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# Transcript of Hearing

**Date:** May 8, 2025

**Case:** Redly Capital Investments & Holding Corporation (CU 20-06)

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Conducted on May 8, 2025

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| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | 1<br><br>MONTGOMERY COUNTY OFFICE<br>OF ZONING AND ADMINISTRATIVE HEARINGS<br>-----X<br>IN THE MATTER OF:<br><br>:<br>REDLEY CAPITAL INVESTMENTS CASE NUMBER<br>:<br>& HOLDING CORPORATION, CU 20-06<br>:<br>Applicant.<br>:<br>-----X<br><br>PUBLIC HEARING<br>BEFORE KHANDIKILE MVUNGA SOKONI, HEARING EXAMINER<br>Monday, May 8, 2025<br>9:30 A.M. Eastern Standard Time<br><br>Job Number 583512<br>Pages 1 - 38<br>Transcribed by Sandra Ann Masterpole | 3<br><br>A P P E A R A N C E S<br>ON BEHALF OF THE DEPARTMENT:<br>JENNYFFER VARGAS, INSPECTOR<br>MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES<br>2425 Reedie Drive<br>Seventh Floor<br>Wheaton, Maryland 20902<br>ON BEHALF OF THE DEPARTMENT OF HOUSING AND COMMUNITY<br>AFFAIRS:<br>THOMAS HOWLEY, PROGRAM MANAGER<br>MONTGOMERY COUNTY<br>ALSO PRESENT:<br>Susan R. Groesbeck, Sandy Spring Friends School<br>School Director<br>Shamika Murray, Sandy Spring Friends School<br>Director of Enrollment Management |
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | 2<br><br>Public hearing held at the location of:<br><br>MONTGOMERY COUNTY OFFICE OF<br>ZONING AND ADMINISTRATIVE HEARINGS<br>County Office Building<br>100 Maryland Avenue<br>Room 200<br>Rockville, Maryland 20850<br>(240) 777-6660<br><br>Pursuant to agreement, before Marcellous Grant,<br>Court Reporter and Notary Public in and for the State of<br>Maryland.                                                                                        | 4<br><br>I N D E X<br>PROCEEDINGS PAGE<br>Hearing.....5<br><br>E X H I B I T S<br>NUMBERS MARKED REC'D<br>12 Collection of Mail Delivery 16 16<br>Confirmation Receipts<br>13 Vendor Agreement Between Sandy Spring 26 24<br>Friends School and Shanrong Li                                                                                                                                                                                                                                                                 |

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| <p>5</p> <p>1 PROCEEDINGS</p> <p>2 (Proceedings began at 9:30 a.m. All parties</p> <p>3 appear in person.)</p> <p>4 THE HEARING EXAMINER: Good morning.</p> <p>5 We're good to go.</p> <p>6 We're on the record. I should mention we</p> <p>7 do have a court reporter taking a verbatim transcript of</p> <p>8 the proceedings this morning. This is a show -- it's an</p> <p>9 Order to Show Cause why Conditional Use Number CU 20-06</p> <p>10 should not be revoked for abandonment or failure to</p> <p>11 comply with the conditions of the grant. And we're</p> <p>12 reconvening today under a new notice of hearing because</p> <p>13 we did convene previously in February -- on</p> <p>14 February 25th.</p> <p>15 So, by way of background, the hearing</p> <p>16 examiner's decision -- the hearing examiner's report and</p> <p>17 decision dated December 3rd, 2020, granted the</p> <p>18 applicant, Redley Capital Investments, Inc., a</p> <p>19 conditional use subject to 11 conditions to operate a</p> <p>20 residential care facility for 9 to 16 persons at 17734</p> <p>21 Norwood Road, Silver Spring, Maryland. The zone is an</p> <p>22 R-200 zone, and there were 11 conditions imposed on that</p> <p>23 conditional use.</p> <p>24 By memorandum dated July 10, 2024, the</p> <p>25 Department of Permitting Services -- DPS -- informed the</p> | <p>7</p> <p>1 Zoning and Site Planning Division.</p> <p>2 THE HEARING EXAMINER: And your title?</p> <p>3 MS. VARGAS: I am a senior inspector with</p> <p>4 the Zoning and Site Planning Division.</p> <p>5 THE HEARING EXAMINER: Okay. Thank you</p> <p>6 very much.</p> <p>7 Could you just give us some background on</p> <p>8 what this is about -- how this came about?</p> <p>9 MS. VARGAS: Basically, the Department of</p> <p>10 Permitting Services --</p> <p>11 THE HEARING EXAMINER: If you could</p> <p>12 kindly -- sorry.</p> <p>13 MS. VARGAS: Which one?</p> <p>14 THE HEARING EXAMINER: Press -- yes. It</p> <p>15 will go to green.</p> <p>16 MS. VARGAS: There it goes green.</p> <p>17 The Department of Permitting Services</p> <p>18 received a complaint regarding the use of the property.</p> <p>19 And once I investigated the property, I noticed that</p> <p>20 there was a conditioning use that is governing the</p> <p>21 property. When I inquired with the conditioning use</p> <p>22 holder if they were actively using the property as is</p> <p>23 intended per the conditioning use, they said no.</p> <p>24 Currently, at the time of my inspection,</p> <p>25 the property was empty. It was not being used as</p>                                                                                                                                                                              |
| <p>6</p> <p>1 Office of Zoning and Administrative Hearings -- OZAH --</p> <p>2 that the use granted by the hearing examiner in 2020 had</p> <p>3 not been implemented and requested OZAH to revoke CU 20-</p> <p>4 06.</p> <p>5 I should have properly introduced myself</p> <p>6 as Khandikile Sokoni. I'm the hearing examiner who will</p> <p>7 be hearing this matter this morning.</p> <p>8 Do we have anyone on behalf of Redley</p> <p>9 Capital Investment and Holdings Corporation in the room?</p> <p>10 Hearing none, do we have anyone from the</p> <p>11 Department of Permitting Services?</p> <p>12 MS. VARGAS: Jennyffer Vargas, here.</p> <p>13 THE HEARING EXAMINER: If you may please</p> <p>14 come forward.</p> <p>15 And do we have anyone from DHCA? Please</p> <p>16 come forward.</p> <p>17 So, Ms. Vargas, if you could kindly raise</p> <p>18 your right hand. Do you promise to tell the truth, the</p> <p>19 whole truth, and nothing but the truth?</p> <p>20 MS. VARGAS: Yes.</p> <p>21 THE HEARING EXAMINER: Thank you. And</p> <p>22 please state your full name and which department you're</p> <p>23 from for the record.</p> <p>24 MS. VARGAS: My name is Jennyffer Vargas.</p> <p>25 I'm with the Department of Permitting Services with the</p>                                                                                            | <p>8</p> <p>1 intended per the conditioning use. And that is what we</p> <p>2 cited the property as not being in compliance with the</p> <p>3 conditioning use -- basically, not using the property</p> <p>4 per its intended use as the conditioning use described.</p> <p>5 And they basically let the conditioning use expire.</p> <p>6 So, at that time, we notified the property</p> <p>7 owner that if they wanted to continue the use of the</p> <p>8 conditioning use, that they would have to go back to the</p> <p>9 hearing examiner and request another extension to</p> <p>10 implement the conditioning use or to completely abandon</p> <p>11 the conditioning use and return the property back to the</p> <p>12 R-200 status.</p> <p>13 THE HEARING EXAMINER: When was that</p> <p>14 initial inspection when you found it -- when you found</p> <p>15 the place vacant?</p> <p>16 MS. VARGAS: Well, it wasn't completely</p> <p>17 vacant. It was abandoned in the sense of it wasn't used</p> <p>18 as the conditioning use described. It was occupied as a</p> <p>19 housing -- as R-200 housing, but not as a conditioning</p> <p>20 use.</p> <p>21 THE HEARING EXAMINER: Okay.</p> <p>22 MS. VARGAS: I would have to go back into</p> <p>23 my history, which I was doing on my computer.</p> <p>24 THE HEARING EXAMINER: And we do have --</p> <p>25 anything you might have submitted is in the record, so</p> |

