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Transcript of Hearing

Date: July 27, 2023

Case: Finkel and Chappel Objection (ADO 23-06)

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Transcript of Hearing
Conducted on July 27, 2023

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1 MONTGOMERY COUNTY OFFICE OF ZONING AND	1 A P P E A R A N C E S
2 ADMINISTRATIVE HEARINGS	2
3 -----x	3 LYNN HANNAN (Hearing Examiner)
4 IN RE: :	4 SARA BEHANNA (Montgomery County Office of
5 FINKEL AND CHAPPELL OBJECTIONS : Case No.	5 Zoning and Administrative Hearings)
6 TO LICENSE APPLICATION NUMBER : ADO 23-06	6 FLAVIA FAVALI (Homeowner)
7 151423 - FLAVIA FAVALI :	7 CARRI BENNET (Public)
8 -----x	8 ALEX FINKEL (Public)
9	9 DAN CHAPPELL (Public)
10	10 DAVID GOODFRIEND (Public)
11	11 KENNETH MACK (Public)
12	12
13 PUBLIC HEARING	13
14 BEFORE LYNN HANNAN, HEARING EXAMINER	14
15 Conducted Virtually	15
16 Thursday, July 27th, 2023	16
17 9:47 a.m. EST	17
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23 Job No.: 499012	23
24 Pages: 1 - 83	24
25 Recorded By: Andrew D. Stromberg	25
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1 Public Hearing conducted virtually	1 C O N T E N T S
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12	12 (None marked)
13 Pursuant to Agreement, before Andrew D.	13
14 Stromberg, Court Reporter.	14
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<p style="text-align: right;">5</p> <p>1 PROCEEDINGS 2 (Whereupon, the court reporter was duly 3 sworn.) 4 THE REPORTER: All right. I am ready. 5 THE HEARING EXAMINER: Okay. Well, I 6 hate to repeat what I said. Earlier. I gave a 7 description of calling the case of ADU 2306, 8 objections to Lcense Application Number 151423. 9 And we reviewed the constraints on using the Teams 10 app, which is no chat, do not interrupt each other 11 because it garbles the testimony, and use the 12 raise your hand button, and I explained that the 13 appeal writes and suggested that whatever people 14 need to say on the record should -- should be said 15 here. I also explained that the hearing is 16 informal, but with certain formalities, including 17 testimony under oath and subject to cross 18 examination, and that the -- I'm sorry, the -- the 19 cross examination is only questions. 20 Now, will the objectors identify 21 themselves for the record, the people who filed an 22 objection? Mr. Chappell. 23 MR. CHAPPELL: Hi. Dan Chappell. I 24 live at -- 25 THE HEARING EXAMINER: Chappell. Sorry.</p>	<p style="text-align: right;">7</p> <p>1 MR. FINKEL: Thank you. 2 THE HEARING EXAMINER: All right. And 3 any -- now, can I have the license Applicant 4 identify themselves for the record. 5 MS. FAVALI: Flavia Favali. 6 THE HEARING EXAMINER: Wait just a 7 second. 8 MS. FAVALI: Oh, I'm sorry. 9 THE HEARING EXAMINER: I see -- I see 10 Kenneth Mack raising his hand on the camera. Did 11 you want to say something? 12 MR. MACK: Oh. Well, did you want all 13 objectors who filed objection notices to identify 14 themselves? Because I filed one as well. 15 THE HEARING EXAMINER: Yes. So please 16 go ahead and state your name, address, and e-mail 17 address for the record. 18 MR. MACK: My name is Kenneth Mack, 19 that's K-E-N-N-E-T-H, last name Mack, M-A-C-K. My 20 address is 7708 Oldchester Road, and my e-mail 21 address is kenneth.mack@gmail.com. 22 THE HEARING EXAMINER: Thank you. Is 23 there anyone else -- is there anyone else that 24 filed an objection? 25 MS. JAITLY: Yes. I'm Georgia Jaitly,</p>
<p style="text-align: right;">6</p> <p>1 MR. CHAPPELL: That's okay. I -- I live 2 at 7707 Oldchester Road. E-mail address 3 dpchappell@gmail.com. 4 THE HEARING EXAMINER: Thank you. Ms. 5 Bennet? 6 MS. BENNET: I'm Caressa Bennet, 7 C-A-R-E-S-S-A, Bennet, B-E-N-N-E-T, one T, and I 8 live at 7705 Oldchester Road. 9 THE HEARING EXAMINER: And your e-mail? 10 MS. BENNET: My e-mail is 11 carri.bennet@wbd-us.com. 12 THE HEARING EXAMINER: Thank you. Mr. 13 Finkel? 14 MR. FINKEL: Hey, good morning. My name 15 is Alex Finkel. I live at 7711 Oldchester Road. 16 My e-mail, I just put it on the chat. It's 17 alexandrefinkel@gmail.com. 18 THE HEARING EXAMINER: Okay. Remember 19 we're not going to use the chat -- 20 MR. FINKEL: Yeah, yeah. Sure. 21 THE HEARING EXAMINER: -- but it -- 22 MR. FINKEL: Just for spelling -- it's 23 for spelling purposes. 24 THE HEARING EXAMINER: Yes. And you 25 said it on the record, so we're cool.</p>	<p style="text-align: right;">8</p> <p>1 J-A-I-L-T-Y. E-mail, jaitlyr@aol.com. Address, 2 7703 Oldchester Road, Bethesda 20817. 3 THE HEARING EXAMINER: Thank you. 4 Anyone else? Mr. Finkel, I see your hand raised. 5 MR. FINKEL: Sorry. Lowering it. 6 THE HEARING EXAMINER: Okay. Thank you. 7 Anyone else? Ms. -- 8 MS. BENNET: And I just -- I just wanted 9 to clarify for Georgia Jaitly. Georgia, I know 10 you filed a declaration, but did you also file an 11 objection? 12 THE HEARING EXAMINER: No, this is not 13 the time for that. This is -- 14 MS. BENNET: I just -- I just don't want 15 the record to reflect something that's not 16 correct, that's all. 17 THE HEARING EXAMINER: And you can 18 correct it when you -- 19 MS. BENNET: Okay. 20 THE HEARING EXAMINER: -- definitely 21 testify. 22 MS. BENNET: Okay. 23 THE HEARING EXAMINER: Okay? All right. 24 With that, we will have -- we can start with Mr. 25 Finkel, as he was the first objector.</p>

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<p>9</p> <p>1 Mr. Finkel, please raise your right 2 hand. 3 Whereupon, 4 ALEX FINKEL, 5 being first duly sworn or affirmed to testify to 6 the truth, the whole truth, and nothing but the 7 truth, was examined and testified as follows: 8 THE HEARING EXAMINER: Okay. Go ahead. 9 MR. FINKEL: So we -- so I -- I guess 10 I'm speaking for myself. I mean, we -- we -- I 11 filed an objection. I've been a neighbor of -- of 12 Flavia's for 13 years. I live directly looking at 13 her house to the left. I basically filed an 14 objection to the ADU because I think some of the 15 pre-requirements of the ADU for the Applicant 16 required that the Applicant uses the -- that 17 residence as a primary residence for herself. 18 For the last 13 years that I've lived 19 there, Flavia has not used that residence at 7709 20 as her primary residence, and it has been used a 21 rental property. And over the last, I would say, 22 seven or eight years, she has compartmentalized 23 that property into various little rooms and has 24 sublet rooms, or rent rooms, either for -- you 25 know, through Airbnb or through apartments.com as</p>	<p>11</p> <p>1 you like to say? 2 MR. CHAPPELL: Similar to Mr. Finkel, 3 I've lived less time at the property. I -- I live 4 directly on the other side of 7709. I've -- I've 5 lived there for almost four years. In that time, 6 I -- I too, have not noticed the Applicant living 7 at this property as her primary residence. I have 8 noticed and spoken with and have relationships 9 with multiple tenants living at this property. 10 They come and go, sometimes after 30 days, 11 sometimes after six months. It's really not a 12 consistent cohort of residents living at this 13 property. Currently, I estimate at least five 14 different residents which -- living there. 15 Now, I don't have access to trace 16 license plates, but we've provided as an exhibit, 17 five different vehicles at the property. I don't 18 believe any of them belong to the Applicant. Some 19 are out of state Florida tags that have been at 20 the property for greater than 60 days. We've also 21 submitted -- 22 THE HEARING EXAMINER: Now, when you 23 said you're -- you're -- you've provided -- 24 MR. CHAPPELL: It's -- it's within the 25 exhibits --</p>
<p>10</p> <p>1 a rental property. And I am very concerned about 2 the intended use of the ADU, and I just want to 3 make sure that, you know, it's -- it's being -- if 4 it's approved, that it's -- that it is utilized as 5 -- as -- as it has been portrayed on her -- on her 6 application. 7 THE HEARING EXAMINER: Okay. I think I 8 read somewhere that her driver's license states 9 that she lives in the apartment. Are you saying 10 that that's not the case? 11 MR. FINKEL: Yes, I am. 12 THE HEARING EXAMINER: Okay. How can -- 13 okay. Okay. Ms. Flavia, do you have any 14 questions for Mr. Finkel? 15 MS. FAVALI: Not at this time, but thank 16 you. 17 THE HEARING EXAMINER: Okay. Who would 18 like to go next? I see Mr. Chappell. Mr. 19 Chappell, please go -- please go ahead. 20 Whereupon, 21 DAN CHAPPELL, 22 being first duly sworn or affirmed to testify to 23 the truth, the whole truth, and nothing but the 24 truth, was examined and testified as follows: 25 THE HEARING EXAMINER: Okay. What would</p>	<p>12</p> <p>1 THE HEARING EXAMINER: Okay. 2 MR. CHAPPELL: -- in the case. 3 THE HEARING EXAMINER: I'm just -- I'm 4 trying to share my screen. 5 MR. CHAPPELL: Sure. Exhibit 7E. 6 THE HEARING EXAMINER: Okay. 7 MR. CHAPPELL: And so, may -- may I 8 proceed? 9 THE HEARING EXAMINER: Yes. 10 MR. CHAPPELL: We've also offered other 11 Exhibits, 7A through D. These are online rental 12 postings -- rental postings. 13 THE HEARING EXAMINER: Now, what I'm 14 showing you is -- just to make sure, this -- is 15 this the Exhibit 7 that you're talking about? 16 MR. CHAPPELL: That is and this is a 17 representation of the vehicles. In the first 18 upper left, you can see, you know, there's -- 19 there's four vehicles in picture one behind the 20 trees in the top left corner, and then just 21 different angles. There's one parked against the 22 side of the house, the white van; two of the 23 vehicles, the white car that you can kind of see 24 in the top left picture, but is represented in the 25 bottom right picture; and there's one parked along</p>

