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Transcript of Hearing

Date: May 11, 2021

Case: ADO 21-02 Objections to Accessory Apartment Application License No.
121370

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Transcript of Hearing
Conducted on May 11, 2021

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1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 A P P E A R A N C E S
2 FOR MONTGOMERY COUNTY, MARYLAND	2
3 -----x	3 ON BEHALF OF THE COUNTY:
4 Objections to Accessory :	4 DEREK BAUMGARDNER
5 Apartment Application : Case no.	5 NANA YAA JOHNSON
6 License No. 121370 : ADO 21-02	6 Montgomery County Office of Zoning and
7 -----x	7 Administrative Hearings
8	8 100 Maryland Avenue
9 HEARING	9 County Office Building, Room 200
10 BEFORE THE HEARING EXAMINER DEREK BAUMGARDNER	10 Rockville, MD 20850
11 Conducted virtually	11 Phone: 240.777.6660
12 Tuesday, May 11, 2021	12
13 9:31 AM EST	13 ALSO PRESENT:
14	14 MARIA BENDER, Petitioner
15	15 SHELLEY DEPPA, Respondent
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23 Job No.: 373265	23
24 Pages: 1 - 30	24
25 Recorded By: Jesse Greer	25
2	4
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15 State of Maryland.	15
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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 MR. BAUMGARDNER: My name is Derek</p> <p>3 Baumgardner with the Office of Administrative and</p> <p>4 -- Office of Zoning and Administrative Hearings.</p> <p>5 This is a public hearing on -- we have it listed</p> <p>6 as Case ADO 21-01. That stands for Accessory</p> <p>7 Dwelling Objection for a license pending before</p> <p>8 the Department of Housing and Community Affairs</p> <p>9 for an accessory dwelling unit. That license</p> <p>10 number is 121370. It is May 11th, 2021. The time</p> <p>11 is 9:30 a.m.</p> <p>12 As you no doubt can tell, we are holding</p> <p>13 these hearings currently via Microsoft Teams,</p> <p>14 which is a virtual hearing platform. We're going</p> <p>15 to go over, very briefly this morning, the way</p> <p>16 that we will proceed, the course of the hearing,</p> <p>17 and a couple of ground rules for virtual hearings</p> <p>18 and for hearings in general.</p> <p>19 We do have our court reporter on the</p> <p>20 line, who is Mr. Greer. This hearing is also</p> <p>21 being recorded via the Microsoft Teams platform.</p> <p>22 You should see a -- a banner across the top of</p> <p>23 your screen stating that the hearing is being</p> <p>24 recorded. And we do the recording and we also</p> <p>25 have the court reporter. The recording is a</p>	<p>7</p> <p>1 on the flip side of that, if you are the one</p> <p>2 asking a question, please make sure to wait until</p> <p>3 the person finishes answering a question before</p> <p>4 you ask your next question.</p> <p>5 We're going to identify the parties now.</p> <p>6 There are two parties to this case. We have the</p> <p>7 licensee, Ms. Deppa, and we have the objector, Ms.</p> <p>8 Bender. If you can both just -- we'll start with</p> <p>9 the objector since Ms. Bender filed this</p> <p>10 objection. If you can just state your full name</p> <p>11 and your address for the record, please. Ms.</p> <p>12 Bender, are you there?</p> <p>13 We'll wait for her to come back. Ms.</p> <p>14 Deppa, if you can give us your full name and your</p> <p>15 address, please.</p> <p>16 MS. DEPPA: Shelley Waters Deppa. My</p> <p>17 address is 18417 Shady View Lane, Brookeville,</p> <p>18 Maryland 20833.</p> <p>19 MR. BAUMGARDNER: Thank you very much.</p> <p>20 Good morning, ma'am.</p> <p>21 MS. DEPPA: Good morning.</p> <p>22 MR. BAUMGARDNER: We'll wait a couple of</p> <p>23 more moments for Ms. Bender to return, and then</p> <p>24 we'll get started with our hearings today.</p> <p>25 THE REPORTER: Ms. Deppa, could you</p>
