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# Transcript of Hearing

**Date:** March 25, 2026

**Case:** Garrett Gateway Partners, LLC

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Transcript of Hearing  
Conducted on March 25, 2026

<p>1 BEFORE THE OFFICE OF 2 ZONING AND ADMINISTRATIVE HEARINGS 3 FOR MONTGOMERY COUNTY, MARYLAND 4 -----x 5 IN RE: : Case No.: 6 GARRETT GATEWAY PARTNERS, LLC : CU 16-11 7 -----x 8 9 10 11 12 13 HEARING 14 BEFORE LYNN ROBESON HANNON, HEARING OFFICER 15 Conducted Virtually 16 Wednesday, March 25, 2026 17 8:34 a.m. 18 19 20 21 22 23 Job No.: 623498 24 Pages: 1 - 34 25 Recorded By: Sue Pybas</p>	<p>1 A P P E A R A N C E S 2 3 DEAN PACKARD - Garrett Gateway Partners, LLC 4 GREG NICHOLS - Montgomery County Department of 5 Permitting Services 6 JOSH KAYE - Montgomery County Planning Department 7 JONY ALEXANDER GUISAO-OSPINA - Montgomery County 8 Department of Permitting Services 9 JUSTIN HUGHES - Cashell Estates Resident 10 MATTHEW ROONEY - Cashell Estates Resident 11 KIMBERLY ROONEY - Cashell Estates Resident 12 PATTI SIMONE - Cashell Estates Resident 13 NICOLE SOLTYKA - Cashell Estates Resident 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 Hearing, conducted virtually 2 3 4 5 6 7 8 9 10 11 12 Pursuant to agreement, before Sue Pybas, 13 Notary Public in and for the State of 14 Missouri. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 C O N T E N T S PAGE 2 Proceedings 5 3 4 5 E X H I B I T S 6 (None marked) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 THE HEARING OFFICER: All right. Would</p> <p>3 you please -- would the court reporter please turn</p> <p>4 her camera off?</p> <p>5 And with that, I am calling the</p> <p>6 case of CU 16-11, a show cause proceeding of -- in</p> <p>7 the matter of Garrett Gateway Partners. Is -- are</p> <p>8 the parties ready?</p> <p>9 MR. PACKARD: Yes.</p> <p>10 THE HEARING OFFICER: All right. I</p> <p>11 thought I did see your pictures. Is it possible,</p> <p>12 Mr. Packard, to just walk us through those</p> <p>13 pictures? And then since Mr. Nichols was out</p> <p>14 there, I'd like to go through what he has to say,</p> <p>15 and then we'll take any comments from anyone who</p> <p>16 wants to comment.</p> <p>17 With that, I'm going to share my</p> <p>18 screen. They changed the share content. Okay.</p> <p>19 Let me try this. I -- all I do is apologize these</p> <p>20 days. Got it. Okay. Can everyone see that?</p> <p>21 MR. PACKARD: Yes.</p> <p>22 THE HEARING OFFICER: Okay. Mr.</p> <p>23 Packard, do you mind going through these photo? I</p> <p>24 see there's nine of them. Can you -- and you're</p> <p>25 still under oath in all these hearings, because</p>	<p>7</p> <p>1 tomorrow, and get it working.</p> <p>2 THE HEARING OFFICER: Okay.</p> <p>3 MR. PACKARD: So -- excuse me. The</p> <p>4 first picture we're looking at is standing at the</p> <p>5 back of Lot 29, looking south, towards -- with the</p> <p>6 second entrance in the background, where there's a</p> <p>7 site that the missing section of concrete sidewalk</p> <p>8 was extended recently to connect to the playground</p> <p>9 circle area. That is what that picture represents.</p> <p>10 You know, we have seeded the ground, and there is</p> <p>11 some grass coming up, and we'll need to reseed</p> <p>12 again once we move out of the area and finish --</p> <p>13 finish the work here.</p> <p>14 THE HEARING OFFICER: Okay. Now I'm</p> <p>15 looking at picture 2. And for the record, these</p> <p>16 are Exhibit -- well, I -- it's a lot in 93A. So</p> <p>17 now I'm looking at picture two of 93A. What -- can</p> <p>18 you describe this?</p> <p>19 MR. PACKARD: This is the completed</p> <p>20 concrete curbing around the -- the playground area,</p> <p>21 looking east. And -- and it's the, you know,</p> <p>22 subcontractors, you know, finishing the -- or</p> <p>23 laying the pervious pavers on the stone. They're</p> <p>24 out there again today, and until they finish.</p> <p>25 THE HEARING OFFICER: Okay. And now</p>
<p>6</p> <p>1 this is a continuation of the same hearing, but</p> <p>2 would you kindly go through and describe what we're</p> <p>3 seeing here?</p> <p>4 MR. PACKARD: Sure. I would like -- if</p> <p>5 I -- if I may, if I can first kind of highlight</p> <p>6 what we've been going through with the --</p> <p>7 THE HEARING OFFICER: That's fine.</p> <p>8 MR. PACKARD: -- this -- the -- the</p> <p>9 light that's out?</p> <p>10 THE HEARING OFFICER: Yes. I saw that</p> <p>11 in your email.</p> <p>12 MR. PACKARD: Yeah.</p> <p>13 THE HEARING OFFICER: Go ahead.</p> <p>14 MR. PACKARD: You know, after we did all</p> <p>15 the testing on the light, you know, we -- with the</p> <p>16 electrician, we determined that the -- the actual</p> <p>17 light head post was defective, and we contacted the</p> <p>18 distributor. And the distributor had to hunt down,</p> <p>19 you know, where the original order was when they</p> <p>20 were ordered, and they found the manufacturer, and</p> <p>21 the manufacturer went through a whole set of drama</p> <p>22 to -- you know, but I was -- it was delivered</p> <p>23 yesterday to my office. And Mike Hines (phonetic)</p> <p>24 has the light, and we are scheduling with the</p> <p>25 electrician to install it, hopefully today or</p>	<p>8</p> <p>1 we're looking at picture 3.</p> <p>2 MR. PACKARD: Picture 3 is the remaining</p> <p>3 piece of sidewalk adjoining lot 30, looking east.</p> <p>4 And there are three sections of sidewalk that were</p> <p>5 extended from the end of the railing to connect to</p> <p>6 the concrete curbing. And also, just this side of</p> <p>7 the sidewalk is a inlet grate, because after</p> <p>8 looking at the grating, it was my concern that the</p> <p>9 water would pool there because of the elevation of</p> <p>10 the sidewalk, so we put a drain in and ran it to --</p> <p>11 to spill into the pond, to make sure that there is</p> <p>12 no drainage issues.</p> <p>13 THE HEARING OFFICER: Is -- is that</p> <p>14 grate going to come up to the sidewalk, or no?</p> <p>15 Eventually, I mean.</p> <p>16 MR. PACKARD: Well, around the inlet,</p> <p>17 and the inlet will be in a depressed location. So</p> <p>18 yes, we'll -- we'll -- we'll fill it in, and then</p> <p>19 we're going to seed it and get grass growing as</p> <p>20 soon as possible.</p> <p>21 THE HEARING OFFICER: Okay. And now I'm</p> <p>22 looking at picture 4.</p> <p>23 MR. PACKARD: This is just -- this is, I</p> <p>24 would say looking northeast at the end of the</p> <p>25 circle with the finished concrete curbing. The</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p style="text-align: right;">9</p> <p>1 contractor is, you know, installing more stone to, 2 you know, bring it up to subgrade so that we can -- 3 you know, as the other gentleman from off the 4 picture, from the left, will be, you know, laying 5 the pervious pavers today in that area. 6 THE HEARING OFFICER: Okay. And this is 7 Picture 5. 8 MR. PACKARD: Okay. This is at the end 9 of the drive, looking at the second entrance area, 10 you know, with the curb forming. You know, right 11 behind the cone is where -- I don't know if it's 12 appropriate to say handicap ramp, but it is a -- 13 it's a handicap ramp right there, where concrete 14 will be poured and depressed, and we'll be 15 installing the detector strip, you know, in that 16 area. And it, you know, illustrates -- you know, 17 the -- the top of the wood forms are the -- would 18 be the top of curb in the finished grade. And, you 19 know, we work hard to get everything (inaudible) 20 was a low area, and, you know, we're -- we're 21 stabilizing that area. We will be stabilizing it 22 with stone to -- that, you know, the subgrade is 23 good, and, you know, it's finally getting dry 24 enough to bring a Bobcat in, to bring the dirt up 25 to the elevation of the top of the wood forms.</p>	<p style="text-align: right;">11</p> <p>1 there is still water that we're removing from the 2 -- from the trench. And, you know, some of the 3 stone has been placed, you know, just above the 4 orange fence, in the subgrade of the -- where the 5 concrete curb will be poured in the forms, and we 6 will be compacting that and finishing off that area 7 with a -- another handicap ramp and detector strip, 8 you know, kind of right behind where the orange 9 fencing is. The end of the curbing will eventually 10 be removed at the end of the driveway when they -- 11 when -- when the paving contractor comes in to 12 start the paving once the curbing is finished. 13 THE HEARING OFFICER: Okay. Picture 7? 14 MR. PACKARD: Picture 7 is an 15 illustration with lot 14, standing on Garrett Road, 16 looking north, you know, parallel to the 17 perpendicular second entrance. We have the 18 sidewalk formed in the -- in the front of the 19 picture, and we will be pouring that concrete once 20 we finish the onsite private concrete curbing in 21 conjunction with working with the right of way 22 inspector, you know, for the curbing and paving 23 work at the entrance. You know, per their permit, 24 the right of way extends from Garrett Road to where 25 the telephone pole is, so anything between where</p>
<p style="text-align: right;">10</p> <p>1 And we'll be putting -- you know, I 2 met with the geotechnical engineer, and, you know 3 -- you know, we discussed how to, you know, 4 stabilize the subgrade of the concrete curbing, and 5 we're going to -- you know, once we backfill the 6 dirt, we're going to, you know, place stone in the 7 bottom of the trench and compact it, and so that 8 both he and I are -- are -- are comfortable with 9 the subgrade before the concrete curbing goes in, 10 which is, you know, at this point scheduled for 11 next week, and that's what we're trying to get to 12 right now, you know, based on that recommendation 13 from the geotechnical engineer. 14 THE HEARING OFFICER: Okay. And now I'm 15 on picture 6. 16 MR. PACKARD: Yes. This is similar to 17 the last picture on the other side of the driveway 18 entrance -- 19 THE HEARING OFFICER: Right. 20 MR. PACKARD: -- where the end of the 21 pervious pavers at the right of the picture, just 22 over the top of the cone, running parallel to the 23 lot 14, and to the entrance off of -- perpendicular 24 entrance off of Garrett Road, you know, as you can 25 see right, you know, where the orange fencing is,</p>	<p style="text-align: right;">12</p> <p>1 I'm standing in the telephone pole is public right 2 of way under the jurisdiction of the Montgomery 3 County Permitting Office, and you know, oversight 4 of the right of way inspector, which I met the 5 other day and gave him an update as to where we 6 are. It also shows the -- the finished nature of 7 the pervious pavers, running parallel to lot 14 and 8 the perpendicular second entrance. 9 THE HEARING OFFICER: Okay. Now, while 10 we're on this picture, does your site plan require 11 any landscaping on the -- we're looking north on 12 the east, and I don't know if my -- if my 13 orientation is right, but at the bottom of the 14 mound, did -- is there landscaping -- I don't have 15 the original approved site plan in front of me. Is 16 there landscaping that's going to be there? 17 MR. PACKARD: Yes. There are trees and 18 shrubs to be planted. I -- I -- I want to say 19 there's three or four trees, and probably about 20 20 shrubs that need to be planted at the base of the 21 stockpile, probably five feet behind where the 22 curbing is going. And also on the left side, 23 between the pervious pavers and the concrete 24 curbing, once that area is, you know, brought up to 25 grade with soil, landscaping will be planted in</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p>13</p> <p>1 that area also. 2 THE HEARING OFFICER: Okay. And what is 3 your plan for the stockpile? 4 MR. PACKARD: The plan for the stockpile 5 is to use everything that we need in order to 6 stabilize the area that you're looking at. And, 7 you know, as the next phase of plans make it 8 through the process, we'll need -- we'll be using 9 the entire stockpile on the, you know, second phase 10 of the -- 11 THE HEARING OFFICER: The second -- 12 MR. PACKARD: -- design and construction. 13 THE HEARING OFFICER: The conditional 14 use? 15 MR. PACKARD: Yeah, conditional use yet 16 to be filed. 17 THE HEARING OFFICER: Okay. I'm going 18 to picture 8. 19 MR. PACKARD: Yeah. Picture 8 is just 20 to the right of that last picture, standing on 21 Garrett Road -- 22 THE HEARING OFFICER: Right. 23 MR. PACKARD: -- looking at the water 24 situation that we've been dealing with. But, you 25 know, our focus is trying to get the private area</p>	<p>15</p> <p>1 MR. PACKARD: Yes. 2 THE HEARING OFFICER: -- is it all the 3 way to the top of it? Are the forms the vertical 4 planks, or are the forms the -- the, you know, the 5 -- 6 MR. PACKARD: The -- the plywood that 7 you were just pointing to a minute ago, the plywood 8 that -- 9 THE HEARING OFFICER: Okay. 10 MR. PACKARD: -- is -- is -- is the top 11 of curb, where the concrete would be poured to. 12 THE HEARING OFFICER: Okay. 13 MR. PACKARD: And we need to -- we need 14 to have dirt. The -- the dirt will be placed up to 15 that elevation -- 16 THE HEARING OFFICER: Okay. 17 MR. PACKARD: -- in the area -- in the 18 area observed. 19 THE HEARING OFFICER: Okay. So is there 20 anything else you wanted to update us with? 21 MR. PACKARD: Not specifically, other 22 than, you know, I -- I'm -- I'm praying that winter 23 is finally over, and that we have good weather, and 24 -- and it continues to be, you know, above 40 25 degrees and -- and warmer, so that we can continue</p>
