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Transcript of Hearing

Date: February 24, 2023

Case: Linda Gallegos Family Childcare, In Re: (CU 23-03)

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Transcript of Hearing
Conducted on February 24, 2023

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2	FOR MONTGOMERY COUNTY, MARYLAND		2	PAGE	
3	-----x		3	Testimony of Linda Gallegos	6
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5	LINDA GALLEGOS : Case No. CU 23-03		5		
6	FAMILY CHILDCARE :		6		
7	-----x		7		
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10	HEARING		10		
11	BEFORE HEARING EXAMINER LYNN ROBESON HANNAN		11		
12	Conducted Virtually		12		
13	Friday, February 24, 2023		13		
14	9:29 AM EST		14		
15			15		
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25	Recorded By: Brendon Cuenca		25		
1	A P P E A R A N C E S	2	1	P R O C E E D I N G S	4
2	ON BEHALF OF MONTGOMERY COUNTY:		2	MS. HANNAN: Okay, let me -- all right.	
3	LYNN ROBESON HANNAN, HEARING EXAMINER		3	I'm calling a hearing of -- this is a public	
4	MONTGOMERY COUNTY OFFICE OF ZONING AND		4	hearing in the matter of OZAH Case CU 23-03, the	
5	ADMINISTRATIVE HEARINGS		5	application of Linda Gallegos, requesting a	
6	100 Maryland Avenue		6	conditional use for a group daycare for property	
7	County Office Building		7	located at 4804 Levada Terrace, Silver Spring,	
8	Room 200		8	Maryland in the R90 Zone. My name is Lynn Hannan.	
9	Rockville, Maryland 20850		9	I am the hearing examiner in this case and I'm	
10	240.777.6660		10	going to listen to you, take testimony and	
11			11	evidence, and write a report and decision. If you	
12	ALSO PRESENT:		12	disagree with my decision, you have 10 days to	
13	NANA JOHNSON		13	appeal to the Board of Appeals.	
14	LINDA GALLEGOS, APPLICANT		14	A couple of preliminary matters on the	
15	LINDA ZALDIVAR		15	Microsoft Teams issue. You will see at the top	
16			16	that you are being -- this is being recorded. We	
17			17	-- in the olden days before remote hearings and	
18			18	COVID and everything, we have a Court Reporter	
19			19	here that is going -- that would transcribe our	
20			20	hearings verbatim. We record them now just on	
21			21	Teams because sometimes Teams gets garbled in the	
22			22	crosstalk. And so this is -- the recording is a	
23			23	backup.	
24			24	So if anyone has an objection, you be --	
25			25	you're being recorded anyway by the court	

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2 (5 to 8)