<p>6</p> <p>1 backup just in case something happens with the</p> <p>2 connection for the court reporter.</p> <p>3 If you have any questions about this</p> <p>4 process or if you're having any trouble with the</p> <p>5 Microsoft Teams platform, please call our -- our</p> <p>6 office at (240) 777-6663. Again, that's (240)</p> <p>7 777-6663, and then we'll try to help you with any</p> <p>8 technical problems that might arise.</p> <p>9 A couple of ground rules for virtual</p> <p>10 hearings in general. Please mute yourselves when</p> <p>11 you are not speaking or answering a question.</p> <p>12 We'll go over how to do that in a second.</p> <p>13 If you can, please try to keep</p> <p>14 background noise to a minimum, but -- however, we</p> <p>15 -- we completely understand that in the telework</p> <p>16 world and the remote world that we're currently</p> <p>17 working in, that kids, pets, you know, general</p> <p>18 household noises sometimes pop up, which is</p> <p>19 completely understandable. But we do ask that you</p> <p>20 try to keep that down to a minimum. It can</p> <p>21 interfere with the recording process.</p> <p>22 Also, when we're taking testimony here</p> <p>23 today, please speak slowly and clearly. If</p> <p>24 someone is asking you a question, please wait</p> <p>25 until they have finished their question. And then</p>	<p>8</p> <p>1 repeat the middle name for me?</p> <p>2 MR. BAUMGARDNER: I believe that was</p> <p>3 Waters --</p> <p>4 THE REPORTER: Waters.</p> <p>5 MR. BAUMGARDNER: -- Mr. Court Reporter.</p> <p>6 THE REPORTER: Thank you. That -- that</p> <p>7 sounds right. I just wanted to make sure I have</p> <p>8 it.</p> <p>9 MR. BAUMGARDNER: Sure. Yeah. I see</p> <p>10 Ms. Bender is raising --</p> <p>11 MS. JOHNSON: Yeah, it looks like -- she</p> <p>12 says she's here, but her -- her mic is on. I</p> <p>13 think maybe she can't hear. She's having</p> <p>14 problems.</p> <p>15 MR. BAUMGARDNER: I just saw her on the</p> <p>16 camera when we opened the hearing, but now she's</p> <p>17 off-camera.</p> <p>18 MS. JOHNSON: Oh, okay. It looks like</p> <p>19 she's -- she says she's here, but she -- she can</p> <p>20 hear you, but she -- her -- I don't know. She can</p> <p>21 hear you, but she's probably having technical</p> <p>22 difficulties.</p> <p>23 MS. DEPPA: I see -- I see her hand is</p> <p>24 up maybe, on the little icon at the bottom.</p> <p>25 MR. BAUMGARDNER: So she's raised her --</p>

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<p style="text-align: right;">9</p> <p>1 her virtual hand. She was on camera. She's no 2 longer on camera. 3 MS. JOHNSON: Yeah, she says she can 4 hear you, but you just can't hear her. 5 MR. BAUMGARDNER: Okay. 6 MS. JOHNSON: That's what she's saying. 7 MR. BAUMGARDNER: So let's -- 8 MS. JOHNSON: She -- she's typing out 9 where she lives. Has she tried another? 10 MR. BAUMGARDNER: So, Ms. Bender, if you 11 can hear us, if you can log off and then log back 12 on again. 13 MS. JOHNSON: Yeah, because we need to 14 hear her. 15 MR. BAUMGARDNER: Let's try that. 16 Sometimes that does the trick. Thank you. So 17 let's see if that works because she was on camera 18 before, so she gets -- 19 MS. JOHNSON: Yes, she was. 20 MR. BAUMGARDNER: Ms. Bender. 21 MS. BENDER: Can you hear me now? 22 MR. BAUMGARDNER: Yes, we can, ma'am. 23 How are you? 24 MS. BENDER: Okay. I'm fine. I feel 25 like a Verizon commercial.</p>	<p style="text-align: right;">11</p> <p>1 the objector to file their objection within 30 2 days of the director's report. I would note that 3 the director's report, which I will show to both 4 parties in a second, is -- let me find it here. 5 Once it materializes -- the director's report is 6 dated December 24th, 2020. So we are past that 7 30-day mark. I will give Ms. Bender the 8 opportunity to address that particular issue 9 before going on to any substantive aspects of her 10 case. 11 So what we'll do is we'll swear in both 12 parties, and then we'll take testimony on this 13 case. Ms. Bender, since you're going first, if 14 you can please raise your right hand, please. 15 (Ms. Bender was sworn.) 16 MR. BAUMGARDNER: All right. If you can 17 please address that 30-day rule first and then 18 we'll go on to your testimony about the objection. 19 MS. BENDER: Sure. I know the 20 director's report, as I recently heard, was 21 approved or completed on December 22nd or 23rd; 22 however, we were not aware of this request until a 23 sign was posted on Ms. Deppa's fence addressing 24 the ADU -- the proposed ADU. And on that posting, 25 it gave the information, I think her -- some</p>