<p>14</p> <p>1 set up and poured, and then, you know, we're -- 2 we're in the process of pumping out the -- the 3 water still standing there. And -- and we'll be 4 working with the right of way inspector, you know, 5 for that area between the end of the curb forms and 6 the road, which is in the public right of way, in 7 order to, you know, establish proof subgrade before 8 the paving contractor comes. 9 THE HEARING OFFICER: Okay. And Exhibit 10 -- or photo 9. 11 MR. PACKARD: It's -- it's looking from 12 the opposite direction, you know -- you know, at -- 13 towards Garrett Road, and it just illustrates the 14 -- the -- you know, the moisture in the soil and 15 how much dirt that needs to be brought in off of 16 the stockpile to grade up to the top of the wood 17 forms in order to stabilize the forms. And, you 18 know, at -- at some point we're going to run out of 19 room to work, you know, once the concrete is 20 poured, so we want to get the dirt in place now, 21 before the concrete goes in place, because we don't 22 -- 23 THE HEARING OFFICER: Now, when you say 24 the top of the wood forms, are you referring to the 25 -- in the forefront of this picture, there's wood --</p>	<p>16</p> <p>1 getting this work done in the next week or two. 2 THE HEARING OFFICER: Now, is there 3 anything, weather aside, that you see would prevent 4 you from finishing this by July? 5 MR. PACKARD: No, ma'am. 6 THE HEARING OFFICER: Finishing the 7 private portion, the non-bonded portion? 8 MR. PACKARD: No. We -- we -- we plan 9 to -- everything will be finished as of 10 substantially before July. 11 THE HEARING OFFICER: Okay. I'm going 12 to take the -- thank you for the update. Does 13 anyone -- this isn't a time to testify, but does 14 anyone have any questions of Mr. Packard? 15 Okay, hearing none -- 16 MS. SIMONE: Yes. 17 THE HEARING OFFICER: Oh, I'm sorry. Go 18 ahead. Oh. 19 MS. SIMONE: Hi, this is Patti Simone. 20 Hello. 21 THE HEARING OFFICER: Hi, Ms. Simone. 22 Can you turn your camera on? I don't have your 23 camera. 24 MS. SIMONE: I know. I just -- okay. 25 So this is my question.</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p>17</p> <p>1 THE HEARING OFFICER: Wait, I can't -- I 2 can't see your face. 3 MS. SIMONE: Can you now? 4 THE HEARING OFFICER: Yes. 5 MS. SIMONE: Okay. I missed the last 6 meeting, and I'm wondering, there -- dean, you were 7 supposed to get some licenses for the contractor -- 8 contractors? 9 MR. PACKARD: Yeah, so -- 10 MS. SIMONE: Did you get that? 11 MR. PACKARD: That information was sent, 12 I think three days after the hearing that it was 13 requested. 14 MS. SIMONE: And where did it -- 15 THE HEARING OFFICER: -- I'm sure I got 16 that, because I was looking for that, and I didn't 17 see it. 18 MR. PACKARD: I have it. I can send it 19 again. 20 THE HEARING OFFICER: That would be 21 good. Thank you. 22 MS. SIMONE: Thank you. 23 THE HEARING OFFICER: Anyone else? 24 Okay, hearing none. Ms. Nichols, can you just give 25 us a summary of your site visit?</p>	<p>19</p> <p>1 worried about is the subgrade, okay, because we had 2 subgrade issues in the other -- on the other 3 streets -- on the other private streets. That's 4 why there was some spalling, cracking, whatever you 5 want to call it, and all that. So it had to be -- 6 they had to be, you know, dug out and redone. So 7 that's -- we just don't want to have that happen 8 again. And Dean, I think, is very aware of it. 9 And yeah. So the story is that 10 that area, of course, was the -- the initial 11 stabilized construction entrance for the entire 12 project, so load, after load, after load of stone, 13 recycled concrete, everything had been dumped there 14 to keep trucks in and out, you know, from tracking 15 sediment onto that street, and after a while it 16 just compacts, compacts, compacts some more. So 17 that's the reason water is sitting right there. 18 But the other areas, Josh and I are 19 still concerned, obviously, about compaction prior 20 to base. And Dean, yeah, I would -- I'm -- I'm -- 21 I'm asking -- I'm -- I've asked it before, and 22 there's been times where, you know, you guys went 23 ahead and spread the base material, or the -- the 24 subgrade material, and I wanted -- you know, we 25 wanted to be notified when -- when you were doing</p>
<p>18</p> <p>1 MR. NICHOLS: Yeah. I mean, what Dean 2 covered is -- is what we observed yesterday, and my 3 pictures weren't as well-made, what I sent you, but 4 yeah, they -- that's the exact same status. In 5 fact, they were out there working while -- you 6 know, while we were there. So that's -- that's all 7 I know. 8 My summary was, you know, as far as 9 the base pavement hasn't yet -- and all that. He 10 has explained that now. I mean, they've got to get 11 that moisture -- and water sitting there. The good 12 news is, the water that's sitting there, it looks, 13 like, really bad, is the -- the reason the water is 14 sitting there is, even though it hasn't rained in a 15 long time, it's because it is super compacted 16 underneath that water. That is the good news, 17 right? So once I get the water out -- 18 THE HEARING OFFICER: Well, I'm glad to 19 hear good news in this (crosstalk). 20 MR. NICHOLS: Well, I mean, you know, 21 the -- what -- what Josh and I have been worried 22 about -- 23 THE HEARING OFFICER: I understand. I 24 understand what you're saying. 25 MR. NICHOLS: What Josh and I are</p>	<p>20</p> <p>1 it, because we wanted to see it. I'm telling you 2 now, please. 3 THE HEARING OFFICER: No -- no pleases. 4 You must. 5 MR. NICHOLS: Don't -- don't -- don't -- 6 THE HEARING OFFICER: You must. 7 MR. NICHOLS: Well, I mean -- 8 MR. PACKARD: Right. 9 MR. NICHOLS: -- I could always core it. 10 THE HEARING OFFICER: No, I'm saying -- 11 MR. NICHOLS: I -- I -- okay. We need 12 to be notified. Give us a day or two before you're 13 going to base pave it, so at whatever you're going 14 to proof roll it, whatever you're going to do 15 before you base pave it, so that we are aware of 16 it, and we will be out there, okay? 17 MR. PACKARD: Yes. Yes. It's moving in 18 that direction in a good way. To put it in 19 perspective, just so that everybody understands the 20 -- the subgrade, the -- the section in -- in the 21 existing neighborhood, that had the failing cracks, 22 was the builder paved on raw dirt, with -- with no 23 stone. The lower section of -- of the existing 24 neighborhood was paved under my supervision, with 25 four inches of stone, and -- and this second</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p>21</p> <p>1 entrance, as -- as Greg had mentioned, has 12 2 inches of Number 2 stone that was part of the 3 construction entrance, and -- and then we put six 4 inches plus of -- of RC6 in the (indiscernible) 5 area, and CR6 -- and CR6 as directed by Greg and 6 Rob. The right of way inspector will -- will 7 solely be placed in the -- in the public right of 8 way and compacted with the -- you know, the heavy 9 vibratory compactor, you know, with notification to 10 Greg, Josh, and Rob. 11 MR. NICHOLS: Okay. The only other 12 thing, Ms. Robeson, is, I've mentioned to Dean a 13 couple different times, and I've emailed him a 14 couple different times. Dean, I need you to bring 15 the -- 16 MR. PACKARD: Oh, yeah. 17 MR. NICHOLS: -- the conditional use 18 bill up to speed. 19 MR. PACKARD: Okay. I mean, you can -- 20 MR. NICHOLS: It's still -- it's still 21 in arrears, so -- 22 THE HEARING OFFICER: What -- what's the 23 -- is that the inspection fees, or -- 24 MR. NICHOLS: No, that's -- yeah. It's 25 the -- it's the yearly fees that --</p>	<p>23</p> <p>1 contractor. Mr. Packard, it -- you -- you are 2 going to notify Mr. Nichols -- what -- what did you 3 say was an appropriate time frame, Mr. Nichols? 4 MR. NICHOLS: I would -- I would say a 5 couple days in their window. Is that good, Josh, 6 for you? 7 MR. KAYE: Yeah, that's fine. I -- I 8 have a couple questions whenever my time is to 9 speak. 10 THE HEARING OFFICER: Oh, I -- I 11 apologize. Go -- I -- absolutely, go ahead. 12 MR. KAYE: Yeah. I'm sorry. I just had 13 a (inaudible) an update on the -- the Pepco 14 streetlights on Garrett Road. Apparently that fee 15 was paid several weeks or months ago, and I haven't 16 seen any activity on that. Dean, do you have an 17 update? 18 MR. PACKARD: I don't. I'll have to 19 reach out to Jack Chu and see where they are. 20 THE HEARING OFFICER: Mr. Kaye would you 21 -- 22 MR. KAYE: Okay. And sent to my -- 23 THE HEARING OFFICER: -- would you 24 kindly refresh my memory about -- I -- I -- I can't 25 remember off the top of my head what that fee was</p>
<p>22</p> <p>1 THE HEARING OFFICER: Yeah. 2 MR. NICHOLS: -- dps charges, or 3 whatever. And when the legal, financial issues, or 4 whatever revolving this kind of -- 5 THE HEARING OFFICER: Understood. 6 MR. NICHOLS: -- happened, that bill, 7 you know, kind of fell by the wayside, and it -- 8 and it's arrear. And yeah, I mean the bills are 9 going to go out for this coming year in July, July 10 1st, and it needs to be -- it needs -- it needs -- 11 we need to clear the account. I mean, it needs to 12 come up to speed. 13 MR. PACKARD: I have your emails, and 14 I'll -- I'll -- I'll -- I'll find your emails, and 15 I -- and I will get it paid. 16 MR. NICHOLS: I mean, do you have a -- 17 do you have an account with -- I mean, somebody's 18 got to have an account with DPS, right, to do it 19 online? 20 MR. PACKARD: Yes. Yeah. 21 MR. NICHOLS: Okay. Should be easy. 22 That's -- that's it. Sorry. That's all. 23 THE HEARING OFFICER: Okay. Does anyone 24 have any questions of Mr. Nichols? Okay, hearing 25 none. So loose ends are the MHIC license of the</p>	<p>24</p> <p>1 for. 2 MR. KAYE: I think it was, like, 3 20-something-thousand for two streetlights on 4 Garrett Road. 5 MR. PACKARD: It was -- it was about -- 6 it was about 15 and a half thousand for the 7 underground cording and the two streetlights, yes. 8 MR. KAYE: So that's still outstanding. 9 And then you know, we're -- we're going to be 10 missing the landscaping window here, and I'm just 11 wondering if you had any intentions of getting that 12 in the ground, like, this or next month, 13 concurrently with the road work. 14 MR. PACKARD: It's scheduled for April, 15 as soon as we get out of the way with the road. 16 THE HEARING OFFICER: With the road, did 17 you say? I could -- you -- I couldn't hear you. 18 MR. PACKARD: Once the road -- once the 19 road paving goes down, we'll have the -- all the 20 grades stabilized, and the landscaping will go in 21 with, you know, seed stabilization. 22 THE HEARING OFFICER: Are you going to 23 be able to get the road in by April? 24 MR. PACKARD: Well, the road is -- the 25 road is pretty close, as soon as we get the curbing</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p style="text-align: right;">25</p> <p>1 in. I mean, the next step immediately after that 2 is to, you know, contact everybody and, you know, 3 start, you know, stabilizing the subgrade with 4 stone and -- and paving. 5 THE HEARING OFFICER: Mr. Kaye or Mr. 6 Nichols, does that sound realistic to you? 7 MR. KAYE: Yeah, I think he's close. I 8 -- I do want to go and observe how they're going to 9 be finishing that curb and gutter, but that'll be 10 interesting. 11 THE HEARING OFFICER: Well, no -- 12 MR. PACKARD: Now, let's -- 13 THE HEARING OFFICER: -- let's -- let's 14 get into -- I want to make sure this gets done. 15 And if we're missing a landscaping window -- when 16 does the -- the planting season end? Does it -- 17 does it go to July? 18 MR. KAYE: No. Typically it's -- 19 typically it's, like, the middle of May, I think. 20 THE HEARING OFFICER: Okay. So -- 21 MR. KAYE: So it's not to say you can't 22 plant, you know, in May or June, it's just it takes 23 more effort -- 24 THE HEARING OFFICER: Yeah, but the 25 likelihood of success is -- is much less, and then</p>	<p style="text-align: right;">27</p> <p>1 month. I've gone to monthly meetings to give -- 2 and given the weather, to give an opportunity to -- 3 you know, to have you do things. But I am 4 concerned that -- that this get resolved in a 5 timely manner. Do you have any recommendations on 6 that, Mr. Kaye or Mr. Nichols? 7 MR. NICHOLS: We've already covered the 8 fact that the plan and -- and the spec and all 9 that, as far as the -- the planting materials, and 10 then the subgrade under the -- under the plant and 11 all that. That's my biggest concern, is that -- 12 you know, that the -- that the -- what do you call 13 it? Amended soils or whatever, are adequate enough 14 so we get, you know, no mortality out there, that 15 things, they're watered and -- and that they live, 16 and that's -- that's -- that's -- that's my biggest 17 deal, is quality. The quality of that -- that work 18 is the most important aspect of it for me. 19 THE HEARING OFFICER: Now, if you -- you 20 gave a drop -- or I think both of you, Mr. Kaye and 21 Mr. Nichols -- and I do see your hand. I do see, 22 but let -- let me just finish. Keep your hand up, 23 Ms. Soltyka. Did I say that right? You have to 24 answer, because -- 25 MS. SOLTYKA: Yes.</p>
<p style="text-align: right;">26</p> <p>1 we'll be in another show cause hearing, which I 2 don't want to be in, and I'm sure Mr. Packard or 3 anybody here doesn't. So -- 4 MR. KAYE: It's just going to take 5 maintenance, that's all, some Gator bags and, you 6 know, monitoring. And if it dies, they'll have to 7 replace it, you know, as needed. 8 MR. PACKARD: I think we're required to 9 maintain and monitor for five years. 10 MR. KAYE: Some trees. 11 MR. PACKARD: Yes. 12 THE HEARING OFFICER: All right. Well, 13 how much do you expect to be finished within two 14 weeks? 15 MR. PACKARD: In two weeks, we expect to 16 have the curbing finished and be ready for the 17 working on the subgrade for the paving. 18 THE HEARING OFFICER: When do you expect 19 to finish the road? 20 MR. PACKARD: I would say three to four 21 weeks. 22 THE HEARING OFFICER: I do not want to 23 miss the planting season. I -- I just don't. And 24 so, I'm debating whether to have a hearing in two 25 weeks, or whether to have -- you know, wait a</p>	<p style="text-align: right;">28</p> <p>1 THE HEARING OFFICER: Okay. Thank you. 2 So if you pulled the bonds in July, say that the 3 landscaping doesn't get done, and that's bonded, 4 correct? 5 MR. KAYE: Yes. 6 THE HEARING OFFICER: So what would 7 happen -- what would happen if you pulled the 8 bonds? Would it be September then, that -- is that 9 the next planting season? 10 MR. KAYE: Thereabout. 11 MR. NICHOLS: That would -- that 12 wouldn't work for us, because we said July 1st, so 13 Dean knows that. That doesn't work. 14 THE HEARING OFFICER: I know. I'm just 15 saying if you had to pull the bonds on the 16 landscaping, if the (crosstalk). 17 MR. NICHOLS: Then it would be in the 18 fall. It would be in the fall, and we'd wait until 19 it -- you know, later in the year and all that. We 20 wouldn't -- it wouldn't be September 1st, we'd wait 21 until October, November, you know, mid-October, 22 right, Josh? 23 MR. KAYE: Yes. 24 MR. NICHOLS: Yeah, we -- we -- we would 25 wait until the absolute perfect time, which the</p>