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<p>13</p> <p>1 the street. 2 This is kind of an average day for -- 3 for this house, and since she rents out each room 4 -- and in this house, you already have five 5 residents living there, you know. If an ADU is 6 granted and can hold up to an additional two, you 7 know, parking certainly is already congested, not 8 only on the property, but along the street. 9 Adding additional, there's no space for, you know, 10 other vehicles, really, in the driveway, much less 11 the ones that are currently there. Now, I'm not 12 saying that's reason alone to object to the ADU. 13 What this picture is intended to help support is 14 that I don't believe the Applicant owns five 15 vehicles, much less two out-of-state vehicles. 16 There -- this is a rental property. 17 There are side doors on the house to provide 18 access to the various dwellings within the primary 19 residence. The other -- 20 THE HEARING EXAMINER: Now, how do you 21 know that -- that they provide access to the 22 residence? 23 MR. CHAPPELL: No, that's -- that's a 24 great -- that's a great question. If you go into 25 the other Exhibits A through D, these are online</p>	<p>15</p> <p>1 THE HEARING EXAMINER: Okay. 2 MR. CHAPPELL: So I -- I believe, you 3 know, if you continue reading in some of these 4 other exhibits, you can see bedrooms have all 5 beds, dressers, desk, flat screens, you know, 6 provided. That does not strike me as a single 7 rental. This is kind of a nightly kind of come 8 live here in, you know, a single bedroom, all -- 9 THE HEARING EXAMINER: Okay. 10 MR. CHAPPELL: -- nicely appointed and 11 able to sublet. And again, Zillow, this is a 12 rental property. You have, you know, access -- 13 you have notes that there are two -- two spaces 14 that are accessed for ADU, which are the two doors 15 that you would see on the side of the property 16 providing access to those units, would be my 17 suspicion. 18 I've never been inside the home, but 19 when you layer in these -- these online postings 20 behind the Applicant for rental in this property, 21 you know, some note you pay one-fifth of the 22 utilities. One-fifth of the utilities implies 23 you're renting one bedroom. You know, it's -- 24 what we're trying to establish here in a nutshell 25 is this is not the Applicant's primary residence,</p>
<p>14</p> <p>1 postings that were made by the Applicant for 2 rental of this property. And if you kind of look 3 at them, the highlighted in yellow, month-to-month 4 leases, nightly or weekly can be negotiated, 5 shared housing -- 6 THE HEARING EXAMINER: I see. 7 MR. CHAPPELL: -- with all the amenities 8 of a hotel room and a house. There's a history of 9 this. 10 THE HEARING EXAMINER: Do you know if 11 this is registered as an Airbnb? 12 MR. CHAPPELL: I -- I -- I believe at 13 one point it might have been, and that might've 14 been prior to my time, but I -- I defer to my 15 other objectors to provide testimony of that. I 16 -- I cannot speak to that. 17 THE HEARING EXAMINER: Okay. Just -- 18 MR. CHAPPELL: I have had conversations 19 with the Applicant about that, and -- granted, 20 this is just conversation, so I'd like -- like to 21 add. But she has said to me it was at one time an 22 Airbnb, but that the neighborhood objected, and to 23 get around it, she's signed up these monthly 24 leases with her residents to avoid any penalty as 25 an Airbnb for long term rentals.</p>	<p>16</p> <p>1 despite what her driver's license states. Despite 2 what her real estate tax bill states receiving the 3 homestead tax credit, this is not her primary 4 residence. 5 THE HEARING EXAMINER: Oh -- 6 MR. CHAPPELL: So -- no -- no, it is 7 not. Now, if you look, there are three other 8 residents in the -- in the Applicant's name 9 throughout Prince George's County and other 10 counties. I do believe one of those is her 11 primary residence and where she's staying, but I'm 12 not a private investigator. All I can do is 13 present to you what I've been able to uncover as, 14 you know, a neighbor and a citizen, and what I've 15 observed in the comings and goings of the 16 property. And maybe one of her vehicles gets left 17 overnight there, but on a rare, rare occasion. 18 And the issue we're having is -- is I 19 think granting an ADU, you know, would create more 20 issues. Some of the tenants have been very lovely 21 that she's put in the property. Some have had 22 issues, been -- been evicted. I imagine there's 23 maybe some -- some court records of that, you 24 know, over the last few years. I don't have 25 access to that, or haven't found any, but the</p>

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<p>17</p> <p>1 neighborhood -- and this is why you see so many 2 objectors on this -- this call, is we've had 3 issues with these residents, with abandoned 4 vehicles on the streets, you know, with some very 5 rough, you know, individuals that have been hard 6 to -- to live with. I do believe if the Applicant 7 had lived in the -- the primary residence and 8 maybe had sublet some of the rooms while she was 9 living there, we wouldn't -- the neighborhood 10 wouldn't have such an issue with this. But let me 11 pause there, I guess.</p> <p>12 THE HEARING EXAMINER: Now, you said 13 parking was difficult. Is there -- is there room 14 for people to park on the street?</p> <p>15 MR. CHAPPELL: It depends on which 16 resident is living at the apartment at the time. 17 Sometimes they have big moving trucks. They are 18 employed by moving companies, or they have 19 refrigerant-looking large vehicles, and we've had 20 instances where they've parked on the street for a 21 month at a time, just totally congesting the 22 street. And then if one of the other residents is 23 parking opposite of it, on the other side of the 24 street, you have a very narrow thoroughfare and it 25 blocks visibility. We have small children that play</p>	<p>19</p> <p>1 you have any -- does anyone have any questions? 2 Well, Ms. Flavia, let's start with you. Do you 3 have any questions of Mr. Chappell? 4 MS. FAVALI: No, not at this time. I 5 will later though, if that's okay, when I do my 6 rebuttal. 7 THE HEARING EXAMINER: Well -- this is 8 -- this is -- this is your time. 9 MS. FAVALI: So I present -- I thought I 10 could present and then -- and then -- okay. I 11 won't ask any questions right now. I'll wait for 12 all your evidence and I'll do it all at the same 13 time. I think that's the easiest and fastest. 14 THE HEARING EXAMINER: So let me make 15 sure I understand what you're saying. You would 16 prefer just to refute everything rather than ask 17 questions now? Because I'm offering the 18 opportunity to have you challenge the accurate -- 19 question him on his statements, but if you'd 20 rather wait -- but what you're saying is you would 21 rather wait to -- to -- 22 MS. FAVALI: Do everything. 23 THE HEARING EXAMINER: Well, you can't 24 ask questions when you testify; you can't. 25 MS. FAVALI: That's fine. I -- I've</p>
<p>18</p> <p>1 in the street right there. You know, they're not 2 unattended but it's -- I mean, you're really 3 squeezing through multiple vehicles.</p> <p>4 We've had incidents where, you know, 5 they drive big, you know, vans for their 6 employment and the tires are slit and, you know, 7 they stay abandoned on the street for a month. Or 8 one of her residents moved back to Africa and left 9 a vehicle abandoned on the street for an extended 10 period of time as well. It's -- you know, it's 11 been -- it's been challenging. And my point is, 12 not only is -- her driveway, despite being a 13 circular driveway, it's not suited to accommodate 14 five vehicles. They squeeze in there so one's 15 always parked on the street, at the minimum. And 16 if you grant the ADU, which can house up to two 17 additional adults, you're going to really 18 exasperate the parking situation on the street. 19 Again, in my mind, that's not the primary 20 objection, but it is a contributing factor to what 21 we are discussing here today.</p> <p>22 THE HEARING EXAMINER: All right. 23 Anything else?</p> <p>24 MR. CHAPPELL: That is all.</p> <p>25 THE HEARING EXAMINER: Ms. Flavia, do</p>	<p>20</p> <p>1 been living with him for years. I don't have -- I 2 don't have to ask any questions. Thanks so much. 3 So that's okay.</p> <p>4 THE HEARING EXAMINER: Thank you. Okay. 5 All right. Who would next like to testify that is 6 -- now, the testimony isn't limited to the 7 objectors; anybody can testify. I notice there's 8 12 people on this call, but anybody can come in 9 and testify. It doesn't have to be somebody who 10 filed a formal objection. Okay. So I see Ms. 11 Bennet's hand up. Ms. Bennet, can you please 12 raise your right hand? You're ahead of me. 13 Whereupon, 14 CARRI BENNET, 15 being first duly sworn or affirmed to testify to 16 the truth, the whole truth, and nothing but the 17 truth, was examined and testified as follows: 18 THE HEARING EXAMINER: Would you mind 19 just lowering your hand so -- there. Thank you. 20 Okay. What would you like to say? 21 MS. BENNET: For the record, I just want 22 to note, I did file a declaration, but I'll just 23 repeat what's in the declaration, and that is that 24 I've lived at 7705 Oldchester Road, so I'm on the 25 other side of Mr. Chappell. I've lived there for</p>

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<p style="text-align: right;">21</p> <p>1 26 years. It's my primary residence. I lived 2 there -- or moved in when Flavia's parents were 3 still alive and living in the house. 4 I have had dogs consistently, two dogs. 5 I've walked past the house probably, when I'm 6 home, like, every -- almost every day -- I've 7 never noted -- and at least in the last seven or 8 eight years, I don't -- I don't recall ever seeing 9 her live at the house. I don't see her -- like, 10 you see neighbors going in and out of the house, 11 carrying groceries, bringing things in, that would 12 indicate that you lived there. 13 We've had lots of issues with the 14 parking. One of the things that really worried me 15 and scared me was around the time of the issues 16 that we had during the insurrection at the 17 capitol, there were a lot of out-of-state 18 vehicles, a lot of pickup trucks parked there with 19 out-of-state license plates. Knowing what was 20 going on at that point in time, I did notice some 21 people that my -- it raised my radar up about who 22 are these people; they haven't been here; I 23 haven't seen all of these vehicles. And maybe 24 it's just the fear of what happened on January 6th 25 that was playing into my concerns, but it really</p>	<p style="text-align: right;">23</p> <p>1 raining and things like that. 2 THE HEARING EXAMINER: Right. Okay. 3 All right. Anything else you'd like to say? 4 MS. BENNET: No, not at this time. 5 THE HEARING EXAMINER: Okay. Ms. -- is 6 it Ms. Favali? Please forgive me if I've been 7 calling you the wrong -- the way Teams has it, I'm 8 not -- I wasn't sure whether your first name is 9 Flavia, but your second name, your last name is 10 Favali. 11 MS. FAVALI: It's Favali. It's an 12 anagram. Same as my first, as my second. Yes. 13 It took me 27 years to get that name back. Yes, 14 ma'am. 15 THE HEARING EXAMINER: Okay. I -- I 16 apologize. It just showed up reversed on my 17 teams. Okay. Ms. Flavia, do you have any 18 questions, ma'am, or do you want to defer to just 19 testify? 20 MS. FAVALI: Correct. 21 THE HEARING EXAMINER: Okay. Thank you, 22 then Ms. Bennet, you can be excused or you can 23 hang around, whatever you wish. Do I have the 24 next person that wishes to testify to support, to 25 oppose the license issuance? Okay. I'm seeing --</p>
<p style="text-align: right;">22</p> <p>1 bothered me and I started talking -- 2 Dan had recently moved in and we had 3 started talking about it, and I started learning 4 some things from him, and from some of the other 5 neighbors, and it really got my guard up. I avoid 6 walking past there a lot of times unless it's 7 broad daylight. I don't like the rock paths there 8 during the evenings because I just don't know what 9 kind of people I'll run into. So that's -- that's 10 all I have. 11 THE HEARING EXAMINER: I'm just taking 12 notes. Do you mind -- I know I asked you your 13 e-mail address, but do you mind repeating it? 14 MS. BENNET: Yes. It's Carri, 15 C-A-R-R-I, dot, Bennet, B-E-N-N-E-T at wbd-us.com. 16 THE HEARING EXAMINER: wbd.us or -- 17 MS. BENNET: No; dash us.com. 18 THE HEARING EXAMINER: Okay. Thank you. 19 Now, you said you walk -- how many times a day do 20 you walk past the house? 21 MS. BENNET: It -- it would be probably, 22 on average, once -- like, I'll say -- because I -- 23 I do travel for work quite a bit. I'd say, on 24 average -- I'll let's just say call it twice a week 25 when -- when I'm home. I don't, though, when it's</p>	<p style="text-align: right;">24</p> <p>1 just a second. I see Mr. Mack. Mr. Mack, please 2 raise your right hand. 3 Whereupon, 4 KENNETH MACK, 5 being first duly sworn or affirmed to testify to 6 the truth, the whole truth, and nothing but the 7 truth, was examined and testified as follows: 8 THE HEARING EXAMINER: Mr. Mack, I 9 apologize. Can you repeat your e-mail address? 10 MR. MACK: Sure. It's Kenneth, 11 K-E-N-N-E-T-H, dot, Mack, M-A-C-K, @gmail.com. 12 THE HEARING EXAMINER: Thank you. Okay. 13 What would you like to say? 14 MR. MACK: Well, I don't need to repeat 15 what everybody else has already said. I agree 16 with what everyone else has already said. I'll 17 just add that I live directly across the street 18 from 7709. My address is 7708 Oldchester Road; 19 I've lived here for over eight years. So my 20 office actually looks out directly at the front of 21 7709, so I have good and continuous view of the 22 comings and goings. And I have also had, over the 23 years, opportunities to speak with Ms. Favali and 24 various tenants as they've come and gone. It's 25 absolutely clear that Ms. Favali does not live at</p>