<p style="text-align: right;">10</p> <p>1 MR. BAUMGARDNER: Sometimes when the -- 2 the connection, you just have to log off and -- 3 and then log back on. 4 MS. BENDER: Okay. 5 MR. BAUMGARDNER: I know that technology 6 is supposed to save us all, but in my experience, 7 it works half the time then doesn't work the other 8 half the time. If you can please give us your 9 name and your address for the record, please. 10 MS. BENDER: Sure. Maria Bender, 5 11 Shady View Court, Brookeville, Maryland. 12 MR. BAUMGARDNER: Okay. We are going to 13 -- going to begin this hearing. The way this is 14 going to work is that we're going to call Ms. 15 Bender the objector and Ms. Deppa the licensee. 16 The objector, Ms. Bender, will go first, will 17 provide any testimony or argument regarding the 18 objection. Ms. Deppa will be able to then respond 19 to that objection. And then both sides will be 20 able to give a very brief summary, if they wish, 21 of either their testimony or their argument as to 22 why this license should not be issued. 23 There's one item I would like to bring 24 to both parties' attention. It is OZAH Rule 25 3.3.2. It is a time for filing rule that requires</p>	<p style="text-align: right;">12</p> <p>1 number and a phone number to call. 2 We called that phone number and left a 3 message and several days later, got a call back 4 saying that was the wrong phone number. So we got 5 ahold of the right people, and they told us what 6 to do with the objection. 7 The way the objection form is stated, it 8 says, Pursuant to Montgomery County Code sections, 9 blah, blah, blah, objection is hereby made to the 10 decision and/or findings of the Department, which 11 at that time, we didn't know that if -- a decision 12 or finding had been made. We finally looked that 13 up when the sign came down and we got some more 14 information. So I guess the main point on that 15 whole date thing is, how would we know that 16 something had been filed without seeing that sign? 17 MR. BAUMGARDNER: Sure. And can you 18 recall when you first saw that sign posted? 19 MS. BENDER: I knew you were going to 20 ask me that. It was sometime in March, and it was 21 up for a little bit more than 30 days. 22 MR. BAUMGARDNER: Okay. Just give me 23 one second. I'm writing down notes as we're going 24 through. Okay. Moving on to the substance of 25 your objection, please, give me some information</p>

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<p>13</p> <p>1 about the -- the nature of your objection, any 2 error in the director's report -- which I'll pull 3 up on the screen in a second -- and the basis of 4 your objection. Let -- let me pull the director's 5 report up so we can all see it. 6 THE REPORTER: Mr. Baumgardner, this is 7 the reporter. 8 MR. BAUMGARDNER: Yes, sir. 9 THE REPORTER: Is this -- is this going 10 to be an exhibit? 11 MR. BAUMGARDNER: It is, and I'll let 12 you know which one -- 13 THE REPORTER: Perfect. 14 MR. BAUMGARDNER: -- as soon as I pull 15 it up. Thank you. Okay. Not the one I wanted. 16 So I'm going to pull up the director's report 17 which we have listed as Exhibit 4. Should be 18 coming up on your screen now. And, Ms. Bender, 19 please let me know -- the floor's yours as to the 20 substance of your objection, so you're welcome to 21 tell me anything that you wish. 22 MS. BENDER: Okay. Well, a couple of 23 things. One, the HOA submitted to the community, 24 on October 1st, notice of the annual meeting and 25 the intent to make a change to our bylaws</p>	<p>15</p> <p>1 MR. BAUMGARDNER: Okay. This particular 2 street, which is Shady View Lane, is there 3 permitted public parking along -- along the 4 street, or are there areas in which public parking 5 is not allowed? 6 MS. BENDER: It's all public parking. 7 MR. BAUMGARDNER: Okay. 8 MS. BENDER: It's maintained by the 9 county. 10 MR. BAUMGARDNER: Got it. And how far 11 do you live from this -- this particular property, 12 ma'am, if you were to guess? Quarter-mile, 13 half-mile, three-quarters of a mile? 14 MS. BENDER: No, less than that. It's, 15 you know, three or four houses away. 16 MR. BAUMGARDNER: Okay. All right. Was 17 there anything else that you'd like to add today, 18 ma'am? 19 MS. BENDER: Well, I don't know if you 20 want me -- there was a couple of comments that I 21 saw on the exhibit from the homeowner, and I don't 22 know if you want me to comment on them now -- on 23 them now or later. 24 MR. BAUMGARDNER: Let's hear from Ms. 25 Deppa, and then we'll turn it back to you if</p>
