

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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OPPOSITION TO THE ACCESSORY APARTMENT : Case No.: AAO-14-02
LICENSE NO. 83032 :
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A hearing in the above-entitled matter was held on July 21, 2014, commencing at 9:45 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rita Davidson Memorial Hearing Room, Rockville, Maryland 20850 before:

Lynn A. Robeson
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Respondent:

Marc R. Emden, Esq.

200A Monroe Street, Suite 200

Rockville, Maryland 20850

C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Anne Scott	8/128			
By Mr. Emden:		25/134		
Susan Hayduk	27/153			40
By Mr. Emden:		38		
Janet Kotowski	42			
By Mr. Emden:		--		
Paul Hayduk	49/136			
By Mr. Emden:		--		
Catherine Hartman				
By Mr. Emden:	52/141			
By Ms. Scott:			93/148	
Robert Goff	105			
By Mr. Emden:			110	
By Ms. Scott:			111	

E X H I B I T S

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47	Photo of Slate Walkway	140

P R O C E E D I N G S

1 MS. ROBESON: I am calling the case of AAO-14-02,
2 an objection by Anne M. Scott and Benjamin and Susan Overbey
3 to a condition finding made by DHCA to approve an accessory
4 apartment, license no. 83032 for property at 16820
5 Westbourne Terrace, Gaithersburg, Maryland. My name is Lynn
6 Robeson. I am the hearing examiner for this case. I am
7 going to be taking all the evidence and testimony and I will
8 make a decision in the matter. That decision is appealable
9 if you, if anyone disagrees with my decision, you can appeal
10 that decision to the Circuit Court. And what happens is
11 once I issue my decision, the DHCA must follow what I do, so
12 they will either issue or deny the license based on the
13 decision, my decision in this case.
14 I just wanted to -- now, I notice that there's a
15 number of people in the, in the background. Is anyone here
16 wishing to testify today? Okay. And, Ms. Scott, are they
17 supportive of your case --
18 MS. SCOTT: Yes.
19 MS. ROBESON: -- as they're neighbors?
20 MS. SCOTT: Right.
21 MS. ROBESON: Okay.
22 MS. SCOTT: We have Susan Hayduk and her husband
23 Paul.
24 MS. ROBESON: Okay. We don't --

1 MS. SCOTT: Okay.
2 MS. ROBESON: -- want to go there. I can't go
3 there yet.
4 MS. SCOTT: Okay.
5 MS. ROBESON: Sir, do you have, are you able to
6 hear? I saw you sort of leaning forward and I wasn't sure.
7 Okay. All right. These proceedings, for everyone here,
8 these proceedings are informal but they do have certain
9 formalities. All your testimony is under oath and subject
10 to cross-examination. You're entitled to an opening
11 statement and then we take Ms. Scott's testimony and that is
12 subject to cross, anyone else who wishes to testify on the
13 special exception. The unusual thing about this is that
14 what the topics that are relevant today and that your
15 testimony should address is whether any of the conditional
16 findings made by DHCA, whether you believe they're correct
17 or you disagree with them and whether parking is inadequate.
18 My review of the objections that you filed and the Overbey's
19 filed --
20 MS. SCOTT: Yes.
21 MS. ROBESON: -- are that parking is inadequate,
22 the home is not the primary, the owner's primary residence,
23 other individuals are living in the first floor of the home,
24 because you cannot have an accessory apartment and other
25 people living there that are not the residents, and other

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1 objections that allege, and the law governing inadequate
2 parking is parking is deemed inadequate if the available on-
3 street parking for residents within 300 feet of the proposed
4 accessory apartment would not permit a resident to park on
5 street near his or her residence on a regular basis and the
6 proposed accessory apartment is likely to reduce the on-
7 street parking within 300 feet of the accessory apartment.
8 So that is the definition for whether parking is inadequate,
9 so that's what you should address your testimony to.
10 With that, the order of the hearing is each person
11 gets to make an opening statement if you wish, it's not
12 required, then we go with the objector's testimony, the
13 applicant's testimony and the housing inspector's testimony,
14 and then each of you get rebuttal time based on the
15 testimony, all right? So with that, do any of the parties
16 wish an opening statement? Miss --
17 MS. SCOTT: I would like an opening statement.
18 MS. ROBESON: Now, this is not your time to
19 testify.
20 MS. SCOTT: Okay. I understand.
21 MS. ROBESON: No. You could make it. But this is
22 a time to say --
23 MS. SCOTT: Right.
24 MS. ROBESON: Okay. Go ahead.
25 MS. SCOTT: I just wanted to thank you for giving

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1 the neighbors and the members of the Quince Orchard Valley
2 community a chance to voice our concerns about this
3 accessory apartment application.
4 MS. ROBESON: All right. Thank you. I'm sorry.
5 Can you say your name again for the record?
6 MR. EMDEN: Yes. My name is Marc Emden. I have a
7 card and I could, if you want me to pass it up. E-M --
8 MS. ROBESON: If you could give it to the court
9 reporter. Marc Emden?
10 MR. EMDEN: Yes, ma'am.
11 MS. ROBESON: Okay.
12 MR. EMDEN: We'll reserve, reserve opening.
13 MS. ROBESON: Okay. So we will begin the
14 testimony with Ms. Scott.
15 MS. SCOTT: Okay. Are you ask -- I've never done
16 this before. Are you asking questions of me about what I
17 wrote as my objections or should I just --
18 MS. ROBESON: You can read your testimony. You --
19 MS. SCOTT: Okay.
20 MS. ROBESON: I mean, this is informal.
21 MS. SCOTT: Oh.
22 MS. ROBESON: You can say whatever you wish, this is
23 your time --
24 MS. SCOTT: Thank you.
25 MS. ROBESON: -- to say whatever you wish to say,

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1 all right?
2 MS. SCOTT: Thank you.
3 DIRECT EXAMINATION
4 MS. SCOTT: So then what, I have a copy of the
5 original objections that I sent forward and just wanted to
6 say that this is not, it would be my understanding this is
7 not really a typical application for an accessory apartment
8 because we have a history of, the neighbors have been able
9 to document through the years of this house being rented
10 even though there were no licenses being involved, the
11 apartment being rented out.
12 My points that I wanted to make in order were the
13 inadequate off-street parking. The original report that Mr.
14 Goff filed had, was very specific about what had to be done
15 to that driveway and it had to be permitted work. A search
16 of the county permitting showed -- I never saw a permit
17 posted and I never saw any work done on the driveway.
18 Search of county permitting records show other things but
19 not a permit for the driveway.
20 Because there is this history where people have
21 been renting the basement and most recently, there have been
22 numerous people occupying the house that are not the owners,
23 they're parking all over the place. They're parking on both
24 sides of the street, they park very close to our -- there's
25 a pathway that leads to the apartment. It is very close to

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1 our driveway and when renters try to pull up so that
2 passengers step onto the path, they're right at the edge of
3 my driveway so getting in and out can be tricky. At one
4 point, I altered the time I left for work in the morning so
5 I could get out after the renters had left for the day.
6 MS. ROBESON: Where do you live in relation?
7 MS. SCOTT: I live right next door, 16816
8 Westbourne Terrace.
9 MS. ROBESON: Okay. All right.
10 MS. SCOTT: So --
11 MS. ROBESON: That's, so would you say it's within
12 300 feet?
13 MS. SCOTT: Oh, absolutely.
14 MS. ROBESON: Yes.
15 MS. SCOTT: Our property lines touch. And, you
16 know, depending. There have been times when only one person
17 has rented in the basement and then parking is not a
18 problem. Most of the time when the basement is rented,
19 there are two people, two adults, and those adults have two
20 cars and if they have people visiting, coming and going.
21 And I've never seen the renters be allowed to park on the
22 driveway at the property in question. They're always
23 parking on the street. The street is the street but there
24 have been times when we've had to ask the renters to move
25 their car because either we couldn't get out or if they park

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1 too, if they park in front of our house and block access to
2 our mailbox, the mailman will not deliver mail if he has to
3 back up. We still have mailboxes down at the street with a
4 drive-by mailman.

5 Like I said, the original report said that the
6 driveway had to be made larger without, with permits. We
7 did not see that happen. I know subsequent reports, the
8 driveway has fallen off, was not mentioned so I know Mrs.
9 Overbey came and looked at all the documentation on Friday,
10 the 11th, the file open, she was able to come, an she
11 couldn't find, so there were still questions about whatever
12 happened with the parking. That's the first point.

13 The second point is that right now, and at the
14 time that this application was made, neither Mr. Hubbard,
15 listed as the primary owner, nor Ms. Hartman, who was, I
16 understand, recently added as the second owner, actually
17 live in the house. They did not live in the house, neither
18 of them appeared to live in the house the date the
19 application was submitted and in the past when the house,
20 when the basement's been rented, it's only recently when
21 neighbors started going through the tax records, we always
22 thought Ms. Hartman was the owner of the house. It turns
23 out from '09 until just recently, she was not the listed
24 owner. So she was living upstairs, renters without permits
25 were living downstairs, Mr. Hubbard, who I understand lives

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1 in Columbia, Maryland, was not living there.

2 MS. ROBESON: Ms. Mr. Hubbard here today?

3 MS. HARTMAN: No, he's not. He's out of town for
4 business.

5 MS. SCOTT: So --

6 MS. HARTMAN: He's my son.

7 MS. ROBESON: I understand.

8 MS. SCOTT: So there's --

9 MS. ROBESON: This is not your time yet.

10 MS. SCOTT: As far as the neighbors are concerned,
11 we have a history of people --

12 MS. ROBESON: Okay. Let me stop you. I
13 apologize. I forgot to swear you in.

14 MS. SCOTT: Oh, I'm sorry.

15 MS. ROBESON: Please raise your right hand.

16 MS. SCOTT: Yes, ma'am.
17 (Witness sworn.)

18 MS. ROBESON: All right. Thank you. Okay. Go
19 ahead.

20 MS. SCOTT: Okay. So in the past when -- so I was
21 understanding that recently Ms. Hubbard was added, I'm
22 sorry, Ms. Hartman was added as an owner for -- the tax
23 records show the transaction price as zero. Her name was
24 added, but she's not living there right now. I understand
25 from -- Mrs. Overbey shared with me copies she made perusing

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1 the file, the public file, and it looked like folks here in
2 the county were making the assumption that Ms. Hartman is an
3 active duty member of the military and the rules might be
4 different. While everybody appreciates the service she
5 gives our country doing whatever she's doing in Afghanistan,
6 it is my understanding that she is not an active duty member
7 of the military. My husband was active duty for many years.
8 Mr. Overbey is actually a retired colonel from the Army and
9 very aware of that laws that pertain to active duty are --

10 MR. EMDEN: Objection.

11 MS. SCOTT: -- very specific.

12 MR. EMDEN: She's, I mean, I'm happy to listen to
13 her but she's talking about things that are not relevant.
14 She's talking through several different witnesses that
15 aren't testifying.

16 MS. ROBESON: Well, hearsay is admissible in these
17 informal --

18 MS. SCOTT: And I have a written statement from
19 the Overbeys because they couldn't be here today.

20 MR. EMDEN: Perhaps we could just submit that
21 then.

22 MS. ROBESON: Yeah.

23 MS. SCOTT: Well, wait. I'm going to let her
24 testify.

25 MR. EMDEN: Very well.

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1 MS. SCOTT: I --

2 MS. ROBESON: I'll give it the weight it deserves.

3 MR. EMDEN: Very well.

4 MS. SCOTT: And I'll try to be more succinct. All
5 that is saying --

6 MS. ROBESON: Well, you don't have to be succinct.
7 I just want to hear what you're saying.

8 MS. SCOTT: Right. All of that to the point that
9 it's my understanding from reading the county regulations
10 and having conversations in the past with the county, the
11 idea is with these accessory apartments, the owner occupies
12 the property. Because the property owner is occupying the
13 property, they have a vested interest in making sure the
14 tenants are good neighbors to everybody else or at least
15 maintaining the property and not causing problems.

16 To that point, this winter, spring and most
17 recently into the summer when neither owner was at that
18 house, the people who were occupying that house were causing
19 a lot of problems. There were numerous times the police
20 came out, there were numerous arrests, there were numerous
21 calls to the animal control. I can give you dates. My
22 husband and I both work full-time so we're only there early
23 morning, dinnertime and weekends because we work full-time
24 but on Tuesday, June the 3rd, I couldn't even turn onto the
25 street to go to my house because there were many Montgomery

1 County police cars.
 2 MS. ROBESON: Of this year?
 3 MS. SCOTT: Of this year. June 3rd. It was
 4 Tuesday, June 3rd of 2014 when I, and there were police cars
 5 in front of Ms. Hartman's house and in front of my house and
 6 the house on the other side of her. When I explained to the
 7 police officer I was trying to get to my home, which was
 8 blocked by a Montgomery County police car, he said that, you
 9 know, he said please wait a few minutes, we're about done
 10 here, we've just arrested five people in that house on
 11 heroin charges.
 12 MS. ROBESON: Okay. Okay. Let me -- that, what
 13 my job is, I have two things. You've raised an occupancy
 14 issue.
 15 MS. SCOTT: Uh-huh.
 16 MS. ROBESON: Can you testify how long, how much
 17 time Ms. Hartman actually occupies the home?
 18 MS. SCOTT: She occupied it until sometime this
 19 winter. The house looked deserted from about January on.
 20 There was no car in the driveway. One of the very first big
 21 snowstorms, and we didn't know that they would someday be
 22 applying for this permit or I would have noted the date, one
 23 of the big snowstorms that we had early in the season when
 24 the government was closed for a day or two, my husband and I
 25 one night, we were out walking, trying to see which was the

1 best way, how could we probably get out of the neighborhood
 2 to go to work the next day. It was dark. We walked by her
 3 house. Nothing -- the driveway was not shoveled. It looked
 4 deserted except the lights were on and there were many
 5 people in there just having a good old time and we were like
 6 well, she's gone, there's no car.
 7 And then we haven't -- she has shown up at the
 8 house in April to do some yard work. She was there just
 9 recently to do some serious renovation inside the house but
 10 she has --
 11 MS. ROBESON: How long was each stay in your
 12 estimation?
 13 MS. SCOTT: In both occurrences, in April, she was
 14 there around -- the inspection was April 7th. They said she
 15 would be moving back in in two weeks. She showed up two
 16 weeks after April 7th but she didn't move back in. She had
 17 a car with Virginia plates and she never spent the night in
 18 the house. She was there just recently around, looked like
 19 there were people there on July 7th to do a clean-out of the
 20 house and Ms. Hartman was there. This time the car had
 21 Massachusetts plates and again, she didn't spend the night
 22 in the house, so I cannot honestly tell you when's the last
 23 time she spent the night in the house but it doesn't appear
 24 to us that it's been -- I don't even know if she spent the
 25 night in there this year. Maybe. So I don't know exactly

1 when she moved out.
 2 Other tenants moved out at end of February. New
 3 tenants moved in the basement in March. I have a very clear
 4 memory of that because they blocked, literally pulled the U-
 5 Haul truck blocking our driveway. We couldn't even go in
 6 our grass to go around our driveway.
 7 MS. ROBESON: How many tenants are in there?
 8 MS. SCOTT: They were two, it looked like that
 9 night there were two young men moving in the basement. They
 10 brought in luggage, they brought in some small furniture,
 11 stereo equipment. They -- and a weird little motor bike
 12 showed up when they showed up. I don't know exactly how
 13 long they stayed because then somebody else called the
 14 county and this whole process had to start for the
 15 permitting. They, I don't know when they left. They have
 16 left but upstairs, I don't know who was living in the house
 17 other than her son, Alexander Hubbard.
 18 MS. ROBESON: Oh, okay.
 19 MS. SCOTT: Which is different. There's Aron
 20 Hubbard and there's Alexander Hubbard. But there were all
 21 kinds of people in and out of that house all night long, all
 22 day long. There was a young woman with a baby living there
 23 for a while, or appeared to be living there, but nobody had
 24 a car. They looked like they were relying on other people
 25 to bring groceries. There were stolen shopping carts that

1 would show up after somebody needed a grocery run and would
 2 steal the shopping cart, leave it in the driveway, leave it
 3 in the backyard.
 4 MS. ROBESON: Is anyone parking in the driveway?
 5 MS. SCOTT: There were people parking in the
 6 driveway but those cars, it was a variety of cars that might
 7 stay there. There was a black Cadillac SUV. There was a
 8 white, recently, there was a white Hyundai SUV. There were,
 9 there's a red Toyota that I believe belongs to Mr. Aron
 10 Hubbard, and that's there. It was there after every police
 11 arrest. It was there the day of the first inspection.
 12 There are cars coming and going all the time. The last --
 13 since Mrs. Hartman came and started demolishing, or what
 14 looks like demolishing the inside and brought a dumpster,
 15 there has not been a car since other than the car with
 16 Massachusetts plates that she brought during the day, and
 17 some people who looked like they were paid, like
 18 professional clean-up crew, and those cars didn't stay the
 19 night either.
 20 MS. ROBESON: Okay.
 21 MS. SCOTT: But there were people, even without
 22 cars in the driveway, there were plenty of people living in
 23 that house until June 29th, the final arrest.
 24 MS. ROBESON: Okay. Oh, June 29th.
 25 MS. SCOTT: There were -- the police made, in my

1 presence, the police were there three times making arrests,
 2 June 3rd, June 5th and June 29th. On June 9th, Mr. Belt,
 3 who lives next to me on the other side and couldn't be here
 4 today, he was home during the day when the police were
 5 called to the residence because somebody in a different
 6 street had a house robbed. They chased the suspect into Ms.
 7 Hartman's yard. The suspect went in the house. A young
 8 woman answered the door and would not let the police in to
 9 look for the suspect. A couple nights later, I saw someone
 10 matching the description of the suspect climbing out Ms.
 11 Hartman's bedroom window --

12 MS. ROBESON: Okay. Okay.

13 MS. SCOTT: -- in the backyard.

14 MS. ROBESON: All right. Let's -- I need to focus
 15 on the code requirements.

16 MS. SCOTT: Okay.

17 MS. ROBESON: And that is I guess what you're
 18 saying could go to parking, the adequacy of parking. How
 19 much parking is on that street? I mean, well, you have
 20 other neighbors here I think that wish to testify?

21 MS. SCOTT: Yes.

22 MS. ROBESON: Okay.

23 MS. SCOTT: The Hayduks.

24 MS. ROBESON: All right. So --

25 MS. SCOTT: Most of the houses on that street

1 would be set up that the, the original driveways -- these
 2 houses were built back in the late '60s.

3 MS. ROBESON: What do you observe on the street as
 4 a, as a whole? How, do you have any idea how long your
 5 street is? Could it be 300 feet or is it, I mean, your
 6 block?

7 MS. SCOTT: Oh, I'm sorry. I have no idea how
 8 long the block is. I, I know that the original driveways
 9 that came with that house, those types houses, these small
 10 ramblers, the drive itself is approximately 27 feet, the
 11 apron of the driveway that, you know --

12 MS. ROBESON: Yes.

13 MS. SCOTT: -- is a total of 12 and 4, 16 feet.

14 MS. ROBESON: Okay.

15 MS. SCOTT: So you could, you could, you could.
 16 You could get two cars.

17 MS. ROBESON: Okay.

18 MS. SCOTT: If you needed to.

19 MS. ROBESON: Tandem. In other words, one behind
 20 the other.

21 MS. SCOTT: One behind the other, right. Not side
 22 by side. One behind the other, yes, ma'am.

23 MS. ROBESON: But your property is adjacent and
 24 it's less than 300 feet. Your property is adjacent to this
 25 property.

1 MS. SCOTT: Yes. My property, my driveway is
 2 right on the edge of the property line and the little
 3 sidewalk they built for their tenants is no more than four
 4 feet from my driveway. And the door that their tenants use
 5 is, you know, right out our dining room, kitchen.

6 MS. ROBESON: Okay. Now, I think I interrupted
 7 you with your, from your, what you were --

8 MS. SCOTT: Yeah. The point I'm trying to make is
 9 we, we have a documented history of what happens in that
 10 house when --

11 MR. EMDEN: Your Honor, can I --

12 MS. SCOTT: -- the owners are not there.

13 MR. EMDEN: She's now repeating herself for at
 14 least the third time.

15 MS. SCOTT: I have arrest records I can --

16 MS. ROBESON: Well, I haven't been counting.

17 MS. SCOTT: I can produce arrest records if you
 18 need them.

19 MS. ROBESON: Well, the issue --

20 MS. SCOTT: To show what happens at the house.
 21 When the owners are not there, this is what's happening at
 22 the house so if the owner is not going to be there, who is
 23 going to supervise the accessory apartment?