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<p style="text-align: right;">25</p> <p>1 the residence and that it is rented to multiple 2 tenants with significant turnover. 3 And that there have been significant 4 issues about parking at one time. I'm just giving 5 this as one example. There was a large truck. It 6 was an over-sized truck. Because I recall looking 7 up on the regulations, the maximum size truck that 8 could park on a residential street overnight, and 9 it was over that size, and it was parked partly on 10 -- you know, blocking my view. 11 In other words, it was not on 7709 side 12 of the street, but in front of our house, 13 partially. And I raised this with Ms. Favali, and 14 as I recall -- this is just my memory, that she 15 said that that that particular tenant had stopped 16 paying his rent and that she had moved to evict 17 them. And eventually, you know, after a number of 18 weeks, maybe -- maybe longer -- I can't recall 19 exactly how long that the truck was finally 20 removed. 21 But it's that constant thing. There was 22 a pick up truck, I remember, in front of her 23 house. The tires were slashed or they were flat 24 for some reason, you know, some reason. I guess 25 they were slashed. I'm not sure the cause of</p>	<p style="text-align: right;">27</p> <p>1 I assume she has come by more often than not to 2 check on things; I don't know, but I have not seen 3 her. 4 And I, again, I sit here in my office 5 right now. I'm looking at the house as we speak. 6 So it's -- it's directly in front, and so I -- my 7 point being that I have a very clear view of the 8 house. So one is that I don't see her coming and 9 going; and the second reason is that, over the 10 years, I've had the opportunity to speak with her 11 and to speak with her tenants. In every 12 conversation, it's been absolutely evident that 13 she is not one of the many residents who live in 14 that house. 15 THE HEARING EXAMINER: Why is it 16 evident? Why is it evident? 17 MR. MACK: Well, I mean, for one -- I 18 remember once one of the tenants invited me in to 19 have a chat and so forth, and we were talking 20 about the various tenants who do live in the 21 house, and we all know that she's not one. So it 22 didn't come up. He didn't say -- he didn't look 23 me in the eye and say, and you know she doesn't 24 live here. Of course she doesn't live here. 25 She's not -- it's -- it would have been completely</p>
<p style="text-align: right;">26</p> <p>1 that. But it's -- it's pretty dense and congested 2 at times, and so there's that concern. But, 3 again, I agree the main issue is the technical 4 issue of primary residence. It's -- it's 5 obviously not a primary residence. 6 THE HEARING EXAMINER: Well, you say 7 it's absolutely clear and it's obvious, but, right 8 now, I need you to explain to me why it's obvious 9 -- 10 MR. MACK: Sure. 11 THE HEARING EXAMINER: -- so I can make 12 -- I have to make a factual finding as to whether 13 she lives there, and I have to say what are your 14 reasons for saying that. 15 MR. MACK: Okay. I have two main 16 reasons for saying that. One is because I rarely 17 ever see her here and I have a pretty continuous 18 -- 19 THE HEARING EXAMINER: Define rarely. 20 Can you define rarely? 21 MR. MACK: I have not seen Flavia at the 22 -- I have not seen her in the house, coming by the 23 house. And that's just me. It may be that she 24 was there, you know, at a time I didn't see, but I 25 have not seen her there in months personally. And</p>	<p style="text-align: right;">28</p> <p>1 inconsistent with the whole nature of the 2 discussions for her, oh, by the way, she too lives 3 here. 4 And similarly, in my discussions with 5 Flavia, the discussions have been also with the 6 assumption. She never said to me, you know, I 7 don't live in this house. I mean, it was obvious. 8 It would have been bizarre for her even to say 9 such a thing. The whole nature of the discussion 10 was about how many tenants she had, how it's 11 difficult to find tenants, how much she charges 12 the tenants, and so on and so forth. So it's just 13 completely outside of the scope for it to have 14 even come up that -- of whether or not she lived 15 there. It was implicit -- 16 THE HEARING EXAMINER: Right. 17 MR. MACK: -- that she did not, so no 18 one would have had to have said such a thing. 19 THE HEARING EXAMINER: I understand. 20 MR. CHAPPELL: May I testify next? 21 MR. MACK: In a similar -- 22 THE HEARING EXAMINER: Just a second. 23 Mr. Mack, is there anything else that you would 24 like to add to what you've said? And take your 25 time. We have time.</p>

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<p style="text-align: right;">29</p> <p>1 MR. MACK: I guess I don't have more to 2 say. I do have some questions about 3 landlord-tenant zoning rules in -- in this area, 4 which go somewhat outside of the scope of today's 5 particular issue. But, you know, it's -- it's 6 obviously on the back of my mind, and perhaps 7 other people's minds, is this whole regime of 8 renting out a house on this street with many 9 families/tenants, in a single house, is that -- is 10 that okay here under the laws, and would you need 11 -- if so, would you need a license for that? But 12 -- I don't want to distract from the main issue, 13 but that obviously is a question that's very -- in 14 my mind. Is the fundamental regime here legal to 15 begin with? What's going on? 16 THE HEARING EXAMINER: Understood. And 17 those would be questions for DHCA, and I suggest 18 that you feel free to meet with DHCA and -- so you 19 can understand the juxtaposition between what's 20 legal and what isn't. Okay. Ms. Favali -- 21 Favali, any questions of Mr. Mack, or do you wish 22 to defer to your own testimony? 23 MS. FAVALI: Thank you. I'll defer to 24 my own testimony. Appreciate you. 25 THE HEARING EXAMINER: Thank you. I see</p>	<p style="text-align: right;">31</p> <p>1 Favali lives at the address in question. I just 2 want to supplement that with an additional -- 3 THE HEARING EXAMINER: So you adopt your 4 statement as your own testimony here? 5 MR. GOODFRIEND: Correct. 6 THE HEARING EXAMINER: Okay. What do 7 you want to add to that? 8 MR. GOODFRIEND: About three years ago 9 -- so this was prior to the pandemic -- one of the 10 renters at 7709 Oldchester spoke with me at the 11 foot of my driveway and said that he was having 12 trouble in the house, and having trouble getting 13 Flavia over to the house to deal with it, which 14 would indicate to me that, at least at that time, 15 Ms. Favali was not living at the house. If she 16 were living at the house, it would have been very 17 easy for the renter to find her; end of statement. 18 The only other thing I want to add for 19 your, sort of, general understanding of our 20 neighborhood, is that the people before you don't 21 run around protesting the renting-out of houses on 22 our street. In fact, the house right across the 23 street from me, and next door to Mr. Mack, is 24 owned by the Bowen family, but rented out to a 25 different family. We have no problem with that.</p>
<p style="text-align: right;">30</p> <p>1 a hand up from Mr. Chappell, and -- was there 2 anyone else who wanted to -- I heard a voice, but 3 I wasn't sure it was Mr. Chappell. 4 MR. GOODFRIEND: I'm sorry. That was -- 5 that was me. It's David Goodfriend, and I have to 6 drop off at 10:30, so I was -- 7 THE HEARING EXAMINER: Okay. We'll go 8 ahead with you, and please -- did you state -- 9 well, did you state your -- well, we'll swear you 10 in. Do you -- raise your right hand. 11 Whereupon, 12 DAVID GOODFRIEND, 13 being first duly sworn or affirmed to testify to 14 the truth, the whole truth, and nothing but the 15 truth, was examined and testified as follows: 16 THE HEARING EXAMINER: Now, did you 17 state -- have you -- please state your name, 18 address, and e-mail address for the record. 19 MR. GOODFRIEND: My name is David 20 Goodfriend. My e-mail address is 21 David@dcgoodfriend.com. My residence is 7713 22 Oldchester Road, Bethesda, Maryland 20817. I live 23 next door to Mr. Finkel, and my testimony is as 24 follows: I've already submitted a declaration 25 establishing facts that go to whether or not Ms.</p>	<p style="text-align: right;">32</p> <p>1 They're good neighbors. They are renters, but 2 that's very distinguishable from a multi-unit, 3 short-term rental property on our street. So I 4 don't want -- 5 THE HEARING EXAMINER: Why do you say 6 short-term? 7 MR. GOODFRIEND: For the same reasons 8 that Mr. Chappell pointed out. Daily rentals, 9 weekly rentals, monthly rentals of individual 10 homes within the house. 11 THE HEARING EXAMINER: Rooms, you mean. 12 Individual rooms? 13 MR. GOODFRIEND: Yes. What did I say? 14 Yes. Individual rooms. Sorry. Individual rooms 15 within the house. That's distinguishable from a 16 monthly or annual lease agreement for an entire 17 house on the street to use as a primary residence. 18 And nobody on this Zoom call has ever objected to 19 the latter. It happens on our street; it's fine. 20 But the -- again, the central question before you 21 is whether or not Ms. Favali is a resident of the 22 property. And I just want to refer you back to my 23 declaration statement that, in my observation, she 24 is not, and -- and I apologize for having to 25 leave, though.</p>