<p>14</p> <p>1 prohibiting ADUs in the community. Yet this 2 application was filed in November. So the 3 homeowner was fully aware that this was the 4 intent. So that was one piece of it. 5 MR. BAUMGARDNER: Okay. 6 MS. BENDER: And the other is -- and I 7 know in this particular case, the homeowner says 8 there -- the parking wouldn't be an issue because 9 there's plenty of on-street parking. However, if 10 every home in the community were to do this, it 11 would really impact our -- our parking issue. And 12 not that everybody -- is doing that, but I'm -- 13 the concern is with -- mostly with parking. 14 I know that her particular application 15 limits tenants to two adults. Originally, the 16 concern was, you know, if there were kids living 17 there, that would impact the school system, et 18 cetera. But it's limited to two adults, so I 19 don't think that is an issue, specifically. 20 MR. BAUMGARDNER: Okay. 21 MS. BENDER: In addition, a path was 22 installed from the street to the fence gate, and 23 that was not submitted for approval to the HOA. 24 It's mostly paperwork. It's not that we wouldn't 25 have approved it, but it wasn't requested.</p>	<p>16</p> <p>1 there's any further issue that you'd like to 2 address. 3 MS. BENDER: Okay. 4 MR. BAUMGARDNER: What I am going to do 5 as well is, if we look at -- that's not what I 6 want -- on our website, we -- from the public 7 hearing link, we do have these exhibits listed. 8 They will all come into evidence. So we have 9 Exhibits 1, 6 has a couple of sub-parts, and then 10 7 has a couple of subparts as well. All of these 11 exhibits will come into the record, so you're 12 welcome to reference them if you'd like, but they 13 all will come into the record for this particular 14 case. Let's -- 15 MS. BENDER: Can I just add one more 16 thing? 17 MR. BAUMGARDNER: Yes. 18 MS. BENDER: So when we sent out the 19 initial notice about the proposed change to our 20 bylaws, it was sent out on October 1st. The 21 annual meeting was November 4th, which was the 22 first opportunity to people to hear the details 23 and vote. And according to our attorney, we have 24 11 months. Each vote can last for 11 months, so 25 we have 11 months to gather the necessary votes</p>

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<p>17</p> <p>1 for this amendment. 2 So I believe a -- a couple of comments 3 were made that we tried several times to pass this 4 and that's not totally correct because we sent 5 reminders to people that hadn't voted asking for 6 their votes. And to date, out of the 166 homes, 7 we have 89 votes, and 70 -- 79 of those have been 8 for the amendment. I think I got that right. No, 9 88 votes and 78 for. So the additional mailings 10 on that information was to capture votes from 11 people that had not yet voted. 12 MR. BAUMGARDNER: All right. Thank you. 13 Ms. Deppa, now, it's the time for you to respond 14 to the objection. I do have your written 15 response. You're welcome to reference that if 16 you'd like, but I'm here to hear from you as to 17 the findings in the director's report and the 18 issue that came up with regard to parking and any 19 other matters that you would like to address. 20 MS. DEPPA: Okay. So I understand I'm 21 just going to summarize my case in brief. I have 22 my comments in my submittal of May 7th. But in 23 summary, I'm -- I can summarize it and sort of 24 three main areas. One is that the HOA is 25 objecting to a proposed ADU even though their</p>	<p>19</p> <p>1 to my proposed ADU on principle rather than 2 merits. The objection stated that if lots of 3 homeowners had ADUs, the infrastructure would be 4 strained. My proposed ADU would increase the 5 occupancy in my house from one person, which is 6 me, to -- at -- at most, two more adults in a 7 four-and-a-half bedroom, two-and-a-half bath, 8 2,551 square foot house. 