

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND

Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660

www.montgomerycountymd.gov/content/council/zah/index.asp

IN THE MATTER OF THE OBJECTION TO *
ACCESSORY APARTMENT LICENSE #95924 *
907 Nora Drive, Silver Spring MD 20904 *

OZAH Case No. ADO 25-01

Karen Roberts Franklin¹ *
Lisa O’Conner *
Lyle Isaacs *
Mayer Schofer *
Objectors *

Arlton Santos *
Applicant *

David Johnson *
DHCA Inspector *
Clifton Bouma *
DHCA Supervisor *

Before: Kathleen E. Byrne, Hearing Examiner

HEARING EXAMINER’S REPORT AND DECISION

Table of Contents

I. CASE SUMMARY 2
II. SUMMARY OF EVIDENCE AND TESTIMONY 3
III. GOVERNING LAW 10
IV. OPINION AND ANALYSIS 11
V. CONCLUSION AND ORDER 14

¹ The OZAH case file contains 22 separate objections to Application No. 95924. In addition, the following individuals (Barry Wides, Elizabeth Kelly, John Franklin, Shelley Lemond, Patricia Brennan, William Rowles, Robyn Schofer, Suzanne Isaacs) submitted additional documents in objection and were either not present at the hearing or chose not to speak during the hearing.

I. CASE SUMMARY

This case stems from an objection filed pursuant to a preliminary inspection decision issued by the Department of Housing and Community Affairs (“DHCA”) regarding an Accessory Dwelling Unit (“ADU”). On March 21, 2024, the Applicant applied for an attached ADU at **907 Nora Drive, Silver Spring, Maryland 20904** (Property). In response to this application DHCA assigned the pending application the number 95924. DHCA conducted a preliminary inspection on May 1, 2024. On May 2, 2024, Inspector David Johnson issued a preliminary inspection report finding the property had been properly posted and the site contained adequate onsite parking. Exhibit 3. In addition, the preliminary inspection report identified 23 separate line items that must be met prior to issuance of ADU license. *Id.* Item #1 states as follow: “The property must be occupied by the homeowner(s), who may reside in the principal dwelling or in the ADU. The ADU must have the same address as the main house.” *Id.* On August 22, 2024, Karen Roberts Franklin, Objector, filed an Objection to DHCA’s Preliminary Inspection Report for Accessory Dwelling Unit License No. 95924. Exhibit 1. Ms. Roberts Franklin identified the basis for her objection being that 907 Nora Drive is not the Applicant, Mr. Santos’s, primary residence². *Id.*

OZAH scheduled a public hearing for September 19, 2024.³ The public hearing proceeded as scheduled. The Applicant, Mr. Arilton Santos, Ms. Estefan Santos, the Applicant’s daughter, and Mr. Christopher Santos, the Applicant’s son, testified in support of his application. The following individuals testified in objection to the Application and in opposition to DHCA’s

² All of those who filed separate objections and/or appeared at the public hearing in opposition to the pending ADU application provided the same basis of objection, i.e. the Applicant does not reside at 907 Nora Drive.

³ The Montgomery County Code Requires OZAH to hold a public hearing on an objection within 30 days of receiving it. *Montgomery County Code*, §29-26(b)(2)(4).

findings, Ms. Lisa O’Conner, Ms. Karen Roberts Franklin, Mr. Lyle Isaacs, Mr. Mayer Schofer, (collectively referred to as Opposition or Objectors). Mr. David Johnson, Housing Code Inspector II, testified to the Preliminary Inspection Report, site visits and his findings. Mr. Clifton Bouma, Supervisor, DHCA, testified to specific DHCA policies regarding ADU occupancy and application. The Hearing Examiner held the record open at the conclusion of the hearing for 10 days to allow for the generation of a transcript of the proceedings and to allow Ms. Santos the opportunity submit copies of e-mail exchanges between her father and DHCA.

Based on the evidence presented, the Hearing Examiner finds that the objections to the license application be denied at this time because the Application cannot be denied based on the Applicant’s failure to currently occupy the Property nor a future intent to occupy the proposed accessory dwelling unit because the unit has yet to be constructed.