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<p style="text-align: right;">33</p> <p>1 THE HEARING EXAMINER: No, that's fine. 2 Ms. -- Ms. Favali, do you have any questions now? 3 MS. FAVALI: No. I'll defer them -- 4 thank you so much -- for my -- to my testimony. 5 I'm sorry. I'll say everything in my testimony, 6 yes. 7 THE HEARING EXAMINER: Okay. Mr. 8 Goodfriend, you may be excused. Okay. Now, is 9 there anyone else that wishes -- what I'm looking 10 for -- or this is your chance to say why the 11 primary objection here is that Mrs. Favali doesn't 12 live -- or Ms. Favali doesn't live here. Is there 13 anyone else that wants to speak to that, or to add 14 anything to what they've already said? I have Mr. 15 Finkel's hand raised. Mr. Finkel, you're still 16 under oath. I think you're muted. 17 MR. FINKEL: It happens at every Team's 18 call. So I guess I -- I -- I hit the jackpot. 19 What I was going to say is, just for some further 20 evidence, that Ms. Favali does not reside in the 21 property and it is not her primary residence. 22 I've had several instances of -- of short-term 23 renters coming to my front door at night when they 24 show up to the property asking me for keys to her 25 house because the homeowner is not present. I've</p>	<p style="text-align: right;">35</p> <p>1 first one to be sworn in. 2 THE HEARING EXAMINER: Just checking. 3 And can you give me -- this -- the recording did 4 not work. Can you give me your e-mail address 5 again? 6 MR. FINKEL: Yeah. It's Alexandre, 7 A-L-E-X-A-N-D-R-E, finkel@gmail.com. 8 THE HEARING EXAMINER: One word? 9 MR. FINKEL: Yes, ma'am. 10 THE HEARING EXAMINER: No dot? 11 MR. FINKEL: No dot. 12 THE HEARING EXAMINER: Okay. Thank you. 13 MR. FINKEL: Thank you. 14 THE HEARING EXAMINER: Okay. I see Mr. 15 Chappell's hand up. 16 MR. CHAPPELL: Yes. 17 THE HEARING EXAMINER: Mr. Chappell, did 18 you want to add something? 19 MR. CHAPPELL: I just want to reiterate, 20 I too have had conversations with residents. 21 They've shown up at my property. Some in tears. 22 You know, this was 2020 and '21. People coming in 23 from out of state to provide medical services 24 during COVID to the hospitals. They would -- they 25 would show up at my doorstep crying, asking for</p>
<p style="text-align: right;">34</p> <p>1 had people show up at 9:00, 9:30. Like Miss Carri 2 [sic], I -- I do -- Ms. Bennet. I do travel. I 3 have small kids. It's extremely transient. It's 4 -- it's -- it's just something that I -- . 5 You know, I'm -- I am -- I am extremely 6 concerned about the intended use of the ADU based 7 on what I've seen for that property for the last 8 13 years. I've lived there 13 years. I have 9 never seen Ms. Favali spend the night at the 10 property, ever. I know what car she drives. She 11 comes up, does some gardening, clears some trees, 12 does some stuff, and leaves. I don't know how 13 else to prove to you that she does not live in the 14 property. She has never stayed overnight in that 15 property in the 13 years that I've been her 16 next-door neighbor. 17 THE HEARING EXAMINER: I'm just taking 18 notes. That's -- that's the delay. 19 MR. FINKEL: No problem. 20 THE HEARING EXAMINER: Okay. Anything 21 else? 22 MR. FINKEL: Nothing for me. Thank you. 23 THE HEARING EXAMINER: Mr. -- Mr. 24 Finkel, were you sworn in before? 25 MR. FINKEL: I was. Yeah, I was the</p>	<p style="text-align: right;">36</p> <p>1 cleaning supplies based on the condition of the 2 home, and the bathrooms were unlivable, 3 unsanitary. They would not come to me if the 4 Applicant lived at the property; they would go 5 knock on her bedroom door and say, you know, your 6 bathroom is unsanitary, or the house is not what 7 you said online when I rented it from you. 8 I have had personal conversations with 9 the Applicant who has said this is not her primary 10 residence to me, that she needs it for the rental 11 income. I don't take issue with that. I don't 12 take issue, as -- as Mr. Goodfriend said, with 13 homes being rented. That is -- everyone needs a 14 place to live, and that is her business in her 15 home. I just take issue with -- you know, with -- 16 with the exhibits we've provided with the vehicles 17 and the online postings to rent out rooms. 18 The conversations we have each, in this 19 neighborhood, had with the residents and with the 20 Applicant, it's -- it's -- it's all indicative 21 that she does not, in fact, live there. And, 22 hopefully, it's -- it's sufficient evidence to -- 23 to call into question whether this is her primary 24 residence, along with the, you know, other 25 addresses that are -- that are in her name.</p>

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<p style="text-align: right;">37</p> <p>1 THE HEARING EXAMINER: Okay. Thank you. 2 Any questions, Ms. Favali? 3 MS. FAVALI: No, ma'am. 4 THE HEARING EXAMINER: Okay. Is there 5 anyone else that would like to testify that is -- 6 opposes the issuance of this license? Okay. 7 Hearing none, Ms. Favali, this is -- do you mind 8 giving me your e-mail address again? 9 MS. FAVALI: Yes. Flavia, F-L-A-V-I-A, 10 4222@comcast.net. 11 THE HEARING EXAMINER: I'm sorry, 12 F-L-A-V-I-A4222? 13 MS. FAVALI: 4 -- 2 -- three 2s, 14 4222@comcast.net. 15 Whereupon, 16 FLAVIA FAVALI, 17 being first duly sworn or affirmed to testify to 18 the truth, the whole truth, and nothing but the 19 truth, was examined and testified as follows: 20 THE HEARING EXAMINER: Thank you. Okay. 21 What -- what do you have to say? 22 MS. FAVALI: I'll -- I'll go from -- I 23 guess I should go from top to -- I was taking 24 notes. I can go from top to bottom, or from 25 bottom to top. I'll go from top to bottom, right,</p>	<p style="text-align: right;">39</p> <p>1 house before I was renting rooms, before I -- I 2 did have a license at the time to rent rooms; I 3 did not have anything rented. I was trying to 4 figure out my strategy for the house because, you 5 know, I'm a single mom with six kids, and a 6 teacher. And at that point -- . 7 Now, DHA -- and I know I'm on phone, but 8 DH -- when I got my landlord license signed, they 9 had this wonderful landlord-tenant handbook which 10 you're supposed to have in your house, which I do, 11 because people do pay one-fifth of the utilities, 12 because I have five people living in there. So 13 for the first few years, I was not the -- it was 14 not my primary residence. I had a primary 15 residence. Alexandre, I had the primary residence 16 -- funny story -- over at 6412 40th Avenue, and 17 then -- 18 THE HEARING EXAMINER: Ms. Favali, I'm 19 sorry to interrupt. Can you slow down a little 20 because I'm having -- I take notes while you're 21 talking, and I'm having trouble keeping -- keeping 22 up. 23 MS. FAVALI: Okay. So -- so it wasn't 24 my primary residence when I bought it. Before I 25 bought it, I purchased a room rental license. And</p>
<p style="text-align: right;">38</p> <p>1 notes from the meeting. 2 THE HEARING EXAMINER: Okay; you can go. 3 I don't know what order you're -- 4 MS. FAVALI: Okay then. Okay. So Mr. 5 Finkel's objection: So, yes, we've been neighbors 6 for 13 years, Mr. Finkel, and when you came in the 7 -- so this is for every -- I'm going to try to 8 take everybody's answer at the same time. So 9 before you broke ground, Mr. Finkel, you and Larry 10 Cafritz, your builder, came over, knocked on my 11 door. It was not my principal residence. I 12 didn't even own the residence; my dad owned the 13 residence. He was still living. He was in his 14 90s. My mom had just passed. She was in her 90s. 15 And you asked to rent or to have -- how much of a 16 charge for water and electric? I said, Take all 17 you want. I said, The boy walking down the street 18 will be living in this house long after I'm gone, 19 and that was Caleb John Mskitis, my son. 20 So I apprised you that I was going to 21 try to buy the house, if I could. I paid a lot 22 more for you -- for a townhouse house than you 23 did, so I knew I -- I was only a teacher. I knew 24 I was going to have to rent rooms. Then you built 25 your house. Larry was awesome. He came into my</p>	<p style="text-align: right;">40</p> <p>1 it's very explicit on page -- on DHCA Page 47 -- 2 46. How many single people may occupy one rental 3 property? Up to five single unrelated people may 4 live together as a housekeeping unit, sharing one 5 kitchen if a landlord does not live on the 6 property -- I didn't for a while. Up to four 7 unrelated -- oh five. Okay, five. So if I live 8 on the property, there's five; if I don't live on 9 it, it's four. I do everybody month-to-month 10 because, like the box truck, when -- not you, Mr. 11 Mack -- but when Eileen called me and apprised me, 12 I was there. She was pissed off -- excuse me. 13 She was mad at the truck. I gave him his 30-day 14 notice. I thought that was very easy to do, same 15 with everybody who -- and it was a street that the 16 police wouldn't do -- 17 THE HEARING EXAMINER: Can you just slow 18 down and take a deep breath? 19 MS. FAVALI: I'm sorry. Yes. Yes. I'm 20 sorry. 21 THE HEARING EXAMINER: No; I just -- I 22 want to make sure I understand what you're saying. 23 I can't write as fast as you're talking. Thank 24 you. 25 MS. FAVALI: So I bought the house. I</p>

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11 (41 to 44)

<p>41</p> <p>1 bought it with -- 2 THE HEARING EXAMINER: I didn't hear 3 that. Hold -- just -- 4 MS. FAVALI: Before I purchased the 5 house, I bought a room rental license to carry 6 over when I did buy and I rented rooms. The -- 7 Alex's builder, Mr. Cafritz, came over and showed 8 me -- because my parents were in their 90s. At 9 that point, I knew I had bad bones. I didn't know 10 they were as bad as they are now, but they were. 11 I needed some help. So I asked Mr. Cafritz how I 12 could design it for an ADU in the house, and he 13 showed me where to put the elevator in, the stops. 14 Like, Alex, you have your pantry and your closet 15 upstairs, you can knock that out for an elevator 16 if you need one. Larry showed me where to put the 17 stops on so I could go up to your size, 35 feet, 18 and put an upstairs in. So that is my plan B. It 19 would look ugly, but that's where my -- when I 20 bought the house, that was my goal. 21 Unless I was scooped up and moved out 22 with Prince Charming, I'm -- I thought I was 23 always allowed to rent rooms. I've had a license 24 for -- since I bought the house. I pay my 25 landlord license fee. And everybody's 30 days,</p>	<p>43</p> <p>1 collarbones, I broke one of my collarbones. I was 2 volunteering in Camp Springs as a librarian, 3 teaching some at-risk kids, and he was riding his 4 bike. So, you know, Jeff -- Jeff lives -- Alex, 5 he comes in your room. He's been there for three 6 or four years. Most of my tenants have been 7 there, at this time, longer than six months, at 8 least. I have not been in the house. I have not 9 been in the house for the past six months. Yes. 10 I actually -- not only did I wreck my collarbone, 11 I then tripped and I broke my ankle, my tibia, and 12 my fibula. So I was just -- 13 THE HEARING EXAMINER: Ms. Favali, can 14 you put a camera on? 15 MS. FAVALI: How? Is that it? 16 THE HEARING EXAMINER: Yeah. There we 17 go. Okay. That's it. Thank you. 18 MS. FAVALI: So, I actually was in Holy 19 Cross Hospital. At that point, I was about -- 20 addicted to Dilaudid. I then went to Potomac 21 Valley Nursing and Rehab. I then was going to -- 22 I had external fixators on, so I couldn't really 23 mobilize, and there was roaches there. I had to 24 leave. I -- so I -- 25 THE REPORTER: I -- I'm sorry.</p>
<p>42</p> <p>1 and I -- because, that way, I can move them out. 2 Yes, I do have -- every room is -- and if you look 3 on my Facebook page -- I've never changed it since 4 the day I put up a house that Ray built; my dad 5 was Ray. He built the house -- everyone has a TV, 6 if they want one. Some people don't like TV, like 7 me. Everybody has a bed, and a desk, and I often 8 change the beds. So yes, I do rent rooms 9 month-to-month. 10 Now, when Mr. Calhoun apprised me that 11 they were coming out with legislation for Airbnb, 12 I kicked them all -- I didn't do Airbnb anymore. 13 So -- to answer that question, so -- hang on. So, 14 yes, it's an apartment. I never put it on 15 Apartment.com; I don't know how it got there. I 16 only rent on Craigslist, and I -- so I don't know 17 how it got there. And if I rent the whole house 18 on Zillow, Zillow has apprised me that it's \$6,000 19 a room rental -- for a house rental, and I'm only 20 getting \$4,000. So, actually, putting it on a 21 whole house sounds like a very nice plan. 22 Okay. So the Florida tags. That's Jeff 23 South. He's lived there for three years. He's 24 the head IT guy at Walter Reed. Interesting story 25 of life. Two weeks before he broke two of his</p>	<p>44</p> <p>1 MS. FAVALI: For six months, I had not 2 -- 3 THE REPORTER: Hang on one second. Ms. 4 Favali, I do need you to slow down. In order for 5 me to get this transcript correct, I do need you 6 to slow down. I apologize. 7 MS. FAVALI: Yes, sir. So, for six 8 months -- Ken is right -- I did not go into the 9 house; however, I was there at the house the last 10 -- 11 THE HEARING EXAMINER: When -- when was 12 that, Ms. Favali? 13 MS. FAVALI: February 22, I was at Camp 14 Springs, Maryland, a volunteer librarian, broke my 15 collarbone. I then broke my ankle, my tibia, and 16 my fibula. And the last conversation I had -- 17 THE HEARING EXAMINER: When were you -- 18 no, hold -- hold on. 19 MS. FAVALI: Hospitalized February 22nd. 20 THE HEARING EXAMINER: When were you -- 21 no. When were you hospitalized? 22 MS. FAVALI: February 22nd. 23 THE HEARING EXAMINER: Okay. 24 MS. FAVALI: So, the last six months -- 25 Ken is right, except I did have a thank you party</p>