5	<p>1 reporter, but if you have an objection, let me</p> <p>2 know. Okay. Seeing none, can the parties</p> <p>3 identify themselves for the record? And please</p> <p>4 state your name, street address, and e-mail</p> <p>5 address.</p> <p>6 MS. GALLEGOS: Okay. My name is Linda</p> <p>7 Gallegos. My street address is 4804 Levada</p> <p>8 Terrace, Rockville, Maryland 20853. And my phone</p> <p>9 number is (202) 258-3204.</p> <p>10 MS. HANNAN: Okay. Is there anyone here</p> <p>11 in opposition that opposes this application?</p> <p>12 Okay, seeing none, you've submitted the affidavit</p> <p>13 of posting I saw a couple of days ago. So let me</p> <p>14 just go over the nature of the proceedings because</p> <p>15 they're fairly informal, but we do have some</p> <p>16 formalities. One is your testimony is under oath.</p> <p>17 There's no one here today that opposes, but it</p> <p>18 would be subject to cross examination if there</p> <p>19 were. And we will take you through the hearing.</p> <p>20 You get a right to an opening statement and</p> <p>21 testify in support and a closing statement if you</p> <p>22 wish. If you don't wish, that's -- it's -- it's</p> <p>23 fine.</p> <p>24 A couple of things. Please don't</p> <p>25 interrupt each other when someone else is speaking</p>	7	<p>1 some questions. Do you solemnly affirm under</p> <p>2 penalties of perjury that the statements you're</p> <p>3 about to make are the truth, the whole truth, and</p> <p>4 nothing but the truth?</p> <p>5 MS. GALLEGOS: I do.</p> <p>6 MS. HANNAN: Please state your name,</p> <p>7 street address and e-mail address for the record</p> <p>8 and just identify what your role is in this</p> <p>9 application.</p> <p>10 MS. GALLEGOS: Okay, my name is --</p> <p>11 MS. HANNAN: In the daycare. In the</p> <p>12 daycare.</p> <p>13 MS. GALLEGOS: Okay. My name is Linda</p> <p>14 Gallegos. My street address is 4804 Levada</p> <p>15 Terrace, Rockville, Maryland 20853. My e-mail</p> <p>16 address is gallegos.linda@gmail.com, and I am the</p> <p>17 owner of the residence where the daycare is</p> <p>18 located, and my mother is the provider that takes</p> <p>19 care of -- of the functionings of the daycare.</p> <p>20 MS. HANNAN: Okay. And you submitted</p> <p>21 some exhibits and I'm showing some of them to you</p> <p>22 now. Let me go back to share. Do these fairly</p> <p>23 and accurately represent the property as it exists</p> <p>24 today?</p> <p>25 MS. GALLEGOS: Yes, it does.</p>
6	<p>1 because that garbles the recording, that it's</p> <p>2 difficult to talk. At the top of the screen</p> <p>3 there's a raise hand button. Let me just share my</p> <p>4 screen. There's a raise hand button right there.</p> <p>5 Raise -- try to use that. Now if I don't see it</p> <p>6 for some reason, then you may have to jump in, but</p> <p>7 try to use the raised hand button.</p> <p>8 All right. With that -- and the</p> <p>9 approval is based on the criteria in the zoning</p> <p>10 ordinance. So your testimony should really</p> <p>11 address that. I am going to ask Ms. -- what's the</p> <p>12 correct pronunciation, Ms. Gallegos?</p> <p>13 MS. GALLEGOS: Gallegos.</p> <p>14 MS. HANNAN: Gallegos. Okay, thank you.</p> <p>15 My -- well I won't go into it. My brother lives</p> <p>16 in Mexico and I still -- sadly I can't. Anyway.</p> <p>17 Okay, so -- now Ms. Gallegos, I think, do you want</p> <p>18 to make an opening statement, or do you want to go</p> <p>19 directly into your testimony?</p> <p>20 MS. GALLEGOS: I did not have a -- a</p> <p>21 prepared opening statement.</p> <p>22 MS. HANNAN: That's fine.</p> <p>23 MS. GALLEGOS: Uh-huh.</p> <p>24 MS. HANNAN: Now, would you please raise</p> <p>25 your right hand? Because I'm going to ask you</p>	8	<p>1 MS. HANNAN: Okay. And does your site</p> <p>2 plan that you submitted, which is Exhibit -- well</p> <p>3 let's go through. Does the facility layout, does</p> <p>4 that fairly and accurately represent the existing</p> <p>5 structure?</p> <p>6 MS. GALLEGOS: Yes.</p> <p>7 MS. HANNAN: And you submitted a -- I am</p> <p>8 trying to find it --</p> <p>9 MS. GALLEGOS: The site map?</p> <p>10 MS. HANNAN: Yes. Is that what it's --</p> <p>11 ah, does this fairly inaccurately -- and this is</p> <p>12 Exhibit 11. Does this fairly inaccurately</p> <p>13 represent your proposal?</p> <p>14 MS. GALLEGOS: Yes.</p> <p>15 MS. HANNAN: Okay. Now what we</p> <p>16 typically do is ask, have you had a chance to read</p> <p>17 the staff report?</p> <p>18 MS. GALLEGOS: Yes, I have.</p> <p>19 MS. HANNAN: And it recommends approval.</p> <p>20 Rather than asking you for testimony on all the</p> <p>21 criteria, do you -- you can agree with the staff</p> <p>22 report and adopt its findings as your own</p> <p>23 testimony?</p> <p>24 MS. GALLEGOS: I do. I agree and I also</p> <p>25 agree with the conditions that they -- they place.</p>