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| <p>9</p> <p>1 if it's easier, we can pull anything up if you need to<br/>2 refer to that. Is there --<br/>3 MS. VARGAS: There's a letter that we<br/>4 submitted to the hearing examiner. If we can pull that<br/>5 up, that would --<br/>6 THE HEARING EXAMINER: That might be the<br/>7 letter dated -- that would be Exhibit 2. I can pull it<br/>8 right up. I've just pulled up a letter dated July 10,<br/>9 2024, that I believe you sent --<br/>10 MS. VARGAS: Yes.<br/>11 THE HEARING EXAMINER: -- to us. It's<br/>12 marked Exhibit 2 and it's dated July 10, 2024.<br/>13 MS. VARGAS: So in that July period is<br/>14 when we did the investigation, yeah.<br/>15 THE HEARING EXAMINER: Okay. And so my<br/>16 understanding, from what you're saying, is that it's not<br/>17 that the place was vacant --<br/>18 MS. VARGAS: Uh-uh.<br/>19 THE HEARING EXAMINER: -- it was occupied,<br/>20 but it was not used as --<br/>21 MS. VARGAS: As the conditioning use, as<br/>22 described as a -- what's it described to be used as? A<br/>23 residential care facility in association with an<br/>24 educational program. So it wasn't being used as that.<br/>25 THE HEARING EXAMINER: And did you ever go</p> | <p>11</p> <p>1 sent to the Office of Zoning and Administrative<br/>2 Hearings. And you indicated in that letter -- could you<br/>3 just read the second paragraph of that letter?<br/>4 MS. VARGAS: Yes. "The recent field<br/>5 inspection revealed that the conditioning use is not<br/>6 being implemented in accordance to Section 59-7.3.2.1.L1<br/>7 of the Montgomery County Zoning Ordinance. And DPS is<br/>8 referring Conditioning Use 20-06 to the hearing examiner<br/>9 to be revoked -- to revoke the expired conditioning use<br/>10 as it has not been implemented by the extension deadline<br/>11 of June 3rd, 2024."<br/>12 THE HEARING EXAMINER: Okay. So this was<br/>13 back around July of 2024. Did you have any further<br/>14 inspection? You said you had some further inspection or<br/>15 further meetings with --<br/>16 MS. VARGAS: No. That was the -- that was<br/>17 the --<br/>18 THE HEARING EXAMINER: That was the same<br/>19 one?<br/>20 MS. VARGAS: That was the last meeting,<br/>21 yeah.<br/>22 THE HEARING EXAMINER: Okay. And what did<br/>23 you learn from them?<br/>24 MS. VARGAS: When I was speaking to<br/>25 Ms. Shanrong Li at the inspection, she mentioned that,</p>                                                                                                                                                                                     |
| <p>10</p> <p>1 back for a reinspection?<br/>2 MS. VARGAS: I went twice. And, yes, the<br/>3 second time I met with a representative from Redley<br/>4 Capital.<br/>5 THE HEARING EXAMINER: Any members of the<br/>6 public, perhaps, if you could kindly sign in? There's a<br/>7 sign-in sheet. That's the official record that you're<br/>8 present at the entrance. Thank you.<br/>9 MS. VARGAS: I just wanted to make a<br/>10 clarification that I met with Shanrong Li from Redley<br/>11 Capital at the property.<br/>12 MS. GROESBECK: This is about Shanrong?<br/>13 MS. VARGAS: This is about Case 20-06,<br/>14 Redley Capital.<br/>15 MS. GROESBECK: We're here for that, too.<br/>16 THE HEARING EXAMINER: And you are?<br/>17 MS. GROESBECK: We've entered into an<br/>18 agreement with Shanrong.<br/>19 THE HEARING EXAMINER: Okay. You may sign<br/>20 in and take a seat.<br/>21 MS. GROESBECK: Thank you.<br/>22 THE HEARING EXAMINER: Actually, I just<br/>23 want to make some factual findings about exactly what<br/>24 you observed when you -- we've pulled up your letter,<br/>25 Exhibit 2, which is a letter dated July 10th that you</p>                                                      | <p>12</p> <p>1 basically, nothing materialized between them and the<br/>2 school -- the Friends School that they were to do the<br/>3 educational program with. However, they still have<br/>4 their own educational program that they administered<br/>5 themselves. However, the property itself, as the<br/>6 conditioning use stated, was to be used as a residential<br/>7 care facility in conjunction with the educational<br/>8 program.<br/>9 So because the educational program, from<br/>10 what she expressed to me, did not materialize, they also<br/>11 did not go further into the residential care facility.<br/>12 They just continued to use the home as a home.<br/>13 THE HEARING EXAMINER: I see.<br/>14 MS. VARGAS: Oh. Also, the property has<br/>15 two buildings on it. There is a primary residence at<br/>16 the front of the building -- at the front of the<br/>17 property, and to the rear is where the residential care<br/>18 facility was to be housed. The front of the property is<br/>19 currently rented out to two families; and that, from my<br/>20 knowledge, is being done so per code, to my knowledge.<br/>21 It is the property in the rear of -- the building in the<br/>22 rear of the property that is in question. DPS has no<br/>23 matter concerning the rental property of the primary<br/>24 residence.<br/>25 THE HEARING EXAMINER: I see. And is it</p> |