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<p style="text-align: right;">45</p> <p>1 Friday -- and I stayed there -- for all the people 2 that helped me the last six months. I couldn't 3 get food. I couldn't drive. I couldn't do 4 anything. I was desperate. 5 THE HEARING EXAMINER: Well, where you 6 during this time? 7 MS. FAVALI: I started with Holy Cross. 8 I went there by gurney. I then went by gurney to 9 Potomac Valley Nursing and Rehab; I then went to 10 one of my kids' houses; and then I finally got the 11 approval with Dr. Cooper to start driving again. 12 I'm now in physical therapy, so I should be fine. 13 I have eight more weeks of physical therapy. 14 THE HEARING EXAMINER: Where are you 15 right now? 16 MS. FAVALI: Right now, I'm at my office 17 at 4222 Kennedy Street; that's in Hyattsville, 18 20781, and I'm leaving in about two hours to go to 19 South Carolina for about a week. I'm building 20 manufactured homes there. 21 THE HEARING EXAMINER: Well, I guess the 22 question here is have you been living at the 23 house? 24 MS. FAVALI: Not for the past six 25 months. I have not spent one night there, no. I</p>	<p style="text-align: right;">47</p> <p>1 you this. Where's your toothbrush? 2 MS. FAVALI: I have a toothbrush in my 3 car. I have a toothbrush everywhere. I have a 4 toothbrush at Oldchester. If you open up the -- 5 in my room, if you open up the drawer, I have a 6 toothbrush. 7 THE HEARING EXAMINER: Which room is 8 yours? 9 MS. FAVALI: I have the one to the far 10 right. You walk up the stairs -- so, my house, as 11 you walk up -- so, my house, as you walk up the 12 stairs, there's three rooms, the room to the 13 right, the room to the middle, and the room to the 14 left. The room to the right has my clothes, has 15 my toothbrush in that house. Every -- every place 16 I have has a toothbrush. I brush my teeth a lot 17 too. And my son -- and why I do so many 18 properties is my son, who I have a toothbrush in 19 his house, he needs to get -- at Home Depot -- his 20 wisdom teeth out, and he doesn't have enough money 21 for the -- dental is so bad, he has to get -- 22 anyway, that's a long -- I need not elaborate. 23 But, yes, I have a toothbrush a lot of places, and 24 I have a toothbrush at my gym. 25 THE HEARING EXAMINER: Okay.</p>
<p style="text-align: right;">46</p> <p>1 couldn't get into -- I couldn't get -- I couldn't 2 even get a wheelchair -- 3 THE HEARING EXAMINER: Just stop. Just 4 stop. Stop, because we want to hear what you say, 5 and we can't do it if you go too fast. So, what 6 about before six months; were you living at the 7 house? 8 MS. FAVALI: Well, I'm very blessed. 9 I'm over 70, and I've retired from teaching, and 10 so, now, I travel extensively. So, the two weeks 11 before I broke my collarbone, I was sailing in the 12 San Juan -- no, that's going in August -- I was 13 sailing in the Sea of Cortez, totally away from 14 cell phone reception. 15 THE HEARING EXAMINER: Okay. So, that's 16 two weeks before you broke your -- 17 MS. FAVALI: San Juan. 18 THE HEARING EXAMINER: -- collarbone. 19 What about before that? 20 MS. FAVALI: This time last year, this 21 exact time last year, I was in Sicily, Catania. I 22 was sailing for about a month with some friends. 23 I'm leaving to go to San Juan the end of August. I 24 I'm going to Egypt for the month of October. 25 THE HEARING EXAMINER: Well, let me ask</p>	<p style="text-align: right;">48</p> <p>1 MS. FAVALI: I did have my permanent 2 residence, my principal residence at 6412 until I 3 then moved, several years ago, to Bethesda. I 4 then -- the last time I talked to John -- Don 5 [sic] Chappell was over four years ago, when I 6 replaced my left ankle. I was then suggesting -- 7 I just did a -- a living -- what was it called -- 8 an accessibility and a livability, where you can 9 access -- you can actually get into your house. I 10 have ramps. I got the -- the -- I got -- I did 11 ramps. I did everything proper, not understanding 12 that this last accident would so impact me, I 13 would not even be able to get into my bedroom. I 14 just got off the cast a month ago for the -- yes. 15 I'm going back to tutoring come this September and 16 being the librarian at a little school, volunteer. 17 THE HEARING EXAMINER: Okay. Why do you 18 need the ADU if you already have it rented out? 19 MS. FAVALI: The AD [sic] or my bedroom? 20 My bedroom is not rented. I -- I rent four 21 bedrooms. So, the last -- the four people that 22 are in the bedroom -- 23 THE HEARING EXAMINER: No, no, no, no, 24 no, no. No; an ADU is a separate dwelling unit. 25 MS. FAVALI: Because when I had my ankle</p>

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<p style="text-align: right;">49</p> <p>1 replaced four years ago, my left ankle replaced, 2 there's so much arthritis -- says -- says Dr. 3 Cooper at Georgetown, there's so much arthritis 4 that he can't do any more surgeries, so he 5 replaced the ankle with titanium. I set it off at 6 every airport. I fell on my right ankle this 7 time. 8 So, like, an example, Jeff, he lives at 9 the house. He broke two of his collarbones. He's 10 back riding his bicycle. You see him a lot; the 11 guy is riding his bicycle. I can't even get on a 12 bicycle. My collarbone is not -- see, my 13 collarbone has not even healed, and that was -- 14 no, I can't -- February 22nd. So, my bones don't 15 heal. So, the AD was going to be -- the counters 16 were lower; the plugs were lower; the bed is the 17 right size. So, I can wheel myself into someplace 18 where I could be in, and I can wheel myself out. 19 I could do it upstairs in the house, but it would 20 look really ugly, or it would be more expensive, 21 the AD in the backyard. 22 But I thought if I can live simply, 23 others can simply live. So, I thought -- it's 576 24 square feet. It's not that big. I mean, how many 25 people are you going to put stuff in there? But,</p>	<p style="text-align: right;">51</p> <p>1 Bethesda Cares' veterans at one point. I got -- I 2 -- that didn't work. So, you're right. Veterans 3 have a lot of PTSD. My son is a veteran. Yes, I 4 know. My dad was a veteran; okay? I never did 5 register it as an Airbnb when -- when I was 6 apprised that I had to. I just got rid of the 7 Airbnb. I do monthly because I think monthly is 8 the easiest for me as a homeowner. If I don't 9 like somebody or if somebody doesn't like me, they 10 can -- after 30 days, they can terminate. 11 Everybody has one-fifth. I like to have 12 one-fifth because we're a family; right? 13 Everybody uses the electricity. If somebody wants 14 it 30 degrees and somebody wants it 80 degrees, we 15 have to agree. Everybody pays one-fifth. No one 16 leaves the water running a long time. That's -- 17 I've always done that because I just think that's 18 smart. I never -- a prior owner -- hang on. 19 Renting one bedroom established a nutshell -- I 20 don't know what -- three other residents and 21 applicants' names on our records, and he would 22 have issues with the issues. 23 Okay. So, I -- I was blessed to go to 24 -- in my crutches, I went to see our county 25 executive, and that particular time, he was</p>
<p style="text-align: right;">50</p> <p>1 that way, I would be able to wheel -- this happens 2 again, which is like -- in all likelihood, this 3 will happen again, because my bones have 4 osteochondrosis, osteopenia, osteoarthritis, and I 5 have fibromyalgia. So, my bones are shot. One 6 fall breaks an ankle, a tibia, and a fibula. For 7 you or anybody else on -- online, you might break 8 something, but you wouldn't have the catastrophe 9 that I would have. I had external fixators, which 10 were out three feet from my ankle. Then when that 11 got healed, I went to the internal fixators. I 12 have two plates, about six screws, in one foot. 13 So, proactively, when I bought the 14 house, I knew I was going to put an elevator in 15 and go up. Now, because of housing shortages, 16 Montgomery County is so progressive, they're doing 17 ADUs. I thought this would be the cheapest -- not 18 maybe the cheapest -- this would be the simplest 19 thing to do, to have a one-bedroom one-bath in the 20 backyard, which nobody can see. 21 THE HEARING EXAMINER: Okay. Anything 22 else? 23 MS. FAVALI: So, let's see. Let me go 24 through everybody's notes. So, yes. I did rent 25 to -- I did rent the house, the whole house, to</p>	<p style="text-align: right;">52</p> <p>1 pontificating the diversity in Montgomery County. 2 So, as of now, I have a Spanish guy, an African 3 American, a white guy, me, and a Muslim, and 4 everybody works together. I love the diversity in 5 my house, but I might just rent to a whole house 6 -- a whole family, if you want me to. That would 7 work. 8 About the vehicles, when my neighbors 9 were complaining about the vehicles, I put in -- I 10 went to Montgomery County licensing, I paid the 11 \$30,000, and I put a handicapped accessible 12 driveway in. So, there already is a driveway that 13 can fit four cars. There's also a driveway that 14 goes all the way to the back, where my ADU should 15 be. I could not access the room for six months. 16 I couldn't even drive for six months. Driveway 17 not suited to accommodate five -- I think that the 18 driveway is fine. Yes, my parents lived there. 19 It was their chateau. It's my -- I hope it's 20 mine. Who knows what happens? 21 I'm sorry about the oversized truck. As 22 soon as Eileen (phonetic) -- now, Eileen in our 23 neighborhood is not here. She's the one who 24 always apprises me; I'm tired of this truck; get 25 rid of it. I called the police immediately.</p>

