

**BEFORE THE CHIEF ADMINISTRATIVE OFFICER
OF MONTGOMERY COUNTY, MARYLAND**

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
100 Maryland Avenue, Suite 200
Rockville, Maryland 20850
240 777-6660**

IN THE MATTER OF:

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**THE APPEAL OF COAKLEY AND
WILLIAMS, INC.**

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OZAH Case No. WL 16-02

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Regarding Contract No

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0361400018-AA

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**HEARING EXAMINER'S REPORT AND RECOMMENDATION OF
DISMISSAL WITH PREJUDICE**

The purpose of this Report and Recommendation is to close the record and to recommend that the Chief Administrative Officer (“CAO”) dismiss the above-captioned case because the parties have reached a negotiated settlement of the matter. DKT. 44(a).

This case arose from a determination by the County’s Department of General Services that Coakley & Williams and two of its subcontractors, DJB/U.S. Construction and J.P. Construction, violated the County’s Prevailing Wage Law (PWL), codified at §11B-33C of the County Code.¹ Coakley is the primary contractor under Contract No. 036100018-AA for construction of an equipment maintenance and operations center. Coakley timely appealed DGS’ decision to the County’s Chief Administrative Officer, who referred the case to the Office of Zoning and Administrative Hearings to conduct a public hearing. DKT. 1.

All parties have subsequently negotiated a settlement of this matter and on January 4, 2018, submitted a “Joint Stipulation of Dismissal” requesting that the case be dismissed with prejudice.

¹ The subcontractors filed Motions to Intervene (Dkt. Nos. 16, 18), which the Hearing Examiner granted on March 31, 2016. Dkt. 19.

DKT. 44(a).

The PWL requires the Hearing Examiner to review these appeals under the County's Administrative Procedures Act (APA). *Montgomery County Code*, §§11B-33C(i)(7), 2A-2(g). The APA permits informal disposition of cases by stipulation or consent of the parties. *Id.*, §2A-10(a). Any decision stipulated or consented to by the parties "need only be reflected by an appropriate written order or consent decree." *Id.*

The Hearing Examiner concludes that the parties' Joint Stipulation of Dismissal is an appropriate "informal disposition" of the case as provided in Section 2A-10(g). Thus, there is no reason to conduct a public hearing. The Hearing Examiner accepts the parties' Joint Stipulation of Dismissal and all other previously filed documents into the administrative record and hereby closes the record.

Since the Hearing Examiner does not have the authority to issue a final decision on behalf of the CAO, the Hearing Examiner is returning this matter to the CAO with the recommendation that the CAO accept the parties' Joint Stipulation of Dismissal and dismiss this case with prejudice.

ISSUED this 11th day of January, 2018.

Respectfully submitted,



Lynn Robeson
Hearing Examiner

COPIES TO:

Lewis Askew, Esquire
Larry Prosen, Esquire

Rachel Browder, Esquire
Trevor Ashberry, Esquire
Ramona Bell-Pearson
Assistant Chief Administrative Officer