II. SUMMARY OF EVIDENCE AND TESTIMONY

Mr. Santos when asked by the Hearing Examiner where he lived responded that he lived at 904 Nora Drive, not 907 Nora Drive. T. 15. When asked about the conditions at 907 Nora for the proposed ADU, Mr. Santos explained that the current condition of the garage apartment is “very hard” and that his building permits are ready to start the remodel the garage apartment at 907 Nora, but no work has started yet on the Property. T. 18-19. The Hearing Examiner explained it was her understanding that as the applicant he must be living “now” in the property. T. 15. Ms. Estefan Santos, the Applicant’s daughter, testified that upon submittal of the Application her father explained that he did not live at 907 Nora Drive, but was planning to live in the ADU once the structure was built. T. 16. She further explained that Mr. Santos submitted a letter to Mr. Clifton Bouma with DHCA explaining his intent to occupy the ADU at 907 Nora Drive after completion of construction. T. 17, Exhibit 20 Ms.

Estefan Santos also testified that the affidavit affirming occupancy as required was signed in person at the DHCA offices on April 1, 2024. T. 21. In the email exchange between Mr. Santos and Mr. Bouma, Mr. Santos acknowledges not signing the affidavit as of March 28, 2024, but responded on April 1, 2024 that he would bring a signed copy that day. Exhibit 42. Ms. Santos explained that a tree at 907 Nora Drive was removed to accommodate access and provide enough parking for the new ADU. T. 23.

Ms. Santos added that it was her belief that the arguments raised by those in opposition were not valid. T. 24. Specifically, she argued the evidence put forth by the objectors that her father had three primary residences to be invalid information. She acknowledged that her father owned both 904 and 907 Nora Drive and that today her father's primary occupancy is at 904 Nora Drive and that primarily dwelling at 907 Nora Drive is rented out. T. 24. In addition, she explained that "717" was her brother's primary address. T.24. Mr. Santos affirmed his daughter's statement that 907 Nora Drive is currently rented out with a year's lease expiring in June 2025. T. 25. It is his intention to keep the primary dwelling at 907 Nora Drive rented out and hopefully continue renting to the current tenant. T. 25. Mr. Christopher Santos, Mr. Santos' son testified that, while his father's name is on the deed, he is the owner of 717 Tanley Road and it serves as his primary residence. T. 30. He, Christopher Santos, receives the homestead tax credit at 717 Tanley Road. T. 30.

Ms. Lisa O'Conner testified as the first objector to the subject application. Ms. O'Conner referenced OZAH Case No. ADO 23-06, regarding ADU License No. 151423 where the Hearing Examiner found after reviewing the evidence before her that the applicant did not occupy the subject property as her primary residence and granted the objections filed,

ordering DHCA deny the application for an accessory dwelling unit.⁴ Ms. O’Conner referenced Exhibit 34, a 66 page exhibit with photos of a several cars with various license plates parked in the driveway and at the rear of the property on Renick Lane. Ms. O’Conner argues that that these photographs link the identities of those renters through the license plates and the location of the cars and the coming and going of the occupants at different entrances demonstrates the prior tenants were not related or familiar with each other, used separate entrances and today there exists 2 distinct rental units within the primary residence at 907 Nora Drive. T. 32, Exhibit 34. Ms. O’Conner explains that it has been a “10-year journey for us” and expressed her frustration with the entire process. T. 33. Ms. O’Conner identified 13 specific reasons why Mr. Santos and the pending application should be denied in Exhibit 35. During her testimony Ms. O’Conner focused on the fact that Mr. Santos does not live at 907 Nora Drive and testified to his long history of violations and unauthorized uses at both 907 Nora and 904 Nora Drive. T. 35-36. Specifically, Ms. O’Conner argues that this noncompliant history calls into question his future intent for 907 Nora Drive. T. 36. Ms. O’Conner referenced OZAH Case No. 23-06 arguing that facts in that case were similar to the facts presented in this case, i.e. multiple parties renting the Property and applicant ownership of multiple properties. T. 38. Ms. O’Conner further argued that the Hearing Examiner in OZAH Case No. 23-06 relied a Maryland Supreme Court case that focused on “intent”, that it’s what “you do” that is important here and that Mr. Santos has a track record of non-doing and not following up. T. 38-39. She requested that this Hearing Examiner review the present case in the same way that the Hearing Examiner did in ADO 23-06. T. 39.

Karen Roberts Franklin a neighbor who has lived on Tanley Road since 1959 testified

⁴ See [Favali Report and Decision.pdf](#)

in opposition regarding the deficiencies in subject application, specifically that Mr. Santos does not live at 907 Nora Drive and that 904 Nora Drive is Mr. Santos. T. 40-41 Ms. Roberts Franklin expressed great concern that the County would entertain the application given that tax records show Mr. Santos has had 2 principal residences for at least 10 years. T. 41. Ms. Roberts Franklin also referenced the letter and other documentary evidence submitted by Mr. Barry Wilkes in which Mr. Wilkes alleges Mr. Santos operates an illegal ADU above the garage at 904 Nora Drive. T. 42, Exhibit 9(b).