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<p>53</p> <p>1 So, whatever you -- I mean, I -- I -- 2 I've always -- I've only talked to Alex once, and 3 that was the e-mail I got. That got me Alex. You 4 gave me this e-mail. Based on -- you sent me this 5 e-mail on February the 5th at 7:44 in the morning 6 (indiscernible): Good morning, Flavia. Now, I've 7 never talked to you except once 13 years ago, when 8 -- before you built the house, as far as I know. 9 Based on the hearsay around the neighborhood, I 10 haven't talked to any of -- anybody except Eileen 11 once when she called me about -- February 15th 12 about the neighborhood. 13 It seems as though the interaction -- 14 the intention of this process is being 15 misinterpreted. This is not a lawsuit or anything 16 against you. Yes, I will go and my -- my lawyer 17 or my trust attorney -- because when I left 18 Montgomery County with six kids -- I have a trust 19 attorney, Francis Kreysa. He said, do this 20 yourself. He'll be with me on my appeal. It's 21 not a lawsuit or anything against you. I didn't 22 have time to get him. He's busy today. He's 23 actually traveling. I am raising a concern to the 24 County around this ADU, given the use as a full 25 rental property.</p>	<p>55</p> <p>1 I talked to Mr. Goodfriend once when I was 2 planting. I was there last Friday. I'm sorry. 3 All the cars came because I had a party. Spent -- 4 spent overnight there Friday night. I think 5 that's about all. 6 THE HEARING EXAMINER: Okay. It's time 7 now for anyone who wishes to be able to ask Ms. 8 Favali questions on what she just said. So, just 9 raise your hand if you have questions. Okay. 10 Well, okay. Mr. Finkel, go ahead. 11 MR. FINKEL: So, first of all, I -- I 12 just have one question to Ms. Favali. Do you live 13 -- do you live in the house? 14 MS. FAVALI: Yes. 15 MR. FINKEL: Is -- is that your primary 16 residence? 17 MS. FAVALI: Yes. Are you telling me to 18 come and bring you flowers every time I bend my 19 head to come over? 20 THE HEARING EXAMINER: No. Ms. -- Ms. 21 Favali, you don't need to -- you don't need -- 22 MS. FAVALI: I'm sorry. 23 THE HEARING EXAMINER: -- to do that. 24 MR. FINKEL: I just want to -- 25 THE HEARING EXAMINER: We -- we're</p>
<p>54</p> <p>1 Well, I thinking from AD -- from 2 landlord-Tenant handbook on page -- I already told 3 you what page it was, that I -- I'm allowed to do 4 this. I've been paying my -- my -- my rental fee 5 forever. They told me not to do -- do the ADU. 6 So, I'm more confused. I'm confused about how I 7 should do this, but I'll do wherever you want. I 8 don't want to distract from the issue with the 9 regime. Feel free to be -- DCHA [sic]. Okay. 10 You're supposed to go to DHCA. Okay. David 11 Goodfriend. Okay. 12 So, I guess I have to figure out -- so, 13 you don't -- so, I -- I'm hearing that no one 14 objects to renting out a whole house because you 15 -- because there's other rentals in the 16 neighborhood; you just object to me renting out 17 rooms. But I believe that -- you know, that I -- 18 I paid a room rental fee, but it's totally legal 19 for -- for four or five, if I live there, rooms in 20 the house. And so, every -- we share one kitchen. 21 There's one washer, dryer. 22 What else should I say? I love -- I -- 23 what else should I say? Hang on. (Indiscernible) 24 in 13 years. I've talked to Don twice, once about 25 my left ankle. I don't talk to anybody, really.</p>	<p>56</p> <p>1 trying -- I am trying to make factual fair 2 findings. You don't need to attack. 3 MS. FAVALI: (Indiscernible). 4 MR. FINKEL: Under -- I just want to 5 make -- 6 THE HEARING EXAMINER: Now, you need to 7 stop talking because I'm talking. Will everyone 8 stop talking, and we're going to let Mr. Finkel 9 finish his question. Now, you've got to come back 10 to the camera, Ms. -- 11 MS. FAVALI: Oh -- oh, I'm sitting down. 12 Sorry. I was standing up. Sorry. I'm sitting 13 down. Sorry. 14 MR. FINKEL: I just -- I just wanted to 15 make sure that Ms. Favali, under oath, is making a 16 statement that she lives in the property full-time 17 as her primary residence. That's the only 18 question that I have. 19 MS. FAVALI: I -- I just told you the 20 travel schedule I've made. So, barring travel, 21 yes -- 22 MR. FINKEL: Okay. 23 MS. FAVALI: -- and barring physical -- 24 barring the problem that I can't access my house. 25 THE HEARING EXAMINER: Okay. I have</p>

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<p style="text-align: right;">57</p> <p>1 some additional questions. Ms. Bennet, you're up. 2 MS. BENNET: Yes. I-- my -- my 3 question is for the record, and I don't know if 4 the record is going to reflect this properly, and 5 I may have missed it. But I'm not sure if she was 6 sworn under oath before she started giving her 7 testimony, and I don't know if, procedurally, she 8 can retroactively adopt it under oath if it wasn't 9 taken -- 10 THE HEARING EXAMINER: She can. We'll 11 re-swear her just in case. Ms. Favali, please 12 raise your right hand. Do you solemnly affirm -- 13 that's -- that's not your right. 14 MS. FAVALI: Oh, I'm sorry. I'm sorry. 15 Whereupon, 16 FLAVIA FAVALI, 17 being first duly sworn or affirmed to 18 testify to 19 the truth, the whole truth, and nothing 20 but the 21 truth, was examined and testified as 22 follows: 23 THE HEARING EXAMINER: Okay. Go ahead. 24 Anyone else? Mr. Chappell? Mr. Chappell, you're 25 muted.</p>	<p style="text-align: right;">59</p> <p>1 -- when I switched my principal residence from 2 40th Avenue to -- because I rented it to a whole 3 family, a family of recovered alcoholics, five 4 years ago. So, maybe five, six years ago was when 5 I took it off my principal -- I made it my 6 principal residence. Yes, sir. 7 MR. CHAPPELL: And so, for -- for the 8 past five years, and I think the individuals have 9 said, you know, in the past 20 years, but that 10 would include the past five years that they -- 11 MS. FAVALI: Uh-huh. 12 MR. CHAPPELL: -- have not observed you. 13 So, for the past five years, you're claiming 14 you've -- you've lived there -- 15 MS. FAVALI: Uh-huh. 16 MR. CHAPPELL: -- as your primary 17 residence? Okay. 18 MS. FAVALI: Now, we're getting -- now, 19 I have a bunch of lawyers, and I have not had my 20 lawyer -- I'm going to defer that question until I 21 actually know what my primary residence. But I 22 put down the state of Maryland. I said I'm moving 23 from 6412, from my Homestead Act, to Bethesda. I 24 didn't think it was this big of a deal, but I'm 25 going to make sure I do that, and I'll come back</p>
<p style="text-align: right;">58</p> <p>1 MR. CHAPPELL: I -- I beat Mr. Finkel, I 2 guess. So, Ms. Favali, you made a couple of 3 statements. I -- you know, your travel schedule 4 is -- is mostly discussing the future. As -- as 5 you've heard from your neighbors who have lived in 6 the neighborhood for 20-plus years, some who have 7 signed declarations under penalty of law, in that 8 past 20 years, you have not lived at the property, 9 based on their observations. I think you have 10 admitted that you have four-plus residents already 11 living at the property; is that correct? 12 MS. FAVALI: Well, the past 20 years, I 13 have not owned the property. I bought -- I'm 14 going to try to figure out when did I buy -- I 15 thought I bought it in 2011. I think you're off a 16 year. 17 MR. CHAPPELL: Okay. Since 2011. 18 MS. FAVALI: I didn't buy it -- Mr. 19 Finkel was here with the property before I ever 20 bought the property, though I was living with my 21 dad, not as my primary residence, until he passed. 22 Then I moved back to 6412 40th Avenue, University 23 Park, then I bought the house, rented rooms, then 24 I declared as my principal residence, somewhere 25 when I moved my -- and I can go through the state</p>	<p style="text-align: right;">60</p> <p>1 to you with my appeal -- how would that be -- or 2 my -- when I find the answer to that question. I 3 just saw your -- 4 THE HEARING EXAMINER: Wait. I can't -- 5 Ms. Favali, I can't -- you go too fast; I can't 6 understand you. 7 MS. FAVALI: I will get back with you 8 with that question, sir. 9 THE HEARING EXAMINER: No, you can't. 10 You can't. This is your shot, so -- 11 MS. FAVALI: This -- this is my 12 principal residence, yes, and I will tell you the 13 exact date when I call the state of Maryland to 14 switch it from University Park to 7709. 15 MR. CHAPPELL: Okay. 16 MS. FAVALI: All right. 17 MR. CHAPPELL: And can you also clarify? 18 You made a statement -- and I guess the court 19 record might have this -- that you turned 20 something over to your trust attorney when you 21 left Montgomery County. That seemed to be in the 22 last couple of years, but I -- I -- it -- I -- I 23 -- 24 MS. FAVALI: Before -- when I left 25 Montgomery County -- I was born in Montgomery</p>

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<p style="text-align: right;">61</p> <p>1 County, lived there for 48 years, moved out of 2 Montgomery County and took my six kids with me, 3 came back as soon as I could. I had -- between 4 leaving Montgomery County and probably 2002, 2003, 5 I had a trust attorney. He will be -- his name is 6 Francis Kreysa, K-R-E-Y-S-A. He is my trust 7 attorney. So, if I die, everything is taken care 8 of. Because I feel like an accident waiting to 9 happen with my bones, so -- and if anything 10 happens, everything is done. I owe nothing. Does 11 that answer your question? What was your 12 question, Dan? I'm sorry. 13 MR. CHAPPELL: I keep trying to 14 understand. You keep alluding that you've left 15 the county and you don't live at the property. 16 I'm just trying to understand the -- the claim 17 that you -- you do live there. I guess what -- my 18 last question, the people on this call don't 19 understand why you need the ADU. I know you're 20 citing the health issues, along with your -- your 21 extensive worldly travels. What is -- what is -- 22 what is the intent of the ADU? Are -- you're 23 going to move in there and continue to rent out 24 the primary individual rooms? 25 MS. FAVALI: I was -- I was trying to be</p>	<p style="text-align: right;">63</p> <p>1 should take, but I'm praying about it. And I'm 2 scared because I'm now at risk through a fall and 3 if another fall happens to me -- I just told you, 4 like, one of my housemates, Jeff, who's been there 5 for six -- four -- I know three years -- three 6 years. I know Jeff -- I don't know, so he's been 7 there two years. And I was there at January 6th. 8 I stayed at Bethesda, for sure, for the whole 9 January 6th. I have six -- five kids -- 10 THE HEARING EXAMINER: Uh-oh. 11 THE REPORTER: Did we want to go off the 12 record for a second? 13 THE HEARING EXAMINER: Yes, please. 14 THE REPORTER: Okay. 15 (Whereupon, a discussion was held off 16 the record.) 17 THE HEARING EXAMINER: Ms. -- 18 THE REPORTER: We're on. We're -- we're 19 back on the record. 20 THE HEARING EXAMINER: Thank you. 21 Ms. Favali, do you -- can you take your 22 camera and sit? Do you need to sit down? 23 MS. FAVALI: No, it's okay. It's okay. 24 I have to move my computer. It's okay. I'm fine. 25 I'm fine.</p>
<p style="text-align: right;">62</p> <p>1 proactive because I only got this diagnosis 2 January -- February -- I got this diagnosis June 3 25th -- or June 15th, that I have 4 osteochondrosis, which basically is my bones are 5 collapsing. So I am at risk for falls, severely, 6 so this ADU would be -- the counter tops would be 7 lowered. It would only really be for a 8 handicapped person. So, at Potomac Valley Nursing 9 Home, at Suburban Hospital, I -- I was able to 10 accommodate a wheelchair -- wheelchair, 11 everything, a wheelchair commode, a wheelchair, 12 everything. 13 That will probably happen to me again, 14 so -- because I couldn't even get into my bedroom. 15 It's an old house. I live upstairs. I like 16 living, you know, next to the fence, Alex. I like 17 to live upstairs. I was -- I was going to live -- 18 I was going to just, basically without any permit, 19 build upstairs, so I could actually be 35-feet up 20 like you -- or like you, Mr. Finkel, so, I'll be 21 up there looking. But then, ADU -- Montgomery 22 County is so into, it seems like, permitting ADUs, 23 it seemed like that would be my best thing to do. 24 I could -- there's many options. 25 MS. FAVALI: I don't know which option I</p>	<p style="text-align: right;">64</p> <p>1 THE HEARING EXAMINER: Now, I didn't 2 pick up -- your -- your connection froze. 3 MS. FAVALI: Oh, I'm sorry. 4 THE HEARING EXAMINER: No, it's -- can 5 the court reporter -- do you have the last topic 6 she was on? 7 THE REPORTER: Yeah. Let me see what I 8 have. Give me one second here. 9 THE HEARING EXAMINER: Can the court 10 reporter hear me? 11 THE REPORTER: Sorry. I was muted 12 again. Give me one second. I'm playing this. 13 Let me restart. 14 (Whereupon, the audio was played back.) 15 THE HEARING EXAMINER: Okay. Do you 16 want to add to that testimony because you froze 17 while you were speaking? Is there anything else 18 you want to add to that, Ms. Favali? 19 MS. FAVALI: No, that's fine. 20 THE HEARING EXAMINER: Okay. I see. 21 Mr. Chappell, did you -- were you finished with 22 your questions? 23 MR. CHAPPELL: No. It -- it -- it -- it 24 -- sorry. 25 THE HEARING EXAMINER: You'll get a</p>

