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Transcript of Hearing

Date: December 9, 2024

Case: Caressa Bennett, et al. (ADO 25-02)

Exhibit 12(g)

OZAH Case No: ADO 26-03

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Transcript of Hearing
Conducted on December 9, 2024

1 (1 to 4)

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1 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE	1 A P P E A R A N C E S
2 HEARINGS	2
3 -----X	3 ON BEHALF OF AGENCY, MONTGOMERY COUNTY OFFICE OF
4 FLAVIA FAVALI, :	4 ZONING AND ADMINISTRATIVE HEARINGS:
5 :	5 NANA YAA JOHNSON, ESQUIRE
6 Applicant, :	6 MONTGOMERY COUNTY OFFICE OF ZONING
7 v. : ADO 25-02	7 100 Maryland Avenue
8 MULTIPLE PARTIES, :	8 County Office Building
9 Opposition. :	9 Room 200
10 MONTGOMERY COUNTY OFFICE OF :	10 Rockville, MD 20850
11 ZONING AND ADMINISTRATIVE :	11 (240)777-6660
12 HEARINGS, :	12 ALSO PRESENT:
13 Agency. :	13 Kathleen E. Byrne - Hearing Examiner
14 -----X	14 Flavia Favali - Applicant
15	15 Brytlan Malek - Opposition
16 Hearing of Bennett, et al. (ADO 25-02)	16 Fred Malek - Opposition
17 Conducted Virtually	17 Georgia Jaitly - Opposition
18 December 9, 2024	18 Dan Chappell - Opposition
19 9:38 a.m. EST	19 David Goodfriend - Opposition
20 Job No.: 562222	20 Caressa D. Bennet - Opposition
21 Pages 1 - 114	21 David Johnson- Expert Inspector
22 Transcribed by: Jacalyn Mann	22 Mr. Bouma - Licensing Department Expert
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2 virtually.	2 Page
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18	18 (None.)
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2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 HEARING OFFICER: So, Mr. Chappell, you</p> <p>3 -- as the opposing party, you will go first. You</p> <p>4 will do your opening statement, then, we'll ask</p> <p>5 Ms. Favali if she would like to make an opening</p> <p>6 statement. And then, all the testimony for the</p> <p>7 opposition will go first. Then there will be</p> <p>8 opportunity for Ms. Favali to ask questions of the</p> <p>9 opposition, and the State will be afforded to --</p> <p>10 those of you in opposition, when Ms. Favali goes</p> <p>11 forward and testifies, you'll have an opportunity</p> <p>12 to cross-examine her and ask questions. So we'll</p> <p>13 start with opposition first, then Ms. Favali, and</p> <p>14 then, the third person we will hear from will be</p> <p>15 Mr. Johnson, and we will ask any questions. You</p> <p>16 know, we will be able to hear everything that he</p> <p>17 has to say. And I may ask questions of all of you</p> <p>18 as we go through, as I am taking notes to get more</p> <p>19 information so that I can better render a</p> <p>20 decision. And then, there will be an opportunity</p> <p>21 for rebuttal. After Mr. Johnson goes, opposition</p> <p>22 will respond, and then the applicant will have --</p> <p>23 no. I'm sorry. Then the applicant will go, and</p> <p>24 then the opposition will have the last word</p> <p>25 because they have the burden, okay?</p>	<p>7</p> <p>1 since she listed it on Airbnb year-round, and that</p> <p>2 the neighborhood had previously reported her.</p> <p>3 Apparently, in Montgomery County,</p> <p>4 short-term rentals are required to be 30 days or</p> <p>5 less. So Ms. Favali then told me that in order to</p> <p>6 get around the rule, she now does one-year leases</p> <p>7 with 30-day termination options for month-to-month</p> <p>8 leases. Ms. Favali proceeded to tell me, almost</p> <p>9 boasting, that she also was considering turning</p> <p>10 the property at 7709 into a halfway house for</p> <p>11 recovering addicts to boost income and also</p> <p>12 qualify for some County grants or funding.