Mr. Lyle Isaacs a neighbor also testified in opposition reiterating prior testimony that Mr. Santos himself stated his primary residence is 904 Nora Drive, not 907 Nora Drive. T. 44. Mr. Isaacs further referenced his full written testimony in which he outlined Mr. Santos homestead tax applications. T. 44. Mr. Isaacs noted that Mr. Santos has approved homestead tax applications for 904 Nora Drive but was denied homestead status at 907 Nora Drive on November 18, 2015. Exhibit 40. Mr. Mayer Schofer a neighbor also testified in opposition, but not wanting to be redundant referred to his written testimony at Exhibit 39 and reiterated what those who previously testified in opposition, i.e. how can Mr. Santos receive approval for an ADU when 907 Nora Drive is not his primary residence. T. 46.

David Johnson testified in his capacity as an inspector with the DHCA. T. 46. The Hearing Examiner asked Mr. Johnson to tell her everything he knew about the pending application. T. 47. Mr. Johnson recalled receiving a complaint for work without permits at 907 Nora Drive, but the investigation shifted to potential illegal accessory dwelling units at both 907 and 904 Nora Drive. T. 48. Mr. Johnson described receiving multiple service requests for illegal accessory dwellings at both properties, noting at 907 Nora the complaint was for an illegal dwelling in the basement and at 904 Nora the illegal dwelling was over the garage. T.

49. Mr. Johnson prepared to inspect both properties with Mr. Santos on March 20, 2024, but was unable to obtain entrance to the interior of either property. T. 50-52. At that time Mr. Johnson determined he did not have enough evidence of an illegal ADU in the basement of 907 Nora, but he discussed with Mr. Santos the construction of an accessory dwelling unit at 907 Nora as an attached structure in the rear of the property. T. 52. Mr. Johnson described to Mr. Santos the permitting/licensing process involved in obtaining that kind of approval and understood from the conversation that Mr. Santos had begun the ADU application process. T. 52-54. Mr. Johnson was assigned to conduct the preliminary inspection as part of Mr. Santos' application for an attached ADU at 907 Nora Drive. T. 54. Mr. Johnson scheduled his preliminary inspection for 907 Nora Drive on May 1, 2024. T. 54. Due to the outstanding service requests for illegal accessory dwellings, Mr. Johnson needed to inspect both 907 Nora Drive and 904 Nora Drive on May 1, 2024 to affirm that no accessory dwelling unit existed at either property because DHCA "can only grant one accessory dwelling unit." T. 54. During the May 1, 2024 inspection of the space over the garage at 904 Nora Drive, Mr. Johnson determined an illegal accessory dwelling unit existed in that space and issued a notice to Mr. Santos explaining how to abate the violation. T. 55. Mr. Johnson testified that a citation for the illegal accessory dwelling unit at 904 Nora Drive was issued. T. 56. When Mr. Johnson returned on May 8, 2024 to 904 Nora Drive, he observed the cooking equipment had been removed and that area was being converted into an office space. T. 58-59. Based on these observations, he closed the illegal accessory dwelling violation for 904 Nora Drive on May 8, 2024.⁵ T. 59.

⁵ Based on the testimony, it is the Hearing Examiner's belief that the citation for the illegal ADU at 904 Nora Drive remains active. However, the Hearing Examiner did not seek clarity from Mr. Johnson on the status of the ADU violation at 904 Nora Drive.

Mr. Johnson explained that when seeking an application for an ADU, the applicant must permit inspection of both the primary and secondary dwelling because the owner has a choice of which dwelling to occupy. T. 57-58. During his inspection of 907 Nora Drive on May 1, 2024, Mr. Johnson found “approximately 5 housing violations” that would need to be corrected. T. 57. On May 8, 2024, the previously identified housing violations were corrected, and the prior tenants had moved out. T. 59. Mr. Johnson testified that 907 Nora Drive had a history of operating an accessory dwelling unit in the basement, but based on his inspection on May 8, 2024, even though he found cooking equipment in the basement, no separation between the basement and first floor area of the structure existed. T. 59-61. Mr. Johnson explained that a secondary kitchen is permissible, but that it is the separation between the 2 areas that creates the second dwelling unit and without that separation between the two spaces no illegal accessory dwelling unit violation was found that 907 Nora Drive, i.e., the Property contained only one dwelling unit. T. 61.