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<p>65</p> <p>1 chance to do rebuttal. 2 MR. CHAPPELL: That's fine, I'll -- I'll 3 -- 4 THE HEARING EXAMINER: That's when I 5 hear you starting to go. 6 MR. CHAPPELL: Yeah. I think we've 7 established she has multiple tenants living in her 8 residence. 9 THE HEARING EXAMINER: Okay, don't -- 10 we're not there yet. We still have Ms. Bennet to 11 ask questions. Ms. Bennet, did you want to ask 12 questions? 13 MS. BENNET: Yes. Yes. I just wanted 14 to get a clarification from Ms. Favali about a 15 room rental license that she has, if she could 16 provide that, or some sort of -- she said there 17 was, on a page number -- I'm not from -- I don't 18 know the -- the -- how that all works, but it 19 sounded like she had some evidence that supported 20 that it was legal for her to be renting to 21 multiple tenants in the house. So, I didn't know 22 if we could get that information from you. 23 MS. FAVALI: Perfect. Can I talk now? 24 THE HEARING EXAMINER: Yes. 25 MS. FAVALI: So -- so, when I bought the</p>	<p>67</p> <p>1 MS. FAVALI: Perfect. Can I e-mail that 2 to Ms. Johnson? Ms. Johnson seems to be wonderful 3 at sending things out. Is that how it can go? 4 Because I didn't think you were supposed to send 5 me an e-mail, Alex. But yes, I can do that if 6 that's okay now. 7 THE HEARING EXAMINER: You can send it 8 to Ms. Johnson. What we do is we leave the record 9 open. We need ten days to get the transcript 10 typed up. So, we leave the record open, but you 11 would have to provide it by a certain date so that 12 -- before those ten days expire, and then we have 13 to give people a right to comment on it. So, if 14 you can get it in within -- 15 MS. FAVALI: I will have in it; yeah. 16 I'll just have to send it. I just have to go back 17 to my e-mail. And I can maybe do it right now, 18 because I think I sent it to -- 19 THE HEARING EXAMINER: What? No, don't 20 do it now. Don't -- don't do it now. Okay. All 21 right. 22 MS. FAVALI: But yes, the Montgomery 23 County knows that, every year -- exactly the names 24 of the tenants -- 25 THE HEARING EXAMINER: Understood.</p>
<p>66</p> <p>1 house, it's -- it's -- I've had the same room 2 rental license over the years, maybe the 11 -- ten 3 plus years -- I think it's 76210, but I'm not 4 completely sure -- and they asked me back in April 5 -- and they know who lives -- Montgomery County -- 6 I think -- now, I'm under oath, so I don't really 7 know for sure. But, you see, this landlord-tenant 8 book I got when I got my signed DCHA, they 9 actually sent me a survey back in May or April, 10 wanting to know who the tenants were, what their 11 car -- I believe -- oh my gosh -- who the tenants 12 were and where they worked for the Montgomery 13 County survey, and they want -- they were more 14 interested in me not raising rents for rent 15 stabilization, I believe. So, I actually sent 16 back in the bowels of -- and I can go pick that up 17 for you and send it to you by the -- by close of 18 business tomorrow. DCHA, they have my license for 19 every year. I just paid \$98 online, and they -- 20 and if there's ever a problem, they will come and 21 inspect. Did that answer your question? 22 MS. BENNET: Yes; and I would appreciate 23 it if you could e-mail that. I think you have all 24 our e-mails. If you could e-mail that to us, we 25 would very much appreciate that.</p>	<p>68</p> <p>1 MS. FAVALI: -- and the rooms they rent. 2 THE HEARING EXAMINER: Oh, you submit 3 those surveys every year to the county? 4 MS. FAVALI: I do, because I never 5 raising my rent. I -- I'm very proud of the fact 6 that -- 7 THE HEARING EXAMINER: They have the 8 names of the tenants? 9 MS. FAVALI: And that hasn't changed. 10 So, if you just go into -- if you go into room 11 rental, there's different kinds of licenses -- 12 which I'm not a pricer. I think I might have done 13 the wrong license, to be honest with you. But 14 from my point of view, I did a room rental license 15 for five -- for four or five rooms. They all have 16 to be, like, Egras (phonetic). 17 They all have to have smoke alarms. 18 They ought to have, like, some standards so you 19 don't kill them, actually. And I send that every 20 year. So, your bowels of their -- of your -- of 21 your -- should have them in there submitted months 22 ago. 23 THE HEARING EXAMINER: Okay. 24 MS. FAVALI: I have to do that every 25 year. I do not let anybody (indiscernible)</p>

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<p style="text-align: right;">69</p> <p>1 THE HEARING EXAMINER: Can you send us 2 the most recent survey that you've turned in? 3 MS. FAVALI: I will try to. Well, 4 actually, my computer -- in all honesty, no, 5 because I've had a -- with having no access to a 6 computer for five months, sometimes -- remember, I 7 was -- think about this. My kids wanted money. I 8 can't move. I can't go anywhere. I can't go to 9 the bank. I can't -- and I was frauded [sic]. 10 So, I -- in April, truth told -- this is 11 unbelievable. But in April, I sent a -- I'll do 12 it slow. I sent a \$500 check to IRS with an 13 extension to make sure I get the -- my taxes on 14 time, my check number, my date of birth, and my 15 soc with the extension; right? Now, that check 16 never got cashed. I did get a refund on my 17 TurboTax. However, last week -- or -- yeah, last 18 week -- I'm on oath. In the last two weeks, M&T 19 -- that \$500 check was presented to M&T, my bank 20 that I've had for over 20 years before I even left 21 my husband, and that was presented for 2,500. 22 That was frauded, so they shut down everything. 23 My computer got hacked. I cannot get access to 24 anything, ma'am. I'm kind of like -- 25 THE HEARING EXAMINER: Okay. Well, I</p>	<p style="text-align: right;">71</p> <p>1 correct, does Ms. Favali indeed live in the house, 2 and that's all we need to discuss. 3 THE HEARING EXAMINER: Okay. That -- 4 that's more rebuttal. Do I hear any more 5 questions? Okay. Seeing none, I'm going to let 6 those in opposition -- I'll take Mr. Finkel's 7 testimony, but this is your chance to, you know, 8 comment or make final evidentiary things to rebut 9 Ms. Finkel's testimony -- Ms. Favali's testimony. 10 So, if anyone wants to say something in closing, 11 or you can say whatever you want, you know, based 12 on what she testified to. So, does anyone have 13 final words? Those in opposition -- this is a 14 chance for those in opposition to either rebut 15 what she said factually or say what you want to 16 say. I see Ms. Bennet's hand up. 17 THE HEARING EXAMINER: Ms. Bennet. 18 MS. BENNET: Yes. I'm just finding it 19 very odd that she cannot support the fact that she 20 lives there, other than saying she has a 21 toothbrush in a medicine cabinet in a room, and 22 that somehow she can go in and out of the house, 23 and living there as her primary residence and 24 nobody can observe, in the neighborhood, when 25 we're all out and about doing our business and</p>
<p style="text-align: right;">70</p> <p>1 can ask DHCA for it. 2 MS. FAVALI: And they had this survey 3 and Xavier I know, told me to get this license and 4 not this license. There was a man there by the 5 name of Xavier. 6 THE HEARING EXAMINER: Okay. I think -- 7 okay. 8 Mr. Finkel, your hand is raised. 9 MR. FINKLE: So, just to clarify the 10 record, Ms. Favali raised an e-mail that I sent to 11 her in -- I don't know when, a couple of months 12 ago. After a conversation with one of our 13 neighbors, word got back to me that she was going 14 around the neighborhood saying that I was -- I was 15 suing her through this objection. I reached out 16 to her and said this is nothing against you or 17 your rights; this is -- we, as a neighborhood, 18 just want to understand the intended use of the 19 ADU and to make sure that the -- the ADU 20 application is truthful. 21 That's all we were trying to do, nothing 22 more than that. This is not a personal attack on 23 Ms. Favali. This is not a personal attack on her 24 rights. This has nothing to do with that. This 25 is -- simply comes down to, is the application</p>	<p style="text-align: right;">72</p> <p>1 living there and talking to one another as 2 neighbors and seeing each other on -- you know, as 3 we go, as any neighborhood would do. 4 I'm just finding it very strange that -- 5 I mean, I understand she's been injured for some 6 time, but, yet, she can go on a whole bunch of 7 vacations and trips and sailing trips. Which 8 seems dangerous to me, Flavia, just because you 9 could easily slip on a boat and just be -- that 10 could be your end. So -- 11 MS. FAVALI: I've always thought that. 12 Yeah. 13 MS. BENNET: -- your -- your -- your -- 14 your -- your -- it just doesn't add up. It 15 doesn't make sense to me if -- I came into this 16 very late, and -- when I filed my objection. I 17 think, you know, if there's more -- if we had more 18 time, we could, you know, take statements from the 19 tenants on whether she actually lived there or not 20 and do more to provide the evidence that I think 21 the Hearing Examiner is looking for. So, I -- I 22 -- I -- I just -- I just -- I am saying that just 23 in sum because it doesn't -- the -- none of this 24 adds up to me, so -- 25 THE HEARING EXAMINER: Okay. Anyone</p>