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3 (9 to 12)

9	11
1 MS. HANNAN: Okay. I'm sorry, one	1 me just -- can you raise your right hand? Do you
2 second. Now, how do you -- how are you going to	2 solemnly affirm under penalties of perjury that
3 stagger the drop off and pick up?	3 the statements you're about to make are the truth,
4 MS. GALLEGOS: So that -- that is	4 the whole truth and nothing but the truth?
5 something that we already do. We have spoken with	5 MS. ZALDIVAR: I do.
6 parents about -- about that issue. And so we have	6 MS. HANNAN: Okay. And are you at the
7 -- we -- we already have parents coming in from	7 same street address as your daughter?
8 3:30, I believe to until 5:30 to pick up children	8 MS. ZALDIVAR: Yes, I live with her.
9 right now.	9 MS. HANNAN: Okay. And what is your
10 MS. HANNAN: Okay.	10 e-mail?
11 MS. GALLEGOS: And so the way we will do	11 MS. ZALDIVAR:
12 it is to do again with the new parents to send out	12 Lindabunbunbunny@gmail.com.
13 a letter to all the parents saying, Well, this is	13 MS. HANNAN: I'm sorry, I just like the
14 going to be how we're going to do the arrivals and	14 name Bun Bun Bunny. I don't know why, but I
15 the departures for the children.	15 really like it. So it's -- I'm sorry, it's Linda?
16 MS. HANNAN: Okay. All right. And we	16 MS. ZALDIVAR: Bun Bun.
17 generally, OZA generally, our office generally	17 MS. GALLEGOS: Not dot, I think it's
18 imposes a condition stating that no amplified	18 one.
19 music. Do you have a problem with a condition	19 MS. HANNAN: Oh, okay.
20 like that?	20 MS. GALLEGOS: One whole thing; right?
21 MS. GALLEGOS: Not at all. Not at all.	21 Lindabunbunbunny?
22 MS. HANNAN: Okay?	22 MS. ZALDIVAR: Yes.
23 MS. GALLEGOS: We do play music in the	23 Lindabunbunbunny@gmail.com.
24 daycare, but it -- you know, it's inside.	24 MS. HANNAN: Okay. Thank you very much.
25 MS. HANNAN: Yeah, the inside -- I -- I	25 Is -- what would you like to say?
10	12
1 should have said no outside amplified music.	1 MS. ZALDIVAR: I know that I need to
2 MS. GALLEGOS: Yeah. Uh-huh.	2 have only two additional people working with me,
3 MS. HANNAN: Okay. And do you have a	3 apart from me in the daycare.
4 problem with the condition saying that, you know,	4 MS. HANNAN: Uh-huh?
5 you must keep the grounds clean and free of trash	5 MS. ZALDIVAR: And that is one of the
6 and debris at all times?	6 requirements that Komahar (phonetic) has and the
7 MS. GALLEGOS: Oh, not at all. We	7 Office of Childcare. So for 12 kids, we have to
8 already do that.	8 be three in the daycare. And I agree with that.
9 MS. HANNAN: I -- I figured, but I'm	9 Apart from that --
10 just asking the question. Okay. And then is	10 MS. HANNAN: Well wait a minute, it says
11 there anything else you'd like to say?	11 that staff report -- oh, two non-resident
12 MS. GALLEGOS: I don't think so. I	12 employees?
13 mean, I -- I think I agree with -- with what	13 MS. ZALDIVAR: Non-residents. Yes.
14 they've said, and the staff has said in their	14 MS. HANNAN: Okay, okay. Sorry. And --
15 document and we are excited to start our business.	15 and where do your non-resident employees park?
16 MS. HANNAN: Well that's wonderful. Ms.	16 MS. ZALDIVAR: They park in front of the
17 Zaldivar?	17 property on the other side of the street, not in
18 MS. ZALDIVAR: Yes.	18 --
19 MS. HANNAN: Do you want to add	19 MS. HANNAN: And then do you have -- and
20 anything? Well, first of all, do you want to	20 then you have space on your side of the street for
21 testify or add anything to what your daughter	21 parent drop off and pick up?
22 said?	22 MS. ZALDIVAR: Uh-huh. Yes.
23 MS. ZALDIVAR: I agree with what she	23 MS. HANNAN: Can you say yes or no? Oh,
24 said.	24 you did. Okay. The -- the transcript doesn't
25 MS. HANNAN: Okay. Well if you do, let	25 recognize this. Okay. So you said you affirmed