24 MS. ROBESON: I understand. Okay. I don't
 25 think --

1 MS. SCOTT: That's the point I'm trying to make.

2 MS. ROBESON: At this stage, we don't need that.

3 Did you have anything else you wanted to say about the
 4 accessory apartment criteria for approval which --

5 MS. SCOTT: And so it is part of the approval
 6 process that the owner, it has to be their residence.

7 MS. ROBESON: Right.

8 MS. SCOTT: Right?

9 MS. ROBESON: Yes. Correct.

10 MS. SCOTT: So the owner is not in residence. We
 11 have the cars parked that --

12 MR. EMDEN: Your Honor, can I object again. She's
 13 now for the fourth time --

14 MS. SCOTT: The last piece I would like --

15 MS. ROBESON: You know what?

16 MR. EMDEN: -- reading the same thing.

17 MS. ROBESON: We give a little leeway because
 18 she's not an attorney.

19 MS. SCOTT: I'm not a lawyer.

20 MR. EMDEN: Right. I understand.

21 MS. SCOTT: I'm just a neighbor.

22 MR. EMDEN: Just in the interest of there are
 23 other witnesses. I understand she's got a lot to say but
 24 she's --

25 MS. SCOTT: Well, then I'll --

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1 MS. ROBESON: But I'm going to let her say it.
2 MR. EMDEN: Very well.
3 MS. SCOTT: Thank you. And the last point I'd
4 like to make is there is a history of complaints related to
5 people calling the county to say we think there's some
6 unlicensed renting going on here, and it goes back as far as
7 '09, and various neighbors have gotten together, we've
8 searched the internet and found things so there's history of
9 just lack of regard for the zoning laws and the rules and
10 regulations that everybody lives by.
11 MS. ROBESON: I understand.
12 MS. SCOTT: I just want to make that point that
13 really, nobody should be above the law. It doesn't matter
14 who you work for, how much money you make or what your name
15 is. The rules are the rules.
16 MS. ROBESON: Right.
17 MS. SCOTT: And there's a history of disregarding
18 the rules and we're concerned that if this apartment
19 application is granted, that once it's granted, there won't
20 be any reason for anybody to live by the rules. In fact,
21 when, you'll recall originally, this application was denied
22 after the second inspection. In May, there was a --
23 MS. ROBESON: Yes.
24 MS. SCOTT: -- conditional finding and then there
25 was a re-inspection and they didn't pass. After that time,

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1 that's when the activity, the all night parties, the drug
2 dealing, all of that just went, it just picked up and became
3 every night. Once they, once the person living in that
4 house and his friends thought that they didn't have to be on
5 guard anymore, it went downhill fast.
6 MS. ROBESON: All right. All right. Thank you.
7 MS. SCOTT: Thank you for allowing us to be here.
8 MS. ROBESON: Anything else you'd like to say?
9 MS. SCOTT: Um. No. I have, I have the statement
10 -- I also -- no. I have a statement from the Overbeys.
11 Would you like -- can I read that into the record or would
12 you like that hard copy handed to you?
13 MS. ROBESON: I, why don't you give me the hard
14 copy. Now, that's not subject to cross-examination --
15 MS. SCOTT: Right.
16 MS. ROBESON: -- so I can't give that the
17 weight --
18 MS. SCOTT: Fair enough.
19 MS. ROBESON: -- that live bodies, so to speak,
20 have.
21 MS. SCOTT: Right. And the Overbeys had --
22 MS. ROBESON: Yes. So I'm going to mark that as
23 exhibit -- any objections?
24 MR. EMDEN: No, Your Honor.
25 MS. ROBESON: I'm going to mark that as Exhibit 43

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1 which is statement, Overbey statement.
2 (Exhibit No. 43 was marked for
3 identification.)
4 MS. ROBESON: All right.
5 MS. SCOTT: Mrs. Overbey told me she set that
6 statement up, the first part is wording from her original
7 objection which is --
8 MS. ROBESON: Right.
9 MS. SCOTT: -- on file, then the last part was
10 after she reviewed the records and before they left town.
11 And she's got a date on that.
12 MS. ROBESON: Right.
13 MS. SCOTT: And that was attached to an e-mail she
14 sent me personally. And that e-mail to me had personal
15 information about my grandchildren and different things so I
16 did not print the e-mail.
17 MS. ROBESON: Okay.
18 MS. SCOTT: If you could like, I can --
19 MS. ROBESON: No, no. That's fine.
20 MS. SCOTT: -- forward that to you but it has --
21 MS. ROBESON: That's fine.
22 MS. SCOTT: -- family info.
23 MS. ROBESON: As long as the gist of what she
24 wanted to say is in there.
25 MS. SCOTT: Yeah. That's fine.

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1 MS. ROBESON: All right. Now, it's, Ms. Scott,
2 it's time for cross-examination which means that mister --
3 can you spell your last name again?
4 MR. EMDEN: Sure. E-M-D-E-N. Emden.
5 MS. ROBESON: I had O-N. Okay. Mr. Emden gets to
6 ask you questions about your testimony, all right? Mr.
7 Emden?
8 MR. EMDEN: Thank you.
9 CROSS-EXAMINATION
10 MR. EMDEN: Have you seen any written lease
11 between the Hartman's and any other member of the world?
12 MS. SCOTT: No.
13 MR. EMDEN: And have you seen any money exchange
14 hands between Ms. Hartman and any other member of the world
15 concerning renting property?
16 MS. SCOTT: No.
17 MR. EMDEN: Do you agree that each house has space
18 in front of it for anyone to stop their car? In other
19 words, it faces the street?
20 MS. SCOTT: Yes.
21 MR. EMDEN: And you agree that she has a driveway.
22 MS. SCOTT: Yes.
23 MR. EMDEN: And you really don't know whether
24 these people that you described were tenants for pay or
25 other individuals.

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1 MS. SCOTT: I've not seen money change hands but a
2 reasonable person -- they lived there, many of them lived
3 there for a year. That's, that's not just overnight guests.
4 That's not somebody, you know, helping out.
5 MR. EMDEN: And you also know that she has two, or
6 three grown sons?
7 MS. SCOTT: I knew of two grown sons. If there
8 are more, I didn't know about that.
9 MR. EMDEN: Quick indulgence. That's all I have.
10 MS. ROBESON: All right. Based on his questions,
11 is there anything else you would like to say?
12 MS. SCOTT: I would like someone to ask Ms.
13 Hartman if money did change hands. Did she take money from
14 these people?
15 MS. ROBESON: Well, you can ask her that --
16 MS. SCOTT: Okay.
17 MS. ROBESON: -- when it's your turn to cross-
18 examine her.
19 MS. SCOTT: Fair enough. Okay.
20 MS. ROBESON: So write that down.
21 MS. SCOTT: Thank you.
22 MS. ROBESON: Anything else?
23 MS. SCOTT: I'd like to clear, I'd like clarity
24 whether or not she's active duty member of the military.
25 MS. ROBESON: Oh, okay. No. You can ask that of

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1 her --
2 MS. SCOTT: Okay.
3 MS. ROBESON: -- when it's your time. I mean, is
4 there anything else you'd like to add to your statement?
5 MS. SCOTT: Um --
6 MS. ROBESON: Based on his questions to you.
7 MS. SCOTT: Based on his questions.
8 MS. ROBESON: His questions were --
9 MS. SCOTT: Were about the parking and money
10 changing hands. No.
11 MS. ROBESON: Okay. All right. Thank you, Ms.
12 Scott.
13 MS. SCOTT: Thank you.
14 MS. ROBESON: Is there anyone else that wishes to
15 testify in support of the objection? Yes, ma'am. Why don't
16 you come forward. Please raise your right hand.
17 (Witness sworn.)
18 DIRECT EXAMINATION
19 MS. ROBESON: Please state your name and address
20 for the record.
21 MS. HAYDUK: Susan Hayduk, H-A-Y-D-U-K, 16807
22 Westbourne Terrace.
23 MS. ROBESON: Okay. Before you start, can you
24 tell me where you live in the --
25 MR. EMDEN: Do you want to swear the witness? I'm

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1 sorry. I may have missed that.
2 MS. ROBESON: I did swear her.
3 MR. EMDEN: Okay. I'm sorry.
4 MS. ROBESON: Before you begin your testimony, can
5 you describe where you live in relation to Ms. Hartman's
6 house?
7 MS. HAYDUK: We live down, we live on Westbourne
8 Terrace but there's a cul-de-sac. When you come into the
9 development on Fernshire, you make, there's a stop sign on
10 Fernshire. You make a left onto the cul-de-sac and at
11 Westbourne, the house, their house is like directly in front
12 of the stop sign, pretty close to it, and you make a left on
13 Westbourne and we are, there's the cul-de-sac and that's
14 where we live is down around the corner.
15 MS. ROBESON: Okay.
16 MS. HAYDUK: I can't say how many --
17 MR. HAYDUK: 16807.
18 MS. HAYDUK: Yeah, I know, but I don't know how
19 many feet that, you know, from their house.
20 MS. ROBESON: No, that's okay.
21 MS. HAYDUK: But we are in a close proximity. We
22 have to go by their house when we leave our cul-de-sac --
23 MS. ROBESON: Okay.
24 MS. HAYDUK: -- to go out of the development.
25 MS. ROBESON: All right.

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1 MS. HAYDUK: So we're in and out frequently.
2 MS. ROBESON: Okay. That's helpful. Okay.
3 MS. HAYDUK: Okay.
4 MS. ROBESON: Continue with what you wish to say.
5 MS. HAYDUK: I would like to agree with everything
6 that Anne has said. This will sound redundant, probably,
7 what I am about to say. We did not get together when it
8 came to my putting together a testimony so this will be a
9 repeat but it's how it affects us as neighbors.
10 MS. ROBESON: And that's fine.
11 MS. HAYDUK: Okay. Since 2009, there have been
12 seven complaints, and I have attachments to, to support my
13 statements. There have been seven complaints to the
14 Montgomery County Department of Permitting Services related
15 to accessory apartment violations at this residence.
16 According to county records, inspectors have referred and/or
17 resolved the complaints. Our question is if the complaints
18 have been resolved, why was the owner of this residence not
19 fined for having, having an accessory apartment with no
20 record of a permit since 2009?
21 MS. ROBESON: Okay.
22 MS. HAYDUK: The second statement I have is the
23 Montgomery County Department of Housing and Community
24 Affairs Accessory Apartment Fact Sheet states that an
25 existing single-family dwelling must be owner-occupied.

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1 According to the property evaluation of 9/2006, which I have
2 a copy of, Aron D. Hubbard was listed as the owner.
3 However, on the accessory apartment rental license
4 application, which went out recently, both Aron D. Hubbard
5 and Catherine Hartman were listed on the, on the application
6 as owners. However, neither of these owners reside at 16820
7 Westbourne Terrace.
8 MS. ROBESON: Now, can you give me your factual
9 basis for, for your opinion that or your belief that neither
10 owner resides there?
11 MS. HAYDUK: We have not seen the owner. I have
12 seen Catherine Hartman in her yard occasionally but, but
13 what we have seen recently is that there is a young man
14 living there. I did not know his name until recently, last
15 couple days actually, but I assumed he was the son. We've
16 spoken to him a couple times about, about a motorcycle that
17 was left on our cul-de-sac. He finally came down to claim
18 it. He also has left shopping carts on the cul-de-sac and
19 he never claimed them. The police knew about it. They did
20 not go to the residence, I don't believe, to have the
21 removed but one of our neighbors had to physically remove
22 them because I saw the carts being wheeled down the street
23 by whoever was staying at that house, young people, and they
24 pushed it right over at our neighbor's house, leads to the
25 lower park, and they pushed them over the hill.

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1 MS. ROBESON: Okay.
2 MS. HAYDUK: And that's where we found them.
3 MS. ROBESON: Okay. Tell me about your
4 observations of Mr. Hubbard or Ms. Hartman at the home.
5 MS. HAYDUK: Mr. Hubbard, the young man who we
6 have seen there --
7 MS. ROBESON: No.
8 MS. HAYDUK: Is that what you mean? The --
9 MS. ROBESON: Yes. Mr. Hubbard or Ms. Hartman
10 because if you have an old tax record saying Mr. Hubbard or
11 somebody else owned it --
12 MS. HAYDUK: Going down to 2006.
13 MS. ROBESON: -- I mean, we're really dealing with
14 now so --
15 MS. HAYDUK: Okay.
16 MS. ROBESON: So even though there's a lot of, it
17 sounds to me like there's many past frustrations.
18 MS. HAYDUK: Uh-huh.
19 MS. ROBESON: We're really dealing with the
20 situation what is now, so can you describe how often you
21 have seen Ms. Hartman or Ms. Hubbard there?
22 MS. HAYDUK: Um --
23 MS. ROBESON: Mr. Hubbard.
24 MS. HAYDUK: Mr. Hubbard, the young --
25 MS. SCOTT: Excuse me. Can we clarify which Mr.

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1 Hubbard because --
2 MS. HAYDUK: Yes.
3 MS. SCOTT: -- there are two.
4 MS. ROBESON: Oh, they're both Hubbards?
5 MS. HAYDUK: Yes.
6 MS. SCOTT: They're both Hubbard and --
7 MS. ROBESON: Oh.
8 MS. HAYDUK: Alexander.
9 MS. SCOTT: -- both their names start with A --
10 MS. ROBESON: Oh, okay.
11 MS. SCOTT: -- so it's tricky.
12 MS. ROBESON: Well, I guess the question is the
13 two owners of the property are Aron --
14 MS. HAYDUK: Uh-huh.
15 MS. ROBESON: -- and Ms. Hartman.
16 MS. HAYDUK: Exactly.
17 MS. ROBESON: So can you tell me how often you've
18 seen Aron there?
19 MS. HAYDUK: I don't, I -- it has been a number of
20 years when we saw a young man and I, we assume it is Aron,
21 we do not know. We just knew that a young man was living
22 there. He had a dog because the dog came after our dog and
23 he came -- and that's when they were working on the
24 apartment in the basement, when they were obviously redoing
25 it.

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1 MS. ROBESON: And that's when the tax records said
2 that --
3 MS. HAYDUK: Yes.
4 MS. ROBESON: -- he owned the property.
5 MS. HAYDUK: I think it was 2009. Around 2009
6 when they, it looked like the apartment was being redone in
7 the basement because we saw workmen in and out all the time.
8 MS. ROBESON: Okay.
9 MS. HAYDUK: The dog got loose, came down on our
10 cul-de-sac, came after our dog. He came running down for
11 it. It also got loose one other time when the workman was
12 there.
13 MS. ROBESON: Okay.
14 MS. HAYDUK: And he came running after it.
15 MS. ROBESON: I understand.
16 MS. HAYDUK: So I don't know how long that young
17 man was living there. I don't know. I do not know.
18 MS. ROBESON: And have you -- how long it's been
19 since you've seen him?
20 MS. HAYDUK: Oh, 2009, 2010 I would, I'm guessing
21 that was the last time we saw him there.
22 MS. ROBESON: Now, what about Ms. Hartman?
23 MS. HAYDUK: Ms. Hartman, I can't tell you the
24 exact date.
25 MS. ROBESON: Well, just is it one day, is it two

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1 days?
2 MS. HAYDUK: Oh, it's been awhile. It's been a
3 while ago since I've seen her because basically, we just
4 pass by --
5 MS. ROBESON: Right.
6 MS. HAYDUK: -- if we're walking, you know, I've
7 seen someone working in the yard. It's been a number of
8 years though since I have seen her --
9 MS. ROBESON: Since you've seen her.
10 MS. HAYDUK: -- out in the yard, yes. Um-hum.
11 Since I've observed her in the yard.
12 MS. ROBESON: Okay. All right. Now, I
13 interrupted you.
14 MS. HAYDUK: Uh-huh.
15 MS. ROBESON: Can you continue with your
16 statement?
17 MS. HAYDUK: The other -- what really has affected
18 us is the parking on the street. The people who have been
19 so called renting an apartment or living in the basement,
20 and I do know that -- I worked at NIST and I've seen cars
21 with NIST stickers on there so I knew --
22 MS. ROBESON: What sticker? Can you --
23 MS. HAYDUK: The National Institute of Standards
24 and Technology.
25 MS. ROBESON: Oh, okay.

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1 MS. HAYDUK: Okay? And I have seen there were
2 cars there I believe in December. They had been there for a
3 while and they left in January but it was, it was I know in
4 December, even before that, there were two cars and one of
5 them did have a NIST sticker on it so, I mean, I did, and I
6 was not, I had retired at the time so I was unable, we
7 always have a bulletin board at work where I can see, you
8 know, if houses, places are rented out and that, we looked
9 at it all the time just to see what was being rented out in
10 the area.
11 MS. ROBESON: Was this property listed?
12 MS. HAYDUK: No. I did not see anything listed.
13 I did not. At the time, I was retired --
14 MS. ROBESON: Okay.
15 MS. HAYDUK: -- and did not, was not working at
16 NIST to observe anything like that.
17 MS. ROBESON: I see. Okay.
18 MS. HAYDUK: But I did notice the car had a NIST
19 sticker.
20 MS. ROBESON: Oh, I see. Okay.
21 MS. HAYDUK: Yes. But the -- what has affected us
22 is the parking on the street. Coming from what, coming from
23 Fernshire, there's a stop sign to turn left onto Westbourne,
24 but cars were parking on the left-hand side and the right-
25 hand side in front of, in front of the house, in front of

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1 this residence. It was very difficult to make a left-hand
2 turn. If any vehicle had to -- we have a lot of elderly
3 people in our cul-de-sac. If a, if a fire or rescue or some
4 emergency type vehicle had to get through there, practically
5 impossible to make that left-hand turn from Fernshire at the
6 stop sign. And when we're leaving our residence to go back
7 to Fernshire to get out of the development to make that
8 right-hand turn, those cars are parked very close to that
9 intersection.
10 We had called the police at one time. I said what
11 can we do about it. I found nothing on the county website.
12 He said call us the next time you see the car down there, we
13 will come out. He said that's all we can do and I --
14 MS. ROBESON: Did you observe cars in the
15 driveway?
16 MS. HAYDUK: No. No.
17 MS. ROBESON: Okay.
18 MS. HAYDUK: And by the way, we also noticed that
19 as part of the application, that Aron Hubbard had presented
20 to the county. He said that there, and I have a copy here,
21 there was an apartment driveway sketch and it says here,
22 this says the number of on-site parking spaces is three.
23 There is no room on-site parking on that house for three
24 cars as it is now. There is no room in that driveway.
25 MS. ROBESON: How much do you think they could fit

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1 in?
2 MS. HAYDUK: One behind the other.
3 MS. ROBESON: Tandem.
4 MS. HAYDUK: Probably two at the most. One behind
5 the other. There is not room for two cars to park side by
6 side.
7 MS. ROBESON: What do you observe as far as cars
8 in the driveway now?
9 MS. HAYDUK: Right now, we have not seen any cars
10 in the driveway. Even when there was all the activity going
11 on down there, there would be cars coming and going. Most
12 of the cars would be on the street very late at night
13 parking on both sides. You would see the lights and hear
14 the, the noise. But, no. There are no cars on the -- and
15 even when the young man who was Alexander living there,
16 there were no cars there. He came out one evening with a
17 lady that had a baby and we asked him if that was his
18 vehicle down the street that was left in our cul-de-sac. He
19 said oh, yes. He said well, it was left by so and so, and
20 there were so many stories that we didn't know which was
21 true and he said well, I'll move it eventually, we're just
22 taking the baby for a walk, but there were no cars in the
23 driveway or in the front of the house at that time.
24 MS. ROBESON: All right.
25 MS. HAYDUK: And that's basically, that's how it

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1 affects us.
2 MS. ROBESON: Okay. That's fine. That's,
3 helpful. Mr. Emden, do you have questions?
4 MR. EMDEN: Yes.
5 CROSS-EXAMINATION
6 MR. EMDEN: Did you ever receive an e-mail from
7 Ms. Overbey about complaining about this property?
8 MS. HAYDUK: Yes.
9 MS. EMDEN: And are you part of a community list
10 serv or --
11 MS. HAYDUK: No.
12 MS. EMDEN: Was it a, what's the word, was it a
13 collection of names that was involved with the e-mail you
14 received?
15 MS. HAYDUK: Yes.
16 MS. EMDEN: Do you know of how many people,
17 approximately, have been approached by Ms. Overbey about
18 this property?
19 MS. HAYDUK: No. Only what was, she has a list,
20 only the names that I saw on her e-mail.
21 MS. EMDEN: How many names were, roughly, on the
22 e-mail?
23 MS. HAYDUK: Oh, maybe 10 maybe. I'm not sure how
24 many. I didn't count, but I would say eight to 10.
25 MR. EMDEN: And other than these 10, those 10

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1 names on the e-mail trail --
2 MS. HAYDUK: Uh-huh.
3 MS. EMDEN: That's what it was, e-mail trail.
4 MS. HAYDUK: Uh-huh.
5 MS. EMDEN: Have you spoken to other people in the
6 neighborhood about this I'll call situation?
7 MS. HAYDUK: Yes.
8 MS. EMDEN: About how many other people than the
9 10 people we talked about?
10 MS. HAYDUK: Five.
11 MS. EMDEN: And other than these five people, are
12 you aware, through any of the witnesses here, of other
13 people that have been approached in the neighborhood by this
14 situation?
15 MS. HAYDUK: No.
16 MR. EMDEN: And of the 15 people you've mentioned,
17 how many of them are present today?
18 MS. HAYDUK: Um, I didn't pay any attention to the
19 names so I can't say whether their names -- I know Anne but
20 whether they were on the list, I don't know. I didn't, I
21 just saw the list of names, recognized a couple of the names
22 and that was all.
23 MS. EMDEN: Right. But would you say it's fair to
24 say that there are at least 10 people who were on this e-
25 mail trail who are not here today to complain?

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1 MS. HAYDUK: I don't know. I do not -- I have no
2 idea.
3 MS. EMDEN: And I assume that you were aware that
4 the police came out to the property in June.
5 MS. HAYDUK: Yes.
6 MS. EMDEN: And I also imagine that hearing or
7 seeing that there, simply by itself, that there's police
8 activity on your property or your neighborhood is very
9 upsetting to you.
10 MS. HAYDUK: Yes, it is. Definitely.
11 MS. EMDEN: And also that there's an allegation of
12 drug activity would also be upsetting to you --
13 MS. HAYDUK: Right.
14 MR. EMDEN: -- and the neighborhood.
15 MS. HAYDUK: Definitely. Yes.
16 MS. EMDEN: And you would like that to end.
17 MS. HAYDUK: That's right. That's right.
18 MS. EMDEN: Thank you.
19 MS. HAYDUK: Sure.
20 MS. EMDEN: That's all I have.
21 MS. ROBESON: Is there anything you would like to
22 say in response to what he said? What he said, what Mr.
23 Emden asked you.
24 MS. HAYDUK: Yes. I had a statement here and
25 whether it's relevant or not, it's how we feel, that as we

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1 have been residents of Prince Orchard Valley since 2000, I'm
2 sorry, 1972, we have seen a marked decline in appearance and
3 worth of properties in Quince Orchard Valley since the
4 county has approved or not enforced licensing of accessory
5 apartments. We have also seen an increase in crime.
6 However, our property is taxed and insured at a high rate
7 because of this location.
8 We are very fearful our property values will drop
9 even more if the county does not take proper action and
10 start enforcing laws that they have enacted. The recent
11 drug bust at this address, frequent police activity and
12 inability of the county to follow up on complaints and
13 enforcement of an illegal accessory apartment since 2009 has
14 resulted in our strong opposition or approval of an
15 accessory apartment at 16820.
16 MS. ROBESON: All right.
17 MS. HAYDUK: And the police have stopped us. When
18 we take walks in the evening, we have been stopped by the
19 police. We have been asked where do you live. We told
20 them. I didn't give them my address. I said Westbourne
21 Terrace. They said if you see anything at this address, you
22 contact us. That's what they told us, and that was about a
23 month ago after this police activity there.
24 MS. ROBESON: Okay. Do you have any questions
25 based on --

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1 MR. EMDEN: None, Your Honor.
2 MS. ROBESON: All right. Thank --
3 MS. HAYDUK: Okay.
4 MS. ROBESON: Anything else?
5 MS. HAYDUK: No. My husband just me a note. Most
6 of the --
7 MS. ROBESON: No. No, no. He can, you can come
8 up.
9 MS. HAYDUK: You can come up and testify.
10 MS. ROBESON: If there's something you want to
11 say, please come up, all right? All right.
12 MS. HAYDUK: Thank you.
13 MS. ROBESON: You may be excused. Thank you.
14 Okay. The next witness, please. All right. Yes. Very
15 good.
16 (Witness sworn.)
17 DIRECT EXAMINATION
18 MS. ROBESON: All right. Please state your name
19 and address for the record and after that, it would help me
20 to describe where you live in relation to the Hartman house.
21 MS. KOTOWSKI: Okay. I live at 12213 Bradbury
22 Drive.
23 MS. ROBESON: Well, first state your name and
24 address.
25 MS. KOTOWSKI: Oh, I'm Janet Kotowski.