</p> <p>13 The conversation ended shortly after</p> <p>14 that, and I was a bit concerned. So I reached out</p> <p>15 to the sellers whom I bought my home from, and</p> <p>16 they delivered to me a file on Ms. Favali that</p> <p>17 they had accumulated over the years documenting</p> <p>18 incidents with her and her tenants and her rental</p> <p>19 practices. It was a substantial file.</p> <p>20 Over my time at the home I have met some</p> <p>21 of Ms. Favali's tenants, and those encounters and</p> <p>22 conversations have included tenants of</p> <p>23 Ms. Favali's that told me, either A, they were</p> <p>24 hiding out at 7709 from an ex who tried to kill</p> <p>25 them by stabbing them in the neck, a traveling</p>
<p>6</p> <p>1 All right. Has everybody had an</p> <p>2 opportunity to take a look at the exhibit list on</p> <p>3 the website? Okay. So what we will be doing is,</p> <p>4 I will be sharing screen. So any document that</p> <p>5 you wish for me to pull up, let me know, because I</p> <p>6 have the website up, if you want me to pull things</p> <p>7 up so that you can go through them and, you know,</p> <p>8 any of the numbered documents that we have. So if</p> <p>9 you're not sure what the numbers are, just say you</p> <p>10 want to refer to a document, and I'll share</p> <p>11 screen, and then we'll go from there, okay?</p> <p>12 All right. Sounds good. All right. So</p> <p>13 Mr. Chappell, you want to go ahead and get started</p> <p>14 with your opening?</p> <p>15 MR. CHAPPELL: Yes, thank you. So Dan</p> <p>16 Chappell. I moved into my home at 7707 over five</p> <p>17 years ago in 2019, with my wife and three young</p> <p>18 children. It was a few weeks later that I first</p> <p>19 met Ms. Favali. And after exchanging cordials,</p> <p>20 she asked me what I did for a living. And then</p> <p>21 she shared with me that she was a retired school</p> <p>22 teacher, but was now a landlord and owned rental</p> <p>23 properties, and noted that 7709 was her rental</p> <p>24 property. Ms. Favali then noted that the</p> <p>25 neighbors didn't like her using it as a rental</p>	<p>8</p> <p>1 nurse, who cried on my front porch after finding</p> <p>2 deplorable conditions inside 7709 after driving 16</p> <p>3 hours to get here from Florida -- and had</p> <p>4 Ms. Favali had lived in the house, the nurse could</p> <p>5 have complained to her directly -- another tenant,</p> <p>6 who complained about conditions of the backyard</p> <p>7 and how uninhabitable it was with junk and weeds,</p> <p>8 tenants that have had their tires slashed and</p> <p>9 abandoned their vehicles, tenants that Ms. Favali</p> <p>10 claims slashed her tires, multiple short-term</p> <p>11 tenants looking for keys to enter the home in an</p> <p>12 Airbnb fashion. Again, had Ms. Favali lived</p> <p>13 there, she could have addressed.</p> <p>14 I don't deny that Ms. Favali frequented</p> <p>15 7709. I've seen her there at the house on</p> <p>16 occasion, usually appearing to check the premises</p> <p>17 or perform routine maintenance. I am certain 7709</p> <p>18 is a rental facility and has been for quite some</p> <p>19 time. I am certain 7709 is not Ms. Favali's</p> <p>20 primary residence. And I am certain that, if</p> <p>21 Ms. Favali is granted the ADU, she will rent those</p> <p>22 rooms to additional tenants or turn the primary</p> <p>23 home into a more commercial use, with a rental</p> <p>24 facility, like the halfway house she told me she</p> <p>25 would five years ago.</p>