Transcript of Hearing  
Conducted on March 25, 2026

<p style="text-align: right;">29</p> <p>1 absolute perfect time is coming within a couple of 2 weeks, and then the absolute perfect time after 3 that, like mid-October. 4 THE HEARING OFFICER: Okay. Thank you. 5 MR. KAYE: I mean, now is the perfect 6 time. 7 MR. NICHOLS: Yeah. Now is -- it -- it 8 -- it -- it's perfect. 9 THE HEARING OFFICER: Can you install 10 the other landscaping, not related to the road? 11 MR. PACKARD: Two-thirds of it is in the 12 area where we're working now, and the concern has 13 always been, you know, disturbing it with 14 construction material and equipment. So -- 15 THE HEARING OFFICER: Yeah. 16 MR. PACKARD: -- we're -- we're almost 17 finished with the concrete pavers. I mean the 18 pervious pavers in the circle for the playground 19 area. 20 THE HEARING OFFICER: Yeah. 21 MR. PACKARD: And as soon as -- as soon 22 as we finish that, you know, we can start, you know 23 -- you know, getting the -- the plants delivered. 24 THE HEARING OFFICER: Okay. Let me take 25 Ms. Soltyka's question.</p>	<p style="text-align: right;">31</p> <p>1 MR. NICHOLS: I'm -- I'm -- okay, so 2 just so you know, I'm off the week after Easter, so 3 that's the week I'm off, so -- but Josh -- if Josh 4 is around, he more than -- more than is capable 5 than -- 6 THE HEARING OFFICER: Well, what about 7 April 13th, so Monday, April 13th? 8 MR. NICHOLS: Yeah, I'm -- I mean, I'm 9 -- I'm back Monday. I'm back on that -- that 10 Monday. 11 THE HEARING OFFICER: Mr. Kaye, are you 12 available at that time? 13 MR. KAYE: I believe I am. I think I'm 14 going to a Cats game, so it might be a little -- 15 might be a little rough on a Monday morning, but I 16 -- I -- I will be functional and fine. 17 THE HEARING OFFICER: I know you will 18 rise to the occasion. Mr. Packard, are you 19 available on April 13th? 20 MR. PACKARD: Yes. 21 THE HEARING OFFICER: Okay. Mr. 22 Packard, it does seem to me, I -- I understand that 23 you are making progress. I've seen it. So I do 24 understand that. I do agree with Ms. Soltyka that 25 this is a critical time, so we were -- we will --</p>
<p style="text-align: right;">30</p> <p>1 MS. SOLTYKA: Well, it's just a comment. 2 You know, we've got three months, basically, until 3 July 1st. Next week is April 1st. I -- I've been 4 watching this unfold for years. Three months is 5 going to go by quickly. There is a lot of work, I 6 can say, to move all that dirt, to get those -- to 7 get up to the top of that plywood for the curbing. 8 That's going to take more than two weeks, given all 9 the other things that need to get done, and the 10 slow pace of getting work done. So yes, they're 11 working, that's fantastic, but, like, we've been 12 talking. We're -- we -- we are going to miss 13 windows, and we are going to miss this three month 14 period if we don't keep our foot on the gas. And I 15 hate these meetings more than anybody, but I think 16 having a two-week check-in would be better than a 17 four week, because we -- it's just so critical 18 right now to get -- to take advantage of the 19 weather and these opportunities, and -- and just 20 get it done so we can all move on with our lives. 21 THE HEARING OFFICER: Does anyone have a 22 problem with having a meeting in two weeks? Okay, 23 hearing none. Let's see. Two weeks would be April 24 8th, I think. Well, no, let's go back to Fridays, 25 April 3rd. I mean April -- forgive me, April 10th.</p>	<p style="text-align: right;">32</p> <p>1 and -- and, you know, I can see the changes that 2 you've done on this site, and -- but as I do agree, 3 it's a critical period. So what we're going to do, 4 is I'm going to continue this hearing until Monday, 5 April 13th, at 9:30, remotely. 6 I thank you all for your 7 cooperation, including Mr. Packard. And does 8 anyone have any last things they need to clean -- 9 want to bring up? Okay. With that, we are 10 continuing this hearing to Monday, April 13th, at 11 9:30, remotely. Thank you very much. 12 (Off the record at 9:13 a.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