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| <p style="text-align: right;">13</p> <p>1 still your position today that the conditional use has<br/>2 not been implemented and, therefore, should be revoked?<br/>3 MS. VARGAS: Yes.<br/>4 THE HEARING EXAMINER: Thank you very<br/>5 much, Ms. Vargas.<br/>6 DHCA, does DHCA have anything to add?<br/>7 MR. HOWLEY: No, Your Honor, other than to<br/>8 suggest that we received an e-mail from Ms. Li, the<br/>9 owner's -- Redley's -- representative, earlier this week<br/>10 to indicate that the -- that the property was vacant.<br/>11 We have not been able to perform an inspection to<br/>12 corroborate that, but we intend to.<br/>13 THE HEARING EXAMINER: Thank you. Do you<br/>14 have anything to say -- do you have any opinion or<br/>15 anything to say on whether or not this conditional use<br/>16 should be revoked?<br/>17 MR. HOWLEY: I don't, ma'am. This came to<br/>18 us initially because of noise complaints from adjacent<br/>19 neighbors, and that's how we became involved.<br/>20 THE HEARING EXAMINER: Okay. My<br/>21 apologies. I should have taken your name for the<br/>22 record. The court reporter is reminding me. Could you<br/>23 please state your full name, and then I'll place you<br/>24 under oath.<br/>25 MR. HOWLEY: Sure. My name is Tom Howley.</p> | <p style="text-align: right;">15</p> <p>1 Permitting Services, neighbors of the facility report<br/>2 that they have been plagued by frequent and flagrant<br/>3 violations of the conditional use permit." And there's<br/>4 a long list, including loud, large, and late-night<br/>5 parties; failure to protect against vermin; families<br/>6 with adults and children residing in a facility that was<br/>7 proposed as a residential, fully-staffed facility for<br/>8 foster youth; and failure to maintain the swimming pool<br/>9 and the grounds, so the pool became a fetid swamp; and<br/>10 the grounds have been littered with trash and empty<br/>11 alcohol containers. That's just an excerpt from one of<br/>12 the letters in the record marked Exhibit 5D.<br/>13 So under Exhibit 5, we actually have a<br/>14 collection of letters. There are various other letters<br/>15 from other neighbors as well.<br/>16 I would like to mention on the record that<br/>17 we did mail out notice of this hearing to the<br/>18 representative of Redley Capital, Shanrong Li, and I<br/>19 would like to enter into the record as Exhibit -- let me<br/>20 see where we are with the exhibit list. I believe this<br/>21 will be entered as Exhibit 12, but I just want to<br/>22 confirm that. So we currently have Exhibits 1 through<br/>23 11 in the record. The exhibits that have been entered<br/>24 since the last hearing in February are Exhibit 9, which<br/>25 is a transcript of the February 25th hearing; Exhibit 10</p> |
| <p style="text-align: right;">14</p> <p>1 I'm a program manager with DHCA.<br/>2 THE HEARING EXAMINER: Okay. Do you<br/>3 promise to tell the truth, the whole truth, and nothing<br/>4 but the truth?<br/>5 MR. HOWLEY: I do.<br/>6 THE HEARING EXAMINER: And since you have<br/>7 given some testimony already, could you kindly confirm<br/>8 that that was the truth, the whole truth, and nothing<br/>9 but the truth?<br/>10 MR. HOWLEY: What I have said previously<br/>11 was the truth, the whole truth, and nothing but the<br/>12 truth, yes, ma'am.<br/>13 THE HEARING EXAMINER: Thank you very<br/>14 much. Okay. So you said this came to you by way of<br/>15 complaints from?<br/>16 MR. HOWLEY: Adjacent neighbors with<br/>17 regard to noise, specifically, late at night. And it<br/>18 was then that we did some investigation and found this<br/>19 conditional use and reached out to our colleagues at<br/>20 DPS.<br/>21 THE HEARING EXAMINER: And I should<br/>22 mention for the record that we do have an Exhibit 5D,<br/>23 which is a letter from the Sandy Spring Civic<br/>24 Association, indicating that, "Consistent with the<br/>25 findings of the Montgomery County Department of</p>                                                                                      | <p style="text-align: right;">16</p> <p>1 is an order reopening the record; Exhibit 11 is a second<br/>2 Show Cause hearing notice.<br/>3 I would like to now enter into the record<br/>4 as Exhibit 12, a collection of the mailing receipts.<br/>5 The notice of this hearing was sent to Ms. Li at two<br/>6 addresses that we have on record. One came back<br/>7 undelivered, and the rest did not, but we do have the<br/>8 certified receipts confirming receipt that she signed<br/>9 for them. So I would like to collectively -- to add the<br/>10 whole collection of certified mailing receipts as<br/>11 Exhibit 12.<br/>12 (Exhibit Number 12 was marked for<br/>13 identification and received into evidence.)<br/>14 THE HEARING EXAMINER: Any member of the<br/>15 public wishing to speak may come forward to the --<br/>16 MS. VARGAS: I just wanted to add also --<br/>17 Jennyffer Vargas from DPS -- that we have not received<br/>18 any communications, any letters, any phone calls,<br/>19 anything from Redley Capital regarding this -- regarding<br/>20 the letter that we sent, regarding our inspections, or<br/>21 this hearing.<br/>22 THE HEARING EXAMINER: So the letter that<br/>23 I referred to earlier, your July letter, you received no<br/>24 response?<br/>25 MS. VARGAS: Since then, yes.</p>                                                                                                                                                                                                              |