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1 MS. ROBESON: Okay.
2 MS. KOTOWSKI: I live -- the way our neighborhood
3 is set up, Westbourne is over here and my street is over
4 here.
5 MS. ROBESON: Okay. The transcript --
6 MS. KOTOWSKI: Oh, can't do that.
7 MS. ROBESON: -- doesn't understand here.
8 MS. KOTOWSKI: All right.
9 MS. ROBESON: So --
10 MS. KOTOWSKI: So --
11 MS. ROBESON: -- if you're north or south or a
12 block over.
13 MS. KOTOWSKI: Am I north? What I am is we have a
14 path through the Seneca Valley Park that runs between the
15 end of Westbourne right up to Suffolk which is right around
16 the corner from where I live.
17 MS. ROBESON: Okay.
18 MS. KOTOWSKI: So I live within the neighborhood
19 on the other side.
20 MS. ROBESON: Okay. All right.
21 MS. KOTOWSKI: Okay? And, no, I don't live next
22 door to this, this property but the result of this hearing
23 has an effect on my home as well as all the other homes in
24 the neighborhood.
25 MS. ROBESON: Okay.

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1 MS. KOTOWSKI: And that's why I'm here.
2 MS. ROBESON: Okay. Tell me the effect.
3 MS. KOTOWSKI: One of the issues I'm having is
4 that who owns, who is the property owner. I mean, I've got
5 the, the number one thing on the reference, checklist for
6 licensing of an accessory apartment is property must be the
7 owner's primary residence, so who is the property owner and
8 are they living there? I see that as the --
9 MS. ROBESON: Well, what I need from you, that's
10 something you want to find out in this hearing.
11 MS. KOTOWSKI: Okay.
12 MS. ROBESON: And you're going to get a chance to
13 ask questions.
14 MS. KOTOWSKI: Okay.
15 MS. ROBESON: What I need to find out from you is
16 I have these criteria. Does the person live there --
17 MS. KOTOWSKI: Right.
18 MS. ROBESON: -- and is parking or anything that
19 DHCA found or any of the director's report, was DHCA wrong,
20 do you believe DHCA is wrong and then whether parking is
21 inadequate. So what would help me to, to make a ruling is
22 your observations on those issues.
23 MS. KOTOWSKI: Okay.
24 MS. ROBESON: Do you know, have you witnessed the
25 parking on the street? How often have you seen the

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1 homeowner at the residence? Are there other people living
2 there that, that, are there other people living there? So
3 that's kind of what I, I need, do you have observations to
4 tell me about what you know about the property.
5 MS. KOTOWSKI: I guess the problem I'm having is
6 whether I observed the homeowner there or if I have seen
7 because I don't live right there.
8 MS. ROBESON: I understand.
9 MS. KOTOWSKI: But the fact is if there is, if the
10 owner is not the primary resident, why was this even an
11 availability to have an accessory apartment because that
12 does affect my side of the neighborhood when somebody else
13 wants to have an apartment. If we set precedence that we're
14 not going to follow this rule and we're going to say okay,
15 they've made the right, they've put in the right fire
16 detectors, they put the right windows in but the basics of
17 who is the owner and are they living there, I mean, that
18 does affect me.
19 MS. ROBESON: Yes. I understand. I understand.
20 MS. KOTOWSKI: And that's what I, my understanding
21 was, I was going to be able to just talk to the issue of how
22 it affects the neighborhood --
23 MS. ROBESON: That's fine.
24 MS. KOTOWSKI: -- in general.
25 MS. ROBESON: That's fine.

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1 MS. KOTOWSKI: And to me, that is a primary step
2 of saying the person who owns the property should be living
3 there because as you have heard, when people who are living
4 there, there's no one in control of the house, then you have
5 the issue of someone in our neighborhood being, having a
6 break-in and it being traced back to this house.
7 MS. ROBESON: When you say -- so your issue, is
8 your issue the past police activity because that's not --
9 MS. KOTOWSKI: My -- no. No. It's a concern but
10 my primary concern issue is with, it has, with the
11 regulation that you have to have the property owner living
12 there.
13 MS. ROBESON: Okay. All right.
14 MS. KOTOWSKI: Which affects who is renting and
15 who is watching what's happening in the house which in the
16 grander scheme, that affects the rest of us because if no
17 one is monitoring that by it being the property owner, then,
18 yes, you have people who are living there who do not have
19 ties to the neighborhood, who don't care about the house,
20 don't care about property of the other people in the
21 neighborhood.
22 MS. ROBESON: Yes. Okay.
23 MS. KOTOWSKI: So I don't understand why there's
24 the big rush to approve this apartment until there is some,
25 there is a documentation or the fact that the property owner

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1 has been living there for at least 30 days at least or 60
2 days or a year, at minimum, to show that, yes, this is their
3 primary residence. Why can't that be a, a stipulation
4 before the apartment is approved to say that, yes, we are
5 guaranteeing that the property owner has to live there or is
6 living there before the accessory apartment application is
7 approved?
8 MS. ROBESON: Okay. I understand.
9 MS. KOTOWSKI: And so I, I feel that -- that's not
10 a direct observation of me watching --
11 MS. ROBESON: No. I --
12 MS. KOTOWSKI: -- who owns the house.
13 MS. ROBESON: I understand.
14 MS. KOTOWSKI: Okay.
15 MS. ROBESON: And I do have the ability to put
16 some conditions on, if a permit is granted, I do have some
17 ability to place conditions on the grant. So what you're
18 saying is that a condition that, that you find necessary is,
19 is that someone actually physically reside at the property
20 for a certain period of time.
21 MS. KOTOWSKI: And then what is, if that person
22 is, is not in residence, what is the recourse? Do you take
23 away that accessory apartment.
24 MS. ROBESON: Right.
25 MS. KOTOWSKI: I mean, because if -- it's pretty

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1 clear to me that you live there and it's full-time.
2 MS. ROBESON: All right.
3 MS. KOTOWSKI: Okay?
4 MS. ROBESON: Yes. Thank you. Any questions?
5 MR. EMDEN: No.
6 MS. ROBESON: Thank you.
7 MS. KOTOWSKI: You know, I --
8 MS. ROBESON: Well --
9 MS. KOTOWSKI: Can I?
10 MS. ROBESON: Yes. Go ahead.
11 MS. KOTOWSKI: I know he asked another person
12 about the number of people who knew about this hearing and
13 why maybe there's not as many people who live next door.
14 The reality is people have jobs and people are out of town
15 in the summer, and so to say that the other neighbors don't
16 care or by the lack of people here I think is a misnomer. I
17 think we need to be realistic about other people have
18 illnesses, that they cannot be here.
19 So the fact that we have people who are willing to
20 take the time to come and talk to the, talk at the hearing
21 because it is, we have these regulations for a reason. Then
22 let's get rid of the regulations and let, have anybody have
23 an apartment. What's the difference with saying you have a
24 bad smoke detectors and there's no property owner?
25 MS. ROBESON: Okay. I do understand.

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1 MS. KOTOWSKI: Do you understand that? Okay.
2 Thank you.
3 MS. ROBESON: Any questions based on that last --
4 MR. EMDEN: (No audible response.)
5 MS. ROBESON: Okay. All right. Thank you very
6 much.
7 MS. KOTOWSKI: You're welcome.
8 MS. ROBESON: You may be excused. Is there anyone
9 else that would -- I see your wife nudging you.
10 MR. HAYDUK: Yes, ma'am.
11 MS. ROBESON: Please raise your right hand once
12 you sit.
13 (Witness sworn.)
14 MS. ROBESON: Thank you.
15 DIRECT EXAMINATION
16 MS. ROBESON: Please state your name and address
17 for the record.
18 MR. HAYDUK: My name is Paul Hayduk, H-A-Y-D-U-K.
19 I reside --
20 MS. ROBESON: And your --
21 MR. HAYDUK: -- at 16807 Westbourne Terrace.
22 MS. ROBESON: All right.
23 MR. HAYDUK: And again, I'd like to speak about
24 our development. To give you a better idea to answer his
25 questions about who was on the list and why more people

1 aren't here, let me start by saying that on the upper side
 2 of the Hubbard's place or whatever, the house in question --
 3 MS. ROBESON: The upper side? The --
 4 MR. HAYDUK: On the opposite side of the Hubbards,
 5 I mean of the Scott's, there's a neighbor there next to the
 6 driveway. They're moving so they're not here today. The
 7 next house is the house in question and then you have the
 8 Scotts. And then the next house, you have a couple whose
 9 husband is a National Guard member. I don't know his
 10 status. His wife is a member, I believe, of the State
 11 Department, okay? The next house are renters, okay? I
 12 don't know what she does but he runs a restaurant, okay?
 13 The next house, elderly couple. He's got breathing problems
 14 similar to mine. He's also under medical care.
 15 The next house, a retired couple who are involved
 16 with Gaithersburg HELP. Every morning 5:00, they go open
 17 the shop for, for food. The next house on the circle,
 18 elderly couple. He has a breathing problem. He's going for
 19 medication. The next house coming around the circle, I
 20 don't see them very often, okay? I don't know what they do.
 21 The couple that share our driveway, he's on call. He's an
 22 IT person. His car was gone this morning. Coming around
 23 the circle is another rental couple. They could care less
 24 what goes on. Coming back again, an elderly woman in her
 25 90s, doesn't drive, doesn't go anyplace.

1 MS. ROBESON: Right.
 2 MR. HAYDUK: She's taken out to dinner by family
 3 and friends. The next house up on the corner is low income.
 4 The fellow, you never see him. He hardly cuts his grass,
 5 and that's right across the street from where the house in
 6 question is. So that's the reason why these people aren't
 7 showing up.
 8 MS. ROBESON: I understand. Now, can you tell me
 9 what your observations of parking on the street are?
 10 MR. HAYDUK: Same as my wife has said, okay? It's
 11 very difficult for emergency vehicles particularly to make
 12 the left turn if they need to come into our cul-de-sac.
 13 MS. ROBESON: And is that because of the number of
 14 vehicles that are parked on the street?
 15 MR. HAYDUK: That have been there previously, yes,
 16 ma'am.
 17 MS. ROBESON: Now, do other rental, do other
 18 houses on the street also have a lot of vehicles?
 19 MR. HAYDUK: No more than two.
 20 MS. ROBESON: Okay.
 21 MR. HAYDUK: No more than two. And the driveways
 22 are adequate, carports are adequate to handle it.
 23 MS. ROBESON: All right. Thank you. Mr. Emden,
 24 do you have any question?
 25 MR. EMDEN: No questions.

1 MS. ROBESON: Okay. Thank you. You're excused.
 2 Anyone else that would like to testify? No? All right. I
 3 do appreciate it. Mr. Emden, it is Ms. Hartman's turn. Ms.
 4 Hartman, please raise your right hand.
 5 (Witness sworn.)
 6 MS. ROBESON: Go ahead, Mr. Emden.
 7 MR. EMDEN: Thank you.
 8 DIRECT EXAMINATION
 9 MR. EMDEN: Would you please introduce yourself to
 10 Ms. Robeson?
 11 MS. HARTMAN: My name is Catherine Hartman. I
 12 reside at 16820 Westbourne Terrace. I am an employee of the
 13 U.S. Department of Defense, U.S. Department of the Navy. I
 14 am stationed at the Office of Naval Intelligence in
 15 Washington, D.C. as my permanent duty station. I am
 16 currently a deployed civilian, Department of Defense, as a
 17 senior advisor and I have been in Afghanistan since October.
 18 I come home every three months. My deployment ends next
 19 October.
 20 MR. EMDEN: When you say next October, October of
 21 what year?
 22 MS. HARTMAN: October of 2014.
 23 MR. EMDEN: Got it.
 24 MS. HARTMAN: And as a deployed civilian,
 25 generally, if there are special skills that are needed for

1 positions in the military, certain civilians are then
 2 selected and recruited and asked if they would volunteer
 3 into a military officer billet role and --
 4 MR. EMDEN: What's the word, billet?
 5 MS. HARTMAN: It's a billet. It's a military, the
 6 billet that I hold is a lieutenant colonel, O4, and I am a
 7 public affairs officer and strategic communication advisor.
 8 MS. ROBESON: Wait. I don't -- you'll have to
 9 translate for me. What is billet?
 10 MS. HARTMAN: Billet is a position, a defined
 11 position. And it's --
 12 MR. EMDEN: What does the word billet mean?
 13 MS. HARTMAN: It's a military term.
 14 MS. ROBESON: Is it still civilian?
 15 MS. HARTMAN: I am a civilian employee of the
 16 Department of Defense, so I'm not a governing contractor. I
 17 am a directing employee of the Navy. And the Navy
 18 requested, due to skills that I had and skills that were
 19 needed, if I would deploy into the position of a military
 20 officer and serve as an advisor.
 21 MS. ROBESON: Okay.
 22 MS. HARTMAN: So just to introduce myself and give
 23 you some background because I've seen e-mails and questions
 24 about my position and my service, so I wanted to give
 25 clarification of my background.

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1 MS. ROBESON: What color is your passport?
2 MS. HARTMAN: I have a red passport. An official
3 red Department of Defense passport.
4 MS. ROBESON: All right.
5 MS. HARTMAN: And previously, I was deployed as an
6 advisor to the State Department at the U.S. Embassy in Kabul
7 and I was deployed there for a year in 2010 under the same
8 circumstances, that I can, I get 90 days of leave to come
9 home to maintain my house and property and am required to be
10 deployed 70 days prior to arriving and 60 days prior to
11 leaving and other than that, I'm free to come home when
12 necessary. And I have my driver's licenses in that, my
13 car's registered, my bank --
14 MR. EMDEN: In what?
15 MS. HARTMAN: In the address of --
16 MR. EMDEN: Which address?
17 MS. HARTMAN: 16820 Westbourne Terrace. My
18 driver's license, my Maryland tax returns. I qualify as a
19 Maryland resident for taxes. I have all my bank accounts, I
20 have all my possessions, the residency requirements of --
21 MS. ROBESON: Well, you have all your possessions
22 here? But I thought that all these other people were living
23 in your house.
24 MR. EMDEN: Your Honor, we're going to get to that
25 in just a moment if that's okay.

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1 MS. ROBESON: Okay. All right.
2 MS. HARTMAN: Right. Well, I was, at this point,
3 just introducing myself.
4 MS. ROBESON: Oh, I'm sorry. I didn't understand.
5 Go ahead.
6 MS. HARTMAN: Okay. And I can begin --
7 MR. EMDEN: Well, let me ask you.
8 MS. HARTMAN: Okay.
9 MR. EMDEN: So do you consider this address as
10 your primary residence?
11 MS. HARTMAN: It is.
12 MR. EMDEN: Do you live, other than staying
13 overseas, do you have any other residences anywhere in the
14 world?
15 MS. HARTMAN: No. It's my home.
16 MR. EMDEN: And where do your three children live?
17 MS. HARTMAN: Aron Hubbard lives in Columbia
18 Maryland, Zachary Hubbard lives in Annapolis and Alexander
19 Hubbard has been living in my home with me.
20 MR. EMDEN: And you have heard a fair amount of
21 discussion about the issue of your decision to offer your
22 home as an accessory apartment. Would you please provide
23 the Hearing Examiner with a brief history of what you have
24 done in the past in terms of having roommates, tenants,
25 residents, call it what you will?

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1 MS. HARTMAN: Okay. Well, what I would like to
2 say is I feel that we need to separate fact from fiction and
3 misperceptions that may occur from people who have never
4 been in my home and never seen what they're calling an
5 apartment.
6 MS. ROBESON: Well, why don't you just tell me --
7 MR. EMDEN: Yes. Give facts.
8 MS. ROBESON: -- the background and not
9 characterize their testimony.
10 EMDEN: Give facts.
11 MS. HARTMAN: I have, in the past, been renting a
12 room in my basement and although there have been multiple
13 complaints --
14 MR. EMDEN: Wait. Let me interrupt you. I just
15 want to ask, try to answer my question. You have had
16 renters on your property in the past, right?
17 MS. HARTMAN: Right.
18 MR. EMDEN: Who generally have been those, who
19 were those people?
20 MS. HARTMAN: Okay. I rented a room in my
21 basement to Joe Monsalves and Laura Baines (phonetic sp).
22 Joe was with the Navy. Laura was an Army veteran who was a
23 graduate student. The two of them had one vehicle and they
24 rented a room in my basement. That was not an accessory
25 apartment so it was not in any violation.

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1 MR. EMDEN: Why was it not an accessory apartment?
2 MS. HARTMAN: I had -- the Department of Housing
3 had come out as inspectors and they had explained that if
4 you share the main kitchen of the household, that it's a
5 room rental and that they examined the room and the
6 basement. They required me to put in a window that met fire
7 egress and have a smoke detector, and they cleared it as a
8 room.
9 MR. EMDEN: Did you do that?
10 MS. HARTMAN: Yeah. I did that and Laura and Joe
11 rented the room in the basement for two years.
12 MR. EMDEN: When was that?
13 MS. HARTMAN: There was not a stove, there was not
14 a microwave. There was nothing for cooking. They shared
15 the main kitchen.
16 MS. ROBESON: What time period was this?
17 MS. HARTMAN: This was, I believe, 2008, 2009.
18 MS. ROBESON: Okay.
19 MR. EMDEN: Was there a cooking unit in the, in
20 this section of the house before they moved in?
21 MS. HARTMAN: There was.
22 MR. EMDEN: And --
23 MS. HARTMAN: My son Zachary lived in the basement
24 and when he lived in the basement, him and his girlfriend,
25 and they have a son, we had made a small kitchenette there

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1 and it had a stove, a microwave, a coffeemaker,
2 refrigerator.
3 MS. ROBESON: So okay.
4 MS. HARTMAN: This is my --
5 MS. ROBESON: I'm trying to get a chronology.
6 MS. HARTMAN: Okay.
7 MS. ROBESON: So the two couples who rented the
8 room, what time period was that? I mean, the couple --
9 MS. HARTMAN: The couple.
10 MS. ROBESON: -- that rented the room but they --
11 MR. EMDEN: 2008, 2010 was it?
12 MS. HARTMAN: Right.
13 MS. ROBESON: Okay. So when was the kitchen put
14 in?
15 MS. HARTMAN: The kitchen was taken out actually.
16 MR. EMDEN: But when was it in?
17 MS. HARTMAN: The kitchen was put in maybe 2006
18 when --
19 MR. EMDEN: And when was it taken out?
20 MS. HARTMAN: And it was taken out before anyone
21 rented the room, 2007.
22 MR. EMDEN: And was there a cost associated with
23 removing the kitchen?
24 MS. HARTMAN: Um, a small cost. Not a, not a
25 large cost.

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1 MR. EMDEN: And why did you remove the kitchen?
2 MS. HARTMAN: I removed the kitchen because when
3 my son was living there, it was just considered a, you know,
4 family living unit.
5 MR. EMDEN: But you did this to comply with the
6 code, is that why?
7 MS. HARTMAN: Right. So when my son moved out and
8 I decided well, I live here alone. Since I live here alone,
9 I would like to rent the room I have finished downstairs, I
10 inquired to the county as to what were the regulations for
11 the rental.
12 MR. GOFF: I'm just going to the door. I'll still
13 be able to hear.
14 MS. ROBESON: Okay. I'm sorry.
15 MS. HARTMAN: So when I inquired to the county as
16 to the regulations for rental, they explained that it
17 couldn't have a kitchen, they had to share the main kitchen.
18 So I removed the stove and the microwave and rented it as a
19 room, and the couple that lived there shared the main
20 kitchen.
21 MS. ROBESON: And that was the couple you just
22 described. I can't recall the name but.
23 MS. HARTMAN: Right. Joe Monsalves and Laura
24 Baines.
25 MS. ROBESON: Okay. And how long were they there,

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1 until 2010?
2 MS. HARTMAN: Um, no. And I'm sorry. I'm not
3 prepared. I would have brought the date chronology.
4 MS. ROBESON: Well, don't apologize. Just if you
5 can, I'm just trying to get through this so if you can,
6 approximately when were they there?
7 MS. HARTMAN: I would say they were there for
8 almost two years and they, it would have had to be 2007,
9 2008.
10 MS. ROBESON: Okay. So continue.
11 MR. EMDEN: Did you do anything to improve the
12 quality of the accessory apartment, let's just call it the
13 apartment you had in the basement, before anybody moved in?
14 MS. HARTMAN: Be --
15 MR. EMDEN: You made some renovations to your
16 house.
17 MS. HARTMAN: I did.
18 MR. EMDEN: Okay. When did that occur?
19 MS. HARTMAN: Well, we made renovations when we,
20 when we originally moved in, and that's when we made a
21 little kitchenette for my son and his wife and my grandson
22 but when they moved out, we removed the cooking appliances
23 in order to be in compliance. And in response to any
24 complaints about having an apartment, it's not true that the
25 county wasn't responding. Inspectors were coming out --

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1 MR. EMDEN: Wait. I'm sorry.
2 MS. ROBESON: Just --
3 MR. EMDEN: Let me just, try to answer my
4 question. I know you have a lot to say. Did you hire
5 someone to fix up the basement?
6 MS. HARTMAN: In order to rent the apartment?
7 MR. EMDEN: Yes.
8 MS. HARTMAN: Yes.
9 MR. EMDEN: When was that?
10 MS. HARTMAN: That was after Mr. Goff came as an
11 inspection. So he came initially and he said --
12 MR. EMDEN: Approximately when? Approximately
13 when?
14 MS. HARTMAN: It was --
15 MR. EMDEN: We're just focusing on dates right
16 now.
17 MS. HARTMAN: Mr. Goff was there in April?
18 MS. ROBESON: He can't answer.
19 MS. HARTMAN: Oh.
20 MS. ROBESON: Just --
21 MR. EMDEN: Just ballpark it.
22 MS. ROBESON: -- to the best of your recollection.
23 MR. EMDEN: Ballpark it.
24 MS. HARTMAN: In April of 2014.
25 MR. EMDEN: And how much was the cost to fix it

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1 up?