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3 (9 to 12)

<p>9</p> <p>1 Ms. Favali claims she needs the ADU for 2 her failing health. When I see Ms. Favali at 3 7709, it is often outside, and she is doing 4 maintenance work, like carrying bulk items and 5 dragging trash or junk into her backyard. 6 I pose the question, why does Ms. Favali 7 need the ADU if she's already living in 7709, and 8 the house is already receiving the Montgomery 9 County \$10,000 tax credit Designed For Life. I'd 10 ask you to look at Exhibit 13S that allows her to 11 age in place. Does she lose that tax credit if 12 she gets the ADU? 13 The subject property already has five or 14 six bedrooms. It's already handicap accessible, 15 with a wheelchair ramp in the back, and she has 16 already installed multiple entrances out of her 17 basement level for each of her tenants residing in 18 the home to come and go as they please. 19 Why does she need the ADU? In our 20 opinion of the objectors, which we'll outline, 21 it's because Ms. Favali -- we believe Ms. Favali 22 has no intentions to ever live at 7709. Her story 23 doesn't add up. It never has. And 7709 is just 24 another one of Ms. Favali's businesses. 25 And as a hearing examiner found in 2023,</p>	<p>11</p> <p>1 historically gone to in order to deceive and break 2 the rules to get what she wants. 3 To that point, Exhibit 18, that we have 4 shared with The Court, of the trailers in front of 5 her house, in 2023, and again, in 2024, when that 6 picture was just taken, before the ADU inspection, 7 Ms. Favali removed the commercial trailers that 8 she keeps parked along this. 9 I believe she owns at least two 10 trailers. Both times, she kept those trailers 11 away from the home at 7709 until after the ADU 12 sign was removed, and we reached this stage of her 13 application. Both times, the trailer showed back 14 up almost immediately after the hearing. And my 15 opinion is, too coincidental. I believe 16 Ms. Favali did this to deceive the inspector that 17 parking was sufficient at the subject property. 18 Now, to the point of parking, 19 Exhibit 13E is important to the parking issue 20 you'll hear other neighbors raise today. She has 21 a circular drive with an offshoot down the side of 22 the subject property. And as you can see from the 23 photos of 13E, there isn't enough room for all the 24 vehicles of her tenants, especially when you 25 factor in her trailer storage and the commercial</p>
<p>10</p> <p>1 in highlighting and noted in Exhibit 13B, it is 2 clear that the subject property is not 3 Ms. Favali's primary residence, and Ms. Favali has 4 not occupied the property in the past decade, nor 5 was the hearing examiner convinced that Ms. Favali 6 intends to live in the ADU in the future because 7 it is handicapped acceptable. Her request and 8 stated need contradicts the current condition of 9 the existing residence. 10 Now, most of our exhibits attempt to 11 support our assertion that 7709 is not 12 Ms. Favali's primary residence, and it's just a 13 rental facility. If you look at 13B, again, 14 that's the 2023 hearing examiner's report and 15 decision, which I've already quoted, and I won't 16 go through again. 17 13C, this is a picture of the ADU sign 18 in 2023 being hid behind trash cans along the side 19 of her house. Again, I'll make it clear, that is 20 from 2023. But I sent this picture via e-mail to 21 Clifton Bouma or Bouma (pronunciation) at DHCA on 22 June 15th in 2023 before the sign was supposed to 23 be picked up or code enforcement had inspected the 24 property. I shared again, as it's reflective of 25 the level of the deceitfulness Ms. Favali has</p>	<p>12</p> <p>1 vehicles that some of her tenants drive for their 2 jobs, in addition to their other vehicles. The 3 primary residence has six bedrooms, I believe, or 4 five, but that could be five vehicles, plus her 5 two trailers, plus the work vehicles. And if she 6 is granted the ADU, allowing for another two 7 adults to live on the property, the parking will 8 get even more congested up and down our street. 9 It could be eight to ten vehicles. And the way 10 her driveway is set up, she can really only park 11 three vehicles in her driveway without creating a 12 bottleneck of the cars. Already, her tenants are 13 moving cars around the driveway all day, every day 14 to get the vehicles in and out. 15 Now, Exhibit 13D is an online rental 16 posting for bedrooms at 7709 as recent as last 17 month, noting monthly, asking for tenants to pay 18 one-fifth of the utilities. Another one says, 19 Owner needs to be called to make arrangements to 20 see the property. If she lives there, why can't 21 she just show it? And states this is a rental. 22 It doesn't note this is my home, and I'm renting 23 rooms, and you'll be living with the owner as her 24 roommate. It also notes, you're able to sublet. 25 If Ms. Favali was living there, why would you</p>

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4 (13 to 16)

