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Cc: [Behanna, Sara](#)
Subject: LMA H-149 - Glenmont Forest
Date: Tuesday, July 9, 2024 1:20:41 PM

All,

This email is being sent to every person other than the Applicant's witnesses who provided an email address to OZAH at the hearing or submitted signed written testimony and/or provided an email address as part of that submission. An envelope was received by OZAH with 4 copies of Exhibit 66 – Written Testimony of Vicki Vergagni, but signed by the following 4 people from Glen Waye Gardens Condominium Association – Jonathan Robins – VP, Djonggi Lubis – At-Large, Elizabeth Tangvatchrin - Treasurer and Dorothy Hunt – Secretary. The envelope was found under OZAH's door on Monday, July 8, 2024. At the conclusion of the hearing on June 14, 2024, I stated that if the other Board Members of Glen Waye Gardens wished to be considered parties of record that I would leave the record open for the Glen Waye Gardens Board Members to "send an actual document with their signature requesting that they are a party of record" and that they could submit that letter "via E-mail with their signature." I said the record would be left open for an additional 21 days or until such time as the final two documents requested could be received from counsel for the Applicant. OZAH received the documents from the Applicant on July 3, 2024, but did not close the record until July 5, 2024 due to the holiday. July 5, 2024 was 21 days after the hearing. Resending Exhibit 66 with their individual signatures is not what I requested the board members do.

Rule 3.1 of OZAH's rules of procedure states as follows:

3.1 Parties of Record.

- a) *Under these Rules, "parties of record" include applicants for a zoning action or a conditional use, individuals and organizations testifying at an OZAH public hearing and those who have requested and been approved by the Hearing Examiner to be parties of record. Anyone may testify at the OZAH public hearing and will be automatically considered a party of record. Testifying before the Planning Board or other agency will not make a person a party of record to an OZAH proceeding.*
- b) *Persons who do not wish to testify may request to be classified as a party of record by filing a written request, signed by the individual or an authorized agent, and demonstrating that other parties of record will not adequately represent the interests of the person or organization seeking to become a party of record.*
- c) *All parties of record must provide contact information, including an address, telephone number and email address.*
- d) *Being designated or not designated as a party of record as defined in these Rules does not determine a person's right to appeal to the courts or to request oral argument before the Council or the Board of Appeals. The person's right to appeal or request oral argument is governed by the Zoning Ordinance and by state law.*

With all this said, even though Ms. Veragani may adequately represent the other board members, based on the statements made by me at the conclusion of the hearing I will accept the signatures of

Exhibit 70
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the 4 board members of Glen Waye Gardens Condominium Association on the written testimony as submitted by Ms. Vergagani as their individual indication that they wish to be considered parties of record and as so designate each of them as a party of record in this matter. Because the envelope was found on the Monday with no postmark after the record closed on Friday and no one was in the OZAH office on Friday July 5, 2024, I'll consider the "requests" as being timely filed. These 4 duplicate letters will not be considered separate exhibits, but the 4 individuals will be now considered additional parties of record.

PLEASE NOTE - Jonathan Robins, Djonggi Lubis, Elizabeth Tangvatchrin, and Dorothy Hunt MUST send their individual mailing addresses, phone numbers and email addresses to OZAH for the record.

This email will be included in the record as Exhibit 70.

Katy Byrne

*Kathleen Byrne
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For more helpful Cybersecurity Resources, visit:
<https://www.montgomerycountymd.gov/cybersecurity>