2 MS. HARTMAN: About \$4,000.

3 MR. EMDEN: And what was done just basically?

4 MS. HARTMAN: Well, we had a drop ceiling which

5 was appropriate for room rentals and they said we needed a

6 drywall ceiling, and we had a door that had a, didn't have

7 the proper kind of a lock on it. There was a walkway that

8 has stones, that some of the stones had worn down and he

9 said it was a trip hazard. There was a smoke detector that

10 was, that didn't have a battery. It was empty at the time.

11 So it's the ceiling, the door lock, the smoke detectors,

12 the, and he did mention that he felt the driveway was not

13 adequate.

14 MR. EMDEN: No. I'm talking about the person who

15 fixed up the basement. Did they work on your driveway?

16 MS. HARTMAN: No.

17 MR. EMDEN: Okay.

18 MS. HARTMAN: No.

19 MR. EMDEN: Did they do anything else to your

20 basement?

21 MS. HARTMAN: They put in a drywall ceiling and

22 fixed the rocks outside so that there was no trip hazard.

23 MR. EMDEN: And what was the cost of that, you

24 said 4,000?

25 MS. HARTMAN: About \$4,000.

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1 MR. EMDEN: And who was that person?

2 MS. HARTMAN: It's Dugart (phonetic sp.) Home

3 Improvement.

4 MR. EMDEN: And you have e-mails to substantiate

5 that it really happened?

6 MS. HARTMAN: (No audible response.)

7 MR. EMDEN: And did you think it improved the

8 quality of the appearance of the basement apartment?

9 MS. HARTMAN: Marginally. It's a really nice

10 space. It has laminate floors and nice cabinets. It's was

11 done with quality in mind to provide a quality, affordable

12 spot, but the drywall ceiling marginally improved appearance

13 over the drop ceiling. The rocks were more decorative that

14 were put out but it was, it was --

15 MR. EMDEN: After that, did you have anybody else

16 who was not related to you staying in your property?

17 MS. HARTMAN: No.

18 MR. EMDEN: Did you have, did you enter into a

19 lease with any person after 2010 or so when this, these,

20 this couple moved out to rent any part of your property?

21 MS. HARTMAN: Well, between -- when Laura and Joe

22 moved out prior to deciding to apply for the accessory

23 apartment, I also rented rooms when they moved out to

24 another couple as well and then to another single gentleman.

25 MR. EMDEN: And where did those people stay? Did

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1 they stay in the basement or elsewhere?

2 MS. HARTMAN: They lived in the room. It's a very

3 large room.

4 MR. EMDEN: Room being the basement?

5 MS. HARTMAN: Right. And it has the window that

6 was put in to meet the fire code and they shared the main

7 kitchen and they had a patio and --

8 MR. EMDEN: When did those people last live there,

9 the last of the last roommates or tenants live there? When

10 was that?

11 MS. HARTMAN: In 20, up to 2013 when we decided

12 to, when they moved out and then we decided that we would

13 turn the room rental into an apartment and we put the stove

14 and the microwave and had Mr. Goff come and inspect it and

15 fix the ceiling. No one's lived there since then, since we

16 put in the application, and prior to that, everyone who

17 lived there was renting the room and sharing the main

18 kitchen.

19 MR. EMDEN: Why did you decide to have and apply

20 for an attached accessory apartment as a class 3 license?

21 MS. HARTMAN: Because I was aware that the

22 licensing regulations have changed and that, you know, I

23 know it's been a controversial media issue and people have

24 both sides of it, but the regulations were changed as far as

25 what were the licensing so I looked at the licensing

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1 requirements and I said oh, you know, we meet all these

2 requirements.

3 MR. EMDEN: How much time did you spend looking

4 into this?

5 MS. HARTMAN: A bit. Perusing online and --

6 MR. EMDEN: Can you quantify that? Quantify it.

7 MS. HARTMAN: I would say that I spent time online

8 looking at what are the, there's a website that says if I

9 want to have an accessory apartment, what is the checklist,

10 what are the rules, you know, what criteria do you need to

11 meet, and then you had to draw a map and you had to measure

12 your driveway and so we did all of that. And then when we

13 put the application in and we had the initial inspection,

14 then we looked at the additional things which were the

15 ceiling and the rocks and we made those repairs.

16 MR. EMDEN: Why did you decide to do this?

17 MS. HARTMAN: Why did I initially decide to do the

18 apartment or to rent rooms?

19 MR. EMDEN: To have the attached accessory

20 apartment.

21 MS. HARTMAN: Well, for several reasons. One is

22 that I'm a single person living in the house alone so I have

23 plenty of room in my house. It makes me feel comfortable.

24 For instance, having Joe and Laura there, they were like

25 family to me as well as when I had a researcher from NIST.

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1 I felt like I'm providing quality, affordable, a family
2 environment for people who, for instance, in the NIST
3 researcher, he was from out of town, he had no family, and
4 it supplements my income. They help with house maintenance.
5 The income I make from the apartment helps me then put more
6 money into maintaining my house.
7 I see it in every way as a plus for the
8 neighborhood because I have more money for home maintenance
9 and I have other people that help contribute and most, the
10 people who I have rented rooms to, I've always done really
11 thorough background checks and credit checks and for, most
12 of my neighbors have welcomed them. They go to cookouts and
13 holidays with the Sittings who live on one side of, of my
14 house and they've been welcomed into the neighborhood by, by
15 more neighbors than have not.
16 And most of them have had one car. There was one
17 person and he, his car was, a tree branch fell and hit the
18 windshield of his car so at that point, he parked on the
19 other side of the street but generally, they parked right in
20 front of my house just like every single house on the street
21 has people parking in front of it.
22 MR. EMDEN: Thank you. And how important is that
23 income, additional income to you?
24 MS. HARTMAN: It's very important. It helps keep
25 me in the house and it helps me maintain the property. What

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1 I planned this year was actually to refinish the driveway
2 and replace the deck with the income that I get from the
3 apartment. I invest it back into the house.
4 MR. EMDEN: Who else owns the property other than
5 yourself?
6 MS. HARTMAN: My son Aron.
7 MR. EMDEN: Was Aron living in the house in the
8 last year?
9 MS. HARTMAN: No.
10 MR. EMDEN: So let's talk about the driveway. Can
11 you tell me, can you describe -- court's indulgence. This
12 is not fancy but can we mark this?
13 MS. ROBESON: That's 44. Now, can you show it to
14 Ms. Scott?
15 MR. EMDEN: Yes. Should I mark it first or do you
16 want --
17 MS. ROBESON: Yes. I'll mark it first. You can
18 bring it up. Let's take a five minute break. I'm going to
19 have copies made. Now, Ms. Scott, you have the ability to
20 object, make objections to evidence coming into the record,
21 not because you disagree with what he's saying but if you
22 think it's inaccurate or something like that
23 MS. SCOTT: Well, I'd like to know if this -- I
24 have a copy of the drawing that was submitted when they
25 applied.

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1 MS. ROBESON: No. This is different. This is --
2 MS. SCOTT: This also has a drawing of the
3 driveway and the dimensions are probably very different from
4 what they said.
5 MS. ROBESON: No. You haven't seen this diagram.
6 MS. SCOTT: Okay.
7 MS. ROBESON: So this is, looks like a map of the
8 street with homes so what I'm going to do is -- how would
9 you describe this?
10 MR. EMDEN: A rough drawing of the neighborhood.
11 Layout of the neighborhood.
12 MS. ROBESON: Okay.
13 (Exhibit No. 44 was marked for
14 identification.)
15 MS. ROBESON: Now, what I'm going to do, we're
16 going to take a five minute break. It's not that. Well,
17 why don't you come look at it and then you can --
18 MR. EMDEN: We can make a copy of that too.
19 MS. ROBESON: And then --
20 MS. SCOTT: I'd be happy to have, people have --
21 this is in the county record.
22 MS. ROBESON: No. I know.
23 MS. SCOTT: Okay.
24 MS. ROBESON: I think he's not -- I don't know why
25 he's introducing it but that's a rough drawing of the

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1 neighborhood. Now if you could give it back to me, just so
2 you know, I'm going to have, we're going to take a five
3 minute break. I'm going to have our secretary make copies
4 of this, all right? All right. We're off the record.
5 We'll be back in five minutes.
6 (Whereupon, at 11:02 a.m., a brief recess was
7 taken.)
8 MS. ROBESON: All right. Did everyone get a copy
9 of Exhibit 44?
10 MR. EMDEN: Everyone but you.
11 MS. ROBESON: Well, I have the original. I'm
12 going to keep the original.
13 MR. EMDEN: Fair enough.
14 MS. ROBESON: Okay. Go ahead.
15 MR. EMDEN: So to continue, let me show you what's
16 been marked as Exhibit 44. What is this?
17 MS. HARTMAN: It's a very rough drawing I made
18 just to show, mark where my house was, where the T was for
19 the street, where other people live in relation. It was a
20 very quick done sketch.
21 MR. EMDEN: Good. Can you walk us through briefly
22 because everyone's looking at this page I assume here. Can
23 you -- there's an X. I'm sorry. There's a circle on the
24 extreme left-hand side of the page. What's that?
25 MS. HARTMAN: The cul-de-sac.

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1 MR. EMDEN: And what's the name of the road that
2 feeds into the cul-de-sac?
3 MS. HARTMAN: Westbourne.
4 MR. EMDEN: And then there's a square, one, two,
5 three, four squares removed from that cul-de-sac is a square
6 with an X in it, right?
7 MS. HARTMAN: Right.
8 MR. EMDEN: And whose house is that?
9 MS. HARTMAN: That's Ms. Scott's house.
10 MR. EMDEN: And where is your house?
11 MS. HARTMAN: And mine is the one next to it which
12 is right at the T intersection.
13 MR. EMDEN: Okay. So the T being the fifth
14 square, rectangle from the cul-de-sac, right?
15 MS. HARTMAN: Right. Correct.
16 MR. EMDEN: And between the square, which is your
17 house, and that T, what is that space?
18 MS. HARTMAN: Between the square and the T?
19 MR. EMDEN: There's like a little gap there. Is
20 that the street? Where would cars park?
21 MS. HARTMAN: Oh, yeah. On the front of
22 Westbourne Terrace. Generally, in front of each of the
23 houses, there's two or three spots where cars park in front
24 of most of the houses.
25 MR. EMDEN: And when you say spots, you simply

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1 mean that there's the physical space to allow a car to park.
2 MS. HARTMAN: Correct. And it's, and it's legal.
3 So it's legal and there's no prohibition that tells anyone
4 that they can't park there, and people all park there and
5 their guests park there and their visitors park there and
6 there's quite a bit of on-street parking there.
7 MR. EMDEN: And did there come a time when you,
8 your house has a driveway?
9 MS. HARTMAN: Mine does have a driveway.
10 MR. EMDEN: And can you describe the, the surface,
11 what the surface of the driveway is made of?
12 MS. HARTMAN: Well, part of the driveway is made
13 from asphalt, the apron is made from cement and then the
14 area next to the house, which is also parking, as was
15 approved by Steve Thomas, the manager of Permitting, is made
16 of brick and we park cars on the brick spot all the time.
17 It's like a carport to us. And it has, there was a door to
18 the side of the house where you park your car in the carport
19 and you walk into the side of the house so it was, it's a
20 designated parking area.
21 MR. EMDEN: What's the square footage of that
22 entire driveway?
23 MS. HARTMAN: It's above the 480 square feet
24 because it was inspected and approved to be adequate
25 parking.

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1 MR. EMDEN: Have you ever parked your car in this
2 driveway?
3 MS. HARTMAN: I park three cars there all the
4 time.
5 MR. EMDEN: What sizes are those cars?
6 MS. HARTMAN: I had an Accord for several years,
7 my son had a Civic and my other son had a Blazer, a
8 Chevrolet Blazer truck, and all three of those cars, my
9 son's Civic, my Accord and the Chevrolet Blazer, all three
10 fit in the parking area.
11 MR. EMDEN: And when you say fit into the parking
12 area, what's the configuration of the way that they, the
13 three cars fit into that driveway?
14 MS. HARTMAN: One after the other.
15 MR. EMDEN: In a line.
16 MS. HARTMAN: In a line.
17 MR. EMDEN: And the rear of the last car in that
18 queue, did it in any way extend into the street?
19 MS. HARTMAN: No, it doesn't.
20 MR. EMDEN: Now, you were asked to make certain
21 changes in your property at some point in time?
22 MS. HARTMAN: In order to meet the apartment
23 regulations?
24 MR. EMDEN: To meet code, yes.
25 MS. HARTMAN: Yes. I was.

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1 MR. EMDEN: And have you made all of those
2 changes?
3 MS. HARTMAN: I've made all of those changes.
4 MR. EMDEN: And have those changes been approved
5 by the county?
6 MS. HARTMAN: Approved and inspected by the
7 county, yes.
8 MR. EMDEN: So as far as you know, at the current
9 time, your apartment, your accessory apartment, is in
10 complete compliance with Montgomery County Code?
11 MS. HARTMAN: A hundred percent.
12 MR. EMDEN: And let's talk about what I will
13 describe as perhaps an elephant in the room which is what
14 happened in June of 2014. You have a son named Alex,
15 correct?
16 MS. HARTMAN: I do.
17 MR. EMDEN: And where were you in June of 2014?
18 MS. HARTMAN: I am deployed to Kabul, Afghanistan.
19 MR. EMDEN: Okay. So you weren't home then.
20 MS. HARTMAN: No.
21 MR. EMDEN: And you since learned or at some point
22 in time learned that there was drug activity in your house,
23 right?
24 MS. HARTMAN: Well, I speak to some of my
25 neighbors, the Sittings and Aselfin (phonetic sp.) who

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1 lives across the street, and I had called to speak to Len
2 and Joanne and they told me that --
3 MS. ROBESON: Is that the Sittings?
4 MS. HARTMAN: Yes. The Sittings. And I had
5 called and Joanne told me that she thought there were some
6 problems with Alex and that --
7 MR. EMDEN: Alex is your son.
8 MS. HARTMAN: Yes. And that he had a party in the
9 house and that they were concerned that there was drug use
10 going on, and I called the Montgomery County Police and said
11 I'm calling about my residence and calling about my son's
12 welfare and I asked them if they had any further complaints
13 from any other neighbors about any drug activity in my
14 house.
15 MR. EMDEN: And what was your emotional reaction
16 to hearing this?
17 MS. HARTMAN: I was obviously extremely upset and
18 concerned for my son and for my property and for the
19 neighborhood in every way. I was, I was concerned, and I
20 made multiple calls to the police. I also called the
21 Montgomery County Crisis Center and asked for intervention.
22 MR. EMDEN: And what was it like being stations
23 somewhere halfway around the world and hearing about
24 something that you couldn't --
25 MS. HARTMAN: Yeah. It was, it was stressful but

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1 I did the best that I could to handle it. I let my
2 commanding officers know that I was having a family problem
3 and I may need to leave at any time. I got myself approved
4 for emergency leave to come home and deal with it. I called
5 other family members. My other son Zachary came to the
6 house, my mother came to the house, my brother came to the
7 house.
8 MR. EMDEN: Did your son, is your son, does he
9 recognize that he has a drug problem?
10 MS. HARTMAN: He does. He's now in the drug
11 treatment program, a residential program, and he's extremely
12 sorry and regretful and I'd like to say that I offer an open
13 apology to my neighbors, and drug abuse is a problem in our
14 country. It's a family problem, it's a mental health
15 problem and my son had a substance abuse problem and he's
16 now in a residential treatment program and I'm sorry for
17 anyone for any trouble. I can understand that. If I were
18 living in a neighborhood and someone, you know, had parties
19 or had drugs in the house, I would also be upset.
20 MR. EMDEN: You've heard testimony this morning
21 about people with shopping carts, people blocking parking
22 spaces, taking up parking, a list of complaints that I don't
23 need to repeat. Do you, did any of these people, were they
24 tenants of yours that did these things?
25 MS. HARTMAN: No.

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1 MR. EMDEN: Do you know whether you have had any
2 -- you've had no tenants on your property since it's become
3 an attached accessory apartment, right?
4 MS. HARTMAN: No. No tenants have lived there
5 since I put in a stove and a microwave and applied.
6 MS. ROBESON: And that was in 2014.
7 MS. HARTMAN: That was in 2014.
8 MS. ROBESON: Well, wait. What time in 2014?
9 MS. HARTMAN: We, I put in the -- no one has been
10 there since January. I was renting it as a room. When the
11 person left in January, we then did the work and applied for
12 the apartment in March of 2014, so the apartment has been
13 empty the whole time.
14 MS. ROBESON: Oh, the apartment but not the house.
15 MS. HARTMAN: Not the house, no.
16 MS. ROBESON: I see what you're saying. Your son
17 has been in the house.
18 MS. HARTMAN: My son Alex was living in the house.
19 MR. EMDEN: And you were -- I'm sorry. Did I
20 interrupt you?
21 MS. ROBESON: No.
22 MR. EMDEN: Sorry. Do you, were you aware that
23 there were people staying in your house in June, in May, in
24 June, at least, of 2014?
25 MS. HARTMAN: No.

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1 MR. EMDEN: Well, you were subsequently made aware
2 that there were people staying there, right? You weren't
3 aware at the time but you were --
4 MS. HARTMAN: At the time, no. And, yeah. I
5 don't know that anyone was staying in my house other than my
6 son Alex.
7 MR. EMDEN: But you presume that some of these
8 might have been drug-taking acquaintances of your son
9 staying in the house, right?
10 MS. HARTMAN: My impression is that there was a
11 deterioration at some point, that Alex had had some problems
12 with losing his job and breaking up with his girlfriend and
13 he had multiple stressors, and then the substance abuse and
14 it got out of hand from when -- I talked to the Sittings.
15 They had told me that, you know, it was a matter of days
16 that things had, you know, gotten out of hand. And then I
17 called the police and then the police came to the home and
18 they found drugs and they made an arrest.
19 MR. EMDEN: Are there --
20 MS. HARTMAN: I called the police.
21 MR. EMDEN: And that was not an easy thing to do.
22 MS. HARTMAN: No, it wasn't.
23 MR. EMDEN: Did you make repairs to your property
24 since you came home?
25 MS. HARTMAN: We are in the process of making some

1 repairs to the property, yeah.

2 MR. EMDEN: And why is that important to you?

3 MS. HARTMAN: To maintain the property. It's my

4 home. And to be able to meet the requirement so that I can

5 rent the apartment because it's financial income that I

6 depend on.

7 MR. EMDEN: Do you know anything about whether

8 others, other than the people seated in this room, whether

9 others have been contacted by anybody else in your

10 neighborhood in an effort to come in and oppose your request

11 for a license today?

12 MS. HARTMAN: Two of my neighbors told me that

13 people were going door-to-door knocking on the doors in all

14 the neighborhood and trying to round people up, and I think,

15 um, my personal opinion is that people have perceptions and

16 things get out of hand. For instance, I heard so many

17 exaggerations. I had heard that I had fire in my house. I

18 heard that I had DEA agents. I had practically heard a

19 chopper landed there.

20 So the real story of what happened and all of the

21 stories about what happened, there was a huge discrepancy,

22 and for things getting out of hand saying just because there

23 was a robbery somewhere, that it's now traced to my house

24 where there's no evidence, not by the police or anyone, that

25 there was any robbery that was committed. The police

1 actually told me that they came to my house on five

2 incidences that they were called and there was nothing going

3 on, no one was even there, but that someone was having a

4 party on another street. And he said you're going to live

5 with this because if somebody's having a party on another

6 street, your neighbors are going to call and they're going

7 to say it's you. And they would come and they said there's

8 nothing going on here, it's perfectly quiet, your son is

9 sitting in there watching television.

10 So I think things get exaggerated and stories get

11 told, but my neighbors told me that there was canvassing

12 door to door as well as quite a bit of discouraging things

13 about my service in the military and my position being

14 questioned and --

15 MR. EMDEN: Do you have any, any sense of how many

16 people, excuse me, have been solicited to come to court

17 today?

18 MS. HARTMAN: I don't have an idea but I would say

19 that almost everyone in the entire neighborhood was probably

20 asked and approached to come here.

21 MR. EMDEN: How many people would that be?

22 MS. HARTMAN: Hundreds.

23 MR. EMDEN: Hundreds?

24 MS. HARTMAN: Hundreds.

25 MR. EMDEN: If your license is affirmed and the

1 objections are not sustained, is there anything that you

2 could or would do to ensure that your property is used

3 differently than it has been?

4 MS. HARTMAN: Well, I would also point to past

5 history on that, that I was renting rooms responsibly to

6 people who were welcomed in the community who were

7 contributors, doing thorough background checks and felt that

8 it was, um, a contribution to the neighborhood in so many

9 ways and a contribution to myself and to maintaining my

10 house, and I would continue to apply the same standards.

11 MR. EMDEN: Do you expect that Alex is going to be

12 returning to your home?

13 MS. HARTMAN: No plans at this time.

14 MR. EMDEN: I think that may be all I have. Just

15 your indulgence for a moment, please. You said you wanted

16 to discuss some of the inaccuracies about --

17 MS. HARTMAN: I do because if I can point out very

18 specific inaccuracies, I think that that is relevant to many

19 of the things that are, that are said. When it talks like

20 number --

21 MR. EMDEN: What's the it you're talking about?

22 MS. HARTMAN: Well, I'm talking about the

23 objections that I have access to and I could say on the one

24 from Anne Scott, no. 1, where it said there's off-street

25 parking for three cars, I parked three cars there. I have

1 experience parking three cars there and it's been measured

2 and Steve Thomas from Permitting came out and said that the

3 brick is considered a driveway and I had adequate parking.

4 When it says that, that we don't live there, no

5 one has ever talked to me. No one knows what I do for a

6 living. No one knows that I have a permanent duty station

7 in Washington, D.C. and I'm on a temporary duty assignment

8 so that, so that that's also an inaccuracy.

9 No. 3, illegally renting an unlicensed basement

10 apartment to a variety of illegal tenants, no one's ever

11 been in my home. They've never seen that it's an apartment

12 or not an apartment so they don't know that there's a stove

13 or a microwave. This is just someone's impression from the

14 outside that it was an illegal apartment when it wasn't. It

15 was a completely compliant room rental to completely

16 responsible adults who didn't, did nothing that was out of

17 line in any way.

18 So when it says her due to lack of response from

19 the county, there was no lack of response from the county.

20 The county was coming regular. They came all the time. I

21 had a relationship with the inspectors who were coming.