9 Ms. Bender, again, reference parking. 10 You know the house has a two-car garage and a 11 driveway for two cars and plenty of room in front 12 of that house on either side. Most people in the 13 neighborhood park in their driveway, so there 14 aren't that many cars in the road. And I'm near 15 the end of a cul-de-sac -- actually sort end of 16 the jurisdiction of two -- just a position of two 17 cul-de-sacs. 18 And Ms. Bender makes it sound like I got 19 word of the HOA and filed for the proposed -- for 20 the license. And actually, I didn't realize the 21 basement apartment was an ADU. You know, I had 22 never heard of that. 23 And I had been in process of -- when I 24 started downsizing my business, which was in the 25 basement -- that's where my office was -- and</p>
<p>18</p> <p>1 covenants do not forgive them. The very fact that 2 there are currently valid and to prevent them 3 means that they were allowed. After six months of 4 voting, they still don't have enough votes to 5 pass, and they don't know whether they'll ever 6 have enough votes to pass it. 7 The second issue is that the proxy to 8 prohibit the ADUs was misleading and overly broad. 9 It had inflammatory language such as the -- the 10 ADUs -- are going to be tiny homes in our 11 backyards. That's a quote. So it's not apparent 12 to voters that internal basement apartments would 13 also be prohibited. It presented facts in a bias 14 rather than a rational manner. It failed to 15 provide the proposed amendment for at least three 16 or proxy issues for voters to see what they're 17 even voting on. 18 And the proposed amendment is flawed as 19 it prohibits all, not entire house rentals rather 20 than just ADUs, even though it's called an ADU 21 proxy. And it also prohibits ADU's license long 22 before any passage of the proxy, which hasn't been 23 passed yet. It's got a date of May 2020 in the 24 proposed amendment as an example. 25 The third area is the HOA is objecting</p>	<p>20</p> <p>1 decided -- well, first, I was going to try to take 2 my daughter to live there. I thought, well, I'll 3 just add to the -- to the basement as far as 4 moving the furniture out and changing the carpet, 5 hoping she'd live down there and then -- so I 6 started getting rid of stuff and buying a bed and 7 whatnot. And then when she accepted a job from 8 the West Coast, I decided, well, you know, maybe I 9 could rent it out. 10 So that process has been ongoing for 11 like four years. It's just once I found out that 12 the county considered my basement rental to be an 13 ADU, that's when I filed for the license. As soon 14 as -- as soon as they told me that I needed to, so 15 just happened to coexist with the timing of what 16 was going on. 17 MR. BAUMGARDNER: In terms of the posted 18 sign on the property, when was that sign first 19 posted? 20 MS. DEPPA: I have a timeline, so I'm 21 just going to look it up. 22 MR. BAUMGARDNER: Sure. I'm sorry. Ms. 23 Deppa, I forgot to swear you in. Can you please 24 raise your right hand? 25 (Ms. Deppa was sworn.)</p>

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<p>21</p> <p>1 MR. BAUMGARDNER: We're talking about 2 the signposting dates? 3 MS. DEPPA: Yes. So Ms. Bender is 4 correct and that the sign was posted March 3rd, 5 2021. And I can explain what happened as far as 6 the sign goes if you would like? 7 MR. BAUMGARDNER: Sure. Yes, please. 8 MS. DEPPA: Okay. So evidently, I -- I 9 think a lot of what was going on, there have been 10 a lot of missteps, if you will, because of COVID 11 and everybody working remotely evidently because 12 -- so I applied for the ADU, and then when the 13 inspector came out, the inspector said, you don't 14 have a sign. And I thought -- I said to her, I 15 didn't think I was allowed to post a sign until 16 after you inspect it. And so she says, write 17 Clifton and get a sign. 18 So I wrote him and said, what are the 19 procedures to get a sign? And he goes, well, you 20 would have gotten in your application acceptance 21 letter that was e-mailed to you. I said I never 22 got any accepted -- application acceptance e-mail, 23 so I didn't know. And I kept requesting this 24 application acceptance letter and the stamped 25 drawings. And I have like four requests into</p>	<p>23</p> <p>1 ADU request. And I think back in October of 2020, 2 our previous HOA president submitted a complaint 3 because rental license didn't exist. 