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| <p>17</p> <p>1 THE HEARING EXAMINER: Okay. And your<br/>2 meeting with them was after that letter?<br/>3 MS. VARGAS: Yes. My management had a<br/>4 meeting with Redley Capital that I was not -- I was not<br/>5 in, I believe. But since then --<br/>6 THE HEARING EXAMINER: When was that<br/>7 meeting?<br/>8 MS. VARGAS: My management -- again,<br/>9 management had that meeting. I was not made aware.<br/>10 THE HEARING EXAMINER: Do you know if that<br/>11 meeting was before your inspection or after?<br/>12 MS. VARGAS: It was after.<br/>13 THE HEARING EXAMINER: It was after your<br/>14 inspection?<br/>15 MS. VARGAS: But since that meeting, after<br/>16 that inspection, we -- I haven't received any new<br/>17 communications from my management. Management hasn't<br/>18 relayed that we've received any new communication from<br/>19 Redley. The only communication that we received was for<br/>20 this hearing.<br/>21 THE HEARING EXAMINER: Okay. Could you<br/>22 kindly check in with management?<br/>23 MS. VARGAS: Yes, I will.<br/>24 THE HEARING EXAMINER: Because if they met<br/>25 with Redley after your inspection, it's relevant</p> | <p>19</p> <p>1 notice of this hearing from your office, and so we<br/>2 appreciated that -- that, therefore, we're here. About<br/>3 5B -- Exhibit 5B, it goes on, on the back page, to say,<br/>4 "We, as the Sandy Spring Civic Association, basically<br/>5 disagree with all of the way that Ms. Li has handled<br/>6 things, except" -- and the last line is that, "an<br/>7 instructive example would be, we, the Civic Association,<br/>8 would approve of, an instructive example would be the<br/>9 use of the facilities to house boarding students of<br/>10 nearby Sandy Spring Friends School, with the faculty<br/>11 member residing at the facility to monitor activities,<br/>12 impose appropriate discipline, and guide students on<br/>13 activities, such as shopping or field trips."<br/>14 That's -- we have approval, the school, to<br/>15 have a relationship there, because they felt that we<br/>16 would add all those things -- no litter, no language, no<br/>17 loud -- and we would have a resident there. We entered<br/>18 into a formal contract with her -- and I didn't bring a<br/>19 copy, I guess I should have. It was signed on the 17th<br/>20 of July -- January -- the 17th of January, and it's<br/>21 signed by me as head of school and Shanrong Li.<br/>22 She signed it on the 16th. I signed it on<br/>23 the 17th. It had been negotiated by my colleague and I<br/>24 with our lawyer, and it is a valid use of that land,<br/>25 that building, for a boarding facility. It's completely</p> |
| <p>18</p> <p>1 information. I mean, I don't know what happened, but if<br/>2 Redley did not reply --<br/>3 MS. VARGAS: Yes.<br/>4 THE HEARING EXAMINER: -- but they had a<br/>5 meeting, that's relevant information.<br/>6 MS. VARGAS: Yes, ma'am.<br/>7 THE HEARING EXAMINER: Okay. Thank you.<br/>8 If you could please press the base and<br/>9 that would turn green. Please identify yourself, your<br/>10 name and --<br/>11 MS. GROESBECK: My name is Dr. Susan R.<br/>12 Groesbeck, and I'll spell that, G-R-O-E-S-B-E-C-K, and<br/>13 I'm the head of school at Sandy Spring Friends School.<br/>14 THE HEARING EXAMINER: Thank you.<br/>15 MS. MURRAY: And my name is Shamika<br/>16 Murray, S-H-A-M-I-K-A, M-U-R-R-A-Y, and I'm the director<br/>17 of enrollment management at Sandy Spring Friends School.<br/>18 THE HEARING EXAMINER: Thank you. If you<br/>19 could kindly raise your right hand, and do you promise<br/>20 to tell the truth, the whole truth, and nothing but the<br/>21 truth?<br/>22 MS. GROESBECK: I do.<br/>23 THE HEARING EXAMINER: You may proceed and<br/>24 testify.<br/>25 MS. GROESBECK: Well, we -- I received</p>                 | <p>20</p> <p>1 outlined in this agreement how many students, what --<br/>2 what she'll give to us, what we'll pay to her -- and we<br/>3 consider this contract valid. It's not been annulled.<br/>4 THE HEARING EXAMINER: And you're saying,<br/>5 from the signing of that agreement, have any steps been<br/>6 taken to implement any of what was agreed?<br/>7 MS. GROESBECK: Yes. We met with her<br/>8 personally in March -- all of this is documented,<br/>9 because we, like you, couldn't get her to respond. But<br/>10 we, meanwhile, on this signed agreement, we sent out<br/>11 contracts to our boarding students. So we're talking<br/>12 hundreds of thousands of dollars of liability on our<br/>13 part, that from this contract, we didn't take her at her<br/>14 word, it's -- how many iterations do you think this --<br/>15 we went through our lawyer, her lawyer, our lawyer, her<br/>16 lawyer. This had been negotiated since December.<br/>17 Finally signed on the 16th and 17th of this year.<br/>18 Then we, as a school, with this, having<br/>19 that boarding house as approved by the Civic Association<br/>20 and per legal contract, we then sent out contracts to 22<br/>21 people, of which we were going to select eight to --<br/>22 according to the contract, the number that we agreed to.<br/>23 But in that she hasn't been responsive, she said she was<br/>24 selling the property. She also said she had sold the<br/>25 property prior to even signing this.</p>                                 |