22 They, they responded to every complaint they made. It just

23 shows that there's, there is -- I'd have to say it's

24 ignorance that if you make a complaint and you don't see a

25 result and you make an assumption that nobody dealt with

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1 that complaint, that's, it's not the truth. You just don't
2 know what the truth is.
3 MS. ROBESON: Yes.
4 MS. HARTMAN: So that's an inaccuracy. No. 4
5 about, talking about people moving in in March 2014, Aron
6 was there March 18th through --
7 MR. EMDEN: Aron who?
8 MS. HARTMAN: Aron Hubbard. He was there because
9 he went, almost on a weekly basis he went to the house to
10 check on Alex and find out, especially after Alex had lost
11 his job and had actually wrecked his car. So Aron was going
12 there checking on Alex, buying him groceries, looking out
13 for him. Aron was there on March 8th, March 16th and March
14 23rd. The basement was completely empty. There were no
15 personal belongings. There was nothing. So I don't -- I
16 can't speak to whether a U-Haul trailer ever pulled up but I
17 can say that if someone saw a U-Haul trailer, the rest of
18 what they say about it is in accurate. I came home in the
19 month of April. It was empty. There was no one living
20 there. No personal belongings, no motor scooter, you know,
21 none of this.
22 MR. EMDEN: In the basement.
23 MS. HARTMAN: In the basement, correct.
24 MR. EMDEN: How about in your room?
25 MS. HARTMAN: Right.

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1 MR. EMDEN: Were there belongings in your room?
2 MS. HARTMAN: Well, my personal belongings are in
3 my room and my son's belongings were in the house. There
4 were no belongings of anyone else in my house when I was
5 there in the month of April.
6 MR. EMDEN: What do you keep in your room just
7 generally?
8 MS. HARTMAN: I have all my belongings. I have my
9 pictures on the wall, I have my clothing, I have my, my
10 cameras. I have all my personal records and files. I have
11 a dresser with, I have my jewelry. I have everything of my
12 personal life that you would keep in and throughout the
13 house, I have awards that I've have won. I've got statues,
14 I have plaques. I have items that I've gotten on my
15 travels. It's my personal belongings. It's my home, and
16 all of that is there in my home. And I see nothing of
17 anyone when I'm there in April so if anybody was there in
18 March, they certainly moved belongings in and out in a
19 matter of days. It's just, it's just not founded on fact.
20 To me, it's misperceptions, I can say, that people see
21 things and they come to their own conclusions but they don't
22 investigate or they don't ask.
23 So where it says this statement, owners have been
24 openly violating Montgomery County Zoning laws for a number
25 of years, that's an untrue statement and Montgomery County

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1 can verify that. So when you look at the records of all the
2 complaints that were made, every complaint that was made had
3 a response and had an inspector come out and closed the
4 complaint because it was either resolved in some way or
5 unfounded. It's not a true statement. What someone thinks,
6 they have the right to say that but I think that putting
7 untrue statements about people without finding any, having
8 any evidence of it, um --
9 MR. EMDEN: What else do you want to say?
10 MS. HARTMAN: So I would say that, um --
11 MR. EMDEN: By the way, are there other renters in
12 your neighborhood?
13 MS. HARTMAN: I think there are several homes that
14 are rented. I think the home across the street from me is a
15 rental property and that's the only one I'm aware of.
16 MR. EMDEN: Do they park in their driveway, the
17 renters?
18 MS. HARTMAN: The house that has a renter, they
19 have a driveway and they park in the driveway and they also
20 park on the street in front of their house. They have
21 several cars that park on the street in front of their house
22 in that home that is a rental.
23 MR. EMDEN: Do you believe that there is space
24 that your rental property in any way encroaches upon the
25 ability of your neighbors to park in front of their house,

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1 houses?
2 MS. HARTMAN: No. Not from myself or the people
3 who have rented rooms in my house. And I will concede that
4 when my son was there and he had a large party that was out
5 of hand, that most likely during that time period, driveways
6 got blocked and I apologize for that. It was an incident
7 that doesn't, that wasn't myself or anyone I have ever
8 rented the room to.
9 And when it talks as well about people living who
10 are not the owners and the upper story of the house has been
11 occupied by people other than the stated owner, while I was
12 sent over to the U.S. Embassy in Kabul, I had a roommate
13 who, in exchange for watching my dog, mowing the lawn and
14 doing home repairs, he was my roommate. So I had my bedroom
15 and he had the bedroom that used to be my son's bedroom and
16 he maintained the house and again, my other neighbors
17 welcomed him. They said he was very nice. And then
18 downstairs, I rented a room to a single woman so those,
19 those are both in compliance to what the rules and
20 regulations are, you know, as far as my understanding, that
21 I could rent to two adults.
22 So when it says the upper story has been occupied
23 by people other than the stated owner, I don't think that
24 the facts are stated there as well as it talks about my son
25 driving a red Toyota. There's no red Toyota in my family.

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1 I don't know. Even my bedroom window is two stories high.
2 It's two stories. Anyone climbing out of my bedroom window
3 would need a very big ladder to do that.
4 MS. SCOTT: Climbed out onto your deck.
5 MS. ROBESON: No cross-talk.
6 MS. SCOTT: Sorry.
7 MS. ROBESON: No. No.
8 MR. EMDEN: Anything else you want to tell the
9 Hearing Examiner?
10 MS. HARTMAN: No. Unless -- no. That's --
11 MS. ROBESON: Okay. I have a few questions
12 because I am still a little confused on this chronology, so
13 what I need to know is when did you purchase, when did the
14 house go into your name?
15 MS. HARTMAN: My --
16 MS. ROBESON: How long have, do you say it's been
17 your primary residence?
18 MS. HARTMAN: Since maybe 2006, 2007.
19 MS. ROBESON: Did you own it at that time?
20 MS. HARTMAN: I did own it.
21 MS. ROBESON: And then did it transfer out of your
22 name?
23 MS. HARTMAN: It transferred to my son.
24 MS. ROBESON: Okay. And why was -- which son,
25 Aron?

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1 MS. HARTMAN: My son Aron Hubbard.
2 MS. ROBESON: Okay. And why was that?
3 MS. HARTMAN: That was for financial reasons
4 between myself and Aron.
5 MS. ROBESON: And so when did it transfer out of
6 your name?
7 MS. HARTMAN: 2007.
8 MS. ROBESON: And when did it go back in your
9 name?
10 MS. HARTMAN: 2013.
11 MS. ROBESON: Okay. So when did you have tenants
12 there?
13 MS. HARTMAN: I had roommates.
14 MS. ROBESON: Roommates.
15 MS. HARTMAN: They were renting rooms.
16 MS. ROBESON: And when was that?
17 MS. HARTMAN: That was from 2008 to 2010, then
18 from 2010 to 2012 and in 2013.
19 MS. ROBESON: Okay. All right. Now, it sounds
20 like you have an exciting career. How often have you been
21 deployed overseas?
22 MS. HARTMAN: Twice.
23 MS. ROBESON: Twice. And when was that?
24 MS. HARTMAN: One was 2010 to 2011 and currently,
25 from October 2013 to 2014.

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1 MS. ROBESON: I'm sorry. 2013 to 2014?
2 MS. HARTMAN: That's correct.
3 MS. ROBESON: Okay. And then when does this
4 deployment end?
5 MS. HARTMAN: October.
6 MS. ROBESON: And are you not going to deploy
7 after that?
8 MS. HARTMAN: I have no plans to deploy after
9 that, and I'm required to spend a certain amount of time --
10 MS. ROBESON: How long?
11 MS. HARTMAN: It's three years. Two to three
12 years between deployment. I have to check on that.
13 MS. ROBESON: Well, based on the dates you gave
14 me, it would be two years.
15 MS. HARTMAN: Well, one deployment was when I was
16 with the State Department which is when I left the State
17 Department and I work now for the Department of Defense.
18 That was one reason that they asked me to, I was selected
19 and asked to deploy because I had been at the Embassy in
20 Kabul and I was well experienced in Afghan culture.
21 MS. ROBESON: Okay. Now, it seems to me from --
22 do you have another place you stay while you're here
23 because --
24 MS. HARTMAN: I stay with Aron in Columbia
25 sometimes because it gives me more time to be with my family

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1 and my grandchildren.
2 MS. ROBESON: Now, I notice that Aron has this
3 down as, both his property and your property down as his
4 primary residence.
5 MS. HARTMAN: I think he switched his primary
6 residence when he bought the house in Columbia.
7 MS. ROBESON: Okay. Maybe it hasn't caught up in
8 SDAT yet.
9 MS. HARTMAN: Okay. I think he has because, I
10 mean, he files his taxes.
11 MS. ROBESON: Do you have any other, do you own
12 any other properties?
13 MS. HARTMAN: No.
14 MS. ROBESON: Now, it's my recollection, from the
15 testimony of Ms. Scott, that there were police calls as far
16 back as 2009. Maybe I'm wrong. Don't correct me. To your
17 knowledge, what's the time period of the police calls?
18 MS. HARTMAN: Recent. In the months --
19 MS. ROBESON: So you're saying there was only one
20 police call and it was this party.
21 MS. HARTMAN: No. I think there were several
22 within a period of time, a month or so. I'm not really
23 sure. I don't have access to all the police calls and
24 records.
25 MS. ROBESON: But you can't say how long you'll be

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1 deployed before you can take another deployment.
2 MS. HARTMAN: I have no plans to redeploy again at
3 this time.
4 MS. ROBESON: Okay. Now, on your driveway, the
5 three cars that fit, I don't have a picture of your
6 driveway. Is there one lane in and then it broadens to
7 include like a, is it a, is it a patio did you say or --
8 MS. HARTMAN: No. It's a carport.
9 MS. ROBESON: A carport.
10 MS. HARTMAN: It's made out of brick and it's a
11 carport, and it's a place --
12 MR. EMDEN: Describe the carport.
13 MS. HARTMAN: It's well --
14 MS. ROBESON: Thank you.
15 MS. HARTMAN: It has a wooden, a big wooden frame
16 square and then it's filled in with bricks. And on the
17 side, it has the side of the house with the door and a spot
18 where we put our garbage cans and it's --
19 MR. EMDEN: But you can pull up behind --
20 MS. HARTMAN: It's at the, it's beside the house
21 so it's at the end of the driveway.
22 MS. ROBESON: Is it a single drive aisle?
23 MS. HARTMAN: A single aisle, yes, it is.
24 MS. ROBESON: So it is tandem parking.
25 MR. EMDEN: Yes.

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1 MS. HARTMAN: Yes.
2 MS. ROBESON: Don't, you don't need to --
3 ME. EMDEN: Sorry.
4 MS. ROBESON: -- supply her with the answers.
5 Okay. Now, have you stayed at this house since you've
6 returned?
7 MS. HARTMAN: I do stay there.
8 MS. ROBESON: And what kind of registration does
9 your car have?
10 MS. HARTMAN: Well, unfortunately, my son Alex had
11 a car accident and totaled my car so when --
12 MS. ROBESON: So what car are you driving?
13 MS. HARTMAN: Right. I have a rental car when I
14 come into town which is why it has plates from other states
15 because it's a rental car.
16 MS. ROBESON: So Aron totaled your car.
17 MS. HARTMAN: Alex.
18 MS. ROBESON: Alex totaled --
19 MS. HARTMAN: Alex.
20 MS. ROBESON: -- your car.
21 MS. HARTMAN: Right. In the, in the bad weather.
22 He had a, he had a slipper accident on one of the bad days
23 of snow and ice, and it was a weather-related accident.
24 MS. ROBESON: When's the --
25 MS. HARTMAN: And the car airbags went off so the

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1 car was totaled.
2 MS. ROBESON: When's the last time you spent the
3 night at the property?
4 MS. HARTMAN: Um, last week. Last week. July
5 10th, 11th.
6 MS. ROBESON: And how long before that had you
7 spent the --
8 MS. HARTMAN: April. When I was here in April. I
9 usually, like I said, I have 90 days of leave and I take it
10 in three, three times. I came here in January and in April
11 and in July.
12 MS. ROBESON: All right.
13 MR. EMDEN: May I ask a question in response to
14 your questions?
15 MS. ROBESON: Well, you can do -- I'm going to let
16 them cross on my questions and then you'll get a chance to
17 redirect.
18 MR. EMDEN: Very well. I don't think I finished
19 my direct quite frankly.
20 MS. ROBESON: Oh, did you not? I thought you did.
21 Okay. Go ahead.
22 MR. EMDEN: Thank you. Is there, can you explain
23 why you haven't spent a little more time in your primary
24 residence since you've returned?
25 MS. HARTMAN: It just needs some cleaning and some

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1 work and as well as we were going to, we're sanding the
2 floors and doing some drywall repair which is dusty and
3 dirty, so it seemed that this was a good opportunity to get
4 this kind of work done so I, I mostly cleared everything out
5 and prepared it for the floors to be sanded which the floors
6 should be being sanded this week and there was some drywall
7 work done.
8 MR. EMDEN: That's all I have.
9 MS. ROBESON: Ms. Scott, do you have any questions
10 of Ms. Hartman?
11 MS. SCOTT: Yes.
12 CROSS-EXAMINATION
13 MS. SCOTT: Ms. Hartman, you said you -- if I
14 could just allow me a second to flip back to the dates. You
15 just told Ms. Robeson you owned the house from '06 until '07
16 and then in --
17 MS. HARTMAN: I don't have my records.
18 MS. SCOTT: -- '13.
19 MS. ROBESON: Let her finish the question.
20 MS. SCOTT: And then in '13, you owned the house
21 again. Does that match with the notes you took?
22 MS. ROBESON: I didn't hear your question.
23 MS. SCOTT: Okay. I'm trying to clear --
24 MS. ROBESON: Ms. Hartman interrupted so can you
25 repeat it?.

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1 MS. SCOTT: Okay. Just a few moments ago when Ms.
2 Robeson asked Ms. Hartman when she owned the house, she said
3 she owned it in '06, transferred it to her son in '07 and
4 then in '13, she owned the house again, her name appeared as
5 an owner again. I have records from the county's, this is
6 the SDAT real property search. It shows the house was sold
7 to you by James Pierce in, on 9/1/2005. You then sold it to
8 your son 1/14/09 and then it doesn't show coming back to you
9 until 2/27/14 at which time the price was zero dollars. It
10 implies you don't have the mortgage on this house but so the
11 dates --
12 MS. ROBESON: So that's not an --
13 MS. SCOTT: Right. I'm sorry. I shouldn't have
14 said that. The dates --
15 MS. ROBESON: Just cross-examine on the dates.
16 MS. SCOTT: So the dates, the dates you just told
17 Ms. Robeson do not agree with the dates from the SDAT real
18 property search record. Do, are you sure the dates you gave
19 her were accurate?
20 MS. ROBB: Isn't that true.
21 MS. SCOTT: Is that, I'm sorry, isn't that true?
22 I'm not a lawyer. Isn't that true?
23 MS. HARTMAN: Right. It is, I believe I said 2014
24 and if I didn't, I was in error. It was 2014. It was the
25 beginning of this year so if I said 2013, I meant 2014. And

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1 dates prior to that, I clearly said I was estimating, that I
2 was not sure of all the dates, that it was maybe 2006, 2007.
3 I have not done research and pulled records and looked at
4 what were the dates when I sold the house to Aron.
5 MS. ROBESON: Well, that's fine. Just --
6 MS. HARTMAN: So it's I bought the house, instead
7 of 2006, if she has records, I didn't go researching the
8 records of when I bought the house, so it was 2005, 2006. I
9 was estimating and then at some point, I sold the house to
10 Aron. I estimated that was 2007. It could be 2009. And it
11 was 2014 when I put my, when my name got back onto the
12 title.
13 MS. ROBESON: So you didn't put your name back on
14 the title until you knew this hearing was coming or that you
15 knew that a complaint had been filed.
16 MS. HARTMAN: I didn't know a complaint had been
17 filed, no. It was prior to knowing a complaint had been
18 filed. It was early in 2014 and I didn't, we applied in
19 March and I guess complaints came in in April so it was
20 prior.
21 MS. ROBESON: Well, if you applied -- okay. All
22 right. Go ahead, Ms. Scott. Any other questions?
23 MS. SCOTT: Yes. So we seem to be in agreement
24 that for a large chunk of time between '09 and '14, or maybe
25 even as early as '07 and '14, you were not the listed owner

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1 of that property. You did not legally own that property.
2 MS. HARTMAN: Correct.
3 MS. SCOTT: Yet at the same time, you were renting
4 rooms in a property you did not own. Is that a correct
5 statement.
6 MS. HARTMAN: And we had --
7 MS. ROBESON: No. Just, just answer her question.
8 MR. EMDEN: Yes or no.
9 MS. ROBESON: You have an attorney here. He'll
10 fix it, but just answer her question. Well, that didn't
11 come out right but go ahead. Just answer her question. Can
12 you ask the question again?
13 MS. SCOTT: I'm sorry. You were not the listed
14 owner when you were renting rooms to people in the house, is
15 that true?
16 MS. HARTMAN: That's true.
17 MS. SCOTT: Okay. You mentioned in your testimony
18 one party that the neighbors complained about. Do you have
19 any proof that it wasn't more than one party?
20 MR. EMDEN: Objection to defining what a party is.
21 MS. ROBESON: I think I'm going to let her.
22 MS. SCOTT: Yes.
23 MS. ROBESON: I understand what you're saying --
24 MS. SCOTT: I'm talking --
25 MS. ROBESON: -- but I think it's colloquial.

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1 MS. SCOTT: Late night partying on the deck, beer,
2 drugs --
3 MS. ROBESON: Okay.
4 MS. SCOTT: -- open fire in the fire pit every
5 single night.
6 MS. ROBESON: No, no. Well, you -- okay.
7 MS. SCOTT: I live next door.
8 MS. ROBESON: Say are you aware.
9 MS. SCOTT: Are you aware of more than one party?
10 MS. HARTMAN: I said in my testimony that I think
11 it was a period of time that --
12 MS. ROBESON: No. You said one party.
13 MS. HARTMAN: Well, there was a party so there we
14 come to the definition of party, but there was a period of
15 time where Alex was having, having a disruption to the
16 neighborhood.
17 MS. ROBESON: Well, do you admit that there's a
18 possibility that there may have been parties that you didn't
19 know about because you didn't hear about them from the
20 neighbors, the Sittings?
21 MS. HARTMAN: Yes.
22 MS. ROBESON: Is there, I mean, is that a
23 possibility?
24 MS. HARTMAN: Yes.
25 MS. SCOTT: Sorry. I had so many, so many

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1 questions. You mentioned that you, you and your sons park
2 three cars on the driveway. Have you ever encouraged your
3 tenants to park or your roommates to park on the driveway?
4 MS. HARTMAN: Yes.
5 MS. SCOTT: Do they park on the drive -- has it
6 been your experience that they routinely park on your
7 driveway?
8 MS. HARTMAN: Sometimes they do and sometimes they
9 don't.
10 MS. ROBESON: You get a chance. If you think
11 she's incorrect --
12 MS. SCOTT: Yeah. It's --
13 MS. ROBESON: -- you will get a chance to test, to
14 re-testify so to speak.
15 MS. SCOTT: I'm curious. You mentioned you
16 couldn't do much about the situation in the house while you
17 were in Afghanistan but Aron Hubbard is still a listed
18 owner. He was, he applied for this permit too.
19 MS. ROBESON: Is this a question?
20 MS. SCOTT: Yes. Why didn't he, why didn't he do
21 something about what was going on at the house? You said
22 you couldn't be there.
23 MS. HARTMAN: No, he did.
24 MS. SCOTT: Why couldn't he be there?
25 MS. HARTMAN: He did. He was there on a regular

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1 basis. He went there every night for over a week straight
2 and he went regularly on the weekend.
3 MS. ROBESON: Well, you said previously every
4 week.
5 MS. HARTMAN: Yes. He went every week.
6 MS. ROBESON: Was it every night or --
7 MS. HARTMAN: He went every night when there was a
8 problem. At one point --
9 MS. ROBESON: How did he know there was a problem?
10 MS. HARTMAN: Because he was, he was talking to me
11 and he was talking to the police and he was there regularly.
12 He went at least every night for a week to address the
13 problems that were occurring and prior to that, when there
14 were no issues, he regularly checked on Alex on a weekly
15 basis, so Aron is, has been very present at the house.
16 MS. SCOTT: I'd also just like to go on record you
17 made, you directly attacked --
18 MR. EMDEN: Objection.
19 MS. ROBESON: No. Don't go there.
20 MS. SCOTT: Okay.
21 MS. ROBESON: Don't go there.
22 MS. SCOTT: Can I address why people didn't
23 contact you directly about what was going on?
24 MR. EMDEN: Objection.
25 MS. ROBESON: Well, you can -- Ms. Scott, hold on

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1 one second.
2 MS. SCOTT: Yes, ma'am.
3 MS. ROBESON: Let me just tell you that you'll get
4 time after her testimony to refute without asking questions.
5 MS. SCOTT: Okay.
6 MS. ROBESON: So you don't have to refute it now.
7 You'll get another opportunity.
8 MS. SCOTT: You said you don't have any plans to
9 redeploy. Is it fair to say you would refuse to redeploy if
10 you get this license for the apartment?
11 MS. HARTMAN: I can't speculate on that at this
12 time, whether I would refuse or not refuse or whether there
13 may be conditions that are set after the hearing, so I can't
14 comment on that.
15 MS. SCOTT: And I just want to clarify. You said
16 you had a carport. In my experience --
17 MR. EMDEN: Objection.
18 MS. SCOTT: I'm trying to clarify the use of the
19 term carport. That implies something to most people.
20 MS. ROBESON: Okay. Why don't you just --
21 MS. SCOTT: But it does not apply here.
22 MS. ROBESON: Why don't you just describe exactly
23 what's out there. Is there a roof like a carport or --
24 MS. HARTMAN: There's no roof but it is determined
25 by Steve Thomas from Permitting to be a parking area for

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1 cars.
2 MS. ROBESON: So it's like a parking pad.
3 MS. HARTMAN: Parking pad.
4 MS. ROBESON: Was it a patio or a, was it put in
5 for parking or was it --
6 MS. HARTMAN: It was put in prior to my living
7 there so I wouldn't --
8 MS. ROBESON: Okay.
9 MS. HARTMAN: -- know what was the intention of
10 the owner but I have used it always --
11 MS. ROBESON: As a parking pad.
12 MS. HARTMAN: -- for parking, and the manager of
13 Permitting Services said that it was a parking, he said what
14 it defines a parking place is a place where you can park
15 your cars.
16 MS. ROBESON: Okay.
17 MS. HARTMAN: And this absolutely is defined as a
18 place where you could park your cars.
19 MS. ROBESON: Okay. All right.
20 MS. SCOTT: I have a picture if it would help.
21 MS. ROBESON: You can do that when you get to
22 testify again.
23 MS. SCOTT: Okay. You said all your possessions
24 are in the house. I still don't understand why you don't
25 spend more time there when you're home if all of your

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1 possessions are in the house, and we have not seen your
2 rental car spend the night. How can you -- you're only home
3 for a little while. I've had family members deployed --
4 MR. EMDEN: Objection.
5 MS. ROBESON: Okay. You can't --
6 MS. SCOTT: -- in Afghanistan. I know what they
7 do. Back to the first people you said you rented the room
8 to, Joe and Laurie. When that first happened, when you
9 first, back in --
10 MS. ROBESON: Okay. You can't testify.
11 MS. SCOTT: You said they were your friends. You
12 told my husband and I at the time she was your sister. So
13 I'm confused.
14 MS. ROBESON: Isn't it true.
15 MS. SCOTT: Isn't it true you told my husband and
16 I that that was your sister and her husband who were staying
17 in your basement, and you also told us -- well, that's
18 unrelated. So did you mislead us at the time --
19 MR. EMDEN: Objection. Complex question.
20 MS. SCOTT: -- because we had called.
21 MS. ROBESON: Well, no. Just you can say isn't it
22 true, you can leave it at isn't it true you told us she was
23 your sister.
24 MS. SCOTT: Isn't it true you told us that that
25 was your sister and her husband in the basement?