Transcript of Hearing  
Conducted on March 25, 2026

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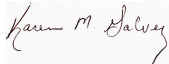
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FOR THE STATE OF MISSOURI  
April 1, 2026

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KAREN M. GALVEZ  
PLANET DEPOS, LLC  
April 1, 2026

A			B
<b>ability</b>	6:13, 16:18,	<b>apologize</b>	<b>back</b>
33:10, 34:8	19:23, 23:11	5:19, 23:11	7:5, 30:24,
<b>able</b>	<b>alexander</b>	<b>apparently</b>	31:9
24:23	3:7	23:14	<b>backfill</b>
<b>about</b>	<b>all</b>	<b>appropriate</b>	10:5
12:19, 18:22,	5:2, 5:10,	9:12, 23:3	<b>background</b>
19:1, 19:19,	5:19, 5:25,	<b>approved</b>	7:6
23:24, 24:5,	6:14, 15:2,	12:15	<b>bad</b>
24:6, 31:6	18:6, 18:9,	<b>april</b>	18:13
<b>above</b>	19:5, 22:22,	24:14, 24:23,	<b>bags</b>
11:3, 15:24	24:19, 26:5,	30:3, 30:23,	26:5
<b>absolute</b>	26:12, 27:8,	30:25, 31:7,	<b>base</b>
28:25, 29:1,	27:11, 28:19,	31:19, 32:5,	12:20, 18:9,
29:2	30:6, 30:8,	32:10, 33:19,	19:20, 19:23,
<b>absolutely</b>	30:20, 32:6	34:17	20:13, 20:15
23:11	<b>almost</b>	<b>area</b>	<b>based</b>
<b>account</b>	29:16	7:9, 7:12,	10:12
22:11, 22:17,	<b>already</b>	7:20, 9:5, 9:9,	<b>basically</b>
22:18	27:7	9:16, 9:20,	30:2
<b>accurate</b>	<b>also</b>	9:21, 11:6,	<b>because</b>
33:9, 34:7	8:6, 12:6,	12:24, 13:1,	5:25, 8:7, 8:9,
<b>activity</b>	12:22, 13:1	13:6, 13:25,	14:21, 17:16,
23:16	<b>always</b>	14:5, 15:17,	18:15, 19:1,
<b>actual</b>	20:9, 29:13	15:18, 19:10,	20:1, 27:24,
6:16	<b>amended</b>	21:5, 29:12,	28:12, 30:17
<b>adequate</b>	27:13	29:19	<b>been</b>
27:13	<b>another</b>	<b>areas</b>	6:6, 11:3,
<b>adjoining</b>	11:7, 26:1	19:18	13:24, 18:21,
8:3	<b>answer</b>	<b>around</b>	19:13, 19:22,
<b>administrative</b>	27:24	7:20, 8:16,	29:13, 30:3,
1:2	<b>any</b>	31:4	30:11
<b>advantage</b>	5:15, 12:11,	<b>arrear</b>	<b>before</b>
30:18	16:14, 22:24,	22:8	1:1, 1:14,
<b>after</b>	23:16, 24:11,	<b>arrears</b>	2:12, 10:9,
6:14, 8:7,	27:5, 32:8,	21:21	14:7, 14:21,
17:12, 19:12,	33:4, 33:12,	<b>aside</b>	16:10, 19:21,
19:15, 25:1,	34:10	16:3	20:12, 20:15,
29:2, 31:2	<b>anybody</b>	<b>asked</b>	33:2
<b>again</b>	26:3, 30:15	19:21	<b>behind</b>
7:12, 7:24,	<b>anyone</b>	<b>asking</b>	9:11, 11:8,
17:19, 19:8	5:15, 16:13,	19:21	12:21
<b>ago</b>	16:14, 17:23,	<b>aspect</b>	<b>believe</b>
15:7, 23:15	22:23, 30:21,	27:18	31:13
<b>agree</b>	32:8	<b>audio</b>	<b>best</b>
31:24, 32:2	<b>anything</b>	33:8, 34:4	33:9, 34:7
<b>agreement</b>	11:25, 15:20,	<b>available</b>	<b>better</b>
2:12	16:3	31:12, 31:19	30:16
		<b>aware</b>	
		19:8, 20:15	

<p><b>between</b>                      11:25, 12:23,                      14:5  <b>biggest</b>                      27:11, 27:16  <b>bill</b>                      21:18, 22:6  <b>bills</b>                      22:8  <b>bobcat</b>                      9:24  <b>bonded</b>                      28:3  <b>bonds</b>                      28:2, 28:8,                      28:15  <b>both</b>                      10:8, 27:20  <b>bottom</b>                      10:7, 12:13  <b>bring</b>                      9:2, 9:24,                      21:14, 32:9  <b>brought</b>                      12:24, 14:15  <b>builder</b>                      20:22</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>call</b>                      19:5, 27:12  <b>calling</b>                      5:5  <b>camera</b>                      5:4, 16:22,                      16:23  <b>can't</b>                      17:1, 17:2,                      23:24, 25:21  <b>capable</b>                      31:4  <b>case</b>                      1:5, 5:6,                      33:12, 34:10  <b>cashell</b>                      3:9, 3:10,                      3:11, 3:12, 3:13  <b>cats</b>                      31:14</p>	<p><b>cause</b>                      5:6, 26:1  <b>certificate</b>                      33:1, 34:1  <b>certify</b>                      33:4, 34:2  <b>changed</b>                      5:18  <b>changes</b>                      32:1  <b>charges</b>                      22:2  <b>check-in</b>                      30:16  <b>chu</b>                      23:19  <b>circle</b>                      7:9, 8:25,                      29:18  <b>clean</b>                      32:8  <b>clear</b>                      22:11  <b>close</b>                      24:25, 25:7  <b>come</b>                      8:14, 22:12  <b>comes</b>                      11:11, 14:8  <b>comfortable</b>                      10:8  <b>coming</b>                      7:11, 22:9,                      29:1  <b>comment</b>                      5:16, 30:1  <b>comments</b>                      5:15  <b>compact</b>                      10:7  <b>compacted</b>                      18:15, 21:8  <b>compacting</b>                      11:6  <b>compaction</b>                      19:19  <b>compactor</b>                      21:9</p>	<p><b>compacts</b>                      19:16  <b>completed</b>                      7:19  <b>concern</b>                      8:8, 27:11,                      29:12  <b>concerned</b>                      19:19, 27:4  <b>concrete</b>                      7:7, 7:20, 8:6,                      8:25, 9:13,                      10:4, 10:9,                      11:5, 11:19,                      11:20, 12:23,                      14:19, 14:21,                      15:11, 19:13,                      29:17  <b>concurrently</b>                      24:13  <b>conditional</b>                      13:13, 13:15,                      21:17  <b>conducted</b>                      1:15, 2:1  <b>cone</b>                      9:11, 10:22  <b>conjunction</b>                      11:21  <b>connect</b>                      7:8, 8:5  <b>construction</b>                      13:12, 19:11,                      21:3, 29:14  <b>contact</b>                      25:2  <b>contacted</b>                      6:17  <b>content</b>                      5:18  <b>continuation</b>                      6:1  <b>continue</b>                      15:25, 32:4  <b>continues</b>                      15:24  <b>continuing</b>                      32:10</p>	<p><b>contractor</b>                      9:1, 11:11,                      14:8, 17:7, 23:1  <b>contractors</b>                      17:8  <b>cooperation</b>                      32:7  <b>cording</b>                      24:7  <b>core</b>                      20:9  <b>correct</b>                      28:4  <b>could</b>                      20:9, 24:17  <b>couldn't</b>                      24:17  <b>counsel</b>                      33:11, 34:9  <b>county</b>                      1:3, 3:4, 3:6,                      3:7, 12:3  <b>couple</b>                      21:13, 21:14,                      23:5, 23:8, 29:1  <b>course</b>                      19:10  <b>court</b>                      5:3, 33:1  <b>covered</b>                      18:2, 27:7  <b>cr6</b>                      21:5  <b>cracking</b>                      19:4  <b>cracks</b>                      20:21  <b>critical</b>                      30:17, 31:25,                      32:3  <b>crosstalk</b>                      18:19, 28:16  <b>cu</b>                      1:6, 5:6  <b>curb</b>                      9:10, 9:18,                      11:5, 14:5,                      15:11, 25:9</p>
---	---	--	---