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| <p>21</p> <p>1 So we started a legal process -- our<br/>2 attorney is Grace Lee with Venable's in D.C. -- to say,<br/>3 "You signed this. We initiated then contracts with our<br/>4 people, and we intend to go forward." That's where we<br/>5 are. And that's when we got your summon -- not<br/>6 summon --<br/>7 THE HEARING EXAMINER: Notice.<br/>8 MS. GROESBECK: -- indication notice. We<br/>9 were very happy to come because we'd like to enact this.<br/>10 THE HEARING EXAMINER: We would like to<br/>11 enter -- could we enter a copy of your agreement with<br/>12 Ms. Li?<br/>13 MS. GROESBECK: Okay.<br/>14 THE HEARING EXAMINER: And I know you said<br/>15 you did not bring a copy, but maybe our office can<br/>16 assist you.<br/>17 MS. GROESBECK: I'm so sorry.<br/>18 THE HEARING EXAMINER: That's all right.<br/>19 That's fine. Thank you.<br/>20 MS. GROESBECK: It's a well-executed<br/>21 arrangement for us to pay her an enormous amount of<br/>22 money, and then we took in deposits for boarding for<br/>23 next year. And this -- the renegeing on this contract<br/>24 impacts our business tremendously, both by reputation<br/>25 and that we have students with no housing.</p>                                                                                                                                                                                                                                         | <p>23</p> <p>1 MS. GROESBECK: Well, I think assisted<br/>2 living wouldn't -- I don't know, that's not my area of<br/>3 expertise, but I don't know if that would satisfy the<br/>4 Sandy Spring Civic Association. It's in a residential<br/>5 zone, and so she has to have a variance to even be<br/>6 there. So I don't know if there's any -- that would be<br/>7 a court's decision -- any hope to have assisted living<br/>8 there.<br/>9 THE HEARING EXAMINER: Thank you very<br/>10 much.<br/>11 MS. GROESBECK: But in that we had a<br/>12 signed agreement, we thought we were -- we precede that<br/>13 information. If they're signing in March -- or settling<br/>14 in March, we have a signed agreement in January.<br/>15 THE HEARING EXAMINER: So that aspect is<br/>16 outside of the scope of this. You know, whatever legal<br/>17 avenues you pursue with her are outside of the scope of<br/>18 this. What's before us is whether we are going to<br/>19 revoke -- whether the Office of Zoning and<br/>20 Administrative Hearings will revoke the conditional use<br/>21 that was approved in 2020. We appreciate hearing from<br/>22 you. This is very relevant information. And I would<br/>23 like to enter this agreement that you've referred to,<br/>24 marking it as Exhibit 13, and entering it into the<br/>25 record, if there's no objection.</p> |
| <p>22</p> <p>1 THE HEARING EXAMINER: And you indicated<br/>2 that she has told you that she sold the property. We<br/>3 also -- we did receive an e-mail from a real estate --<br/>4 MS. GROESBECK: We tried to track that<br/>5 down, and we tried to see if it was ever enacted, but<br/>6 the point is that she -- that's really not our<br/>7 obligation. She said, "Oh, I've sold the property."<br/>8 And I was very clear, "We have a contract. You can't<br/>9 sell the property, unless you do steps along with this<br/>10 contract."<br/>11 I think it speaks to an avoidance. We<br/>12 just can't reach her. She'll say she's in China or --<br/>13 and we have actually a long-term relationship with her.<br/>14 Our people were boarded there during the pandemic. So<br/>15 we have been -- that's why the town, I think, said, "Oh,<br/>16 it would be okay if this group were there."<br/>17 THE HEARING EXAMINER: Yes. We do have in<br/>18 here an exhibit, which is an e-mail, Exhibit 7, which is<br/>19 an e-mail from Pamela DuBois, indicating that the<br/>20 property was under contract to be sold; and that the new<br/>21 owners were intending -- "I wanted to reach out and let<br/>22 you know this property is currently being sold, and will<br/>23 settle at the end of March. The owners will be using it<br/>24 as an assisted living, and will contact you directly<br/>25 once it closes to apply for the license."</p> | <p>24</p> <p>1 (Exhibit Number 13 was marked for<br/>2 identification and received into evidence.)<br/>3 MS. GROESBECK: I don't quite understand,<br/>4 if the special use permit gets revoked, then is our<br/>5 contract invalid?<br/>6 THE HEARING EXAMINER: You would have to<br/>7 seek legal advice and counsel on that. I cannot speak<br/>8 to the -- I haven't even looked at this agreement. I<br/>9 cannot speak to what happens --<br/>10 MS. GROESBECK: Right.<br/>11 THE HEARING EXAMINER: -- with that<br/>12 agreement. If the conditional use is revoked, then the<br/>13 use that you apparently have contracted for would not be<br/>14 permitted until a new conditional use was sought.<br/>15 MS. GROESBECK: We would hope then that<br/>16 the -- because the Sandy Spring Civic Association was<br/>17 also for revoking the use, unless -- and this very<br/>18 telling paragraph at the end of 5B that says, "Unless<br/>19 it's to this particular use." And so I'm here to<br/>20 implore you that we still need this for our business<br/>21 going forward. These are young adults -- to attend our<br/>22 school. And we've been in the business there since<br/>23 1961.<br/>24 THE HEARING EXAMINER: Okay. So what I'm<br/>25 hearing from you is you're asking to not have the use</p>                                                             |