13	<p>1 allow any stranger to rent a room in your house, 2 and then turn around and let that stranger sublet 3 that room in your home to another complete 4 stranger that hasn't had a background check or 5 verification? It just doesn't make sense to us, 6 unless the intent is to keep the rental income 7 coming in by any means.</p> <p>8 Now, Exhibits 13G, H, I, and J, these 9 are a list of court cases and have nothing to do 10 with the crimes or nature of the cases. That's 11 not what we're here today to discuss. They are 12 part of our exhibits because there are over 100 13 cases involving Ms. Favali and her children, as 14 either defendant or plaintiffs. And almost all of 15 these court cases list Ms. Favali and her 16 children's primary residence for her and her 17 family as 4222 Kennedy Street in Hyattsville, 18 Maryland, some with her son as recent as October 19 of 2024; some involving her as recently as 20 September of '24 and April of '24. I don't 21 understand why they want to list her primary home 22 as 7709 Oldchester if she had lived there. Now, 23 some are also traffic citations. And I'd imagine 24 the arresting officer or complainant didn't 25 accidentally record the wrong address from her</p>	15
14	<p>1 driver's license. This is over 100 instances of 2 this.</p> <p>3 Exhibit 13K is an e-mail from Ms. Favali 4 to the Hyattsville Police Department that she 5 needed a home check at 4222 Kennedy Street. It 6 doesn't say I need a home check at 7709 Oldchester 7 Road.</p> <p>8 13L, her primary vehicle that we see her 9 driving, a 2007 Mitsubishi Eclipse, is registered 10 with South Carolina plates. It is registered, and 11 we've provided this in Exhibit 13L, to Sawmills 12 and Sawgrass, LLC. Ms. Favali's own exhibit, 12G, 13 is a tax record for Sawmills and Sawgrass to her 14 address, again, 4222 Kennedy Street.</p> <p>15 It is my understanding, in Maryland, you 16 must register your vehicle within 60 days of 17 becoming a new resident. Ms. Favali has owned 18 this vehicle since at least 2019, maybe longer, 19 and she claims to have lived at 7709 for the past 20 year. So why hasn't it been registered to that 21 address?</p> <p>22 Exhibit 13M, to the 2023 hearing 23 examiner's comment, Ms. Favali never intends to 24 live at the ADU. This exhibit is Ms. Favali 25 e-mailing all of us, the objectors, out of the</p>	16
	<p>1 blue, telling us she hired a lawyer, and implies, 2 in my opinion, that she has just checked the box 3 to live at 7709 the required amount of time. 4 You'll find the same sort of comment in our 5 responses provided in her own Exhibit 16, 6 responding to our Exhibit 11, saying, I have lived 7 there six months plus one day. She's checking a 8 box, so she can get what she wants with the ADU 9 and continue renting it out or turn it into a more 10 commercial use.</p> <p>11 We have Exhibit 13N, which is a 12 newsletter from her group, Singles on Sailboats, 13 dated November of 2024, that notes she is the area 14 contact for Prince George's County and notes 15 someone other than Ms. Favali as the Montgomery 16 County area contact.</p> <p>17 Exhibit 13O is another newsletter from 18 Arc Montgomery County, nominating Ms. Favali to 19 the Board of Directors, and noting she lives in 20 Hyattsville, Maryland.</p> <p>21 Exhibit 19 is Ms. Favali's handwritten 22 manufactured home permit application, which she 23 has also provided The Court with copies of, dated 24 August 2024, and noting mobile homes owner's 25 mailing address as 4222 Kennedy Street. It also</p>	

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5 (17 to 20)