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1 MS. HARTMAN: Not true.
2 MS. ROBESON: Okay. Go ahead. Now, don't get
3 upset. Just --
4 MS. SCOTT: Well, if --
5 MS. ROBESON: Okay. I can't --
6 MS. SCOTT: If someone's not going to tell the
7 truth --
8 MR. EMDEN: Objection.
9 MS. SCOTT: -- I just don't know where to go.
10 MS. ROBESON: Objection. You can't --
11 MS. SCOTT: I'm sorry.
12 MS. ROBESON: You have the opportunity, what
13 you're doing, you have the opportunity to say all this
14 again. I mean, you don't have to be limited by questions.
15 MS. SCOTT: Thank you.
16 MS. ROBESON: Okay.
17 MS. SCOTT: Maybe this isn't a question. Are you
18 certain your last tenant moved out -- at one point, you said
19 December of '13. Then after we came back from the photocopy
20 session, you said January of '14. Do you know exactly the
21 date your last tenant moved out of the basement?
22 MS. HARTMAN: The, a room renter moved out in
23 January of 2014. I believe that's what I said in the
24 previous testimony.
25 MS. ROBESON: Okay. So that is your answer.

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1 MS. SCOTT: That's your answer.
2 MS. ROBESON: Now, if you --
3 MS. SCOTT: Okay.
4 MS. ROBESON: If you want to contradict it for
5 some reason, you have the chance to testify.
6 MS. SCOTT: All right. I'm just checking.
7 MS. ROBESON: Mr. Goff, do you have photos of this
8 property?
9 MS. SCOTT: Thank you.
10 MR. GOFF: Um --
11 MS. ROBESON: Go ahead.
12 MS. SCOTT: I just want to make sure that we're
13 clear. The only -- you stated your son lived in the main
14 part of the house when you were deployed, your son
15 Alexander.
16 MS. HARTMAN: Yes.
17 MS. SCOTT: And that's the only person who was
18 living in that part of the house.
19 MS. HARTMAN: Yes.
20 MS. SCOTT: All right.
21 MS. ROBESON: All right. Anything else?
22 MS. SCOTT: No. I don't think so.
23 MS. ROBESON: Redirect?
24 MR. EMDEN: No.
25 MS. ROBESON: Okay. Let's get through Mr. Goff

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1 and then we're going to have to take -- did you say you had
2 to leave at 3:00? I thought I saw an e-mail saying you had
3 to leave at 3:00.
4 MS. HARTMAN: Me?
5 MS. ROBESON: Yes.
6 MS. HARTMAN: I have a flight that I have to
7 catch.
8 MS. ROBESON: Okay. Mr. Goff, raise your right
9 hand.
10 (Witness sworn.)
11 DIRECT EXAMINATION
12 MS. ROBESON: State your name and address,
13 occupation for the record.
14 MR. GOFF: Robert Goff, 100 Maryland Avenue,
15 Rockville, Maryland. I'm a housing code inspector for DHCA.
16 MS. ROBESON: Okay. Please describe your findings
17 in this case.
18 MR. GOFF: I conducted an inspection of the
19 property on April 7, 2014 and my findings were item 1,
20 install half-inch drywall in the kitchen, dining room and
21 hallway ceiling, spackle, sand and paint. Item 2, install
22 door lock on basement door from accessory apartment to main
23 house. Item 3, install smoke detector on outside of
24 bedroom. Item 4, repair the walkway to the accessory
25 apartment to create a trip hazard. No. 5, driveway must be

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1 increased to the requirement, required minimum of 480 square
2 feet, driveway must be installed with same like material,
3 asphalt, as existing driveway, permit required through DPS,
4 Department of Permitting Services.
5 MS. ROBESON: Okay. Keep going.
6 MR. GOFF: Item 6 --
7 MS. ROBESON: Did you have subsequent, or did you
8 finish that inspection report?
9 MR. GOFF: The last one was just a re-inspection
10 date. I, I have been there on several occasions. I was e-
11 mailed from our licensing department to go back to the
12 property on 4/15/2014 to check on the sign.
13 MS. ROBESON: Was the sign up?
14 MR. GOFF: The sign, the sign was up on my initial
15 inspection but I had a neighbor approach me, they could not
16 read the web address, for a complaint because it was set
17 back to the house, so I moved the sign to the front of the
18 property and I explained to her son that was living at the
19 property that --
20 MS. ROBESON: Do you know which son it was?
21 MR. GOFF: It was the youngest one. It wasn't, it
22 wasn't the Aron. It was the other one, and I never did get
23 his name so I'm not sure who it was. It was just the
24 younger son. I explained to him why we needed to keep it up
25 front because people couldn't see it. On 4/15, I went back

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1 to re-inspect and the sign was moved back from where I put
2 it back to the house where it couldn't be seen, where the
3 web address could not be read from the street.
4 On 4/17, I called Aron to let him know why it was
5 moved or why I moved it, it had to stay there and that I
6 told his brother that it should be out by the street. And
7 Aron's response to me was my brother's name is not on the
8 paperwork so it doesn't matter what you told him, and your
9 website just says put it in the front yard, it doesn't
10 matter where it's at. And I told him it had to be visible
11 to the public, that is on the website, and he said no, it's
12 not. That was the end of that conversation.
13 I did, after that inspection, wrote a new report
14 where I denied their license for removal of the sign but
15 they decided not to deny him for that because it wasn't a
16 big violation.
17 MS. ROBESON: Well, okay. Go ahead.
18 MR. GOFF: Yeah. So we went ahead and I conducted
19 a re-inspection on May 7th. At that time, I found that the
20 drywall was installed but it was not painted. The door to
21 the main house from the accessory apartment had a padlock
22 hasp on it, which is not allowed under the code, and that
23 the driveway was not extended. So at that time, we sent a
24 letter of denial and then the owner sent in a letter
25 requesting an extension that was granted by our department

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1 head for more time.
2 MS. ROBESON: Did you have, I think there's been
3 testimony regarding past housing complaints. Did you have
4 occasion to research that?
5 MR. GOFF: Yeah. We pulled the old cases out.
6 MS. ROBESON: Oh, you did.
7 MR. GOFF: Yes.
8 MS. ROBESON: And can you give me any background
9 on that?
10 MR. GOFF: The ones that we do have was March 2nd,
11 2011 an inspection was conducted and there was a microwave,
12 refrigerator and sink in the basement.
13 MS. ROBESON: And that was 2011?
14 MR. GOFF: Yes.
15 MS. ROBESON: Okay. And so they removed that? Is
16 that why it resolved?
17 MR. GOFF: Yes. It was removed and that was why
18 the case was resolved.
19 MS. ROBESON: Okay.
20 MR. GOFF: We received a different complaint on
21 7/1/2009. An inspector went out, no one home, left a card
22 on the door, 7/14 left a card on the door, 7/21 left a card
23 on the door. Ms. Hartman called and stated that there is a
24 kitchen in the home and her son is using it. I advised her
25 to remove the stove and use the kitchen upstairs, so the

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1 stove was down there on 8/10 of 2009. On 9/17, the
2 inspector took pictures that the stove was removed.
3 MS. ROBESON: Any others?
4 MR. GOFF: Um, there was other ones that we were
5 out there but there was no cooking equipment in there at the
6 time we were there.
7 MS. ROBESON: Okay. When you were out there, did
8 you observe anyone parked in the driveway --
9 MR. GOFF: No.
10 MS. ROBESON: -- or the pad?
11 MR. GOFF: Never. Nobody's ever parked -- each
12 time I've been there, nobody's ever been parked in the
13 driveway.
14 MS. ROBESON: And what dates were you there again?
15 MR. GOFF: The dates I was there, 7/7/2014,
16 5/14/2014, 5/15/2014, 4/7/2014, 3/31/2014.
17 MS. ROBESON: All right. On your visits out
18 there, did you have the occasion to observe parking on the
19 street?
20 MR. GOFF: Um --
21 MS. ROBESON: Well, for -- let me back up. On
22 your visits out there, were there people in the home?
23 MR. GOFF: On the main floor.
24 MS. ROBESON: On the main floor. Okay. Do you
25 have any idea how many, or how many did you observe?

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1 MR. GOFF: Two. Two and a child.
2 MS. ROBESON: Okay. All right. And what did you
3 observe regarding parking? What time of day were you out
4 there, during the daytime?
5 MR. GOFF: 4:00, 3:00, 3:30, 1:30, 2:00, 11:00
6 a.m. Different times. I never had an issue with parking.
7 I parked right in front of their house.
8 MS. ROBESON: Okay. All right. Anything else?
9 MR. GOFF: Um, no. I did conduct an inspection of
10 the entire property so.
11 MS. ROBESON: And when was that? Did that include
12 the upper floors too?
13 MR. GOFF: Yes. Yes. 04/7/2014. We do that to
14 make sure there's no room rentals upstairs.
15 MS. ROBESON: Yes. Okay. All right. Anything
16 else?
17 MR. GOFF: No.
18 MS. ROBESON: Cross-examination, Mr. Emden?
19 MR. EMDEN: Thank you.
20 CROSS-EXAMINATION BY MR. EMDEN
21 MR. EMDEN: But you were there for a later
22 inspection and approved the property as code-compliant,
23 right?
24 MR. GOFF: Yes, I did on July 7th.
25 MR. EMDEN: And can you tell us what you found

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1 when you were there July 7th?
2 MR. GOFF: Um --
3 MR. EMDEN: And why you approved it.
4 MR. GOFF: On July 7th, I was there for the
5 painting, excuse me, painting of the drywall ceilings, the
6 lock on the door to the main house, and we added a violation
7 which was all the electrical junction boxes must have covers
8 on them that were in the ceiling, and that was all
9 corrected.
10 MR. EMDEN: Thank you. I have no further
11 questions.
12 MS. ROBESON: Ms. Overbey, do you have any
13 questions for the inspector?
14 MS. SCOTT: It's Mrs. Scott.
15 MS. ROBESON: I'm sorry. I knew that.
16 MS. SCOTT: I just, I don't need to correct you.
17 I just figured we have to be accurate. No. I don't have
18 any questions for -- I'm sorry. Actually, I do.
19 CROSS-EXAMINATION BY MS. SCOTT
20 MS. SCOTT: Why -- the original violation about
21 the parking was so detailed and then it just disappeared.
22 When Mrs. Overbey, when other folks tried to find the
23 records on line or even the hardcopy file, there was no
24 reference as to why that disappeared. Why was it so
25 detailed in the original and then it just kind of went away

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1 because the driveway, do you agree, the drive --
2 MR. EMDEN: Objection. Two questions.
3 MS. ROBESON: Just --
4 MS. SCOTT: From the first time you saw the
5 driveway --
6 MR. EMDEN: That's three questions.
7 MS. SCOTT: -- to your re-inspection, did --
8 MS. ROBESON: She's starting anew.
9 MS. SCOTT: -- the driveway change?
10 MR. GOFF: No.
11 MS. ROBESON: Can you explain why it was initially
12 cited as a violation and then it was not?
13 MR. GOFF: The Department of Housing is totally
14 different than Permitting Services. When we go out to a
15 property, the driveway of that property is asphalt. There
16 is about an 18-inch gap between that and a brick patio that
17 our department defines as a patio. It was brought up and
18 questioned the day of my inspection. I showed it to two
19 supervisors and a manager and they all agreed it's not part
20 of the driveway, it is a patio. The owners had Permitting
21 Services come out and Permitting Services did agree it was a
22 driveway and a patio but then when they were forced to show
23 it in writing where it says it can't be two different
24 materials, there is no separation so Permitting did say then
25 you can use it all as a driveway.

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1 MS. SCOTT: Just so I understand, 18-inch gap. So
2 we're talking there's asphalt, then there's 18 inches of --
3 MS. GOFF: Slate.
4 MR. SCOTT: -- like grass or something? Slate.
5 MR. GOFF: There's slate between it.
6 MS. SCOTT: And then there's patio paver brick
7 things.
8 MR. GOFF: Yes. The county code does not specify
9 that a driveway cannot be two or three different materials.
10 MS. SCOTT: Even though in your original findings
11 you said that it all had to be asphalt.
12 MR. GOFF: Correct.
13 MS. SCOTT: But that's been changed.
14 MR. GOFF: I've been -- yes. It's been changed.
15 MS. SCOTT: Changed. Okay.
16 MS. ROBESON: Did --
17 MS. SCOTT: That's fine. That's all I need.
18 MS. ROBESON: Okay. Did you observe Mr. Hubbard
19 there at any time?
20 MR. GOFF: Um, Aron?
21 MS. ROBESON: Yes.
22 MR. GOFF: Yes. He took --
23 MS. ROBESON: Oh, yes.
24 MR. GOFF: He was there on the initial inspection
25 and on the re-inspection.

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1 MS. ROBESON: Okay. But not when you found the
2 sign.
3 MR. GOFF: He had already left. My inspection was
4 over and I was, we had to put our notes on the field.
5 MS. ROBESON: Yes.
6 MR. GOFF: And that's when the neighbors came up
7 to me.
8 MS. ROBESON: Okay.
9 MR. GOFF: But he had already left.
10 MS. ROBESON: All right. All right. Any
11 questions based on my questions?
12 MR. EMDEN: None, Your Honor.
13 MS. ROBESON: All right. Now, that ends the case
14 in chief. Now is the time, Ms. Scott -- I don't do well
15 when I don't get food. Now is the time, Ms. Scott, that you
16 have the opportunity, I don't want to take a lunch break if
17 Ms. Hartman has to really -- where are you leaving from?
18 MS. HARTMAN: Dulles.
19 MS. ROBESON: Now is the time that you can go back
20 and say what you want to say in response to what you've
21 heard.
22 MS. SCOTT: Thank you. It's hard to know where to
23 start.
24 MS. ROBESON: Okay. Well, take -- I'll tell you
25 what. Let's take a five minute break. Let's take a 15

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1 minute break so if somebody needs to get a snack or
2 something, we're going to do that. We'll try to get out of
3 here by 3:00. Let's take a 15 minute break and we'll come
4 back at 12:30.
5 (Whereupon, at 12:16 p.m., a brief recess was
6 taken.)
7 MS. ROBESON: Okay. We're back on the record.
8 What time do you have to leave, Ms. Hartman?
9 MS. HARTMAN: It would be good if I could be, if I
10 could leave by 3:00.
11 MS. ROBESON: Okay. Well, I have to give due
12 process so I have to take, I'll shorten my breaks but I have
13 to give everybody the right, you know, to so we'll see what
14 we can do.
15 MR. GOFF: On the break, I printed off a picture
16 of the driveway so you can see what we're talking about.
17 MS. ROBESON: Oh, okay. That's helpful. I'm
18 marking this as exhibit, I think it's 45. Did you get a
19 chance to show it to --
20 MR. GOFF: No, I didn't.
21 MS. ROBESON: Oh, this -- okay. Okay. So I'll
22 mark it as Exhibit 45. Why don't you show it to the
23 parties. Any objections?
24 MR. EMDEN: No.
25 (Exhibit No. 45 was marked for

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1 identification.)
2 MS. ROBESON: Does this fairly and accurately
3 describe, does this fairly and accurately depict the
4 property on the date on which you took it?
5 MR. GOFF: Yes, it does.
6 MS. ROBESON: And --
7 MR. GOFF: The date it was taken --
8 MS. ROBESON: I'm sorry. And when was it taken?
9 MR. GOFF: 4/7/2014.
10 MS. ROBESON: You know, I'm looking at this
11 photograph and I see something I don't understand what it is
12 at the -- Mr. Goff, do you, can you all come forward because
13 I'm not clear on what I'm looking at. Can you, can you --
14 what is, okay, what is this and what is that?
15 MR. GOFF: These are steps that go around to the
16 back.
17 MS. ROBESON: These are steps?
18 MR. GOFF: Yes.
19 MS. ROBESON: And what is this?
20 MR. GOFF: A grocery shopping cart.
21 MS. ROBESON: And when was this taken?
22 MR. GOFF: I'd have to take a look.
23 MR. EMDEN: He said April.
24 MR. GOFF: April 7th on my preliminary inspection.
25 MS. ROBESON: Okay. All right. So --

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1 MR. GOFF: There's no entrance on this side of the
2 house.
3 MS. ROBESON: Oh, that's where I'm confused.
4 Okay. So there's no door here.
5 MR. GOFF: Correct.
6 MS. HARTMAN: There's just the stairs that go here
7 to the deck and the door.
8 MS. ROBESON: When you say here, you're pointing
9 at the dark brown --
10 MS. HARTMAN: These are steps. The steps go up to
11 the landing.
12 MS. ROBESON: To -- wait. Hold on. You're
13 pointing to the dark brown in the upper right-hand corner,
14 correct?
15 MS. HARTMAN: Correct.
16 MR. EMDEN: Upper left.
17 MS. ROBESON: It's reversed for me. Okay. All
18 right. Those are steps that go to the back. All right. So
19 do you have a pathway to where you have to enter?
20 MS. HARTMAN: A path. Go ahead.
21 MS. ROBESON: Well, say you get off the park, say
22 you get off the, you park here. Which way -- okay. So
23 you're coming into the driveway.
24 MS. HARTMAN: This is the street side into the
25 driveway.

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1 MR. EMDEN: How do you get into the house is what
2 she --
3 MS. HARTMAN: You would come up these two steps
4 and go through that gate and enter at the door.
5 MS. ROBESON: Okay.
6 MS. HARTMAN: These are also pavers that take you
7 to the front porch and a front door.
8 MS. ROBESON: Okay.
9 MS. HARTMAN: So if the front of the house comes
10 here, there's a front porch and a front door.
11 MS. ROBESON: But there's no, there's no access to
12 this other than this, correct?
13 MS. HARTMAN: Correct.
14 MS. ROBESON: So if you had -- how many cars does
15 this require, four?
16 MR. GOFF: It requires 480 square feet.
17 MS. ROBESON: 480 square feet, but I guess what
18 I'm saying is how big is the patio? Have you measured it?
19 MR. GOFF: Yes.
20 MS. ROBESON: I'm just trying to -- usually, we
21 have, we used to have site plans.
22 MR. GOFF: The driveway measures 10 foot wide, 31
23 foot long.
24 MS. ROBESON: So it is a single drive, drive
25 aisle.

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1 MR. GOFF: Correct.
2 MS. ROBESON: So what you would have to do --
3 MR. GOFF: And the patio, or this part actually is
4 11'6" by 17'.
5 MS. ROBESON: This is -- wait. I'm just looking
6 at how it's going to function, all right? So this is what?
7 MR. GOFF: Eleven foot, six inches wide by 17
8 long.
9 MS. ROBESON: By 17. So I guess -- and do you
10 know the parking requirement? Let me just --
11 MS. HARTMAN: It's 480.
12 MR. GOFF: 480 is what it requires.
13 MS. ROBESON: Yes, but -- okay, no. It requires
14 one on site space in addition to any required on-site
15 parking for the principal dwelling. However, if a new
16 driveway must be constructed, then two on-site parking
17 spaces must be provided. So you need three parking, you
18 need to be able to park three cars there so now, is this
19 what goes, is the street toward the bottom of the picture?
20 MS. HARTMAN: Yes.
21 MS. ROBESON: Okay. But this is only, the Macadam
22 Asphalt is only 10 feet wide.
23 MR. GOFF: Correct.
24 MS. ROBESON: So if you have two cars here and one
25 car here, then these two cars can't get out, correct?

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1 MR. GOFF: Correct. And it's really not wide
2 enough for two this way because the fireplace comes out, so
3 it would only be one, two, three cars.
4 MS. ROBESON: So you'd have three tandem spots.
5 MR. GOFF: Yes.
6 MR. GOFF:
7 MS. ROBESON: And can you point to where the
8 fireplace is?
9 MR. GOFF: This brick right here. You can see
10 where these trashcans are set back a little bit.
11 MS. ROBESON: Yes. Oh, I see. I'm sorry. So the
12 red brick in the upper left corner --
13 MR. GOFF: Is the fireplace for the inside.
14 MS. ROBESON: Okay. So they can get, essentially,
15 they can get one, two, three cars in a single file.
16 MR. GOFF: Correct.
17 MS. ROBESON: All right. Okay. I understand.
18 MR. HAYDUK: May I add something about that
19 picture?
20 MS. ROBESON: Well, right now, do you have any
21 objections as to its accuracy? You're going to get another
22 chance to testify. We're going to get through this.
23 MR. HAYDUK: Okay.
24 MS. ROBESON: So all right. That's very helpful.
25 Ms. Scott, did I see you waving a site plan around like a

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1 lot location survey?
2 MS. SCOTT: No lot location. I had the drawing
3 that was Ms. Hartman and her son submitted with their
4 original application where they claimed that the driveway
5 was 600 and something square feet.
6 MR. EMDEN: Objection.
7 MS. ROBESON: Yes. You can't characterize --
8 MS. SCOTT: Well, they wrote it clearly on.
9 MS. ROBESON: Really.
10 MR. EMDEN: Objection again.
11 MS. SCOTT: It was written on it.
12 MS. ROBESON: Yes. I know.
13 MR. EMDEN: Objection.
14 MS. ROBESON: I know that, but you can't say they
15 claimed. I know you feel, you may feel that way but you
16 can't --
17 MS. SCOTT: Okay. Here, here it is. The original
18 drawing that was submitted with the application. I don't
19 know who did the drawing.
20 MS. ROBESON: Well, I'm not sure if I -- let me
21 see if I already have it in the record. No. I don't have
22 it. I don't have that.
23 MR. EMDEN: It should be with the application.
24 MS. ROBESON: Yes, I know. And I have the
25 application but I don't see the drawing. Oh, yes, I do.

