

**BEFORE THE MONTGOMERY COUNTY
COMMISSION ON HUMAN RIGHTS**

**Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660**

GISELLE PAUTRAT,

Complainant,

v.

FOUNDATION FOR FINANCIAL EDUCATION (F3E),*

JONATHAN LEE,

CAPITAL FINANCIAL PARTNERS,

Respondents.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

OZAH No. HR-19-01
(OHR No. E-06021)

* * * * *

ORDER SCHEDULING TELEPHONE CONFERENCE

The Office of Zoning and Administrative Hearings (“OZAH”) will conduct an informal teleconference in this case with the parties on March 4, 2019, at 3:00 p.m. OZAH will initiate the call. The conference should last less than an hour.

In anticipation of the conference, the parties or their counsel are hereby requested to provide OZAH in writing (email or letter) by February 20 the telephone numbers at which they can be reached at the time of the teleconference. If a party or its counsel will be unable to participate at the scheduled time because of prior commitments, it must inform OZAH by February 20 by email or letter, giving two alternate dates and times during the week of March 4 when the party or counsel will be available by telephone.

OZAH’s address and telephone number appear in the heading of this Order. No direct communication with the hearing examiner is permitted at any time. Copies of all correspondence with OZAH shall be served on the opposing party’s counsel (or, if unrepresented, on the opposing party).

The purpose of the teleconference is to discuss the scheduling of pre-hearing stages – discovery, motions, and briefing – and to determine when an evidentiary hearing can reasonably be held. The parties or their counsel should be prepared to provide an estimate of the span of time they expect to need for discovery.

The pre-hearing telephone conference is designed to be informal in nature. We'll review the overall hearing process and the ground rules connected with it. If you have questions about the procedural aspects of the process, they can be raised during the conference.

For the benefit of the parties and counsel, here are some basic rules governing further proceedings:

Procedures in this litigation will be governed by the Montgomery County APA, Code §§ 2A-1 through 2A-11, OZAH's Rules of Procedure for Agency Referral and Accessory Apartment Cases and Human Rights Commission Rules.

For the time being, written submissions to OZAH must be submitted in duplicate hard copy. A copy of any written matter filed with OZAH shall be served on the opposing party by hard copy either in person or by first-class mail. Except for routine procedural matters, such as requests for extensions of time and responses to such requests, written submissions should also be submitted to OZAH in electronic form in Microsoft Word on compact discs, or by email. We can discuss the use of emails for service of motions and other documents during the telephone conference.

Unless otherwise agreed, or ordered by the hearing examiner, responses, if any, to pre-hearing motions or other pre-hearing filings must be filed within 14 calendar days after service (plus three calendar days when responding to motions served by mail). Filing by mail is complete when deposited with the United States postal service. Electronic filing is complete when transmitted and personal filing when delivered to the OZAH office.

All motions must include a statement that the other party has been asked to agree to the relief requested in the motion as well as a statement disclosing whether the other party has informed the movant that it expects to oppose the motion. If the movant is unable to reach the other party after reasonable good-faith efforts to do so, the motion shall include a statement to that effect.

Discovery will be governed by M.C. APA § 2A-7(b), supplemented by the Maryland Rules for discovery in the circuit courts, Md. R. 2-401 *et seq.*, and subject to modification by future Order to take into account the relatively informal nature of administrative proceedings.

The parties are encouraged to reach agreement on a plan for the scheduling and completion of discovery. By way of guidance, the parties should assume that the discovery period in this case will last 60 days, that interrogatories will be limited to thirty per side (including sub-parts), and that pre-hearing submissions, including motions on the merits, will be due 45 days after discovery closes. These time limits will be discussed during the telephone conference.

Discovery material shall not be filed with OZAH. Discovery materials may, however, be introduced as evidence at the evidentiary hearing of this case, or be used for cross-examination, under the normal rules of evidence. They may also be used as exhibits to support or oppose motions.

The evidentiary hearing, when scheduled, will be held in an OZAH hearing room in the Stella B. Werner Council Office Building. OZAH will arrange for a court reporter. The hearing will be somewhat less formal than a judicial trial. Hearsay may be admitted if probative and reliable. See M.C. APA § 2A-8(e). The hearing will be public.

The record on which the hearing examiner and the Human Rights Commission will base their findings and conclusions will consist of the verbatim transcript of the testimony and exhibits admitted at the evidentiary hearing. The record will not automatically include matters filed with the Office of Human Rights, except as necessary to establish jurisdiction (the March 9, 2015, complaint; the Office's January 25, 2019, certification to the Commission of Human Rights for public hearing, and the Commission's January 29, 2019, referral to OZAH to conduct the public hearing). Other items from the Office of Human Rights file will be included in the record only if the parties stipulate to them or if they are introduced and admitted at the evidentiary hearing.

Other Orders governing proceedings will be issued after the telephone conference.

So ORDERED.



LUTZ ALEXANDER PRAGER
Hearing Examiner

Dated: February 11, 2019

Serve:

Ms. Giselle Pautrat
13125 Lutes Drive
Silver Spring, MD 20906
Complainant

Tina M Maiolo, Esquire
Dennis Chong, Esquire
Carr Maloney P.C.
2020 K Street NW, Suite 800
Washington, DC 20006
Counsel for complainant

Foundation for Financial Education (F3E)
Mr. Jonathan Lee, Chief Executive Officer
30 West Gude Drive, Suite 380
Rockville, MD 20850
Respondents

Capital Financial Partners
Attn: Webster Sewell, Esquire
30 West Gude Drive
Rockville, MD 20850
Respondent