17	<p>1 want to interrupt the flow.</p> <p>2 MS. BENNET: I know. He was on a roll,</p> <p>3 and I didn't want to interrupt either. We were</p> <p>4 sworn in last time under penalty of perjury --</p> <p>5 HEARING OFFICER: You are 100 percent</p> <p>6 correct. I forgot to swear him in.</p> <p>7 MS. BENNET: I know, as what happened</p> <p>8 before with some of the testimony, and we were</p> <p>9 able to adopt our testimony under oath, and I</p> <p>10 think we need to go through that process.</p> <p>11 HEARING OFFICER: We do. What we're</p> <p>12 going to do right now, everybody who -- I need</p> <p>13 everyone to turn their cameras on. If you don't</p> <p>14 have your camera on, I need everyone to raise</p> <p>15 their right hand if they're going to be testifying</p> <p>16 today.</p> <p>17 All right. Does everyone promise to</p> <p>18 tell the truth, the whole truth, and nothing but</p> <p>19 the truth?</p> <p>20 (Chorus of I dos).</p> <p>21 HEARING OFFICER: All right. I need</p> <p>22 yes's from everybody. So I've got -- you can</p> <p>23 unmute yourselves. You can put the hand down and</p> <p>24 unmute and do all of that. All right.</p> <p>25 MR. CHAPPELL: Do you need a statement</p>	19	<p>1 who told me about the -- this is a question. And</p> <p>2 were you aware that Mrs. Calhoun, when I did rent</p> <p>3 it to -- it was very stupid -- but I did rent it</p> <p>4 to Bethesda Cares as what I was doing. That was</p> <p>5 terrible. I stopped. But --</p> <p>6 HEARING OFFICER: Ms. Favali,</p> <p>7 Ms. Favali, Ms. Favali --</p> <p>8 MS. FAVALI: Yes ma'am?</p> <p>9 HEARING OFFICER: You can only ask him</p> <p>10 questions about what he testified to.</p> <p>11 MS. FAVALI: Okay. I'm sorry. I</p> <p>12 apologize.</p> <p>13 So were you apprised in the notes that</p> <p>14 Mr. and Mrs. Calhoun gave you that I did rent, for</p> <p>15 maybe six or eight months, to Bethesda Cares, and</p> <p>16 actually, Mrs. Calhoun came over to a memorial for</p> <p>17 one of the tenants that passed in the house? I</p> <p>18 forget his name. Were you aware of that?</p> <p>19 MR. CHAPPELL: I was not aware of that.</p> <p>20 MS. FAVALI: Oh, okay. So in that</p> <p>21 testimony that the Calhouns provided to you, they</p> <p>22 didn't provide that, yes, Mrs. Calhoun came over</p> <p>23 for the memorial service for James Geandell, who</p> <p>24 we had a memorial service with all of his friends</p> <p>25 from Bethesda Cares?</p>
18	<p>1 from me that what I just said is under that?</p> <p>2 HEARING OFFICER: Yes. So,</p> <p>3 Mr. Chappell, so everything you just said was the</p> <p>4 whole truth?</p> <p>5 MR. CHAPPELL: The whole truth.</p> <p>6 HEARING OFFICER: All right. Thank you</p> <p>7 very much.</p> <p>8 MR. CHAPPELL: Thank you.</p> <p>9 HEARING OFFICER: All right. Before we</p> <p>10 move on to the next person, Ms. Favali, do you</p> <p>11 have any questions for Mr. Chappell?</p> <p>12 MS. FAVALI: Yes, I do.</p> <p>13 HEARING OFFICER: If you could turn your</p> <p>14 camera on.</p> <p>15 MS. FAVALI: Oh, yes. Okay. Hang on.</p> <p>16 Hang on. Hang on. I'm so sorry.</p> <p>17 So you've lived there five years, from</p> <p>18 2019. And before you lived here, were the</p> <p>19 Calhouns; correct, who you got all this evidence</p> <p>20 from?</p> <p>21 MR. CHAPPELL: All that was presented</p> <p>22 today was not from the Calhouns. But, yes, I have</p> <p>23 lived here since 2019.</p> <p>24 MS. FAVALI: Right. And you understood,</p> <p>25 like, the ADU. Because Mr. Calhoun was the one</p>	20	<p>1 MR. CHAPPELL: The Calhouns didn't</p> <p>2 provide me with any testimony.</p> <p>3 MS. FAVALI: Oh, okay. That was not</p> <p>4 part of the package that they gave you? You</p> <p>5 said --</p> <p>6 MR. CHAPPELL: Testimony, no. They did</p> <p>7 not provide me with testimony.</p> <p>8 MS. FAVALI: They simply gave you</p> <p>9 documents, okay. So did they also provide you</p> <p>10 with the fact that Mr. Calhoun was the first and</p> <p>11 only --</p> <p>12 HEARING OFFICER: Ms. Favali, this</p> <p>13 really isn't helpful. The whole focus that we're</p> <p>14 here is do you live in this house or not. So what</p> <p>15 Mr. Chappell testified to was he received</p> <p>16 documents from the Calhouns regarding occupancies</p> <p>17 at your house. So what happened prior to 2019,</p> <p>18 you know -- like, the Calhouns are not here.</p> <p>19 MS. FAVALI: I understand. I'm sorry,</p> <p>20 Your Honor. Can I ask another --</p> <p>21 HEARING OFFICER: Sure.</p> <p>22 MS. FAVALI: In the last year,</p> <p>23 Mr. Calhoun, [sic] have you had any interactions</p> <p>24 with me or any of my tenants?</p> <p>25 MR. CHAPPELL: I have not had any</p>

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6 (21 to 24)