4 MR. BAUMGARDNER: Okay. Was there 5 anything else that you wanted to tell me, Ms. 6 Bender, before we turn it back over to Ms. Deppa 7 for any final thoughts and we close this hearing? 8 MS. BENDER: I do have a question. I 9 don't know if you want that now or later. 10 MR. BAUMGARDNER: Sure. If I can answer 11 it, I certainly will. 12 MS. BENDER: Okay. So Shelley is 13 correct in that we have not yet approved this ADU 14 amendment, and it may occur after her ADU is in 15 place if it gets approved. So my question would 16 be what happens at that point? So if the -- let's 17 say her ADU is approved by the county and within 18 the 11 months, we get all the votes needed for the 19 amendment, what happens to her particular request 20 or her -- particular case? 21 MR. BAUMGARDNER: So I -- sure. So as 22 this is a quasi-judicial hearing, I can't answer 23 that question, and I can't give guidance or offer 24 legal advice. However, Montgomery County has the 25 Office of Common Ownership Communities. We call</p>
<p>22</p> <p>1 them. 2 And then I finally got the drawings and 3 I never even got the application acceptance 4 letter. Basically, I got it on the day I picked 5 up the sign. So there was -- I don't know if the 6 right hand of some of these organizations didn't 7 know what the left hand is doing. I don't know. 8 But anyway, that's why the sign got posted later 9 than, I guess, what was supposed to happen. 10 MR. BAUMGARDNER: Okay. All right. 11 Thank you very much for your testimony. Ms. 12 Bender, did you want to reply to any of the 13 testimony that Ms. Deppa just gave? 14 MS. BENDER: Yes. To -- to the comment 15 about the notice didn't include proper information 16 or was misleading, all of that was discussed at 17 the annual meeting which she did not attend. A 18 lot of questions came up about the tiny houses 19 that she mentioned and what if I wanted to do an 20 in-law suite, for instance. And, you know, we 21 talked about those items at that meeting. 22 And this was solely for rentals, and I 23 believe Ms. Deppa had rented her house previously 24 -- maybe at the time she didn't know a rental 25 license was needed -- prior to even submitting the</p>	<p>24</p> <p>1 it the CC -- I'm sorry, the OCOC or the CCOC. 2 That would be the best place to go to -- to ask 3 that question. 4 MS. BENDER: Okay. 5 MR. BAUMGARDNER: But the decision here 6 today -- so essentially, my agency, OZAH, we're an 7 independent agency, and we hear different appeals 8 and different hearings. We're not a part of the 9 CCOC, we're not a part of Housing, we're not a 10 part of Planning. So our role is to look at the 11 regulations and then make a decision based upon 12 those regulations. But your particular question 13 would be one that, again, I would -- I would refer 14 to you -- refer you to the Office of Common 15 Ownership Communities. 16 MS. BENDER: Okay. And then one more 17 item. She had mentioned that the subsequent 18 mailings didn't include the -- the details for 19 homeowners to make educated decisions, and that's 20 not the case because it's one of the exhibits. 21 And it was a reminder e-mail and it had all of the 22 attachments that were also included with the 23 annual meeting documents. 24 MR. BAUMGARDNER: Okay. 25 MS. BENDER: I think it's 7B. Okay.</p>