<p><b>curbing</b>                  7:20, 8:6,                  8:25, 10:4,                  10:9, 11:9,                  11:12, 11:20,                  11:22, 12:22,                  12:24, 24:25,                  26:16, 30:7</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>day</b>                  12:5, 20:12</p> <p><b>days</b>                  5:20, 17:12,                  23:5</p> <p><b>deal</b>                  27:17</p> <p><b>dealing</b>                  13:24</p> <p><b>dean</b>                  3:3, 17:6,                  18:1, 19:8,                  19:20, 21:12,                  21:14, 23:16,                  28:13</p> <p><b>debating</b>                  26:24</p> <p><b>defective</b>                  6:17</p> <p><b>degrees</b>                  15:25</p> <p><b>delivered</b>                  6:22, 29:23</p> <p><b>department</b>                  3:4, 3:6, 3:8</p> <p><b>depos</b>                  34:16</p> <p><b>depressed</b>                  8:17, 9:14</p> <p><b>describe</b>                  6:2, 7:18</p> <p><b>design</b>                  13:12</p> <p><b>detector</b>                  9:15, 11:7</p> <p><b>determined</b>                  6:16</p> <p><b>dies</b>                  26:6</p>	<p><b>different</b>                  21:13, 21:14</p> <p><b>digital</b>                  33:8, 34:3</p> <p><b>directed</b>                  21:5</p> <p><b>direction</b>                  14:12, 20:18</p> <p><b>dirt</b>                  9:24, 10:6,                  14:15, 14:20,                  15:14, 20:22,                  30:6</p> <p><b>discussed</b>                  10:3</p> <p><b>distributor</b>                  6:18</p> <p><b>disturbing</b>                  29:13</p> <p><b>doing</b>                  19:25</p> <p><b>done</b>                  16:1, 25:14,                  28:3, 30:9,                  30:10, 30:20,                  32:2</p> <p><b>down</b>                  6:18, 24:19</p> <p><b>dps</b>                  22:2, 22:18</p> <p><b>drain</b>                  8:10</p> <p><b>drainage</b>                  8:12</p> <p><b>drama</b>                  6:21</p> <p><b>drive</b>                  9:9</p> <p><b>driveway</b>                  10:17, 11:10</p> <p><b>drop</b>                  27:20</p> <p><b>dry</b>                  9:23</p> <p><b>dug</b>                  19:6</p> <p><b>dumped</b>                  19:13</p>	<hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>east</b>                  7:21, 8:3,                  12:12</p> <p><b>easter</b>                  31:2</p> <p><b>easy</b>                  22:21</p> <p><b>effort</b>                  25:23</p> <p><b>electrician</b>                  6:16, 6:25</p> <p><b>elevation</b>                  8:9, 9:25,                  15:15</p> <p><b>else</b>                  15:20, 17:23</p> <p><b>email</b>                  6:11</p> <p><b>emailed</b>                  21:13</p> <p><b>emails</b>                  22:13, 22:14</p> <p><b>employed</b>                  33:11, 34:9</p> <p><b>end</b>                  8:5, 8:24, 9:8,                  10:20, 11:9,                  11:10, 14:5,                  25:16</p> <p><b>ends</b>                  22:25</p> <p><b>engineer</b>                  10:2, 10:13</p> <p><b>enough</b>                  9:24, 27:13</p> <p><b>entire</b>                  13:9, 19:11</p> <p><b>entrance</b>                  7:6, 9:9,                  10:18, 10:23,                  10:24, 11:17,                  11:23, 12:8,                  19:11, 21:1,                  21:3</p> <p><b>equipment</b>                  29:14</p>	<p><b>establish</b>                  14:7</p> <p><b>estates</b>                  3:9, 3:10,                  3:11, 3:12, 3:13</p> <p><b>even</b>                  18:14</p> <p><b>eventually</b>                  8:15, 11:9</p> <p><b>everybody</b>                  20:19, 25:2</p> <p><b>everyone</b>                  5:20</p> <p><b>everything</b>                  9:19, 13:5,                  16:9, 19:13</p> <p><b>exact</b>                  18:4</p> <p><b>excuse</b>                  7:3</p> <p><b>exhibit</b>                  7:16, 14:9</p> <p><b>existing</b>                  20:21, 20:23</p> <p><b>expect</b>                  26:13, 26:15,                  26:18</p> <p><b>explained</b>                  18:10</p> <p><b>extended</b>                  7:8, 8:5</p> <p><b>extends</b>                  11:24</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>face</b>                  17:2</p> <p><b>fact</b>                  18:5, 27:8</p> <p><b>failing</b>                  20:21</p> <p><b>fall</b>                  28:18</p> <p><b>fantastic</b>                  30:11</p> <p><b>far</b>                  18:8, 27:9</p> <p><b>fee</b>                  23:14, 23:25</p>
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<p><b>fees</b>                  21:23, 21:25  <b>feet</b>                  12:21  <b>fell</b>                  22:7  <b>fence</b>                  11:4  <b>fencing</b>                  10:25, 11:9  <b>filed</b>                  13:16  <b>fill</b>                  8:18  <b>finally</b>                  9:23, 15:23  <b>financial</b>                  22:3, 33:13,                  34:11  <b>find</b>                  22:14  <b>fine</b>                  6:7, 23:7,                  31:16  <b>finish</b>                  7:12, 7:13,                  7:24, 11:20,                  26:19, 27:22,                  29:22  <b>finished</b>                  8:25, 9:18,                  11:12, 12:6,                  16:9, 26:13,                  26:16, 29:17  <b>finishing</b>                  7:22, 11:6,                  16:4, 16:6, 25:9  <b>first</b>                  6:5, 7:4  <b>five</b>                  12:21, 26:9  <b>focus</b>                  13:25  <b>foot</b>                  30:14  <b>forefront</b>                  14:25  <b>foregoing</b>                  33:3, 33:4,</p>	<p>34:4  <b>forgive</b>                  30:25  <b>formed</b>                  11:18  <b>forming</b>                  9:10  <b>forms</b>                  9:17, 9:25,                  11:5, 14:5,                  14:17, 14:24,                  15:3, 15:4  <b>found</b>                  6:20  <b>four</b>                  12:19, 20:25,                  26:20, 30:17  <b>frame</b>                  23:3  <b>fridays</b>                  30:24  <b>front</b>                  11:18, 12:15  <b>fully</b>                  33:5  <b>functional</b>                  31:16</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>galvez</b>                  34:2, 34:15  <b>game</b>                  31:14  <b>garrett</b>                  1:6, 3:3, 5:7,                  10:24, 11:15,                  11:24, 13:21,                  14:13, 23:14,                  24:4  <b>gas</b>                  30:14  <b>gateway</b>                  1:6, 3:3, 5:7  <b>gator</b>                  26:5  <b>gave</b>                  12:5, 27:20  <b>gentleman</b>                  9:3</p>	<p><b>geotechnical</b>                  10:2, 10:13  <b>getting</b>                  9:23, 16:1,                  24:11, 29:23,                  30:10  <b>give</b>                  17:24, 20:12,                  27:1, 27:2  <b>given</b>                  27:2, 30:8  <b>glad</b>                  18:18  <b>go</b>                  5:14, 6:2,                  6:13, 16:17,                  22:9, 23:11,                  24:20, 25:8,                  25:17, 30:5,                  30:24  <b>goes</b>                  10:9, 14:21,                  24:19  <b>going</b>                  5:17, 5:23,                  6:6, 8:14, 8:19,                  10:5, 10:6,                  12:16, 12:22,                  13:17, 14:18,                  16:11, 20:13,                  20:14, 22:9,                  23:2, 24:9,                  24:22, 25:8,                  26:4, 30:5,                  30:8, 30:12,                  30:13, 31:14,                  32:3, 32:4  <b>gone</b>                  27:1  <b>good</b>                  9:23, 15:23,                  17:21, 18:11,                  18:16, 18:19,                  20:18, 23:5  <b>grade</b>                  9:18, 12:25,                  14:16  <b>grades</b>                  24:20</p>	<p><b>grass</b>                  7:11, 8:19  <b>grate</b>                  8:7, 8:14  <b>grating</b>                  8:8  <b>greg</b>                  3:4, 21:1,                  21:5, 21:10  <b>ground</b>                  7:10, 24:12  <b>growing</b>                  8:19  <b>guisao-ospina</b>                  3:7  <b>gutter</b>                  25:9  <b>guys</b>                  19:22</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b>                  24:6  <b>hand</b>                  27:21, 27:22  <b>handicap</b>                  9:12, 9:13,                  11:7  <b>hannon</b>                  1:14  <b>happen</b>                  19:7, 28:7  <b>happened</b>                  22:6  <b>hard</b>                  9:19  <b>hate</b>                  30:15  <b>head</b>                  6:17, 23:25  <b>hear</b>                  18:19, 24:17  <b>hearing</b>                  1:13, 1:14,                  2:1, 5:2, 5:10,                  5:22, 6:1, 6:7,                  6:10, 6:13, 7:2,                  7:14, 7:25,</p>
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Transcript of Hearing  
Conducted on March 25, 2026

<p>8:13, 8:21, 9:6, 10:14, 10:19, 11:13, 12:9, 13:2, 13:11, 13:13, 13:17, 13:22, 14:9, 14:23, 15:2, 15:9, 15:12, 15:16, 15:19, 16:2, 16:6, 16:11, 16:15, 16:17, 16:21, 17:1, 17:4, 17:12, 17:15, 17:20, 17:23, 17:24, 18:18, 18:23, 20:3, 20:6, 20:10, 21:22, 22:1, 22:5, 22:23, 22:24, 23:10, 23:20, 23:23, 24:16, 24:22, 25:5, 25:11, 25:13, 25:20, 25:24, 26:1, 26:12, 26:18, 26:22, 26:24, 27:19, 28:1, 28:6, 28:14, 29:4, 29:9, 29:15, 29:20, 29:24, 30:21, 30:23, 31:6, 31:11, 31:17, 31:21, 32:4, 32:10 <b>hearings</b> 1:2, 5:25 <b>heavy</b> 21:8 <b>hello</b> 16:20 <b>here</b> 6:3, 7:13, 24:10, 26:3 <b>hereby</b> 33:3, 34:2</p>	<p><b>hi</b> 16:19, 16:21 <b>highlight</b> 6:5 <b>hines</b> 6:23 <b>hopefully</b> 6:25 <b>hughes</b> 3:9 <b>hunt</b> 6:18</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>illustrates</b> 9:16, 14:13 <b>illustration</b> 11:15 <b>immediately</b> 25:1 <b>important</b> 27:18 <b>inches</b> 20:25, 21:2, 21:4 <b>including</b> 32:7 <b>information</b> 17:11 <b>initial</b> 19:10 <b>inlet</b> 8:7, 8:16, 8:17 <b>inspection</b> 21:23 <b>inspector</b> 11:22, 12:4, 14:4, 21:6 <b>install</b> 6:25, 29:9 <b>installing</b> 9:1, 9:15 <b>intentions</b> 24:11 <b>interest</b> 33:13, 34:11 <b>interesting</b> 25:10</p>	<p><b>issues</b> 8:12, 19:2, 22:3</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>jack</b> 23:19 <b>job</b> 1:23 <b>jony</b> 3:7 <b>josh</b> 3:6, 18:21, 18:25, 19:18, 21:10, 23:5, 28:22, 31:3 <b>july</b> 16:4, 16:10, 22:9, 25:17, 28:2, 28:12, 30:3 <b>june</b> 25:22 <b>jurisdiction</b> 12:2 <b>justin</b> 3:9</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>karen</b> 34:2, 34:15 <b>kaye</b> 3:6, 23:7, 23:12, 23:20, 23:22, 24:2, 24:8, 25:5, 25:7, 25:18, 25:21, 26:4, 26:10, 27:6, 27:20, 28:5, 28:10, 28:23, 29:5, 31:11, 31:13 <b>keep</b> 19:14, 27:22, 30:14 <b>kimberly</b> 3:11</p>	<p><b>kind</b> 6:5, 11:8, 22:4, 22:7 <b>kindly</b> 6:2, 23:24 <b>know</b> 6:14, 6:15, 6:19, 6:22, 7:10, 7:21, 7:22, 9:1, 9:2, 9:3, 9:4, 9:10, 9:11, 9:15, 9:16, 9:19, 9:20, 9:22, 9:23, 10:1, 10:2, 10:3, 10:5, 10:6, 10:10, 10:12, 10:24, 10:25, 11:2, 11:3, 11:8, 11:16, 11:22, 11:23, 12:3, 12:12, 12:24, 13:7, 13:9, 13:25, 14:1, 14:4, 14:7, 14:12, 14:14, 14:18, 14:19, 15:4, 15:22, 15:24, 16:24, 18:6, 18:7, 18:8, 18:20, 19:6, 19:14, 19:22, 19:24, 21:8, 21:9, 22:7, 24:9, 24:21, 25:2, 25:3, 25:22, 26:6, 26:7, 26:25, 27:3, 27:12, 27:14, 28:14, 28:19, 28:21, 29:13, 29:22, 29:23, 30:2, 31:2, 31:17, 32:1 <b>knowledge</b> 33:10, 34:8</p>
---	--	--	--

