



Re: Case 26-03, Bennet Objection to License 157919

From Greg Friedman <friedman.g@gmail.com>

Date Wed 2/4/2026 12:52 PM

To Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Cc Evan Goitein <evan@goiteinrosa.com>; Bennet, Carri <Carri.Bennet@wbd-us.com>; kenneth.mack@gmail.com <kenneth.mack@gmail.com>; flavia4222@comcast.net <flavia4222@comcast.net>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

[EXTERNAL EMAIL]

Ms. Robeson-Hannan,

I respect your rationale and accept the decision that this evidence will not be admitted. However, I respectfully disagree with your position that a new legal theory -- or for that matter any legal theory -- is similarly inadmissible. A theory falls within the purview of an argument. By definition a theory is not evidence and may properly be expressed in a closing argument. The opposing or responsive parties are not at all prejudiced as they have an equal right to make countervailing arguments in opposition, as well as to present any arguments which they wish to make in support of their case. I humbly suggest that as the Objectors have premised a significant part of their case on the assertion of a residency requirement. If, in fact, such assertion is untrue, its validity must be considered in order to arrive at a fair and comprehensive adjudication of this case and should be ruled upon in any decision rendered in this matter.

Once again, thank you for your consideration.

Greg Friedman

Law Office of Greg S. Friedman
6216 Mazwood Road
Rockville MD 20852-3528

On Wed, Feb 4, 2026 at 11:22 AM Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov> wrote:

Good morning, all.

I will not allow additional evidence by affidavit because it is not subject to cross-examination, as required by due process.

The evidence was rejected because you were not prepared to offer the facts making the it relevant to this case. While you initially sought to introduce it as evidence of the bias of the neighbors against Ms. Favali, you now appear to attempt to use the other ADU as evidence for a new legal theory (i.e., that the owner need not live in a location prior to establishment of the ADU) that was not raised at the hearing and also not subject to cross-examination.

For these reasons, I will not allow additional evidence in this case by affidavit.

Best,

Lynn Robeson Hannan

Hearing Examiner

From: Greg Friedman <friedman.g@gmail.com>
Sent: Tuesday, February 3, 2026 12:41 PM
To: Evan Goitein <evan@goiteinrosa.com>
Cc: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; Bennet, Carri <Carri.Bennet@wbd-us.com>; kenneth.mack@gmail.com; flavia4222@comcast.net; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
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[EXTERNAL EMAIL]

I respect Mr. Goheen's opinion; however, I do not perceive any prejudice to his client and the other objectors as they each will have an opportunity to respond to all arguments presented in the Applicant's closing brief. As each of the objectors who has testified has made it very clear that they regularly walk and drive up and down this block, I submit that the fact finder has the ability to draw her own conclusions whether it is likely that they are aware of a public ADU notice sign posted in front of the one new home under construction on Oldchester Road several doors away from their respective homes. Per County requirements, that sign exists for that very purpose of notifying the neighbors of a pending or approved ADU application. Equally relevant to our case is the fact that the ADU notice before a home under construction demonstrates that the residency requirement need not be met until occupancy of the ADU rather than for several prior years or even at the time of application.

The objections proffered by Mr. Goheen and Ms.. Bennet serve only to prevent the hearing examiner from having the benefit of being fully informed as to all matters involved in this case.

Greg Friedman**Law Office of Greg S. Friedman**

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Licensed to Practice Law in Maryland

On Tue, Feb 3, 2026 at 12:18 PM Evan Goitein <evan@goiteinrosa.com> wrote:

Ms. Robeson Hannan,

On behalf of objector Kenneth Mack, I object to the introduction of an affidavit in the applicant's closing brief related to the issue of "other licensed and unlicensed ADU's on Oldchester Road." During the hearing, the applicant attempted to introduce evidence, in her rebuttal case, regarding another pending ADU application to which no objections had yet been filed, with the implication being that the objectors were biased toward Ms. Favali. However, there was no evidence that any of the objectors were even aware of that application, whether the circumstances were the same as the current applicant's, or if there were any other facts that would make that evidence relevant. For the same reasons, an affidavit from the applicant regarding other ADU's on Oldchester Road, without any opportunity to cross-examine or rebut the affidavit, would be irrelevant and also prejudicial to the objectors. When this issue was raised at the hearing, I objected and below was the ruling (Tr. Day 2, pg. 92), which I would ask to be maintained.

THE COURT: Okay. So I think -- I think it's too far off the beaten path, especially because we don't know if its owner occupied or whether it's going to be a rental home or something like that. So I don't think it's worth exploring. I understand your point, and the point would be the credibility. I guess it would go to the credibility of the objectors but if nobody can tell me if it's exactly like Ms. Favali's ADU, I don't see the point.

Evan V. Goitein

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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Friday, January 30, 2026 4:26 PM

To: Bennet, Carri <Carri.Bennet@wbd-us.com>; greg friedman <friedman.g@gmail.com>

Cc: Evan Goitein <evan@goiteinrosa.com>; kenneth.mack@gmail.com; flavia4222@comcast.net; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

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Mr. Goiten and Ms. Bennet, you may weigh in on Mr. Friedman's to introduce an affidavit regarding licensed and unlicensed rentals on the street no later than February 5th.

The question regarding the Class II license was raised as part of a discussion initiated by me during the hearing regarding whether there was a verifiable way to limit the number of tenants on the property. 1/26/26 T. 116-123. You in fact stated, "...if you have a mechanism to suggest for Ms. Favali to be able to verify to whomever that she has only three tenants, we're open to that." *Id.*, T. 121. My inquiry to DHCA was to explore whether such a mechanism existed via a Class II license for the single-family detached home. I am unclear how this relates to "other licensed and unlicensed rentals on Oldchester Road."

If you know of another mechanism to verify independently the number of tenants residing in the single-family home, please let me know.

Best,

Lynn Robeson Hannan

Hearing Examiner

From: Bennet, Carri <Carri.Bennet@wbd-us.com>
Sent: Friday, January 30, 2026 3:19 PM
To: greg friedman <friedman.g@gmail.com>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Cc: Evan Goitein <evan@goteinrosa.com>; kenneth.mack@gmail.com; flavia4222@comcast.net; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
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[EXTERNAL EMAIL]

All,

I was not copied in on the DHCA response. Please provide it. As the lead objector and not represented by counsel I should still be getting these ex partes.

Carri Bennet

She/Her

Partner

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From: Greg Friedman <friedman.g@gmail.com>
Sent: Friday, January 30, 2026 3:07 PM
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Subject: Case 26-03, Bennet Objection to License 157919

External (friedman.g@gmail.com)

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Ms. Robeson-Hannan,

While I obviously am pleased with DHCA's response today to Ms. Bennet's inquiry regarding the Class 2 rental license, I was surprised that Ms. Bennet was permitted to pursue this inquiry as she had not raised the issue in her case in chief or at any time before testimony had been closed. This would appear to conflict with the denial of Ms. Favali's request during rebuttal to inquire regarding the very relevant issue of other licensed and unlicensed ADU's on Oldchester Road. I would not suggest that the parties or hearing examiner be inconvenienced by reopening testimony but I respectfully request that I be permitted to raise this matter in my closing brief, including the option to attach an affidavit by the Applicant should I deem it appropriate.

Thank you for your consideration of this request.

Greg Friedman

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