When the Hearing Examiner asked about the tax records identifying both 904 and 907 Nora Drive as Mr. Santos primary address, Mr. Johnson explained that those records are a tool for enforcement, but not relied upon for code enforcement. T. 63-65. Mr. Johnson explained that in his experience when inspecting for accessory dwelling unit licenses, an applicant only need indicate his intent to reside in either the primary or secondary dwelling and does not need to be living at the property at the time the application is submitted. T. 65-67. Further he explained that this practice not requiring concurrent occupancy, but instead that the applicant sign an affidavit asserting of future residence of the property as part of the application process occurs regularly for a variety of reasons including properties under construction, individuals in the military, etc. T. 66-67. Mr. Johnson further explained that prior to the issuance of the

license, the owner must confirm occupancy with the licensing by showing a driver's license with the subject property address, bills, etc. T. 68, 71.

Mr. Clifton Bouma, Program Specialist with DHCA testified verifying the ADU application process testimony provided by Mr. Johnson and further explained that DHCA accepts an affidavit from the applicant that essentially says “yes, I do not live here now, but I will when this is done” and that DHCD requires submission of official proof of residence prior to approval. T. 74. Mr. Bouma testified that DHCA received guidance from the County Attorney's office that a rental license for a single-family dwelling could be issued pending the approval of an ADU at the same property. T. 75. When the Hearing Examiner asked at what point would the current single-family dwelling rental license change to add the ADU, Mr. Bouma testified it was his belief that once construction was complete and Mr. Santos was able to provide proof of primary residency then the accessory dwelling unit license would issue. T. 76-77. When the Hearing Examiner asked Mr. Bouma about enforcement, he stated DHCA would deny the application and not issue the license if DHCA found the owner not to be occupying the property. T. 77. The Hearing Examiner asked Mr. Bouma if the policy of allowing applicants to apply for the ADU license without living at the property was written down. T. 86. Mr. Tom Howley responded that he believed there was an opinion from the County Attorney and that he would check the status of that opinion.⁶ T. 86.

At the conclusion of the County's testimony, Ms. O'Conner and Ms. Roberts Franklin reiterated their objection focusing on the fact that 904 Nora Drive has been Mr. Santos primary residence, the existence of the illegal ADU at 904 Nora Drive, and the history of

⁶ The exchange between the County Attorney's Office and representatives of DHCA was deemed attorney/client privilege and therefore, not available. *See* Exhibit 45, Email from Tom Howley

noncompliance at both 904 and 907 Nora Drive. T. 81-84. Mr. Santos expressed his frustration with this appeal, in that he cannot live at 907 Nora Drive until he builds the ADU. T. 79. He again stated it was his intent to move to 907 Nora Drive and his daughter would live at 904 Nora Drive. T. 79.

III. GOVERNING LAW

Chapter 29, Section 19 of the Montgomery County Code identifies the procedure and criteria for the licensing of accessory dwelling units. The use standards for ADUs are found in Section 59.3.3.3 of the Zoning Ordinance. An owner of a lot or parcel in a zone that permits accessory dwelling units must obtain a license to operate an accessory dwelling unit to either live in or to rent. *Montgomery County Code*, §29.19.b.1. The Code requires the Director of DHCA to

- (D) issue a report on all required findings within 30 days after the date the application was accepted by the Director;
- (E) post a copy of the Director's report on findings on the internet web site identified on the applicant's sign; and
- (F) issue or deny a new license 30 days after the issuance of the Director's report unless:
 - (i) a timely objection is filed under Section 29-26; or
 - (ii) improvements to the property are required before the license may be approved.

Id.

In order to satisfy the occupancy requirement,

- (B) the principal dwelling or accessory dwelling unit is the primary residence of the applicant for an accessory dwelling unit rental license. Evidence of primary residence includes:
 - (i) the owner's most recent Maryland income tax return;
 - (ii) the owner's current Maryland driver's license; or
 - (iii) the owner's real estate tax bill for the address of the proposed accessory dwelling unit;

Id.

Further Montgomery County Code Chapter 29, Article III, Section 26, Subsection

(b)(2) sets forth the rules for objecting to any new ADU license, including the right of any aggrieved person to object to “any finding of fact by the [DHCA] Director.” *Montgomery County Code*, §29.26.b.2. Pursuant to Subsection (b)(5), “The Hearing Examiner may only decide the issues raised by the waiver or objection.” The objectors are challenging DHCA’s preliminary finding of fact as part of the preliminary inspection process that the Applicant intends to live at 907 Nora Drive as his primary residence.