<p><b>knows</b>                      28:13</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>landscaping</b>                      12:11, 12:14,                      12:16, 12:25,                      24:10, 24:20,                      25:15, 28:3,                      28:16, 29:10</p> <p><b>last</b>                      10:17, 13:20,                      17:5, 32:8</p> <p><b>later</b>                      28:19</p> <p><b>laying</b>                      7:23, 9:4</p> <p><b>left</b>                      9:4, 12:22</p> <p><b>legal</b>                      22:3</p> <p><b>less</b>                      25:25</p> <p><b>let's</b>                      25:12, 25:13,                      30:23, 30:24</p> <p><b>license</b>                      22:25</p> <p><b>licenses</b>                      17:7</p> <p><b>light</b>                      6:9, 6:15,                      6:17, 6:24</p> <p><b>likelihood</b>                      25:25</p> <p><b>little</b>                      31:14, 31:15</p> <p><b>live</b>                      27:15</p> <p><b>lives</b>                      30:20</p> <p><b>llc</b>                      1:6, 3:3, 34:16</p> <p><b>load</b>                      19:12</p> <p><b>location</b>                      8:17</p> <p><b>long</b>                      18:15</p>	<p><b>looking</b>                      7:4, 7:5, 7:15,                      7:17, 7:21, 8:1,                      8:3, 8:8, 8:22,                      8:24, 9:9,                      11:16, 12:11,                      13:6, 13:23,                      14:11, 17:16</p> <p><b>looks</b>                      18:12</p> <p><b>loose</b>                      22:25</p> <p><b>lot</b>                      7:5, 7:16, 8:3,                      10:23, 11:15,                      12:7, 30:5</p> <p><b>low</b>                      9:20</p> <p><b>lower</b>                      20:23</p> <p><b>lynn</b>                      1:14</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>ma'am</b>                      16:5</p> <p><b>maintain</b>                      26:9</p> <p><b>maintenance</b>                      26:5</p> <p><b>make</b>                      8:11, 13:7,                      25:14</p> <p><b>making</b>                      31:23</p> <p><b>manner</b>                      27:5</p> <p><b>manufacturer</b>                      6:20, 6:21</p> <p><b>march</b>                      1:16</p> <p><b>marked</b>                      4:6</p> <p><b>maryland</b>                      1:3</p> <p><b>material</b>                      19:23, 19:24,                      29:14</p>	<p><b>materials</b>                      27:9</p> <p><b>matter</b>                      5:7</p> <p><b>matthew</b>                      3:10</p> <p><b>mean</b>                      8:15, 18:1,                      18:10, 18:20,                      20:7, 21:19,                      22:8, 22:11,                      22:16, 22:17,                      25:1, 29:5,                      29:17, 30:25,                      31:8</p> <p><b>meeting</b>                      17:6, 30:22</p> <p><b>meetings</b>                      27:1, 30:15</p> <p><b>memory</b>                      23:24</p> <p><b>mentioned</b>                      21:1, 21:12</p> <p><b>met</b>                      10:2, 12:4</p> <p><b>mhic</b>                      22:25</p> <p><b>mid-october</b>                      28:21, 29:3</p> <p><b>middle</b>                      25:19</p> <p><b>might</b>                      31:14, 31:15</p> <p><b>mike</b>                      6:23</p> <p><b>mind</b>                      5:23</p> <p><b>minute</b>                      15:7</p> <p><b>miss</b>                      26:23, 30:12,                      30:13</p> <p><b>missed</b>                      17:5</p> <p><b>missing</b>                      7:7, 24:10,                      25:15</p> <p><b>missouri</b>                      2:14, 33:18</p>	<p><b>moisture</b>                      14:14, 18:11</p> <p><b>monday</b>                      31:7, 31:9,                      31:10, 31:15,                      32:4, 32:10</p> <p><b>monitor</b>                      26:9</p> <p><b>monitoring</b>                      26:6</p> <p><b>montgomery</b>                      1:3, 3:4, 3:6,                      3:7, 12:2</p> <p><b>month</b>                      24:12, 27:1,                      30:13</p> <p><b>monthly</b>                      27:1</p> <p><b>months</b>                      23:15, 30:2,                      30:4</p> <p><b>more</b>                      9:1, 19:16,                      25:23, 30:8,                      30:15, 31:4</p> <p><b>morning</b>                      31:15</p> <p><b>mortality</b>                      27:14</p> <p><b>most</b>                      27:18</p> <p><b>mound</b>                      12:14</p> <p><b>move</b>                      7:12, 30:6,                      30:20</p> <p><b>moving</b>                      20:17</p> <p><b>much</b>                      14:15, 25:25,                      26:13, 32:11</p> <p><b>must</b>                      20:4, 20:6</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>nature</b>                      12:6</p> <p><b>need</b>                      7:11, 12:20,</p>
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Transcript of Hearing  
 Conducted on March 25, 2026

<p>13:5, 13:8,                  15:13, 20:11,                  21:14, 22:11,                  30:9, 32:8  <b>needed</b>                  26:7  <b>needs</b>                  14:15, 22:10,                  22:11  <b>neighborhood</b>                  20:21, 20:24  <b>neither</b>                  33:11, 34:9  <b>news</b>                  18:12, 18:16,                  18:19  <b>next</b>                  10:11, 13:7,                  16:1, 24:12,                  25:1, 28:9, 30:3  <b>nichols</b>                  3:4, 5:13,                  17:24, 18:1,                  18:20, 18:25,                  20:5, 20:7,                  20:9, 20:11,                  21:11, 21:17,                  21:20, 21:24,                  22:2, 22:6,                  22:16, 22:21,                  22:24, 23:2,                  23:3, 23:4,                  25:6, 27:6,                  27:7, 27:21,                  28:11, 28:17,                  28:24, 29:7,                  31:1, 31:8  <b>nicole</b>                  3:13  <b>nine</b>                  5:24  <b>non-bonded</b>                  16:7  <b>none</b>                  4:6, 16:15,                  17:24, 22:25,                  30:23  <b>north</b>                  11:16, 12:11</p>	<p><b>northeast</b>                  8:24  <b>notary</b>                  2:13, 33:1,                  33:17  <b>notification</b>                  21:9  <b>notified</b>                  19:25, 20:12  <b>notify</b>                  23:2  <b>november</b>                  28:21  <b>number</b>                  21:2  <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <b>oath</b>                  5:25  <b>observe</b>                  25:8  <b>observed</b>                  15:18, 18:2  <b>obviously</b>                  19:19  <b>occasion</b>                  31:18  <b>october</b>                  28:21  <b>office</b>                  1:1, 6:23, 12:3  <b>officer</b>                  1:14, 5:2,                  5:10, 5:22, 6:7,                  6:10, 6:13, 7:2,                  7:14, 7:25,                  8:13, 8:21, 9:6,                  10:14, 10:19,                  11:13, 12:9,                  13:2, 13:11,                  13:13, 13:17,                  13:22, 14:9,                  14:23, 15:2,                  15:9, 15:12,                  15:16, 15:19,                  16:2, 16:6,                  16:11, 16:17,                  16:21, 17:1,</p>	<p>17:4, 17:15,                  17:20, 17:23,                  18:18, 18:23,                  20:3, 20:6,                  20:10, 21:22,                  22:1, 22:5,                  22:23, 23:10,                  23:20, 23:23,                  24:16, 24:22,                  25:5, 25:11,                  25:13, 25:20,                  25:24, 26:12,                  26:18, 26:22,                  27:19, 28:1,                  28:6, 28:14,                  29:4, 29:9,                  29:15, 29:20,                  29:24, 30:21,                  31:6, 31:11,                  31:17, 31:21,                  33:2  <b>oh</b>                  16:17, 16:18,                  21:16, 23:10  <b>okay</b>                  5:18, 5:20,                  5:22, 7:2, 7:14,                  7:25, 8:21, 9:6,                  9:8, 10:14,                  11:13, 12:9,                  13:2, 13:17,                  14:9, 15:9,                  15:12, 15:16,                  15:19, 16:11,                  16:15, 16:24,                  17:5, 17:24,                  19:1, 20:11,                  20:16, 21:11,                  21:19, 22:21,                  22:23, 22:24,                  23:22, 25:20,                  28:1, 29:4,                  29:24, 30:22,                  31:1, 31:21,                  32:9  <b>once</b>                  7:12, 10:5,                  11:12, 11:19,</p>	<p>12:24, 14:19,                  18:17, 24:18  <b>online</b>                  22:19  <b>only</b>                  21:11  <b>onsite</b>                  11:20  <b>opportunities</b>                  30:19  <b>opportunity</b>                  27:2  <b>opposite</b>                  14:12  <b>orange</b>                  10:25, 11:4,                  11:8  <b>order</b>                  6:19, 13:5,                  14:7, 14:17  <b>ordered</b>                  6:20  <b>orientation</b>                  12:13  <b>original</b>                  6:19, 12:15  <b>other</b>                  9:3, 10:17,                  12:5, 15:21,                  19:2, 19:3,                  19:18, 21:11,                  29:10, 30:9  <b>otherwise</b>                  33:13, 34:11  <b>out</b>                  5:13, 6:9,                  7:12, 7:24,                  14:2, 14:18,                  18:5, 18:17,                  19:6, 19:14,                  20:16, 22:9,                  23:19, 24:15,                  27:14  <b>outcome</b>                  33:13, 34:11  <b>outstanding</b>                  24:8  <b>over</b>                  10:22, 15:23</p>
---	---	--	---