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| <p>25</p> <p>1 revoked. What you would like to see is the use properly<br/>2 used as approved.<br/>3 MS. GROESBECK: Yes.<br/>4 THE HEARING EXAMINER: Any response from<br/>5 the DPS on that?<br/>6 MS. VARGAS: In regards to the business<br/>7 use -- and again, DPS has no vested interest in<br/>8 whatever, as long as the property is being used per<br/>9 code. That's all DPS's vested interest is. And if the<br/>10 property is to stay with the conditional use, that it<br/>11 will be used per the conditional use agreement, and if<br/>12 it's not going to be used per the conditional use, it<br/>13 will be reverted back into the R-200 status.<br/>14 THE HEARING EXAMINER: And, you know, one<br/>15 thing I keep going back to, so we have -- there are two<br/>16 separate issues: there's the conditional use. The<br/>17 conditional use would be abandoned if it was never<br/>18 implemented. So if conditional use is approved, you<br/>19 never use it as -- you never implement it, then it's<br/>20 abandoned. But you also have, you implement the use,<br/>21 but you're in violation. You know, you're not meeting<br/>22 the conditions. Which bucket does this fall into?<br/>23 MS. VARGAS: This falls into the<br/>24 conditional use has not been implemented. And for -- to<br/>25 us as DPS, it is abandoned as of June 3rd, 2024, as to</p>                                      | <p>27</p> <p>1 based on this record, I could make a decision, but this<br/>2 is new information.<br/>3 MS. GROESBECK: Well, how did we get<br/>4 called? We had to be somewhere in the system to get<br/>5 this notice to come today.<br/>6 THE HEARING EXAMINER: Correct, yes. So<br/>7 we have regulations that govern who's entitled to<br/>8 notice --<br/>9 MS. GROESBECK: Okay.<br/>10 THE HEARING EXAMINER: -- starting with<br/>11 whoever would have been a party to the underlying<br/>12 conditional use.<br/>13 MS. GROESBECK: Okay.<br/>14 THE HEARING EXAMINER: When the<br/>15 conditional use was approved back in 2020, anyone who<br/>16 was a party is entitled to notice when the use is being<br/>17 revoked.<br/>18 MS. GROESBECK: And when this was<br/>19 submitted on February 14th -- so after our contract with<br/>20 her on the 17th of January, and then we got this notice<br/>21 on February 14th from Sandy Spring Civic Association,<br/>22 and it said, they're really just not doing a good job,<br/>23 except if you do this. We took that as double guarantee<br/>24 that we were the only ones that could use it and satisfy<br/>25 the Civic Association. So we thought we were golden.</p> |
| <p>26</p> <p>1 when the date of the extension was granted up to.<br/>2 And just to also give you the information<br/>3 you requested earlier, I spoke to management, and the<br/>4 meeting that we had was not with Redley Capital. It was<br/>5 within our division. It was with other managers. And<br/>6 for what my manager discussed with me was that we have<br/>7 not received any communications from Redley Capital<br/>8 since my letter, July 10th, 2024.<br/>9 THE HEARING EXAMINER: So this was an<br/>10 internal meeting within DPS?<br/>11 MS. VARGAS: Yes.<br/>12 MS. GROESBECK: Without speaking out of<br/>13 turn, we've had lots of meetings with her, including<br/>14 delivery from her at Chinese New Year of presents. So<br/>15 it came to us as a -- really a shock to hear of a March<br/>16 sale. It just speaks -- it's a -- yes, you're right.<br/>17 We have got to go forward. We've engaged a lawyer to<br/>18 say, "You need to implement this." But I wonder what<br/>19 was told to the new buyer about what use could be used.<br/>20 That's the kind of thing we want to maintain, that we<br/>21 have an agreement, a solid agreement, that's going to<br/>22 be, for us, hundreds of thousands of dollars in<br/>23 detriment. So I don't know when it goes to criminal. I<br/>24 don't -- that's for our lawyer, I hear you say.<br/>25 THE HEARING EXAMINER: Yes. You know,</p> | <p>28</p> <p>1 THE HEARING EXAMINER: Do you have<br/>2 students --<br/>3 MS. GROESBECK: Yes.<br/>4 THE HEARING EXAMINER: -- in this place?<br/>5 MS. GROESBECK: Oh, no, no, no.<br/>6 THE HEARING EXAMINER: You would like to?<br/>7 MS. GROESBECK: No --<br/>8 THE HEARING EXAMINER: You have students<br/>9 that you would like to have --<br/>10 MS. GROESBECK: The agreement starts on<br/>11 August of this coming year.<br/>12 THE HEARING EXAMINER: I see. So you have<br/>13 an agreement with her to have students housed there<br/>14 starting August.<br/>15 MS. GROESBECK: The school year 2025/26.<br/>16 And it starts, and it ends, and it says all the<br/>17 obligations that she has, and all the obligations that<br/>18 we have. And we're meeting them all. And ours are<br/>19 financial to her, and agreements to have a faculty<br/>20 member live there as discipline and liaison to the<br/>21 school. She talked about buying a van. It was grand<br/>22 plans. So very deceptive.<br/>23 THE HEARING EXAMINER: A question for DPS.<br/>24 I feel like we need to track down the new owner. Do we<br/>25 know -- no one has come forward to register the new --</p>                                      |