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<p style="text-align: right;">25</p> <p>1 I'm done. Thank you. 2 MR. BAUMGARDNER: Sure. Thank you. Ms. 3 Deppa, any final thoughts before we close today's 4 hearing? 5 MS. DEPPA: Ms. Bender is actually not 6 correct on her last statement because there -- and 7 it turns out that there -- at least I've been 8 aware of three re-ballots. And in each case, the 9 actual proposed amendment, maybe it was meant to 10 be part of it but it was not. Only the GACA 11 (phonetic) attachment and the actual ADU proxy 12 were attached, and I have those in my exhibits. 13 And I -- I was curious -- so why don't 14 -- as to when we would have results of this 15 hearing. Do you make a decision, or you, as you 16 called it, a quasi something or rather -- you 17 would turn it in to -- turn it in to somebody and 18 then they make a decision? And then what's the 19 time frame for that? 20 MR. BAUMGARDNER: Sure. So we have to 21 issue our decision within 30 days. That -- that 22 objection is then either upheld or is dismissed. 23 If anyone does not like my decision, you can 24 appeal that to the Circuit Court for Montgomery 25 County. And that has to follow court procedures,</p>	<p style="text-align: right;">27</p> <p>1 -- her comment, not whether something could be 2 done about it or whether they're doing it wrong. 3 It's just that -- my point was she's saying, well, 4 things were discussed there. Well, the point is 5 things were discussed there but it doesn't get 6 communicated through the minutes, then how would 7 anybody know? 8 So, that -- that was -- yeah, I wasn't 9 criticizing the fact that whatever they're doing. 10 It's just that if she's criticizing me for not -- 11 for not knowing about that, well, yes, I didn't 12 attend the meeting, but I also tried to read the 13 minutes and the minutes didn't say anything, so -- 14 MR. BAUMGARDNER: Okay. I understand. 15 All right. I thank you very much for both of your 16 testimony here today. As I mentioned prior, we 17 will issue our decision in writing within 30 days. 18 That will be issued to both of you. Because of 19 the virtual hearing format, we try to get that out 20 by e-mail and by paper mail. So that would go out 21 shortly. And then you have 30 days to appeal that 22 decision, if you did not like that decision, to 23 the Circuit Court for Montgomery County. 24 That will conclude our hearing today on 25 Case ADO 21-01 for Department of Housing and</p>
<p style="text-align: right;">26</p> <p>1 and it has to be filed 30 days from the date of my 2 written decision. For these particular cases, we 3 typically get them out shorter than 30 days, but 4 we would have 30 days to issue that written 5 decision. 6 MS. DEPPA: Okay. I -- I guess the 7 other comment that I wanted to make is that -- so 8 I know, you know, the HOA has an annual meeting 9 and they have minutes, but the minutes are always 10 so vague. It's hard to know what was discussed at 11 those meetings. 12 So even though whoever attended those 13 annual meetings might have heard whatever 14 questions were happening, the people that did not 15 attend the meetings don't have preview to whatever 16 those discussions were because the minutes are 17 very vague. They might say, discussed ADU, but it 18 doesn't go any -- into any detail as to what was 19 discussed. 20 MR. BAUMGARDNER: I understand. 21 Unfortunately, HOAs are private organizations, so 22 we don't have the ability or have the jurisdiction 23 to control how an HOA operates. 24 MS. DEPPA: Oh, I'm -- I'm not 25 commenting on that. I was just commenting on her</p>	<p style="text-align: right;">28</p> <p>1 Community Affairs, ADU License Number 121370. The 2 time is now 10:03 a.m. Thank you both very much 3 for your time and have a good morning. 4 MS. DEPPA: Thank you. 5 MR. BAUMGARDNER: Thank you very much. 6 Take care. 7 (Off the record at 10:02 AM.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE OF COURT REPORTER

2 I, Jesse Greer, the officer
3 before whom the foregoing proceedings were taken,
4 do hereby certify that said proceedings were
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6 neither counsel for, related to, nor employed by
7 any of the parties to this case and have no
8 interest, financial or otherwise, in its outcome.

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2 I, Olivia Wilke, do hereby certify that the
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14 OLIVIA WILKE, AAERT CET
15 Planet Depos, LLC
16 May 20, 2021

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