

Exhibit 5

Excerpts from OZAH Case No. ADO 25-02 Where Flavia Favali Contradicts Herself or Evidence Does Not Support Her Claims

- Statement of Need for ADU
 - **pg 2 - states in 2023 she provided a copy of her license and in 2024 she provided her property tax bill**
 - See 2023 Hearing Examiner Report - pg 21 of 24:
 - Even applying the more liberal presumption that it means “domicile,” it is clear to the Hearing Examiner that 7709 Oldchester Road is not Ms. Favali’s primary residence
 - There are only two factors presented to support Ms. Favali’s contention that she intends this to be her domicile. While her driver’s license is not in the record, the Hearing Examiner presumes that it lists the subject property as her address based on Mr. Chappell’s testimony. She also mentions that the tax records may show this as her principal residence, but these are not in the record.
 - The Hearing Examiner found none of Ms. Favali’s testimony credible. Her demeanor was evasive, branching off into other topics when asked direct questions about her residency. Her testimony was also contradictory a... Examples of this are numerous.
 - See 2024 Hearing Examiner Report - pg 7 of 16
 - When Ms. Favali was asked about her driver’s license she stated it was Maryland with the 7709 Oldchester address. T. 80-81. However, Ms. Favali failed produce a copy of her driver’s license for the Hearing Examiner.
 - See 2023 Hearing Examiner Report - pg 4 of 24:
 - Footnote: [4] A copy of Ms. Favali’s driver’s license is not in this record.
 - See 2024 Hearing Examiner Report - pg 7 of 16
 - When asked what address Ms. Favali puts on her person income tax return Ms. Favali stated she uses 4222 Kennedy Street address.
 - See 2024 Hearing Examiner Report pg 12 of 16
 - The Hearing Examiner finds Ms. Favali’s failure to submit her driver’s license significant considering the language in the prior HE Report in which she found the failure by Ms. Favali to produce a copy of her driver’s license problematic. Additionally, the Hearing Examiner finds significant the fact that Ms. Favali provided no witness to support her claim of occupancy, not even the current tenants at the subject property.
 - **pg 2 - states petitioner has resided at her primary home since June 2023**

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- See 2023 Hearing Examiner Report - pg 22/23 of 24:
 - Ms. Favali's own testimony again undermines her contention that she lives at the property. She testified that she relies on a neighbor, "Eileen" to inform her of complaints in the neighborhood. More recently, Eileen informed her of the neighborhood's reaction to her ADU license application. If Ms. Favali lived at the residence, she would not need another neighbor to inform her of problems at the premises
- **pg 3 - petitioner notes her brittle and fragile bones and mortality**
 - See 2023 Hearing Examiner Report - pg 21 & 22 & 23 of 24:
 - Nor is the Hearing Examiner convinced by Ms. Favali's testimony that she intends to live in the ADU in the future because it is handicapped accessible. The stark difference between her description of her ailments and her contradictory plans to go sailing for months at a time does not reassure the Hearing Examiner that this is her intent. Nor is the Hearing Examiner reassured by the contradictory and evasive testimony demeanor Ms. Favali displayed at the public hearing.
 - When the Hearing Examiner questioned her repeatedly about where she lived prior to entering the hospital in February, Ms. Favali mentioned a sailing trip that was coming up in August and was completely non-responsive to the question.
 - Prior to that, she testified that she would be leaving to go to San Juan in September and Egypt in October.
 - See 2024 Hearing Examiner Report pg 8 of 16
 - she is a member of Singles on Sailboats and travels with the group
- Argument
 - **pg 4 - states petitioner spent 298 days out of 365 days at house in 2023 and she spent 325 days at house in 2024**
 - See 2024 Hearing Examiner Report pg 8 of 16
 - Ms. Favali stated that she did not know until last year's hearing what primary residence meant. T.59. Specifically, she stated she now knows that "along with having your license, along with voting, and along with a library card, and along with everything else, you have to live there six months and a day." T. 59 She referred to Exhibit 12(j) as a log she created to identify