Transcript of Hearing  
Conducted on March 25, 2026

<p><b>oversight</b> 12:3</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pace</b> 30:10</p> <p><b>packard</b> 3:3, 5:9, 5:12, 5:21, 5:23, 6:4, 6:8, 6:12, 6:14, 7:3, 7:19, 8:2, 8:16, 8:23, 9:8, 10:16, 10:20, 11:14, 12:17, 13:4, 13:12, 13:15, 13:19, 13:23, 14:11, 15:1, 15:6, 15:10, 15:13, 15:17, 15:21, 16:5, 16:8, 16:14, 17:9, 17:11, 17:18, 20:8, 20:17, 21:16, 21:19, 22:13, 22:20, 23:1, 23:18, 24:5, 24:14, 24:18, 24:24, 25:12, 26:2, 26:8, 26:11, 26:15, 26:20, 29:11, 29:16, 29:21, 31:18, 31:20, 31:22, 32:7</p> <p><b>page</b> 4:1</p> <p><b>pages</b> 1:24</p> <p><b>paid</b> 22:15, 23:15</p> <p><b>parallel</b> 10:22, 11:16, 12:7</p> <p><b>part</b> 21:2</p> <p><b>parties</b> 5:8, 33:12,</p>	<p>34:10</p> <p><b>partners</b> 1:6, 3:3, 5:7</p> <p><b>patti</b> 3:12, 16:19</p> <p><b>pave</b> 20:13, 20:15</p> <p><b>paved</b> 20:22, 20:24</p> <p><b>pavement</b> 18:9</p> <p><b>pavers</b> 7:23, 9:5, 10:21, 12:7, 12:23, 29:17, 29:18</p> <p><b>paving</b> 11:11, 11:12, 11:22, 14:8, 24:19, 25:4, 26:17</p> <p><b>pepco</b> 23:13</p> <p><b>perfect</b> 28:25, 29:1, 29:2, 29:5, 29:8</p> <p><b>period</b> 30:14, 32:3</p> <p><b>permit</b> 11:23</p> <p><b>permitting</b> 3:5, 3:8, 12:3</p> <p><b>perpendicular</b> 10:23, 11:17, 12:8</p> <p><b>perspective</b> 20:19</p> <p><b>pervious</b> 7:23, 9:5, 10:21, 12:7, 12:23, 29:18</p> <p><b>phase</b> 13:7, 13:9</p> <p><b>phonetic</b> 6:23</p> <p><b>photo</b> 5:23, 14:10</p> <p><b>picture</b> 7:4, 7:9, 7:15,</p>	<p>7:17, 8:1, 8:2, 8:22, 9:4, 9:7, 10:15, 10:17, 10:21, 11:13, 11:14, 11:19, 12:10, 13:18, 13:19, 13:20, 14:25</p> <p><b>pictures</b> 5:11, 5:13, 18:3</p> <p><b>piece</b> 8:3</p> <p><b>place</b> 10:6, 14:20, 14:21</p> <p><b>placed</b> 11:3, 15:14, 21:7</p> <p><b>plan</b> 12:10, 12:15, 13:3, 13:4, 16:8, 27:8</p> <p><b>planet</b> 34:16</p> <p><b>planks</b> 15:4</p> <p><b>planning</b> 3:6</p> <p><b>plans</b> 13:7</p> <p><b>plant</b> 25:22, 27:10</p> <p><b>planted</b> 12:18, 12:20, 12:25</p> <p><b>planting</b> 25:16, 26:23, 27:9, 28:9</p> <p><b>plants</b> 29:23</p> <p><b>playground</b> 7:8, 7:20, 29:18</p> <p><b>please</b> 5:3, 20:2</p> <p><b>pleases</b> 20:3</p>	<p><b>plus</b> 21:4</p> <p><b>plywood</b> 15:6, 15:7, 30:7</p> <p><b>point</b> 10:10, 14:18</p> <p><b>pointing</b> 15:7</p> <p><b>pole</b> 11:25, 12:1</p> <p><b>pond</b> 8:11</p> <p><b>pool</b> 8:9</p> <p><b>portion</b> 16:7</p> <p><b>possible</b> 5:11, 8:20</p> <p><b>post</b> 6:17</p> <p><b>poured</b> 9:14, 11:5, 14:1, 14:20, 15:11</p> <p><b>pouring</b> 11:19</p> <p><b>praying</b> 15:22</p> <p><b>prepared</b> 34:3</p> <p><b>pretty</b> 24:25</p> <p><b>prevent</b> 16:3</p> <p><b>prior</b> 19:19</p> <p><b>private</b> 11:20, 13:25, 16:7, 19:3</p> <p><b>probably</b> 12:19, 12:21</p> <p><b>problem</b> 30:22</p> <p><b>proceeding</b> 5:6, 34:4</p> <p><b>proceedings</b> 4:2, 33:3,</p>
--	--	---	---

<p>33:5, 33:8,                  34:5, 34:7  <b>process</b>                  13:8, 14:2  <b>progress</b>                  31:23  <b>project</b>                  19:12  <b>proof</b>                  14:7, 20:14  <b>public</b>                  2:13, 12:1,                  14:6, 21:7,                  33:1, 33:17  <b>pull</b>                  28:15  <b>pulled</b>                  28:2, 28:7  <b>pumping</b>                  14:2  <b>pursuant</b>                  2:12  <b>put</b>                  8:10, 20:18,                  21:3  <b>putting</b>                  10:1  <b>pybas</b>                  1:25, 2:12,                  33:2, 33:17</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified</b>                  33:7  <b>quality</b>                  27:17  <b>question</b>                  16:25, 29:25  <b>questions</b>                  16:14, 22:24,                  23:8  <b>quickly</b>                  30:5</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>railing</b>                  8:5  <b>rained</b>                  18:14</p>	<p><b>ramp</b>                  9:12, 9:13,                  11:7  <b>ran</b>                  8:10  <b>raw</b>                  20:22  <b>rc6</b>                  21:4  <b>reach</b>                  23:19  <b>ready</b>                  5:8, 26:16  <b>realistic</b>                  25:6  <b>really</b>                  18:13  <b>reason</b>                  18:13, 19:17  <b>recently</b>                  7:8  <b>recommendation</b>                  10:12  <b>recommendations</b>                  27:5  <b>record</b>                  7:15, 32:12,                  33:9, 34:7  <b>recorded</b>                  1:25, 33:6  <b>recording</b>                  33:8, 34:4  <b>recycled</b>                  19:13  <b>redone</b>                  19:6  <b>reduced</b>                  33:6, 34:5  <b>referring</b>                  14:24  <b>refresh</b>                  23:24  <b>related</b>                  29:10, 33:11,                  34:9  <b>remaining</b>                  8:2  <b>remember</b>                  23:25</p>	<p><b>remotely</b>                  32:5, 32:11  <b>removed</b>                  11:10  <b>removing</b>                  11:1  <b>replace</b>                  26:7  <b>reporter</b>                  5:3, 33:1  <b>represents</b>                  7:9  <b>requested</b>                  17:13  <b>require</b>                  12:10  <b>required</b>                  26:8  <b>reseed</b>                  7:11  <b>resident</b>                  3:9, 3:10,                  3:11, 3:12, 3:13  <b>resolved</b>                  27:4  <b>revolving</b>                  22:4  <b>right</b>                  5:2, 5:10,                  9:10, 9:13,                  10:12, 10:19,                  10:21, 10:25,                  11:8, 11:21,                  11:24, 12:1,                  12:4, 12:13,                  13:20, 13:22,                  14:4, 14:6,                  18:17, 19:17,                  20:8, 21:6,                  21:7, 22:18,                  26:12, 27:23,                  28:22, 30:18  <b>rise</b>                  31:18  <b>road</b>                  10:24, 11:15,                  11:24, 13:21,                  14:6, 14:13,</p>	<p>23:14, 24:4,                  24:13, 24:15,                  24:16, 24:18,                  24:19, 24:23,                  24:24, 24:25,                  26:19, 29:10  <b>rob</b>                  21:6, 21:10  <b>roberson</b>                  1:14, 21:12  <b>roll</b>                  20:14  <b>room</b>                  14:19  <b>rooney</b>                  3:10, 3:11  <b>rough</b>                  31:15  <b>run</b>                  14:18  <b>running</b>                  10:22, 12:7</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>said</b>                  28:12, 33:8,                  34:5, 34:6  <b>same</b>                  6:1, 18:4  <b>saw</b>                  6:10  <b>say</b>                  5:14, 8:24,                  9:12, 12:18,                  14:23, 23:3,                  23:4, 24:17,                  25:21, 26:20,                  27:23, 28:2,                  30:6  <b>saying</b>                  18:24, 20:10,                  28:15  <b>scheduled</b>                  10:10, 24:14  <b>scheduling</b>                  6:24  <b>screen</b>                  5:18</p>
--	---	--	--