<p>21</p> <p>1 interactions with you.</p> <p>2 MS. FAVALI: So since our last testimony</p> <p>3 -- and any of my tenants?</p> <p>4 MR. CHAPPELL: I have not had any</p> <p>5 interactions with your tenants, other than saying</p> <p>6 hello or carrying pizzas into my house, and one of</p> <p>7 them asking me for pizzas. The interactions I've</p> <p>8 had with them is, perhaps, their cars driving over</p> <p>9 my lawn and asking them if they could back the</p> <p>10 trailer in without going over my property. But</p> <p>11 that was about it.</p> <p>12 MS. FAVALI: That would be James Cyr.</p> <p>13 So that's not tenants. That was just my</p> <p>14 chauffeur, my Tesla chauffeur. Thank you. Okay.</p> <p>15 So you have not had any interactions</p> <p>16 with me or any tenants for more than, like, a</p> <p>17 two-minute conversation?</p> <p>18 MR. CHAPPELL: That's about right.</p> <p>19 MS. FAVALI: Thank you, sir.</p> <p>20 HEARING OFFICER: I have a couple of</p> <p>21 questions. Is that it, Ms. Favali, for</p> <p>22 Mr. Chappell?</p> <p>23 MS. FAVALI: Because I only asked for</p> <p>24 the last year, okay. So besides, Mr. Chappell,</p> <p>25 Mr. Chappell (pronunciation) sorry, not have any</p>	<p>23</p> <p>1 sorry.</p> <p>2 So the date that they drove on your</p> <p>3 property with a trailer, if you could provide that</p> <p>4 date, that would be helpful to me, because I can</p> <p>5 provide that date on my testimony, okay?</p> <p>6 And then the last question I have --</p> <p>7 okay. The trailer -- let me ask the question.</p> <p>8 When the trailer was parked last week, seven days</p> <p>9 -- less than seven days ago, in front of the</p> <p>10 street, as soon as the fence post that I removed</p> <p>11 from my property, did you see that trailer on the</p> <p>12 street after that?</p> <p>13 MR. CHAPPELL: No. As I said, you</p> <p>14 parked it down the side of the driveway, where</p> <p>15 you've kept it parked for the five years I've been</p> <p>16 a resident, I've lived at this --</p> <p>17 MS. FAVALI: And where's the trailer</p> <p>18 right now? Thank you.</p> <p>19 MR. CHAPPELL: Sitting out my window</p> <p>20 right there.</p> <p>21 MS. FAVALI: Correct. Thank you.</p> <p>22 That's all, sir, for now. Thank you.</p> <p>23 MR. CHAPPELL: Thank you.</p> <p>24 HEARING OFFICER: All right.</p> <p>25 Mr. Chappell, I have a couple of questions for</p>
<p>22</p> <p>1 interactions with my tenants or me, did you</p> <p>2 observe any out-of-state cars, and did you have,</p> <p>3 like, any times where the out-of-state cars were</p> <p>4 in the parking lot? In the last year, since last</p> <p>5 year to here, were there was any problems with</p> <p>6 commercial vehicles, with anything like that?</p> <p>7 MR. CHAPPELL: I think we've provided</p> <p>8 photos of commercial vehicles being parked on the</p> <p>9 street with trashing on the back lawn. Because I</p> <p>10 just said, the interactions I have had with your</p> <p>11 tenants was when they were driving trailers across</p> <p>12 my property.</p> <p>13 MS. FAVALI: Mr. Chappell, what day was</p> <p>14 that, when they were driving trailers across your</p> <p>15 property?</p> <p>16 MR. CHAPPELL: I don't know. It seems</p> <p>17 like you remember the name of the person driving</p> <p>18 it and who they were and what they were doing. I</p> <p>19 think you said your Tesla chauffeur. Perhaps he</p> <p>20 could provide The Court with the date.</p> <p>21 MS. FAVALI: Yes. I can do that,</p> <p>22 actually. I can. Since I'm asking you the</p> <p>23 question, I can do that in my testimony. But no</p> <p>24 one drove a trailer or my truck on your property?</p> <p>25 Don't answer that question. I'm sorry. I'm</p>	<p>24</p> <p>1 you.</p> <p>2 MR. CHAPPELL: Sure.</p> <p>3 HEARING OFFICER: So you haven't really</p> <p>4 spoken to Ms. Favali this year. How often would</p> <p>5 you say you've seen her at the property this year,</p> <p>6 or have you noticed that her car has been there</p> <p>7 overnight?</p> <p>8 MR. CHAPPELL: It's infrequent. I think</p> <p>9 she stops by a couple of times a week, but she has</p> <p>10 multiple vehicles. The Subaru she reported</p> <p>11 stolen, we see parked there sometimes. Sometimes</p> <p>12 she parks her Mitsubishi there. I see her</p> <p>13 leapfrogging in her cars, or just leaving them</p> <p>14 parked there, and they won't move an inch</p> <p>15 sometimes, but I feel like I would be giving you</p> <p>16 misinformation. It is not frequent that I see her</p> <p>17 there.</p> <p>18 I get up every morning, you know, before</p> <p>19 6:00 a.m. and go for a run, and sometimes I don't</p> <p>20 see her car parked out front. She might be there</p> <p>21 until late at night and then drives off, but it is</p> <p>22 not frequent that I would consider her, like, her</p> <p>23 tenants, as primary residence at the property.</p> <p>24 HEARING OFFICER: Okay, thank you.</p> <p>25 Okay. So if that concludes your testimony, who is</p>

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7 (25 to 28)