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the number of nights per month she spent at the subject property from July 28, 2023, through July 31, 2024, arguing that spending a total of 238 nights at the subject property makes it her primary residence

- See 2024 Hearing Examiner Report pg 13 of 16
 - When asked about the location of personal items at 4222 Kennedy Street vs. personal items in the subject property that identify a sense of “living” in the property, she said yes she had them at the subject property, but not in her bedroom. T. 80. Ms. Favali did not elaborate further to show clothes hanging in the bedroom closet, toiletries and like in her room nor did she identify the location of those personal items or their significance to her elsewhere in the subject property.
 - Ms. Favali stated that “last year, I didn’t know what primary residence is. Now that I found out that primary residence is six months and a day, I more than comply with that”.⁵ T. 57. Ms. Favali referred to her Exhibits 12(j) a “Principal Residence Tally” and 12(i) “Principal Residence Objection Tally” as evidence in support of her claim that the subject property is her principal residence. Exhibit 12(j) merely lists the months from 7/28/23 to 7/31/24 with a number and the word “nights” next to the number. Presumably, this indicates the number of nights in that month she stayed at the property. However, this list directly contradicts the testimony of the neighbors’ observations.
 - The list indicates Ms. Favali spent the 19 or more “nights” living at the subject property during the months of November and December 2023 and January, February, March, April, May, June and July 2024.
- See 2024 Hearing Examiner Report pg 14 of 16
 - The other problem with Ms. Favali’s “Principal Residence Tally” as argument to prove that the property is her principal residence is the presumption that somehow a log identifying a specific number of days that amount to “six months and a day” over a 24-month period satisfies the legal definition of “domicile”. While this tally may or may not work for a person seeking to establish residence for tax purposes, nothing in the legal definition of domicile nor the Oglesby case requires a set number of days to determine principal occupancy. Rather it is a person’s intent as shown

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- through that person's actions that identify a property as their "home" or "domicile"
 - See 2024 Hearing Examiner Report pg 14 of 16
 - The creation of number of night "tally" does not amount to proof of principal residency over the past 12 months nor does it prove her intent to occupy the property as her principal residence in the future. .
- **pg 5 - states Inspectors Hadrick and Johnson inspected home and determined primary residence**
 - See 2024 Hearing Examiner Report pg 8 of 16
 - Mr. David Johnson, an Inspector II with the Department of Housing and Community Affairs (DHCA) testified to his observations during the site visit at the subject property. T. 93. Regarding the interior of the property, Mr. Johnson stated he observed 6 assigned individual bedrooms to tenants and that 2 of the 6 were occupied.
- **pg 5/6 - states OZAH has been provided with statements from housemates that they have shared the house with petitioner since July 2023**
 - See 2024 Hearing Examiner Report pg 8 of 16
 - Additionally, Ms. Favali submitted Exhibit 12(h) for the proposition that she occupies the subject property as her principal residence since her rental license was revoked after she communicated to DHCA staff that the subject property was owner occupied. T. 72-7
 - Then how is she renting rooms if license is revoked???
 - See 2024 Hearing Examiner Report pg 12 of 16
 - The Hearing Examiner finds Ms. Favali's failure to submit her driver's license significant considering the language in the prior HE Report in which she found the failure by Ms. Favali to produce a copy of her driver's license problematic. Additionally, the Hearing Examiner finds significant the fact that Ms. Favali provided no witness to support her claim of occupancy, not even the current tenants at the subject property.
 - See 2024 Hearing Examiner Report pg 12 of 16
 - Ms. Favali through her own submissions and testimony during the hearing continues to rent rooms on a monthly basis and allows those tenants to sublet their rooms in the subject property. The Hearing Examiner finds this rotating "roommate"

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practice also to be contrary to a finding that the subject property is indeed Ms. Favali's principal residence.