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| <p>29</p> <p>1 MS. VARGAS: As of today, the SDAT still<br/>2 shows Redley Capital as the property owner. DPS has not<br/>3 had any conversations with anybody regarding this<br/>4 property, either current owners or future owners, since<br/>5 July of 2024.</p> <p>6 MS. GROESBECK: And I believe the future<br/>7 owner would have been deceived, because I don't think<br/>8 they could just assume a different -- or a public use,<br/>9 other than what I know, that would work on that property<br/>10 in a residential zone. So --</p> <p>11 THE HEARING EXAMINER: So between the<br/>12 testimony of DPS and whatever we have on the record, it<br/>13 seems clear to me that they have not implemented the<br/>14 use, or certainly are not using it as --</p> <p>15 MS. VARGAS: Intended.</p> <p>16 THE HEARING EXAMINER: -- as intended. I<br/>17 am concerned, however, having learned that if this got<br/>18 revoked now, there's -- clearly, there's a school that<br/>19 will be impacted, and there's an owner out there who --<br/>20 I don't know that they are aware of this. So I am<br/>21 feeling inclined to do a further inspection to at least<br/>22 try and track down who is the current owner. It sounds<br/>23 like on the record you think it's still Redley?</p> <p>24 MS. VARGAS: Not that we think; we know<br/>25 per SDAT. SDAT has not --</p>                                 | <p>31</p> <p>1 another date. It doesn't have to be an in-person<br/>2 hearing. We can do this virtually. But if I announce<br/>3 the date here, then we don't have to mail out new<br/>4 notices. So let me just look at the calendar real<br/>5 quick.</p> <p>6 MS. GROESBECK: May I grab my calendar?</p> <p>7 THE HEARING EXAMINER: Yes. We are<br/>8 already scheduling hearings out to August, but then<br/>9 August doesn't really help. An August date doesn't<br/>10 really help out the school. So today is May 8th.</p> <p>11 MS. GROESBECK: Our enrollment contracts<br/>12 are due on the 15th of May, and we stand to lose all<br/>13 that income.</p> <p>14 THE HEARING EXAMINER: I am inclined to<br/>15 reschedule this to June, to reconvene in a month -- in<br/>16 about a month. If we could reconvene on Thursday,<br/>17 June 12th? Let's reconvene on Thursday, June 12th at<br/>18 9:30 a.m. And, in fact, we could do it as a hybrid<br/>19 hearing, but I will still convene it in person as well,<br/>20 only because Ms. Li is not here, so I don't want to get<br/>21 into -- if it's purely virtual, then I'm a little bit<br/>22 concerned about attendance. So let's reconvene for<br/>23 Thursday, June 12th, and I will provide further guidance<br/>24 on that date. It gives me an opportunity to review the<br/>25 records here.</p> |
| <p>30</p> <p>1 THE HEARING EXAMINER: I see.</p> <p>2 MS. VARGAS: If -- DPS cannot go on<br/>3 speculation. What we have in front of us is Redley<br/>4 Capital is currently the owner. We have not received<br/>5 any communications from Redley Capital or any future<br/>6 prospective owners regarding this property, or any<br/>7 prospective uses of this property. Right now DPS's<br/>8 position is that currently Redley is the property owner.<br/>9 They have not implemented the conditional use, and thus,<br/>10 it should be revoked.</p> <p>11 THE HEARING EXAMINER: Thank you. Thank<br/>12 you for that confirmation.</p> <p>13 MS. GROESBECK: We did receive some fairly<br/>14 threatening phone calls from the realtor that, "We're<br/>15 going to sell it." So we don't know if it's been sold.<br/>16 We tried to find out on record also. We could not find<br/>17 that it had been sold in March. We fully intend to<br/>18 implement this, if we can.</p> <p>19 THE HEARING EXAMINER: What I would like<br/>20 to do then, with all of this information, I will not<br/>21 make a decision on the spot. I would like to schedule a<br/>22 subsequent date just so I can go and review. I haven't<br/>23 even looked at the agreement that's been submitted here.<br/>24 Now we have heard from DPS. Thank you very much. I<br/>25 would like to review all of this. I would like to set</p> | <p>32</p> <p>1 I would like to consider the option of<br/>2 compelling attendance, you know, maybe by subpoena,<br/>3 because revocation of the conditional use is drastic,<br/>4 given the information I've just received. But we cannot<br/>5 have this go on indefinitely.</p> <p>6 MS. VARGAS: Yes. And DPS will perform<br/>7 another inspection between then and now, just to confirm<br/>8 what we have seen onsite from the last inspection as<br/>9 well.</p> <p>10 THE HEARING EXAMINER: Thank you very<br/>11 much. That would be great.</p> <p>12 Yes?</p> <p>13 MS. MURRAY: So from now until the next<br/>14 hearing, the conditional use is in place, or is it just<br/>15 in limbo?</p> <p>16 THE HEARING EXAMINER: Well, a decision<br/>17 will have to be made on that. By operation of law, it<br/>18 may very well be that this conditional use has already<br/>19 lapsed by -- so when a conditional use is granted, it<br/>20 should be implemented by a certain time frame. You can<br/>21 come and seek an extension -- which was done previously.<br/>22 But when the last extension expired, there's been no<br/>23 further extension. By operation of law -- I mean, I<br/>24 don't want to make a ruling off the top of my head, but<br/>25 it's a very likely outcome that this already has lapsed</p>                                       |