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<p>73</p> <p>1 else?</p> <p>2 MS. FAVALI: Can I say something?</p> <p>3 THE HEARING EXAMINER: It's not usually</p> <p>4 permitted, but, you, know go ahead.</p> <p>5 MS. FAVALI: To answer your question --</p> <p>6 THE HEARING EXAMINER: Well, first, let</p> <p>7 me first, let me just see if anyone else in</p> <p>8 opposition wants to say anything. Okay. Hearing</p> <p>9 none. Ms. Favali, all you're able to talk about</p> <p>10 is what Ms. Bennet just said. At this point in</p> <p>11 the statement, it's not a time for new testimony.</p> <p>12 It's not a time for anything else. You can only</p> <p>13 talk about what Ms. Bennet just said, which that</p> <p>14 -- which was, as -- as I understood it, she was</p> <p>15 saying, your testimony doesn't add up. But I</p> <p>16 don't want to have more testimony, because they</p> <p>17 will get an opportunity to rebut your extra</p> <p>18 testimony again.</p> <p>19 MS. FAVALI: So, I am single. I'm a</p> <p>20 member of Singles On Sailboats, and you can just</p> <p>21 go onto the website, and see my picture in Sicily,</p> <p>22 last -- this time last year; France, the year</p> <p>23 before. You -- you -- it all collaborates, yes.</p> <p>24 And it just so happens, I broke it a week after I</p> <p>25 got off to see a Cortez boat, and I'm going back</p>	<p>75</p> <p>1 THE HEARING EXAMINER: Okay. And --</p> <p>2 MS. FAVALI: And the survey, I'll try to</p> <p>3 retrieve from my restored e-mail, but I lost -- I</p> <p>4 lost just so much. It was just -- when you --</p> <p>5 when you get frauded, it's amazing what you lose,</p> <p>6 and I never realized that.</p> <p>7 THE HEARING EXAMINER: Okay. Okay. We</p> <p>8 -- I don't want any more testimony, okay? Because</p> <p>9 we're done with that. Now, the ten days ends</p> <p>10 August 7th. So, once she gets her license in,</p> <p>11 then people have the opportunity to comment within</p> <p>12 ten days. So, by August 7th. And then the record</p> <p>13 is closed. It -- it's -- it's not -- Mr. Finkel?</p> <p>14 MR. FINKEL: I'm sorry, I just have a</p> <p>15 question. What -- what is -- what is the -- what</p> <p>16 -- what is the license that we're seeking, and</p> <p>17 what is the intent of reviewing the license?</p> <p>18 THE HEARING EXAMINER: It's a license --</p> <p>19 what the code says is that you have the right to</p> <p>20 object. Ms. -- it's Ms. Favali's license, or the</p> <p>21 ADU; you're objecting to that. The code gives you</p> <p>22 the right to object if the director makes a</p> <p>23 preliminary finding that all the requirements are</p> <p>24 met. So, you're objecting to the director's</p> <p>25 preliminary finding that Ms. Favali lives at the</p>
<p>74</p> <p>1 on San Juan the end of August, when my doctor,</p> <p>2 hopefully, will clear me from this particular</p> <p>3 injury, yes. And I'm very blessed, I can go</p> <p>4 sailing, yes. I might as well sail while I can,</p> <p>5 is how I look at it.</p> <p>6 THE HEARING EXAMINER: Okay. Does</p> <p>7 anyone have any questions based on what Ms. Favali</p> <p>8 just stated? Okay. Hearing none. Ms. Favali,</p> <p>9 you said you could get your license to us.</p> <p>10 MS. FAVALI: Yes, I will do that to Ms.</p> <p>11 Nana Johnson by close of business tomorrow.</p> <p>12 THE HEARING EXAMINER: Okay. Can</p> <p>13 everybody make sure that Ms. Johnson has their e</p> <p>14 mail so -- because the only thing I'm going to do,</p> <p>15 at this point is leave the record open for ten</p> <p>16 days for Ms. -- so when do you think you can get</p> <p>17 that license?</p> <p>18 MS. FAVALI: I can do it right now, if</p> <p>19 you just want to give me -- I can do it right now,</p> <p>20 if you just give me two seconds.</p> <p>21 THE HEARING EXAMINER: No, you don't</p> <p>22 have to do it now; two seconds after is fine.</p> <p>23 MS. FAVALI: Okay. And I'll just -- and</p> <p>24 I'll just e-mail it to Nana Johnson. I'll try to</p> <p>25 copy and paste everybody else. Yes.</p>	<p>76</p> <p>1 house.</p> <p>2 MR. FINKEL: Okay.</p> <p>3 THE HEARING EXAMINER: So -- so -- so</p> <p>4 what I will do -- I have 30 days after August 7th,</p> <p>5 when the record closes. We are leaving the</p> <p>6 hearing record open to accept her rental license</p> <p>7 and to have anybody comment on the rental license,</p> <p>8 but nothing else; okay, and then -- then the</p> <p>9 record closes. There can't be any more</p> <p>10 submissions after August 7th. And then I have 30</p> <p>11 days to write my decision.</p> <p>12 So then, after I -- you will get an</p> <p>13 e-mail notifying you that I've issued my decision,</p> <p>14 and then if anyone disagrees with my decision,</p> <p>15 there's, I think it's, 30 days that you can appeal</p> <p>16 to the Circuit Court. But DHCA has to -- if I say</p> <p>17 she doesn't -- if I make a finding that she</p> <p>18 doesn't live there, then DHCA cannot issue the --</p> <p>19 they have to deny the license. If I make a</p> <p>20 finding that she does live there, then DHCA can</p> <p>21 grant the license, subject to all the other stuff</p> <p>22 that -- you know, housing codes, things that --</p> <p>23 that she would have to do.</p> <p>24 So, that's how -- the basic structure</p> <p>25 is, you're objecting to DHCC's -- DHCA's</p>

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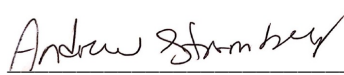
<p style="text-align: right;">77</p> <p>1 preliminary finding that Ms. Favali lives at the 2 premise as the primary residence, that it is her 3 primary residence. So, I have 30 days from August 4 7th, which would be September 6th, which may be 5 Labor Day, so, you know -- let me just see. Okay 6 -- 7 MS. BENNET: September 6th is a 8 Wednesday. 9 THE HEARING EXAMINER: -- it's not; it's 10 Wednesday. So, I have until August 6th to issue 11 the decision, and you will receive notification 12 from Ms. Johnson, that the decision has been 13 issued, as well as a copy of the decision. 14 MS. BENNET: I'm sorry. You said August 15 6th, but I think you meant September 6th. 16 THE HEARING EXAMINER: I did. 17 MS. BENNET: Okay. 18 THE HEARING EXAMINER: I did mean that. 19 So, right now, the record closes August 7th. Ms. 20 Favali is going to get her license to Ms. Johnson, 21 and Ms. Johnson is going to e-mail it to 22 everybody. If you -- if anyone feels that they -- 23 you may want to just send Nana your e-mails -- 24 just -- I wrote them down, but some -- sometimes I 25 get them wrong -- and then we can't get you the</p>	<p style="text-align: right;">79</p> <p>1 record open, probably for a little longer. 2 MS. BENNET: And does that require a 3 formal motion, or do we just do it by e-mail and 4 just submit it, and then you can reject it, or -- 5 THE HEARING EXAMINER: You -- you can 6 submit it as long as you copy everybody in this 7 hearing. 8 MS. BENNET: Okay. 9 THE HEARING EXAMINER: So, when Nana 10 sends you the license, okay, she's going to 11 include everybody on the e-mail. Now, keep in 12 mind that nobody can e-mail just me, because 13 that's ex parte. 14 MS. BENNET: Right. 15 THE HEARING EXAMINER: Anything you send 16 has to be copied to everybody. 17 MS. BENNET: Okay. 18 THE HEARING EXAMINER: So, is this -- as 19 this is going, the record is open until -- it's 20 open until August 7th. Do you think you can get 21 the additional information you want to get by 22 August 7th, or -- 23 MS. BENNET: If I can't -- if I can't, 24 may I ask for an extension of the closing of the 25 record? I don't know, because I need to see it.</p>
<p style="text-align: right;">78</p> <p>1 information. So, she'll e-mail that to Nana 2 today. Please give your e-mail -- make sure Nana 3 has your correct e-mails, and she will get it to 4 you. And you have until August -- until August 5 6th to comment on -- on the -- on what she 6 submits. Ms. Bennet, do you have your hand up 7 again? 8 MS. BENNET: Yes. I -- I just -- as far 9 as going to your being able to comment on the 10 license that she holds to have multiple tenants in 11 the house, are we able to supplement anything 12 related in -- into the record related to that 13 license? Can we submit something related to the 14 license in -- as a -- I'm just trying to 15 understand the procedures. So, we have an 16 opportunity, you said, until August 7th, once we 17 see the license, to comment on -- 18 THE HEARING EXAMINER: Well, usually, 19 it's just comments. I can -- I can let you submit 20 something, but then I need extra time for Ms. 21 Favali to comment on anything new you submit. 22 MS. BENNET: Okay. 23 THE HEARING EXAMINER: So, if she gets 24 it out to you, and you get -- you want to 25 introduce something else, I'd have to leave the</p>	<p style="text-align: right;">80</p> <p>1 So, I'm not -- I don't know. And I don't know 2 when I'm actually going to get it. 3 THE HEARING EXAMINER: You -- you could. 4 You could do that. 5 MS. BENNET: Okay. Thank you. 6 THE HEARING EXAMINER: What is it that 7 you want to get? 8 MS. BENNET: I'd rather not say at this 9 point. 10 THE HEARING EXAMINER: Okay. Well, what 11 I'll do is, I'll leave the record open until 12 August 7th. If you need an extension of time, you 13 send that request, and I'll decide whether it's 14 warranted or not. Okay? 15 MS. BENNET: Thank you very much. 16 THE HEARING EXAMINER: Okay. So, right 17 now, the record is open until August 7th. Ms. 18 Favali is going to get the rental license to Nana 19 today. Everyone make sure Nana has your correct 20 e-mails, and she will send it out as soon as she 21 gets everyone's e-mails. Do not copy -- do not 22 try to contact me individually. You can CC me on 23 what you submit, but don't copy me without copying 24 everybody else. All right? Okay. With that, 25 this hearing is adjourned. Any other -- well, let</p>

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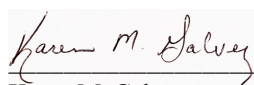
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1 me just say, because we've been through a lot of
2 stuff, any other questions? Okay.
3 MR. FINKEL: Thank you.
4 THE HEARING EXAMINER: Thank you very
5 much, and the hearing is adjourned.
6 MS. BENNET: Thank you.
7 MR. FINKEL: Thank you very much.
8 THE REPORTER: Stand by one second.
9 Okay, and then -- I guess everyone left. You guys
10 are good. Thank you.
11 MR. FINKEL: Thank you.
12 (Off the record at 11:29 a.m.)
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82

1 CERTIFICATE OF COURT REPORTER
2 I, Andrew D. Stromberg, the officer
3 before whom the foregoing proceedings were taken,
4 do hereby certify that said proceedings were
5 electronically recorded by me; and that I am
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.
9
10 
11 _____
12 Andrew D. Stromberg, Court Reporter
13
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83

1 CERTIFICATION OF TRANSCRIPT
2 I, Karen M. Galvez, do hereby certify
3 that the foregoing transcript, to the best of my
4 ability, knowledge, and belief, is a true and
5 correct record of the proceedings; that said
6 proceedings were reduced to typewriting under my
7 supervision; and that I am neither counsel for,
8 related to, nor employed by any of the parties to
9 this case and have no interest, financial or
10 otherwise, in its outcome.
11
12 
13 _____
14 Karen M. Galvez
15 Planet Depos, LLC
16 August 7, 2023
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