It is a well settled principal of land use law that a permit “cannot be denied because of the fears expressed that the person maintaining the use will use the premises under the permit in a manner not permitted thereby, in violation of the ordinance.” 3 RATHKOPS THE LAW OF ZONING AND PLANNING §61:41 ISSUANCE DEPENDENT ON COMPLIANCE WITH STANDARDS – INVALID DENIAL – IMPERMISSIBLE FACTORS (4th Ed.). Where the requirements set forth in the ordinance have been met, the board may not deny the applications for absence of proof applicant will be a "good neighbor." *Miller v. Kiwanis Club of Loch Raven, Inc.*, 29 Md. App. 285, 298, 347 A.2d 572, 580 (1975). For the board to assume an applicant will not abide by the restrictions placed on it or deny an application based on some future fear would be arbitrary and capricious. *Id.*

IV. OPINION AND ANALYSIS

Mr. Santos wishes to construct an ADU at 907 Nora Drive. The evidence clearly shows that today and at the time of application 904 Nora Drive is/was Mr. Santos’ primary residence. All the parties agree that 904 Nora Drive currently serves as Mr. Santos’ primary residence. One would think that that fact alone on its face should be enough to grant the objections as filed by the Objectors, however, this appeal is taken from a Preliminary Inspection Report dated May 2, 2024. Exhibit 3. The Preliminary Inspection Report identifies requirements that “must be met for the ADU license to be approved”. Occupancy of the Property as the Applicant’s primary residence is one of those requirements that must be satisfied at the time the license is issued. The issuance of a preliminary inspection report is not the same

action as the issuance of the ADU license. Mr. Johnson testified that the preliminary inspection is one step in a multi-step approval process for an ADU. Both Mr. Johnson and Mr. Bouma testified that DHCA regularly process ADU applications when the applicant does not, at the time of application, reside in the property seeking the ADU. Both Mr. Johnson and Mr. Bouma testified to the policy in place at DHCA that allows applicants to prove after the preliminary inspection, but before issuance of the ADU license that the subject property will serve as their primary residence. Ms. Santos testified to the submission of the required affidavit on April 1, 2024 where her father swore to occupy 907 Nora Drive as his primary residence upon completion of construction of the ADU. In addition, emails and correspondence in the record between Mr. Santos and DHCA also indicate his intent to occupy the property upon completion of construction.

The Opponents argue that the facts presented in Case No. ADO 23-06 as decided by an OZAH Hearing Examiner are similar and that final decision should be persuasive in the instant case presented. The Hearing Examiner agrees that the issue of owner's primary residence serves as the basis of both appeals, but the Hearing Examiner disagrees with the assertion that facts presented regarding occupancy in ADO 23-06 are the same as those presented in the instant case. The Code requires that an Applicant either occupy "the principal dwelling or accessory dwelling unit" as his or her primary residence. *Montgomery County Code*, §29.19.b.1.B. Proof of occupancy requires that the owner provide to DHCA either the owner's most recent Maryland income tax return; the owner's current Maryland driver's license; or the owner's real estate tax bill for the address of the proposed accessory dwelling unit. *Id.* The Objectors and the Hearing Examiner learned during the hearing that it is DHCA's policy and practice to allow applicants to first swear they will occupy the subject property as their primary residence when submitting the initial application, but then require applicants provide that "proof of occupancy" in the forms provided in the Code just prior to issuance of the ADU license. Based on the evidence presented the Hearing Examiner finds Mr. Santos satisfied the conditions required at application stage by DHCA to show his intent to occupy the Property after construction is completed.

In ADO 23-06, the Applicant never clearly established where she lived to the satisfaction of the Hearing Examiner.⁷ She alluded to the fact that the property that was the subject of the ADU license was indeed her primary residency at the time of application and hearing, but never provided proof of said occupancy. *Id.* The Hearing Examiner found the Applicant’s claims of occupancy to be in opposite with the testimony of other witnesses she found credible and the evidence before her. *Id.* In the instant case, at no time did any witness assert 907 Nora Drive was Mr. Santos primary residence.