25	<p>1 the next person that would like to speak?</p> <p>2 MR. GOODFRIEND: I believe that's me.</p> <p>3 HEARING OFFICER: David, okay.</p> <p>4 MR. GOODFRIEND: First of all,</p> <p>5 Ms. Byrne, can you hear me okay? I want to make</p> <p>6 sure my connection's all right.</p> <p>7 HEARING OFFICER: I can.</p> <p>8 Mr. Carmichael, can you hear him all right? Okay,</p> <p>9 perfect, thank you.</p> <p>10 MR. GOODFRIEND: Thank you and good</p> <p>11 morning. Again, my name is David Goodfriend, and</p> <p>12 my wife, Susan Emmer, and I reside at 7713</p> <p>13 Oldchester road, where we've lived for the better</p> <p>14 part of 20 years. We raised two wonderful sons</p> <p>15 there. They went to schools within walking</p> <p>16 distance, both for middle school and high school.</p> <p>17 We adore the neighborhood. We have lots of</p> <p>18 friends that we've known, and we've watched their</p> <p>19 children grow up, and we're enjoying watching</p> <p>20 Mr. Chappell's children grow up and others. It's</p> <p>21 a wonderful street, and we intend to live there</p> <p>22 until the end of our lives.</p> <p>23 I'm 56 years old. We've just received</p> <p>24 some blueprints from an architect we commissioned</p> <p>25 to do some renovations and make sure that we can</p>	27	<p>1 weekends. We don't see her on the weekdays when</p> <p>2 we're there.</p> <p>3 I can testify that I have had very</p> <p>4 pleasant conversations with Ms. Favali, maybe a</p> <p>5 total of three times in the 20 years we've lived</p> <p>6 there, very pleasant conversations. Our younger</p> <p>7 son is a teacher. Ms. Favali is an educator.</p> <p>8 We've exchanged pleasantries about teaching and</p> <p>9 schools.</p> <p>10 I can testify, however, that I'm not the</p> <p>11 only person with direct knowledge that Ms. Favali</p> <p>12 does not reside there. In the previous proceeding</p> <p>13 in which I testified, and maybe Carrie or Dan can</p> <p>14 provide the details of that proceeding, what it</p> <p>15 was about. But under oath there too, I testified</p> <p>16 that one of the renters from Ms. Favali's property</p> <p>17 asked me how I could find her, because he needed</p> <p>18 to talk to her about a problem at the property.</p> <p>19 This was an additional indicator to me that she</p> <p>20 did not live there, because why would he be asking</p> <p>21 me how to find her if she lived at the property?</p> <p>22 So based on personal knowledge over a</p> <p>23 long period of time and observations, I can</p> <p>24 testify that Ms. Favali apparently does not live</p> <p>25 and reside at the property.</p>
26	<p>1 live in that house forever. So we have a very</p> <p>2 vested interest in making sure that our street is</p> <p>3 conducive to peaceful enjoyment.</p> <p>4 I would like to testify, based on</p> <p>5 personal knowledge, on the central question as to</p> <p>6 whether or not Ms. Favali resides at the property</p> <p>7 in question. First of all, let me point out that</p> <p>8 my wife and I own a business together, and we work</p> <p>9 from home Tuesdays, Wednesdays, and Fridays. We</p> <p>10 do not own a second residence anywhere. Meaning</p> <p>11 we don't go away on weekends. We stay in our</p> <p>12 house over the weekend, unless we're traveling</p> <p>13 occasionally. So we are there a lot.</p> <p>14 Moreover, we have a dog. We've always</p> <p>15 had a dog, and we take that dog for walks. So we</p> <p>16 walk past the residence in question literally</p> <p>17 every day, every day, and we have for years. As I</p> <p>18 mentioned, we live just one house away from the</p> <p>19 property in question for two decades.</p> <p>20 It is my personal knowledge and</p> <p>21 observation that Ms. Favali does not reside at the</p> <p>22 property in question, because we don't see her</p> <p>23 there. We don't see her in the mornings when we</p> <p>24 walk the dog. We don't see her in the evenings</p> <p>25 when we walked the dog. We don't see her on the</p>	28	<p>1 I want to conclude by saying one thing,</p> <p>2 though, and I said this in the prior testimony, as</p> <p>3 well in the other proceeding. I am in no way</p> <p>4 against someone renting out their house on our</p> <p>5 street. In fact, right across the street from us,</p> <p>6 the Bowen family has rented out their house to</p> <p>7 another family, perfectly legitimate. I mean,</p> <p>8 maybe someday, anyone of us on this call might</p> <p>9 want to rent out our house to another family,</p> <p>10 perfectly legitimate.</p> <p>11 The only thing that seems to be at issue</p> <p>12 here is the veracity of Ms. Favali's statements</p> <p>13 and filings and the use of her property as a</p> <p>14 multi-dwelling unit without the owner residing</p> <p>15 there. That seems to be the issue here. But we</p> <p>16 have people on our street, as I mentioned, who own</p> <p>17 a property and rent it out. Tell the truth,</p> <p>18 maintain the peacefulness of the neighborhood and</p> <p>19 the street, and no one has a problem with that.</p> <p>20 And with that, I'll conclude my</p> <p>21 testimony. Thank you.</p> <p>22 HEARING OFFICER: Thank you.</p> <p>23 Ms. Favali, do you have any questions for</p> <p>24 Mr. Goodfriend?</p> <p>25 MS. FAVALI: I do, if I could. So in</p>