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| <p>33</p> <p>1 by operation of law.</p> <p>2 MS. GROESBECK: So we entered into a</p> <p>3 contract with her ill-advised because it wasn't --</p> <p>4 THE HEARING EXAMINER: You know --</p> <p>5 MS. GROESBECK: -- (indiscernible) for us?</p> <p>6 THE HEARING EXAMINER: -- you absolutely</p> <p>7 should talk to your attorneys about that, because there</p> <p>8 are some serious legal ramifications here, and you</p> <p>9 may -- you know, I cannot give legal advice about what</p> <p>10 the legal impact is for you, but we can -- certainly, I</p> <p>11 can let you know that from a zoning standpoint, it's --</p> <p>12 you know, I just want to be extremely careful before</p> <p>13 formally ordering revocation, but it's very likely that</p> <p>14 this already expired because it was never renewed.</p> <p>15 MS. MURRAY: Okay.</p> <p>16 THE HEARING EXAMINER: But as for your</p> <p>17 legal rights, especially if they were engaging in a</p> <p>18 contract knowing that a conditional use had already</p> <p>19 expired, that's something for which you need to seek</p> <p>20 legal advice from your attorneys.</p> <p>21 MS. VARGAS: Can I ask, do you have the</p> <p>22 contact information for the lawyers that you dealt with</p> <p>23 in January, so we can also send them notice of our</p> <p>24 inspection?</p> <p>25 MS. GROESBECK: You mean, who wrote this?</p> | <p>35</p> <p>1 THE HEARING EXAMINER: Yes.</p> <p>2 MS. GROESBECK: Do you know whether there</p> <p>3 will be a long docket or --</p> <p>4 THE HEARING EXAMINER: Today, this was the</p> <p>5 only case on the calendar.</p> <p>6 MS. GROESBECK: All right.</p> <p>7 THE HEARING EXAMINER: So if you go to the</p> <p>8 OZAH website, all our hearings are listed, and for</p> <p>9 today, this was the only case.</p> <p>10 MS. GROESBECK: Okay. Thank you.</p> <p>11 And another thing, by then, our</p> <p>12 opportunity -- our use of this will have passed. We --</p> <p>13 we needed it today, so we were hoping she would be here</p> <p>14 today. That's our problem.</p> <p>15 THE HEARING EXAMINER: Yeah. I'm so sorry</p> <p>16 to hear that. I mean, my jurisdiction is confined --</p> <p>17 MS. GROESBECK: I understand.</p> <p>18</p> <p>19</p> <p>20 THE HEARING EXAMINER: -- to just</p> <p>21 adjudicating the conditional use.</p> <p>22 MS. GROESBECK: I understand. We have</p> <p>23 children -- there are wonderful people who were counting</p> <p>24 on us.</p> <p>25</p> |
| <p>34</p> <p>1 MS. VARGAS: Whoever you met with in</p> <p>2 January, because it may not be the same people that</p> <p>3 we're sending information to. So if you have their</p> <p>4 contact information.</p> <p>5 MS. GROESBECK: It's Grace Lee at</p> <p>6 Venable's in D.C.</p> <p>7 MS. VARGAS: Not your lawyer.</p> <p>8 MS. GROESBECK: Oh.</p> <p>9 MS. VARGAS: The lawyers that you met with</p> <p>10 in relation to Redley Capital.</p> <p>11 MS. GROESBECK: Our lawyer would write</p> <p>12 this, and then we'd send it to her, and it would come</p> <p>13 back.</p> <p>14 MS. VARGAS: In mail?</p> <p>15 MS. GROESBECK: Yeah. We never met her</p> <p>16 counsel. I just know our counsel.</p> <p>17 THE HEARING EXAMINER: Okay. So we will</p> <p>18 reconvene on Thursday, June 12th at 9:30 a.m. in this</p> <p>19 same location. We will confirm whether that's -- it</p> <p>20 definitely will be an in-person hearing, but there may</p> <p>21 be a virtual option.</p> <p>22 MR. HOWLEY: Okay.</p> <p>23 MS. GROESBECK: And is there a way for us</p> <p>24 to check the docket, as it would likely be right at 9:30</p> <p>25 then?</p>                                                                                                                                                                                                                                               | <p>36</p> <p>1 THE HEARING EXAMINER: All right. The</p> <p>2 hearing is adjourned to June 12th.</p> <p>3 (Proceedings concluded at 10:14 a.m.)</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</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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CERTIFICATE OF COURT REPORTER -- NOTARY PUBLIC

I, Marcellous Grant, the officer before whom  
the foregoing proceedings were taken, do hereby certify  
that any witness in the foregoing proceedings was duly  
sworn; that the proceedings were recorded by me and  
thereafter reduced to typewriting by a qualified  
transcriptionist; that said digital audio recording of  
said proceedings are a true and accurate record, to the  
best of my knowledge, skills, and ability; and that I am  
neither counsel for, related to, nor employed by any of  
the parties to this case, and have no interest,  
financial or otherwise, in its outcome.

*Marcellous T. Dixon-Grant*

MARCELLOUS GRANT  
NOTARY PUBLIC IN AND FOR  
THE STATE OF MARYLAND

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CERTIFICATE OF TRANSCRIBER

I, Sandra Ann Masterpole, do hereby certify  
that this transcript was prepared from the digital audio  
recording of the foregoing proceeding; that said  
transcript is a true and accurate record of the  
proceedings to the best of my knowledge, skills, and  
ability; and that I am neither counsel for, related to,  
nor employed by any of the parties to the case and have  
no interest, financial or otherwise, in its outcome.

*Sandra Ann Masterpole*

SANDRA ANN MASTERPOLE  
MAY 19, 2005

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| A                                                                                                     |                                                                                                                                                              |                                                                                                                                                                  |                                                                                             |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>abandon</b><br>8:10                                                                                | <b>administrative</b><br>1:2, 2:4, 6:1,<br>11:1, 23:20                                                                                                       | 33:14, 33:18                                                                                                                                                     | <b>apply</b><br>22:25                                                                       |
| <b>abandoned</b><br>8:17, 25:17,<br>25:20, 25:25                                                      | <b>adults</b><br>15:6, 24:21                                                                                                                                 | <b>also</b><br>3:14, 12:10,<br>12:14, 16:16,<br>20:24, 22:3,<br>24:17, 25:20,<br>26:2, 30:16,<br>33:23                                                           | <b>appreciate</b><br>23:21                                                                  |
| <b>abandonment</b><br>5:10                                                                            | <b>advice</b><br>24:7, 33:9,<br>33:20                                                                                                                        | <b>amount</b><br>21:21                                                                                                                                           | <b>appreciated</b><br>19:2                                                                  |
| <b>ability</b><br>37:10, 38:8                                                                         | <b>affairs</b><br>3:10                                                                                                                                       | <b>ann</b><br>1:24, 38:3,<br>38:14                                                                                                                               | <b>appropriate</b><br>19:12                                                                 |
| <b>able</b><br>13:11                                                                                  | <b>after</b><br>17:2, 17:11,<br>17:12, 17:13,<br>17:15, 17:25,<br>27:19                                                                                      | <b>announce</b><br>31:2                                                                                                                                          | <b>approval</b><br>19:14                                                                    |
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Conducted on May 8, 2025

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Conducted on May 8, 2025

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Transcript of Hearing  
Conducted on May 8, 2025

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