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4 (13 to 16)

<p>13</p> <p>1 that?</p> <p>2 MS. ZALDIVAR: Yes.</p> <p>3 MS. HANNAN: All right. Anything else</p> <p>4 you'd like to say?</p> <p>5 MS. ZALDIVAR: No. I think I agree with</p> <p>6 my daughter. We're really excited that we want to</p> <p>7 start working with the 12 children.</p> <p>8 MS. HANNAN: Well, that's good. And --</p> <p>9 and Bun Bunny I'm sure will do well, if it's</p> <p>10 granted. I can't -- so anyway. All right. I</p> <p>11 don't have anything further because you've relied</p> <p>12 on the staff report. What happens now is that I</p> <p>13 will -- I have 30 days to write my decision. We</p> <p>14 leave the record open for 10 days. So today is</p> <p>15 the -- oh, it's March. Today's the 24th, and 10</p> <p>16 days -- sorry, I'm booting up the calendar because</p> <p>17 February has only 28 days, so -- okay. March 6th.</p> <p>18 March 6th. We leave the record open till March</p> <p>19 6th just to put the transcript in the record. And</p> <p>20 then we have 30 days from March 6th to issue our</p> <p>21 report and decision. You'll be notified by e-mail</p> <p>22 when the decision is out. Hopefully it will not</p> <p>23 take 30 days, but we just never know. So -- so</p> <p>24 you'll be notified by e-mail when the decision</p> <p>25 comes out and then you have 10 days if you</p>	<p>15</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2 I, Brendon Cuenca, the officer</p> <p>3 before whom the foregoing proceedings were taken,</p> <p>4 do hereby certify that said proceedings were</p> <p>5 electronically recorded by me; and that I am</p> <p>6 neither counsel for, related to, nor employed by</p> <p>7 any of the parties to this case and have no</p> <p>8 interest, financial or otherwise, in its outcome.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 </p> <p>17 _____</p> <p>18 Brendon Cuenca, Court Reporter</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>14</p> <p>1 disagree with anything to appeal to the Board of</p> <p>2 Appeals; okay?</p> <p>3 MS. ZALDIVAR: Okay.</p> <p>4 MS. GALLEGOS: Okay.</p> <p>5 MS. HANNAN: All right. Well thank you</p> <p>6 very much for taking the time to appear and we</p> <p>7 will -- you will be hearing from us. And also if</p> <p>8 you want to see the -- the written transcript,</p> <p>9 it's posted on our website usually the day it</p> <p>10 comes in. So if you check around March 6th, you</p> <p>11 can read the transcript of this hearing. All</p> <p>12 right?</p> <p>13 MS. GALLEGOS: Thank you very much.</p> <p>14 MS. HANNAN: Thank you so much.</p> <p>15 MS. ZALDIVAR: Thank you.</p> <p>16 MS. GALLEGOS: Okay, bye.</p> <p>17 MS. HANNAN: Bye.</p> <p>18 MS. ZALDIVAR: Bye-bye.</p> <p>19 (Off the record at 9:44 AM.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>16</p> <p>1 CERTIFICATION OF TRANSCRIPT</p> <p>2 I, Mary Lide, do hereby certify that the</p> <p>3 foregoing transcript, to the best of my ability,</p> <p>4 knowledge, and belief, is a true and correct</p> <p>5 record of the proceedings; that said proceedings</p> <p>6 were reduced to typewriting under my supervision;</p> <p>7 and that I am neither counsel for, related to, nor</p> <p>8 employed by any of the parties to this case and</p> <p>9 have no interest, financial or otherwise, in its</p> <p>10 outcome.</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 Mary Lide, AAERT-CET</p> <p>21 Planet Depos, LLC</p> <p>22 3/14/2023</p> <p>23</p> <p>24</p> <p>25</p>

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