The Opposition in the instant case referenced the *Oglesby v. Williams*,^{372 Md. 360, 373-375 (2002)} as cited by the Hearing Examiner in ADO 23-06 decision for the proposition that it is the “intent” of the applicant that matters. Further arguing that this case requires denial of the application because of the Mr. Santos past action of not following through with what is “on paper” and his pattern of non-doing that matters when determining principal residency, i.e., his past practice show his intent not to occupy 907 Nora Drive. T. 39. The *Oglesby* case stated, “[t]he controlling factor in determining domicile is his intent.” 372 Md. at 374. The Court in *Oglesby* sought to determine current residency of a candidate for the Office of State’s Attorney by applying the facts presented along with the actions and intent of candidate to determine his “domicile” prior to and at that moment in time when he chose to run for office. *Id.* at 375. Mr. Santos never claimed that 907 Nora Drive was his primary residence. He was denied homestead tax credits at 907 Nora Drive. 904 Nora Drive currently serves as his primary residence. The Hearing Examiner disagrees with the Opposition’s assertion that the *Oglesby* Court’s discussion of intent is applicable here. While the Hearing Examiner finds a long history of calls for service violations at 907 Nora Drive and 904 Nora Drive and DHCA’s issuance of notices of violation and citations resulting from inspections of both properties, prior violations do not equate a lack of intent by Mr. Santos that he will 1) not provide required proof to DHCA of occupancy prior to the issuance of the ADU license and 2) not use 907 Nora Drive as his primary residence.

While the Hearing Examiner finds of the Objectors history with both 907 and 904 Nora Drive

⁷ See ADO 23-06, *Favali*, pg.21-23

compelling and understands the basis for their future concerns regarding this license application, the Hearing Examiner cannot order DHCA to deny the application based on the possibility of a future violation or illegal action by Mr. Santos after the ADU license is issued. Per long standing land use principals, to do so would be arbitrary and capricious. The Hearing Examiner relies on the experts at DHCA to properly issue the license, inspect and enforce the County Code.

V. CONCLUSION AND ORDER

For the foregoing reasons, the Hearing Examiner hereby ORDERS , on this 29th day of October 2024, that the **OBJECTIONS** filed to the Director’s findings in the License Application 95924 for the accessory dwelling unit located at 907 Nora Drive, Silver Spring, Maryland is **DENIED**; and it is further

ORDERED, that the Applicant Mr. Arilton Santos permit the inspection by DHCA of the area above the garage at 904 Nora Drive within the next 30 days to verify the area is not used as a dwelling unit, and it is further

ORDERED, that the Applicant, Mr. Arilton Santos immediately prior to the issuance of the ADU license at 907 Nora Drive permit DHCA access to the area above the garage at 904 Nora Drive to verify the area is not used as a dwelling unit, and it is further

ORDERED, that the Applicant, Mr. Arilton Santos provide all the following forms of proof of occupancy to DHCA prior to issuance of the ADU License for 907 Nora Drive:

- 1) Driver’s License identifying 907 Nora Drive as Mr. Arilton Santos primary residence,
- 2) Car registration identifying 907 Nora Drive as Mr. Arilton Santos primary residence,
- 3) Tax return identifying 907 Nora Drive as Mr. Arilton Santos primary residence, and
- 4) Proof from State Department of Maryland assessments and taxation that 904 Nora Drive is no longer Mr. Arilton Santos principal address.

And it is further,

ORDERED, that failure to satisfy the terms of this Order will result in the denial by DHCA of the license application.



Kathleen Byrne
Hearing Examiner

COPIES TO:

Mr. Arilton Santos
Ms. Karen Roberts Franklin
Ms. Lisa O’Conner
Mr. Lyle Isaacs
Mr. Mayer Schoffer
Mr. John Franklin
Ms. Patricia Brennan
Ms. Shelley Lemond
Mr. William Rowles
Ms. Elizabeth Kelly
Ms. Robyn Schofer
Ms. Suzanne Isaacs
All others who filed individual objections to the Application
David Johnson, DHCA
Clifton Bouma, DHCA

NOTICE OF RIGHT TO APPEAL

Any party aggrieved by the Hearing Examiner’s decision on a waiver may request the Montgomery Circuit Court to review the Hearing Examiner’s final decision under the Maryland Rules of Procedure within 30 days of the date of the decision. Appeal to the Circuit Court does not automatically stay the Director’s authority to take action on the license application. Contact for the Circuit Court is as follows:

Montgomery County Circuit Court
North Tower, 1st Floor, Rm 1200
50 Maryland Avenue, Rockville, MD 20850.
Phone: (240) 777-9401
Hours: Monday-Friday, 8:30 am to 4:30 pm
<https://www.montgomerycountymd.gov/cct/departments/civil-department.html>.