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1 I'm sorry. Is this it?
2 MS. SCOTT: Yes.
3 MS. ROBESON: Exhibit 1C. All right. Okay.
4 MS. SCOTT: It says 10 feet by 64 feet and --
5 MS. ROBESON: Okay. I, I didn't mean -- I wanted
6 to know if there was some kind of site plan in the record.
7 Ms. Hartman, do you mind coming forward one minute because
8 I'm confused about where the driveway is in relation to the
9 house. You could all come forward if you want, but you show
10 this driveway here, correct?
11 MS. HARTMAN: Um-hum.
12 MS. ROBESON: Okay. So then --
13 MS. HARTMAN: These are two separate drawings.
14 MS. ROBESON: That's what I wasn't sure of. So
15 where --
16 MS. HARTMAN: Just two separate drawings on the
17 same piece of paper.
18 MS. ROBESON: Can you mark on this drawing where
19 the driveway is actually located in relationship to the
20 house?
21 MS. HARTMAN: It's completely disoriented.
22 MS. ROBESON: This says front.
23 MS. HARTMAN: Let me see. Yes. It would be here.
24 MS. ROBESON: Can you --
25 MS. HARTMAN: It would be here but there's other,

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1 there's other parts of the house here.
2 MS. ROBESON: Oh, this isn't a full --
3 MS. HARTMAN: No. It's --
4 MS. ROBESON: Oh, this is just the apartment.
5 MS. HARTMAN: Apartment, right.
6 MS. ROBESON: Gotcha.
7 MS. HARTMAN: So the house is here around it.
8 MS. ROBESON: Well, can you just mark the general
9 location of the driveway in relation to --
10 MS. HARTMAN: It is in this same direction. It's
11 just that there's more house. So this is the front, this is
12 the living room.
13 MS. ROBESON: Okay. So basically --
14 MS. HARTMAN: There's a laundry room and family
15 room, stairs. There's a bunch more house here.
16 MS. ROBESON: Okay. So basically, it's on the
17 same side as the living room that's marked on 1C, is that
18 correct? It's on the same side of the house.
19 MS. HARTMAN: Yes.
20 MS. ROBESON: All right. That's --
21 MR. GOFF: This is basically it.
22 MS. HARTMAN: Right.
23 MR. GOFF: I've just drawn what the main --
24 MS. ROBESON: Oh, okay.
25 MR. GOFF: -- main part of the house looks like.

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1 MS. ROBESON: Okay.
2 MR. GOFF: They've got a laundry room here and
3 this is like another room that they're not including in the
4 apartment.
5 MS. ROBESON: Well, I'm going to steal this from
6 you and make it exhibit, this is something we need too,
7 exhibit, where am I, 46? Yes. 46.
8 MR. GOFF: Do you want me to take it out?
9 MS. ROBESON: Yes. If anyone has any
10 objections --
11 (Exhibit No. 46 was marked for
12 identification.)
13 MS. ROBESON: Bob, can you describe that exhibit?
14 MR. GOFF: It is a layout of the house with the,
15 where the driveway is located.
16 MS. ROBESON: Not to scale, right?
17 MR. GOFF: No. Not to scale.
18 MS. ROBESON: Okay.
19 MS. SCOTT: I just want to make sure -- I looked
20 at this drawing and I couldn't tell from the drawing. This
21 is the backyard?
22 MR. GOFF: Yes.
23 MS. ROBESON: When you --
24 MS. SCOTT: This is the street side.
25 MS. ROBESON: Wait, wait, wait.

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1 MR. GOFF: Yes.
2 MS. ROBESON: When you say this, you're pointing
3 to --
4 MS. SCOTT: I'm sorry. Pointing to the drawing of
5 just the apartment.
6 MS. ROBESON: Exhibit 1C.
7 MS. SCOTT: And without reference to the like say
8 front door of the house or the backdoor. I couldn't tell --
9 MR. GOFF: Correct.
10 MS. SCOTT: -- the orientation. So this is the
11 backyard.
12 MR. GOFF: Backyard.
13 MS. SCOTT: This is the street side.
14 MS. ROBESON: So the area adjacent to the rooms
15 labeled living room, full bath, sink, stove is the backyard.
16 MR. GOFF: Correct.
17 MS. SCOTT: And the bedroom closet and HVAC is the
18 front.
19 MR. GOFF: Correct.
20 MS. SCOTT: Okay. I just wanted to make sure I
21 was clear on that.
22 MS. ROBESON: Okay.
23 MR. EMDEN: Has that been introduced, that last
24 exhibit?
25 MS. ROBESON: I'm just about ready to.

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1 MR. EMDEN: I'd like a picture, a photocopy of the
2 schematic of this.

3 MS. ROBESON: Okay. So let me, I have to take a -
4 - we're short a staff person today so I'm going to take a
5 recess and just get everyone copies of these if you would
6 like them.

7 MR. EMDEN: Thank you.
8 (Whereupon, at 12:52 p.m., a brief recess was
9 taken.)

10 MS. ROBESON: We're back on the record. I'm going
11 to keep the two originals but I have, I made a copy for the
12 housing inspector as well so that he can replenish his file,
13 and this is the original here. So, Bob, can you pass them
14 down the line?

15 MR. GOFF: Yes.

16 MS. ROBESON: Thank you. All right. Now, one
17 thing I did want to double-check I did double-check on the
18 break. This is a brand new law, relatively brand new, and I
19 did look at my ability to impose conditions and it's limited
20 in the sense that I can do it only to require additional
21 parking spaces if -- the Hearing Examiner may find that more
22 than the minimum on-site parking must be required as a
23 condition of the license, so that's really the limit of my
24 power to impose conditions and I just wanted everybody to
25 have the same playing field that I'm on.

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1 All right. Thank you, Mr. Goff. I'm getting
2 ready to -- so I think, had we finished your testimony, Mr.
3 Goff?

4 MR. GOFF: Yes.

5 MR. EMDEN: No cross.

6 MS. ROBESON: No cross. So, Ms. Overbey, this is
7 your time, Ms. Scott, I know that, your time for rebuttal
8 evidence from what you've heard from either Mr. Goff or Ms.
9 Hartman. This is your time. You don't have to phrase it in
10 the form of a question. You can say, you know, why you
11 disagree with what she said if you do disagree, so this is
12 your time to do that. This is -- anyone else who wishes to
13 testify, that's your time to do that.

14 MR. EMDEN: Your Honor, may I just raise a point
15 of order?

16 MS. ROBESON: Sure.

17 MR. EMDEN: Which is that I certainly understand
18 that she has a right to give rebuttal. To the extent that
19 it's cumulative, I would just ask that she provide anything
20 new, not something she's heard in the interest of time or
21 something she's already testified to.

22 MS. ROBESON: Ms. Scott, Mr. Emden is correct,
23 that your rebuttal is limited to what Ms. Hartman testified
24 to so if Ms. Hartman said well, I'll give an example that
25 I've already heard you may disagree with, if she said there

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1 was one party, you know, and you say, no, there's more than
2 one party, then, so if you can keep it to the points she
3 raised or Mr. Goff raised.

4 MS. SCOTT: Okay.
5 (Witness previously sworn.)

6 REBUTTAL DIRECT EXAMINATION

7 MS. SCOTT: One of the points Ms. Hartman raised
8 was she was questioning the objections my husband and I put
9 in, our written objections. All I can say is this is what
10 we observed. We saw people move in and take furniture,
11 belongings out of a U-Haul truck in March. We even know, we
12 saw --

13 MS. ROBESON: In March of --

14 MS. SCOTT: Of 2014. We saw a previous occupant
15 of the basement area move out in February of '14. We did
16 not see the sign go up about the accessory apartment
17 application until after, until April 1st, after someone had
18 moved in in March. All I can speak to is this is what we
19 saw. We did not know how to contact her. She wasn't there.
20 We didn't know at the time who Aron, that building was owned
21 by Aron. We didn't have any way to contact him. The only
22 contact information came from those round-robin e-mails and
23 I wasn't going to contact anybody off line that way. So had
24 we had contact information, we would have been more than
25 happy to advise her what was going on at that house.

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1 I know she could only speak to one party. There
2 were nightly parties and open fires on the deck, multiple
3 people, loud, going on well beyond midnight on work nights.
4 Very disruptive. That's, that's, I'd like to say that.

5 And just in general, based on her testimony and
6 based on the dates involved with the ownership, I just would
7 like to restate that it appears Ms. Hartman was renting
8 rooms to people other than family members when she was not
9 the owner of the property in the years '09 through January
10 or February '14, whatever the date is in here. Ms. Hartman
11 has stated that the basement did not have a, did not have a
12 kitchen and that's why it was always renting rooms but yet,
13 Mr. Goff testified that he went out there in '09 and in '11
14 and found cooking facilities in the basement area that was
15 being rented out.

16 MR. GOFF: Excuse me, for the record, I didn't go
17 out personally. I was --

18 MS. SCOTT: I'm sorry. You reported --

19 MR. GOFF: -- was reading other inspectors' notes.

20 MS. SCOTT: I should have said --

21 MR. GOFF: Okay.

22 MS. SCOTT: -- you reported from your file when
23 you testified --

24 MR. GOFF: Right.

25 MS. SCOTT: -- instances where --

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1 MR. GOFF: Correct.
2 MS. SCOTT: -- there were cooking facilities found
3 in '09 and in '10.
4 MR. GOFF: Yes.
5 MS. SCOTT: But Ms. Hartman had testified that
6 that stuff had gone away before the first occupants rented
7 the room which there's a disconnect there. Um, there's
8 still, I'm still not sure why if this is Ms. Hartman's main
9 residence she doesn't stay there when she's home on, on R&R.
10 That would, to me, that would seem logical that if it's your
11 home and you're only home briefly, you would stay there but
12 everybody to their own.
13 MS. ROBESON: Let me -- can I focus you on the
14 parking? Is it your testimony, how often do people use that
15 brick area and --
16 MS. SCOTT: Rarely. Rarely.
17 MS. ROBESON: Okay. Have you seen three cars
18 parked at once in there, the driveway, including the
19 driveway and the brick area?
20 MS. SCOTT: I cannot remember any time I've seen
21 three. Would, if we have a snowstorm coming, would
22 everybody try to get their cars up? Sure. But it has been
23 my experience that the people renting rooms park on the
24 street.
25 MS. ROBESON: Or the people who were living there.

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1 MS. SCOTT: Who were living there.
2 MS. ROBESON: Because we don't --
3 MS. SCOTT: The people who were living there. It
4 has been my experience that Ms. Hartman's Honda was the car
5 most frequently on the driveway and it was usually on the
6 driveway by itself.
7 MS. ROBESON: Okay. So the others were parking in
8 the street.
9 MS. SCOTT: Street.
10 MS. ROBESON: Now, describe for me the nighttime
11 conditions when there were people occupying the house.
12 Describe for me the nighttime parking conditions as far as
13 how many, did you have a place to park or could you --
14 MS. SCOTT: For this -- recently when Ms. Hartman
15 was gone and her son Alex was living there and having lots
16 of visitors, my husband would strategically park his car at
17 night so we would have a spot, a space in front of our
18 house. We would engineer it because people stated showing
19 up for these parties at dusk-ish and it would not be
20 uncommon for me to get up in the middle of the night because
21 of the noise, look out the window and see cars parked on
22 both sides of Westbourne Terrace and parked in front of my
23 house.
24 MS. ROBESON: Okay.
25 MS. SCOTT: And one morning it was really tight.

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1 I was thinking how my husband was going to get his car that
2 he parked on the street, move it so he could get to work.
3 We were about to go knock on the door when someone came out
4 and moved the car that had parked right to my husband's
5 bumper.
6 MS. ROBESON: Okay. Let me ask you something.
7 Say there are no more parties. Was it the parties that were
8 causing the parking or was it the -- you never saw, except
9 for one car, the driveway being used. Was it the, do you
10 think there will be -- I guess what I'm getting at is do you
11 think there will be an impact if there's no more parties
12 except occasionally?
13 MS. SCOTT: I think there will still be some
14 impact because it --
15 MS. ROBESON: Say there's two people. What's the
16 maximum people that can live in this?
17 MR. GOFF: Two in this one.
18 MS. ROBESON: So say they each have a car. So say
19 you have, say you have four cars, you have a possibility of
20 four cars, how does that impact your, your testimony as far
21 as parking?
22 MS. SCOTT: If there are going to be four cars and
23 if only one of them typically parks in the driveway, there
24 will not be room for three cars safely in front of Ms.
25 Hartman's house to allow people to come down around

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1 Fernshire because it is a circle. That, everybody has to go
2 to Fernshire to get out. You must go past Ms. Hartman's
3 house to get out of the neighborhood. One of them will have
4 to either park across the street where there is a fire
5 hydrant and there's our driveway. If we're backing out,
6 there will be somebody right behind us or somebody might --
7 MS. ROBESON: Is there a mailbox too?
8 MS. SCOTT: There's a mailbox on my other side.
9 On my property, not her side. On the Belt side, but it's
10 near my driveway. Somebody would have to be parking more in
11 front of my front window.
12 MS. ROBESON: Okay. Okay. All right. Anything
13 else you'd like to say? I think that the two issues here,
14 it sounds to me like are adequate parking --
15 MS. SCOTT: Yes.
16 MS. ROBESON: -- and whether she resides at the
17 house.
18 MS. SCOTT: Yes. Yes. That's the biggest issue
19 is --
20 MS. ROBESON: Okay.
21 MS. SCOTT: -- she residing at the house while
22 it's being rented out.
23 MS. ROBESON: Okay. Any questions, Mr. Emden?
24 MR. EMDEN: Yes.
25 REBUTTAL CROSS-EXAMINATION

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1 MR. EMDEN: Will you agree that if any of your
2 neighbors has company and guests come and park in your
3 street, that that would affect you if they'd park in front
4 of your house, right?
5 MS. SCOTT: Sure.
6 MR. EMDEN: And that could happen at any time too?
7 MS. SCOTT: And we don't care if it's just
8 occasionally.
9 MR. EMDEN: Right, but that could happen.
10 MS. SCOTT: That could happen.
11 MR. EMDEN: And you also have a street in front of
12 your house on which people can park, right?
13 MS. SCOTT: Right.
14 MR. EMDEN: And so does she.
15 MS. SCOTT: Yeah.
16 MR. EMDEN: And how many cars can park in front of
17 your house so that they are, let's just say how many cars
18 can park in front of your house on your side of the street?
19 MS. SCOTT: Three can park in front of my house
20 because my property is bigger because we have an extra
21 easement for the storm drain. So three can park in front of
22 mine but realistically, two in front of Ms. Hartman's.
23 MR. EMDEN: But the complaint you have made has to
24 do in part with the turn onto the adjoining street, correct?
25 MS. SCOTT: Yeah.

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1 MR. EMDEN: And that turn onto the adjoining
2 street is not next to your property, is it?
3 MS. SCOTT: No. I'm only one house away from it.
4 MR. EMDEN: Right. And you have not seen three
5 cars parked in her driveway ever?
6 MS. SCOTT: I don't know if I could say ever. We
7 -- I don't clock everything that goes on over there. Ever
8 since this application and the sign went up with the ability
9 to file an objection, yeah, I've been clocking it then but
10 on a regular basis since she moved in in '05 have I been
11 clocking that, no.
12 MR. EMDEN: Thank you. That's all I have.
13 MS. ROBESON: Okay. Anything else?
14 MS. SCOTT: I just want to --
15 MS. ROBESON: You'll get a chance for a closing
16 statement.
17 MS. SCOTT: Okay. Thank you. No. That's --
18 MS. ROBESON: Anyone else have anything to say?
19 Yes, sir, Mr. Hayduk. I can remember Hayduk.
20 MR. HAYDUK: Yes, ma'am.
21 MS. ROBESON: I can't remember Ms. Scott.
22 MS. SCOTT: That's okay.
23 MS. ROBESON: I remember Mr. Hayduk. Okay.
24 You're still under oath, Mr. Hayduk.
25 MR. HAYDUK: Okay.

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1 (Witness previously sworn.)
2 REBUTTAL DIRECT EXAMINATION
3 MR. HAYDUK: I'd like to ask Ms. Hartman how
4 convenient it is to back out of her driveway in the string
5 of three cars.
6 MS. ROBESON: Well, this is for your testimony.
7 In your experience, if you, you can tell me in your
8 experience how convenient it is for multiple people if they
9 all have to back out.
10 MR. HAYDUK: Well, she has stated that three cars
11 were parked on her driveway, so I'm just asking how
12 convenient --
13 MS. ROBESON: Well, this, okay, this is your time
14 to testify, correct? This is your time to testify.
15 MR. HAYDUK: Oh, I thought we were cross-examining
16 her.
17 MS. ROBESON: No. It's confusing.
18 MR. HAYDUK: Okay. All right.
19 MS. ROBESON: It is confusing.
20 MR. HAYDUK: I don't understand how convenient
21 that would be for three cars in a single lane driveway to
22 back out. Who's first, who's last?
23 MS. ROBESON: I --
24 MR. HAYDUK: Okay.
25 MS. ROBESON: I understand.

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1 MR. HAYDUK: The third thing that the picture
2 doesn't show is on the right side of the driveway is a huge
3 electrical box, okay? I guess it would be to the bottom, or
4 the black academy.
5 MS. ROBESON: When you say the right side of the
6 driveway, are you looking at the side --
7 MR. HAYDUK: The black part.
8 MS. ROBESON: -- opposite the --
9 MR. HAYDUK: The black part. The blacktop.
10 MS. ROBESON: Here.
11 MR. HAYDUK: Down here. Yes, ma'am. Towards the
12 bottom of that picture, it's a Pepco power box.
13 MS. ROBESON: Oh, I see.
14 MR. HAYDUK: So this, so it would be nearly
15 impossible to widen, widen the driveway in that area because
16 of Pepco's box.
17 MS. ROBESON: Is there any room on the --
18 MR. HAYDUK: There's, there's the Pepco box, two
19 large shrubs I'd say 10 or 12 feet long and then a chain
20 link fence that runs down along that side, and they all
21 belong to the adjoining neighbor except for the --
22 MS. ROBESON: Approximately how far from the
23 asphalt to the fence, the chain link?
24 MR. HAYDUK: It's on the line, pretty close to the
25 line.

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1 MS. ROBESON: All right.
2 MR. HAYDUK: So what I'm saying, it would be
3 difficult to widen the driveway to two lanes or whatever.
4 And the third thing I have is, um, I don't understand how if
5 the permit was granted, how would the tenants get to the, to
6 the basement door. Where is the basement door in that
7 house?
8 MS. ROBESON: Okay. All right.
9 MR. HAYDUK: There's no walkway from the driveway
10 to the opposite side of the house where the door is.
11 MS. ROBESON: Where is the entrance for the
12 accessory apartment?
13 MR. HAYDUK: Yes. That's the question. It's on
14 the opposite side of the house --
15 MS. ROBESON: Well, that's something that --
16 MR. HAYDUK: -- from the driveway.
17 MS. ROBESON: -- the inspector, did you look at
18 that, Mr. Goff?
19 MR. GOFF: Yes. There's an entrance in the rear
20 right where it says --
21 MS. ROBESON: Is there a walkway?
22 MR. GOFF: There's a walkway up to the front of
23 the house but it's not required. The new AA does not
24 require a walkway but it does say if there's one there, it
25 has to be in good condition.

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1 MS. ROBESON: When you say, are you talking about
2 the housing code or our requirement?
3 MR. GOFF: The, the requirement for the new
4 accessory.
5 MS. ROBESON: Because our code says there has to
6 be a rear or side entrance.
7 MR. GOFF: Right. There is a rear entrance.
8 MS. ROBESON: Yes, I know, but -- okay. I'll take
9 a look.
10 MR. GOFF: There's like slate from the street to
11 the walkway.
12 MS. ROBESON: But that goes to the front door.
13 MR. GOFF: No. To the basement door where the
14 parking is.
15 MS. ROBESON: There's what?
16 MR. GOFF: Can I show you?
17 MS. ROBESON: Yes.
18 MS. SCOTT: Ms. Robeson, if it helps, I took a
19 picture of the house this morning because I thought the
20 driveway might be in question.
21 MS. ROBESON: Okay. I'm --
22 MR. GOFF: This is a bad picture but you can see
23 the slate.
24 MS. ROBESON: Oh, okay.
25 MR. GOFF: And it goes down to --

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1 MS. ROBESON: I'm going to mark this as 47. I'm
2 taking this too.
3 MR. GOFF: That's fine.
4 MS. ROBESON: Can you just mark, put an arrow and
5 write slate down here? Now, what does that do? That goes
6 to the rear door?
7 MR. GOFF: Yes. To the accessory apartment. It's
8 from the street, not the driveway. The driveway would be
9 over here.
10 MS. ROBESON: Got you. Okay. Does anyone have
11 objections to this coming in the record?
12 MR. EMDEN: None.
13 MS. ROBESON: I'll mark it as Exhibit 47.
14 (Exhibit No. 47 was marked for
15 identification.)
16 MS. ROBESON: All right.
17 MS. SCOTT: If you --
18 MS. ROBESON: No.
19 MS. SCOTT: Okay.
20 MS. ROBESON: Yes. I don't like taking stuff off
21 phones. We've done it in a pinch but I think Mr. Goff's --
22 oh, Mr. Goff, could you just put where the driveway would be
23 too? Photo of slate walkway. Okay. Thank you. All right.
24 MR. HAYDUK: I would just say that, you know, if I
25 was a renter in that place as the way it's configured now,

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1 it's more convenient for me to park on the street and go to
2 the back door rather than walk from the driveway which is
3 twice as far so.
4 MS. ROBESON: Okay. All right.
5 MR. HAYDUK: That's all I have to say.
6 MS. ROBESON: Thank you, and just a second.
7 MR. EMDEN: No questions.
8 MS. ROBESON: No cross-examination. Thank you.
9 Anyone else? All right. Ms. Hartman, do you have anything
10 you'd like to say in response?
11 MS. HARTMAN: I do. I'd like to respond to --
12 REBUTTAL DIRECT EXAMINATION
13 MS. ROBESON: I do have a question. Do you have
14 the capability of widening that driveway?
15 MS. HARTMAN: Well, I have not explored that
16 option. I was going to when Mr. Goff first had the report
17 and said, you know, that this needed to be fixed about the
18 driveway. I tried to clarify through talking to Mr. Goff,
19 talking to Mr. McHugh, talking to Ms. DeJesus and I finally
20 made my way to Steve Thomas along two or three other, and I
21 tried to say what do we need to do. That's where the
22 driveway --
23 MS. ROBESON: Well, he's looking, one thing we do
24 look at, and we've had situations before with tandem parking
25 arrangements and it has proven, well, maybe Mr. Goff can, I

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1 don't know if you really look at that but there are problems
2 with it. It may have the square footage. The question is
3 whether people are really going to use it.
4 MS. HARTMAN: So I had made inquiry as to what we
5 would need to do to make the driveway adequate and the
6 conclusion was no, so that's why I just --
7 MS. ROBESON: Well, that's for the parking but
8 what we're looking at is how many spaces. We can, we look
9 at a slightly different thing and that is how many spaces
10 are people really going to use because one thing with
11 accessory apartments is you want to live somewhat separately
12 from the people in the basement but if you have the tandem
13 parking, you, you know, have to coordinate who is in the
14 driveway in what order.
15 MS. HARTMAN: So I, the answer to the question is
16 I haven't looked into widening the driveway at this point
17 because it was never presented to me --
18 MS. ROBESON: Okay.
19 MS. HARTMAN: -- like it was something I should be
20 considering.
21 MS. ROBESON: Okay.
22 MS. HARTMAN: I looked into asking what would I
23 need to do to make this driveway adequate.
24 MS. ROBESON: Right.
25 MS. HARTMAN: That was my question and I asked it

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1 of many people and the answer that I got was you don't need
2 to do anything, so that's why I haven't --
3 MS. ROBESON: Okay.
4 MS. HARTMAN: -- I haven't looked into that option
5 at all yet.
6 MS. ROBESON: Okay. All right.
7 MR. EMDEN: What is your understanding, looking at
8 the code, about how many spaces on site you need to have for
9 your tenants?
10 MS. ROBESON: Well, I can tell you it's three.
11 MR. EMDEN: I'm going to get the code. It seems
12 to say --
13 MS. ROBESON: No, one.
14 MR. EMDEN: -- one.
15 MS. ROBESON: Well, let me ask you this. Are you
16 planning to, are you going to make it a criteria that say
17 you rent to a couple and they both have jobs in different
18 places. Is it reasonable to expect that you're going to
19 have two cars?
20 MS. HARTMAN: It's a possibility. I've had, there
21 have been two cars with the room renters previous.
22 MS. ROBESON: What about --
23 MS. HARTMAN: And there has also been one car.
24 MS. ROBESON: -- the Joseph and Laura? Did they
25 have two cars?