<p><b>season</b>                  25:16, 26:23,                  28:9  <b>second</b>                  7:6, 9:9,                  11:17, 12:8,                  13:9, 13:11,                  20:25  <b>section</b>                  7:7, 20:20,                  20:23  <b>sections</b>                  8:4  <b>sediment</b>                  19:15  <b>see</b>                  5:11, 5:20,                  5:24, 10:25,                  16:3, 17:2,                  17:17, 20:1,                  23:19, 27:21,                  30:23, 32:1  <b>seed</b>                  8:19, 24:21  <b>seeded</b>                  7:10  <b>seeing</b>                  6:3  <b>seem</b>                  31:22  <b>seen</b>                  23:16, 31:23  <b>send</b>                  17:18  <b>sent</b>                  17:11, 18:3,                  23:22  <b>september</b>                  28:8, 28:20  <b>services</b>                  3:5, 3:8  <b>set</b>                  6:21, 14:1  <b>several</b>                  23:15  <b>share</b>                  5:17, 5:18  <b>should</b>                  22:21</p>	<p><b>show</b>                  5:6, 26:1  <b>shows</b>                  12:6  <b>shrubs</b>                  12:18, 12:20  <b>side</b>                  8:6, 10:17,                  12:22  <b>sidewalk</b>                  7:7, 8:3, 8:4,                  8:7, 8:10, 8:14,                  11:18  <b>signature-b7fzp</b>                  33:15  <b>signature-mig2k</b>                  34:13  <b>similar</b>                  10:16  <b>simone</b>                  3:12, 16:16,                  16:19, 16:21,                  16:24, 17:3,                  17:5, 17:10,                  17:14, 17:22  <b>since</b>                  5:13  <b>site</b>                  7:7, 12:10,                  12:15, 17:25,                  32:2  <b>sitting</b>                  18:11, 18:12,                  18:14, 19:17  <b>situation</b>                  13:24  <b>six</b>                  21:3  <b>skills</b>                  33:10, 34:8  <b>slow</b>                  30:10  <b>soil</b>                  12:25, 14:14  <b>soils</b>                  27:13  <b>solely</b>                  21:7</p>	<p><b>soltyka</b>                  3:13, 27:23,                  27:25, 30:1,                  31:24  <b>soltyka's</b>                  29:25  <b>some</b>                  7:11, 11:2,                  14:18, 17:7,                  19:4, 19:16,                  26:5, 26:10  <b>somebody's</b>                  22:17  <b>something-thousa-                  nd</b>                  24:3  <b>soon</b>                  8:20, 24:15,                  24:25, 29:21  <b>sorry</b>                  16:17, 22:22,                  23:12  <b>sound</b>                  25:6  <b>south</b>                  7:5  <b>spalling</b>                  19:4  <b>speak</b>                  23:9  <b>spec</b>                  27:8  <b>specifically</b>                  15:21  <b>speed</b>                  21:18, 22:12  <b>spill</b>                  8:11  <b>spread</b>                  19:23  <b>stabilization</b>                  24:21  <b>stabilize</b>                  10:4, 13:6,                  14:17  <b>stabilized</b>                  19:11, 24:20  <b>stabilizing</b>                  9:21, 25:3</p>	<p><b>standing</b>                  7:4, 11:15,                  12:1, 13:20,                  14:3  <b>start</b>                  11:12, 25:3,                  29:22  <b>state</b>                  2:13, 33:18  <b>status</b>                  18:4  <b>step</b>                  25:1  <b>still</b>                  5:25, 11:1,                  14:3, 19:19,                  21:20, 24:8  <b>stockpile</b>                  12:21, 13:3,                  13:4, 13:9,                  14:16  <b>stone</b>                  7:23, 9:1,                  9:22, 10:6,                  11:3, 19:12,                  20:23, 20:25,                  21:2, 25:4  <b>story</b>                  19:9  <b>street</b>                  19:15  <b>streetlights</b>                  23:14, 24:3,                  24:7  <b>streets</b>                  19:3  <b>strip</b>                  9:15, 11:7  <b>subcontractors</b>                  7:22  <b>subgrade</b>                  9:2, 9:22,                  10:4, 10:9,                  11:4, 14:7,                  19:1, 19:2,                  19:24, 20:20,                  25:3, 26:17,                  27:10</p>
---	--	--	---

Transcript of Hearing  
Conducted on March 25, 2026

<p><b>substantially</b> 16:10 <b>success</b> 25:25 <b>sue</b> 1:25, 2:12, 33:2, 33:17 <b>summary</b> 17:25, 18:8 <b>super</b> 18:15 <b>supervision</b> 20:24, 34:6 <b>supposed</b> 17:7 <b>sure</b> 6:4, 8:11, 17:15, 25:14, 26:2 <b>sworn</b> 33:5</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>take</b> 5:15, 16:12, 26:4, 29:24, 30:8, 30:18 <b>taken</b> 33:3 <b>takes</b> 25:22 <b>talking</b> 30:12 <b>telephone</b> 11:25, 12:1 <b>telling</b> 20:1 <b>testify</b> 16:13 <b>testing</b> 6:15 <b>th</b> 30:25, 31:7, 31:19, 32:5, 32:10 <b>thank</b> 16:12, 17:21, 17:22, 28:1,</p>	<p>29:4, 32:6, 32:11 <b>thereabout</b> 28:10 <b>thereafter</b> 33:6 <b>thing</b> 21:12 <b>things</b> 27:3, 27:15, 30:9, 32:8 <b>think</b> 17:12, 19:8, 24:2, 25:7, 25:19, 26:8, 27:20, 30:15, 30:24, 31:13 <b>thought</b> 5:11 <b>thousand</b> 24:6 <b>three</b> 8:4, 12:19, 17:12, 26:20, 30:2, 30:4, 30:13 <b>through</b> 5:12, 5:14, 5:23, 6:2, 6:6, 6:21, 13:8 <b>time</b> 16:13, 18:15, 23:3, 23:8, 28:25, 29:1, 29:2, 29:6, 31:12, 31:25 <b>timely</b> 27:5 <b>times</b> 19:22, 21:13, 21:14 <b>today</b> 6:25, 7:24, 9:5 <b>tomorrow</b> 7:1 <b>top</b> 9:17, 9:18, 9:25, 10:22,</p>	<p>14:16, 14:24, 15:3, 15:10, 23:25, 30:7 <b>towards</b> 7:5, 14:13 <b>tracking</b> 19:14 <b>transcriber</b> 34:1 <b>transcript</b> 34:3, 34:6 <b>transcriptionist</b> 33:7 <b>trees</b> 12:17, 12:19, 26:10 <b>trench</b> 10:7, 11:2 <b>trucks</b> 19:14 <b>true</b> 33:9, 34:6 <b>try</b> 5:19 <b>trying</b> 10:11, 13:25 <b>turn</b> 5:3, 16:22 <b>two</b> 7:17, 16:1, 20:12, 24:3, 24:7, 26:13, 26:15, 26:24, 30:8, 30:22, 30:23 <b>two-thirds</b> 29:11 <b>two-week</b> 30:16 <b>typewriting</b> 33:7, 34:5 <b>typically</b> 25:18, 25:19</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>under</b> 5:25, 12:2, 20:24, 27:10,</p>	<p>34:5 <b>underground</b> 24:7 <b>underneath</b> 18:16 <b>understand</b> 18:23, 18:24, 31:22, 31:24 <b>understands</b> 20:19 <b>understood</b> 22:5 <b>unfold</b> 30:4 <b>until</b> 7:24, 28:18, 28:21, 28:25, 30:2, 32:4 <b>update</b> 12:5, 15:20, 16:12, 23:13, 23:17 <b>use</b> 13:5, 13:14, 13:15, 21:17 <b>using</b> 13:8</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vertical</b> 15:3 <b>vibratory</b> 21:9 <b>virtually</b> 1:15, 2:1 <b>visit</b> 17:25</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 17:1, 26:25, 28:18, 28:20, 28:25 <b>walk</b> 5:12 <b>want</b> 12:18, 14:20, 19:5, 19:7,</p>
--	---	--	---

Transcript of Hearing  
Conducted on March 25, 2026

<p>25:8, 25:14, 26:2, 26:22, 32:9 <b>wanted</b> 15:20, 19:24, 19:25, 20:1 <b>wants</b> 5:16 <b>warmer</b> 15:25 <b>watching</b> 30:4 <b>water</b> 8:9, 11:1, 13:23, 14:3, 18:11, 18:12, 18:13, 18:16, 18:17, 19:17 <b>watered</b> 27:15 <b>way</b> 11:21, 11:24, 12:2, 12:4, 14:4, 14:6, 15:3, 20:18, 21:6, 21:8, 24:15 <b>wayside</b> 22:7 <b>we'll</b> 5:15, 7:11, 8:18, 9:14, 10:1, 13:8, 14:3, 24:19, 26:1 <b>we're</b> 6:2, 7:4, 8:1, 8:19, 9:20, 10:5, 10:6, 10:11, 11:1, 12:10, 12:11, 14:1, 14:2, 14:18, 24:9, 25:15, 26:8, 29:12, 29:16, 30:12, 32:3 <b>we've</b> 6:6, 13:24,</p>	<p>27:7, 30:2, 30:11 <b>weather</b> 15:23, 16:3, 27:2, 30:19 <b>wednesday</b> 1:16 <b>week</b> 10:11, 16:1, 30:3, 30:17, 31:2, 31:3 <b>weeks</b> 23:15, 26:14, 26:15, 26:21, 26:25, 29:2, 30:8, 30:22, 30:23 <b>well-made</b> 18:3 <b>went</b> 6:21, 19:22 <b>weren't</b> 18:3 <b>whatever</b> 19:4, 20:13, 20:14, 22:3, 22:4, 27:13 <b>whenever</b> 23:8 <b>whether</b> 26:24, 26:25 <b>whole</b> 6:21 <b>window</b> 23:5, 24:10, 25:15 <b>windows</b> 30:13 <b>winter</b> 15:22 <b>within</b> 26:13, 29:1 <b>witness(es)</b> 33:4 <b>wondering</b> 17:6, 24:11 <b>wood</b> 9:17, 9:25,</p>	<p>14:16, 14:24, 14:25 <b>work</b> 7:13, 9:19, 11:23, 14:19, 16:1, 24:13, 27:17, 28:12, 28:13, 30:5, 30:10 <b>working</b> 7:1, 11:21, 14:4, 18:5, 26:17, 29:12, 30:11 <b>worried</b> 18:21, 19:1 <b>wouldn't</b> 28:12, 28:20</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>yeah</b> 6:12, 13:15, 13:19, 17:9, 18:1, 18:4, 19:9, 19:20, 21:16, 21:24, 22:1, 22:8, 22:20, 23:7, 23:12, 25:7, 25:24, 28:24, 29:7, 29:15, 29:20, 31:8 <b>year</b> 22:9, 28:19 <b>yearly</b> 21:25 <b>years</b> 26:9, 30:4 <b>yesterday</b> 6:23, 18:2</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>zoning</b> 1:2</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>10</b> 30:25</p>	<p><b>11</b> 1:6, 5:6 <b>12</b> 21:1 <b>13</b> 31:7, 31:19, 32:5, 32:10, 32:12 <b>14</b> 10:23, 11:15, 12:7 <b>15</b> 24:6 <b>16</b> 1:6, 5:6 <b>1st</b> 22:10, 28:12, 28:20, 30:3</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>20</b> 12:19, 24:3 <b>2026</b> 1:16, 33:19, 34:17 <b>25</b> 1:16 <b>29</b> 7:5</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 8:3, 32:5, 32:11 <b>34</b> 1:17, 1:24 <b>3rd</b> 30:25</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>40</b> 15:24</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>623498</b> 1:23</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 1:17</p>
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<b>8th</b> 30:24
<b>9</b>
<b>9</b> 32:5, 32:11, 32:12
<b>93</b> 7:16, 7:17