nor employed by</p> <p>7 any of the parties to this case and have no</p> <p>8 interest, financial or otherwise, in its outcome.</p> <p>9</p> <p>10 </p> <p>11 _____</p> <p>12 Brendon Cuenca, Court Reporter</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>10</p> <p>1 All right. One final chance, anyone</p> <p>2 else? Well, I apologize that -- Mr. Guillen, I'm</p> <p>3 sorry you had to take your time this morning, and</p> <p>4 I thank you all for being here.</p> <p>5 MR. GUILLEN: Thank you.</p> <p>6 MR. MOEN: Thank you.</p> <p>7 MS. HANNAN: Okay.</p> <p>8 MR. GORDON: Thank you.</p> <p>9 (Off the record at 9:56 a.m.)</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>	<p>12</p> <p>1 CERTIFICATION OF TRANSCRIPT</p> <p>2 I, Karen M. Galvez, do hereby certify</p> <p>3 that the foregoing transcript, to the best of my</p> <p>4 ability, knowledge, and belief, is a true and</p> <p>5 correct record of the proceedings; that said</p> <p>6 proceedings were reduced to typewriting under my</p> <p>7 supervision; and that I am neither counsel for,</p> <p>8 related to, nor employed by any of the parties to</p> <p>9 this case and have no interest, financial or</p> <p>10 otherwise, in its outcome.</p> <p>11</p> <p>12 </p> <p>13 _____</p> <p>14 Karen M. Galvez</p> <p>15 Planet Depos, LLC</p> <p>16 January 26, 2023</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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