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1 MS. HARTMAN: They did not. They had one car.
2 Joseph and Laura had one car, and David Norris had one car.
3 MR. EMDEN: Would you be willing to make it a
4 condition of the lease that they park in your driveway?
5 MS. HARTMAN: Not a problem with that
6 MS. ROBESON: Well, I don't have the ability to
7 impose that condition. I'll take your, your word for it.
8 All right. Anything else you, I interrupted you. Anything
9 else you'd like to --
10 MS. HARTMAN: No. That's fine. I was just going
11 to address the driveway inspection and I basically, in
12 answering your questions --
13 MS. ROBESON: I understand.
14 MS. HARTMAN: Yes.
15 MS. ROBESON: It just never presented as an issue.
16 MS. HARTMAN: Right. And I was not unnecessarily
17 challenging. I was asking if this is what you say is wrong,
18 tell me what I need to do to be in compliance.
19 MS. ROBESON: And that's fine.
20 MS. HARTMAN: And that's what I was looking at
21 with talking to Mr. Goff.
22 MS. ROBESON: That's fine.
23 MS. HARTMAN: And then in the end, I was told that
24 it was taken off as a requirement.
25 MS. ROBESON: Yes.

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1 MS. HARTMAN: So that's, that, I did want to make
2 that clear.
3 MS. ROBESON: So you just never explored the
4 driveway issue.
5 MS. HARTMAN: I didn't. I was planning on it and,
6 um, and I'd also like to mention that Mr. Goff and I spoke
7 many times. I called him from Afghanistan three or four
8 times and said these are your inspection findings, can you
9 give me guidance as to how I can be in compliance with this,
10 can you please tell me the facts of what it is that I need
11 to do. And he agreed at one point that since we couldn't
12 resolve the driveway because he didn't know the answer, he
13 couldn't tell me what I needed to do --
14 MS. ROBESON: No. I'm not -- I don't, it's okay.
15 I'm not saying that you should have explored the driveway
16 possibility. I only asked if you had, okay? I understand
17 your position that you didn't know, all right?
18 MS. HARTMAN: Okay. And another --
19 MR. EMDEN: Let me ask you a question about this,
20 another question about parking. Looking at Exhibit 44, you,
21 can you focus on this rectangle in the middle with the X and
22 then your house next to it and describe more fully if you
23 can where cars can park on the street and describe what you
24 think is the room for parking on the street?
25 MS. HARTMAN: Okay. Well, and I would say that

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1 the people who live in these house, most of them park a
2 couple cars in the driveway and a couple cars on the street,
3 and almost everyone has two to three cars parked on the
4 street in front of their house plus some cars in the
5 driveway. There is not only the available space in front
6 of, you know, my house but to the right, Mr. Sittingsers'
7 house, his, in front of his house is very lengthy so if I
8 needed to park on the street, I frequently park on the other
9 side of my driveway in front of Mr. Sittingsers' house
10 because I would say he can put four to five cars in front of
11 the space in front of his house as well as across the
12 street, the family that lives there, they use that side and
13 they park, they have five cars in their driveway and three
14 or four cars in the street. So there's, there's other,
15 there's parking as well in front of the Sittingsers and up in
16 that direction.
17 MR. EMDEN: And the Sittingsers are which house in
18 relation to your house?
19 MS. HARTMAN: They're my next door neighbor.
20 MR. EMDEN: To the right?
21 MS. HARTMAN: To the right. So generally, we
22 would, I personally would never park on the side of the
23 driveway towards the Scotts and neither do any of my
24 children. We would never, ever cross that driveway. We
25 always park in front of the Sittingsers because there's

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1 plenty of place to park there.
2 And I would also address that as far as how many
3 cars park in my driveway, if I had one car in my roomer had
4 one car, there's two cars. There's never need. So if no
5 one saw three cars parked in the driveway, there was not
6 much of a need. I had a Honda that parked in the driveway
7 or Rick had a work truck, a security vehicle, it was a large
8 van, he parked that in the driveway and someone parked on
9 the street in front of the house. That's how we always
10 juggled it, that it was, it was, there's no need to park
11 three cars in the driveway. There is space and we have done
12 it when at one point, when my son Zachary lived there and he
13 was living in the basement with his wife and son, then
14 frequently, Alex and me and Zach parked in that driveway but
15 that was not recent. Zach has been gone for many, many
16 years.
17 MS. ROBESON: Okay. That's fine. That's fine.
18 MS. HARTMAN: So there is not usually three cars
19 in the driveway because there wasn't a need. And just to
20 the point about the chain link fence and the driveway and
21 everything, the chain link fence is in the backyard. It's
22 not near, it doesn't border the driveway. I thought that
23 was, it could be easily misunderstood.
24 MS. ROBESON: Yes.
25 MS. HARTMAN: That there is no chain link fence

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1 near the driveway.
2 MS. ROBESON: Okay.
3 MS. HARTMAN: It's behind the houses. It's in the
4 backyard. They don't cross or --
5 MS. ROBESON: Okay.
6 MS. HARTMAN: In any way. And as far as someone
7 who would park in an apartment and park in the driveway and
8 walk around, I think that that's commonly accepted among
9 apartment dwellers, that most of them have big driveways and
10 they, you know, have units and they walk and they go three
11 steps, and I've never found that to be a detriment to anyone
12 who wants to rent, that they're that worried about how far
13 they have to walk. I think it's commonly accepted, that
14 people usually walk a bit. So if they parked in the
15 driveway and walked around the side of the house, I don't
16 think that would be considered, considered too unusual. So
17 that's just addressing things that were said.
18 MS. ROBESON: Okay.
19 MS. HARTMAN: That's all I have.
20 MS. ROBESON: All right. Any cross, Ms. Scott?
21 REBUTTAL CROSS-EXAMINATION
22 MS. SCOTT: Your most, the most recent room
23 renters that we know of were two working people. They both
24 had, they started out with a blue or yellow SUV. They had
25 two cars and they would park one near the path to go to your

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1 apartment, which is right next to my driveway, and they
2 would park the other one directly across the street. They
3 used to park two in a row --
4 MR. EMDEN: Objection.
5 MS. SCOTT: -- until the tree fell.
6 MS. ROBESON: Okay. So your question is are you
7 aware of that.
8 MS. SCOTT: So are you aware that your renters
9 actually do park very close to my driveway and most of, and
10 it has been our experience that your renter --
11 MR. EMDEN: Objection.
12 MS. SCOTT: Are you aware that your renters
13 typically bring two cars?
14 MS. HARTMAN: I stated the renters and the amount
15 of cars that they had, and I also stated that at one point,
16 a gentleman's car got hit with a branch from the tree and
17 he, during that time, he got concerned about parking under
18 the tree because he was worried about his car and he parked
19 on the other side.
20 MS. ROBESON: Okay. Well, her question is are you
21 aware that your renters have parked --
22 MS. HARTMAN: Right. And when he parked on the
23 other side because he was afraid of the tree branch, I spoke
24 to him and asked him not to.
25 MS. ROBESON: Okay. Any other questions?

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1 MS. SCOTT: No.
2 MS. ROBESON: All right. Mr. Goff, any questions?
3 MR. GOFF: No.
4 MS. ROBESON: All right. Any redirect?
5 MR. EMDEN: None.
6 MS. ROBESON: Mr. Goff, do you have any final
7 words?
8 MR. GOFF: (No audible response.)
9 MS. ROBESON: No? Okay.
10 MR. GOFF: I do have copies of the police reports
11 if you need them.
12 MS. ROBESON: Oh, for the testimony relating to
13 who was there in, who was there historically?
14 MR. GOFF: These go back approximately six months
15 at the property. I don't have the latest ones.
16 MS. ROBESON: Okay. Why don't you just, can you
17 just, rather than introducing them, how many police reports
18 are there?
19 MR. GOFF: I, I don't know. I didn't go through
20 them all.
21 MS. ROBESON: Well, I'm trying to think of the, I
22 guess the relevance would be whether she has, whether she's
23 got the capability to control the apartment. I guess that
24 would be the relevance but she's already explained what --
25 I'll take them in to the weight that deserves. She's

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1 already explained, you know, what happened but, or if you
2 just give me a number because just -- do they have a
3 disposition on it?
4 MR. GOFF: Um, some of them do, some of them
5 don't.
6 MS. ROBESON: Because anybody can file a
7 complaint.
8 MR. GOFF: Right.
9 MS. ROBESON: And the police have to go.
10 MS. HARTMAN: I think this case is under
11 investigation just personally. As far as --
12 MR. GOFF: I don't have your, the last arrest. I
13 don't, I didn't pull those.
14 MS. HARTMAN: No. I'm saying that this case is
15 under investigation by the police for instance, if the same
16 neighbor made five phone calls against my son and they were
17 unfounded, those calls are in question by the police at this
18 time and they're doing the recordings of all the calls that
19 were made and they're determining.
20 MS. ROBESON: Okay.
21 MS. HARTMAN: So I think that this --
22 MS. ROBESON: Should not be admitted.
23 MS. HARTMAN: -- is part of an open case and
24 cannot be really --
25 MR. GOFF: But I have, I have all the callers'

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1 names.
2 MS. ROBESON: Oh, well, okay. I think --
3 MR. GOFF: They're on the police reports.
4 MS. ROBESON: I would prefer not to have them. I
5 think there's been enough testimony as to police activity at
6 the site. Yes, miss --
7 MS. SCOTT: I have, I had something from the
8 Maryland Judiciary Case Research results that relate
9 specifically to Alexander Hubbard. The most recent on here
10 is 6/29 and details --
11 MS. ROBESON: Okay. Which is the date you already
12 testified about.
13 MS. SCOTT: Right. And other dates. They're more
14 recent. They seem to be more recent than what Mr. Goff had.
15 MS. ROBESON: Okay. But it doesn't change the
16 testimony that we've already had because I think Ms. Hartman
17 testified that 6/29, I'm not going to take it in.
18 MS. SCOTT: Okay.
19 MS. ROBESON: Because it's highly prejudicial and
20 not completely relevant but, to the merits. All right.
21 With that, I am going to adjourn this hearing. I have 30
22 days to write my decision. You will each be notified. Did
23 any -- I'm sorry. I see you talking behind. Did you want
24 to say one more thing or not?
25 MS. HAYDUK: Um --

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1 MR. EMDEN: Your Honor, I was also hoping to
2 close.
3 MS. ROBESON: Yes. You're right.
4 MS. HAYDUK: Well, let me see if I can put my
5 thoughts together here from what was said. All I can do --
6 MS. ROBESON: And you're Ms. Hayduk.
7 MS. HAYDUK: Susan Hayduk.
8 MS. ROBESON: You're still under oath.
9 MS. HAYDUK: Yes.
10 MS. ROBESON: Okay. Go ahead.
11 (Witness previously sworn.)
12 REBUTTAL DIRECT EXAMINATION
13 MS. HAYDUK: All I can do is testify as to what
14 we, what we have observed. We don't sit, we cannot -- we
15 can see the house from our bedroom window. We drive by
16 there two or three times a day. We've had other people
17 report to us what's been going on there. A lot of the
18 information we have not seen. We've seen the police
19 activity and all of that of course. We did actually witness
20 the people in with a moving van moving in after the sign was
21 up and we knew it had not been approved yet, but we did see
22 someone moving in and then we saw, I guess they moved out
23 after that. We've also seen the, the carts being brought
24 home from the grocery store and we've observed, I've
25 actually spoken to her son, now I know who it is, who spoke

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1 to us about the vehicle that he left in our circle hoping it
2 would just go away. Well, it never did. Also -- well, I
3 think he eventually came down and get it, got it and moved
4 it.
5 MS. ROBESON: Okay. We've already had that
6 testimony.
7 MS. HAYDUK: Right.
8 MS. ROBESON: Is there anything new you would like
9 to add?
10 MS. HAYDUK: Well, I would like to --
11 MS. ROBESON: In response to what you heard.
12 MS. HAYDUK: About the parking, that one area that
13 has the brick, that originally, there was a fence around it
14 and I don't know when that fence came down. I don't know if
15 she took it down. I just noticed eventually it just fell
16 down --
17 MS. ROBESON: Okay.
18 MS. HAYDUK: -- on the one side towards the
19 Sittingsers, but that was a patio. It was never a parking
20 space. I never saw a car parked there. Of course I can't
21 say never, never because we don't --
22 MS. ROBESON: Right.
23 MS. HAYDUK: -- live, you know, within, right
24 there, right across the street.
25 MS. ROBESON: Right.

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1 MS. HAYDUK: But it was a patio.
2 MS. ROBESON: Okay.
3 MS. HAYDUK: And there was a fence around it.
4 MS. ROBESON: Okay.
5 MS. HAYDUK: For many years.
6 MS. ROBESON: Okay.
7 MS. HAYDUK: So that's all I wanted to say.
8 MS. ROBESON: Any cross-exam?
9 MR. EMDEN: None, Your Honor.
10 MS. ROBESON: Okay. Closing statements. Would
11 you, is there anything you'd like to say in closing, Ms.
12 Overbey? Ms. Scott.
13 MS. SCOTT: Ms. Scott. And I would like to say
14 thank you very --
15 MS. ROBESON: I do not know why -- I'm usually
16 pretty good on names. I think because --
17 MS. SCOTT: It is not a problem.
18 MS. ROBESON: -- it was back and forth.
19 MS. SCOTT: I feel for you.
20 MS. ROBESON: Okay. Go ahead.
21 MS. SCOTT: I'm sorry. I should have gotten a
22 hello, my name is tag. Thank you very much. I'd like to
23 say thank you very much for giving the neighbors an
24 opportunity. We had called the county in the past and when
25 the county didn't follow up with us, we had no reason to

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1 believe anything was happening because no one followed up
2 with the people making complaints and we still saw people
3 renting, renters in and out of the house. We appreciate
4 that we have been given the opportunity, both in writing and
5 here today, to voice our concerns and I just want to
6 reiterate our, the main, in addition to the parking, the
7 overriding concern is that there is not an owner living in
8 the property to, as you say, have oversight to see what's
9 going on and then keep things from getting out of hand.
10 MS. ROBESON: Okay. All right. Mr. Emden?
11 MR. EMDEN: May I? Thank you, Your honor.
12 MS. ROBESON: Yes.
13 MR. EMDEN: With the Court's permission, I'd like
14 to stand.
15 MS. ROBESON: That's fine.
16 MR. EMDEN: So it is clear to me that the people
17 that have testified, the objectors, have an interest in
18 trying to preserve their neighborhood and make it nice, and
19 I understand that. Like you, I have a home, I have a
20 family, I have children. I wouldn't want loud parties. I
21 wouldn't want drug activity. I wouldn't want any of those
22 things happening in my neighborhood because it's where I
23 live. You come home from work to escape from whatever else
24 you have during your day, and I appreciate that and I
25 understand why, that they're concerned and their presence

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1 today speaks to that.
2 But it would be unfair to Ms. Hartman to deny her
3 this license because of that concern because those concerns,
4 from what I have heard, mostly center around these parties,
5 and parties may be too nice a word for it but whatever the
6 term you want to apply where a bunch of kids are staying up
7 late, are lighting fires, are acting like idiots, are doing
8 drugs, are making noise, are waking you up in the middle of
9 the night. There's nothing more irritating to me than to be
10 awakened in the middle of the night from my sleep. I get
11 that and she gets that.
12 But the issues for you, as you know, are carefully
13 circumscribed in the law and the issue at hand has to do
14 with whether, under the Montgomery County Code and any
15 pertinent regulations, whether the objections can be
16 sustained, and the objections that are before you have to do
17 with the driveway and have to do with whether Ms. Hartman is
18 really the, resides at the property. If the definition of
19 residence is that somebody who intends to permanently remain
20 and that she is simply stationed overseas and is coming back
21 and has come back, that she meets that definition. She is
22 the deed owner. She is the title holder. She owned it
23 before, she owns it again. Understand that it wasn't a
24 continuous cycle but she's doing the right thing.
25 You heard her testify. This is not somebody

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1 that's taking this matter lightly. She's taking it very
2 seriously and if objections in this case are to be
3 sustained, then basically what you're establishing is a
4 precedent where people are not going to want to put
5 themselves out to use a mechanism that the Council has
6 created in the idea of helping people make more money in a
7 lawful way. She's trying to do that. If she wanted to, she
8 could have just said you know what? I'm not going to have
9 this accessory apartment. I'm just going to keep renting to
10 roommates, and they can use my kitchen and I don't have to
11 deal with any of the license requirements, and they can park
12 where they want and then maybe if it's a zoning issue, it
13 will be.
14 She's gone the extra step. She's sunk \$4,000 into
15 her property. She's had multiple calls. She's calling from
16 Afghanistan. I've spoken to her before. Sometimes she's in
17 a bunker and she's had to go down because there is bombing.
18 This is not somebody that is out of sight, out of mind.
19 That does not mean that obviously, when she's not there,
20 that things, bad things can't happen. Bad things can happen
21 from somebody who rents property to somebody else in
22 Montgomery County and lots of times, they end up renewing,
23 not renewing the lease and they look at the property, it's
24 been trashed by irresponsible people. She's not doing that.
25 She wants to make it right.

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1 And the law basically says you cannot punish her
2 because of things that have nothing to do with the strict
3 issues facing you which have to do with whether or not she
4 qualifies. She passed county inspection. She's had to go
5 through county inspection three or four times. Mr. Goff has
6 testified. He mentioned that she was finally approved after
7 she made final modifications with the locks.
8 We've heard a lot about the driveway. Her
9 driveway is big enough. Maybe it's not the best driveway.
10 Maybe there are other spaces that are available. Maybe
11 there could potentially be an issue if some, if some people
12 park a certain way but until that happens, there is adequate
13 space. There is adequate street parking. There are people
14 living close together. People have guests and company which
15 can also interfere with parking. I understand Ms. Scott's
16 comment that that's occasional and that guests parking
17 shouldn't have anything to do with somebody who is going to
18 be living there on a permanent basis.
19 You've also heard people come and say they've
20 driven by the house, there's never been three cars parked in
21 the park, in the driveway. All the times I noticed were
22 during the day and not in the evening. Well, you wouldn't
23 expect to see cars parked, perhaps, in a driveway during the
24 day. That's during working hours and people are away at
25 work. It's after then that people might come back and use

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1 their property.
2 This is a good woman. She is sincere. She is
3 earnest. She wants to supplement her income. She's a
4 single mother. She's got three kids, one of whom is in drug
5 counseling, in inpatient counseling and is going to get
6 better. And she understands what she's done to the
7 neighborhood. She's made a mess but it has nothing to do
8 with the issues dealing with the license.
9 And the last point I'll make is, was taken
10 directly from the website which basically are two things,
11 that the Hearing Examiner may only decide issues raised by
12 objection and that the issues that can be raised by
13 objection are limited by statute, and that is what Your
14 Honor has. And it goes further to talk about issues dealing
15 with private covenants or association regulations that are
16 not before Your Honor and has to do, and this is in some
17 ways no different. It's a collateral issue that does not
18 bear on the issues before you, and I respectfully request
19 that you affirm the granting of the license.
20 MS. ROBESON: Okay. Thank you. Mr. Goff?
21 MR. GOFF: Nothing.
22 MS. ROBESON: All right. With that, I'm going to
23 adjourn this hearing. I have 30 days to write a decision.
24 You will be notified and then there's 30 days after that to
25 file an appeal in the Circuit Court.

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1 MS. SCOTT: The notification, does that come via
2 the U.S. mail, e-mail? How will we be notified?
3 MS. ROBESON: Well, officially, you'll get a
4 written copy. We also post our decisions on OZAH's, Office
5 of Zoning and Administrative Hearing's, our website so
6 you'll, but the official notification --
7 MS. SCOTT: Will be mailed.
8 MS. ROBESON: -- will be mailed.
9 MS. SCOTT: Thank you.
10 MS. ROBESON: Okay. Thank you.
11 MS. SCOTT: Thank you for your time.
12 (Whereupon, at 1:36 p.m., the hearing was
13 concluded.)
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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Opposition to Accessory Apartment

License No. 83032

Case No.: AAO-14-02

By:

Josephine Hayes, Transcriber

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