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29	<p>1 the last two years, have I talked to you or your 2 wife at all? 3 HEARING OFFICER: Ms. Favali, if you 4 could turn your camera on, please? 5 MS. FAVALI: Oh, I'm sorry. I'm sorry. 6 My bad. Okay. In the last two years, since last 7 hearing to this hearing, that's two years, have 8 you talked to me, or has your wife talked to me at 9 all? 10 MR. GOODFRIEND: I can't recall. 11 MS. FAVALI: Okay. In the last year, 12 since my last hearing, have you talked to any of 13 my tenants? 14 MR. GOODFRIEND: No. 15 MS. FAVALI: So since last year, you had 16 no contact with me, no contact with any of my 17 tenants? And the other thing is -- 18 MR. GOODFRIEND: Well, I believe my 19 first answer to your first question was I can't 20 recall. 21 MS. FAVALI: Oh. 22 MR. GOODFRIEND: Your second question 23 was no. 24 MS. FAVALI: Okay. So my first question 25 -- I'm confused. My first question is, have you</p>	31	<p>1 more of you or you will see more of my cars. But 2 thank you. 3 HEARING OFFICER: So, Mr. Goodfriend, 4 just a quick follow-up question. From the last 5 time that you testified to your testimony in this 6 hearing, have you noticed any change in the 7 occupancy of the property? 8 MR. GOODFRIEND: No. 9 HEARING OFFICER: Meaning -- yeah. 10 Okay. Like, you know -- 11 MR. GOODFRIEND: Well, I guess -- 12 HEARING OFFICER: Have you seen more or 13 less of Ms. Favali? 14 MR. GOODFRIEND: No change. No change. 15 HEARING OFFICER: Okay, thank you. And 16 who is the next person who would like to go 17 forward? 18 MS. MALEK: That's me. Brytlan Malek. 19 HEARING OFFICER: Okay. 20 MS. MALEK: So I live on Oldchester 21 Road. I have two main points to make. The first 22 is one just in agreement with the other objectors' 23 testimony, which is that I do not believe that 24 Ms. Favali resides on our street. 25 I've lived in our home since</p>
30	<p>1 talked to me or any of my tenants in the last year 2 since the last hearing? 3 MR. GOODFRIEND: Okay. So that's a 4 different question than the first two. Let me 5 repeat it back to you. Have I talked to you or 6 any of your tenants in the last year, and my 7 answer is I cannot recall. 8 MS. FAVALI: Oh. I can recall the last 9 time I talked to you. It was about two-and-a-half 10 plus years ago. We talked about the tree coming 11 down. At that time, Don's tree was coming down. 12 So we were talking. I was out there doing yard 13 work, you're correct, when you saw me outside. 14 And that was my last conversation I had. It was 15 well over two years ago, as I recall. But I don't 16 recall talking to you in the last year. I don't 17 recall talking to your wife in the last year. And 18 I don't recall my tenants talking. I shouldn't 19 say that. Thank you. That's all. 20 HEARING OFFICER: Okay. 21 MR. GOODFRIEND: Well, I would simply 22 point out that that is consistent with my 23 testimony. I never see you, Ms. Flavia. 24 MS. FAVALI: Nor I see you, yes. So, 25 yes. So hopefully, in the next year, I will see</p>	32	<p>1 September 2016, so for eight years. I have two 2 children, two dogs. I would estimate that I drive 3 or walk past Ms. Favali's home somewhere between 4 six and eight times a day. 5 I've never seen her. I've never met 6 her. In fact, for preparation for this hearing, I 7 Googled her just to look up a picture of her, just 8 to see if she was someone that I recognized, and I 9 did not recognize her at all. I've never seen 10 her, like, sitting on her front porch or unloading 11 groceries from the car or walking down the street. 12 The second point I'd like to make is 13 about the parking situation. In agreement with 14 what the other objectors have raised, the parking 15 in front of Ms. Favali's home is a problem. It's 16 a hazard. There are almost always cars parked on 17 both sides of the street, and it is very difficult 18 to drive through. You have to slow down. Only 19 one car can pass at a time. Our road is a two-way 20 street, but you must slow down and allow one car 21 to pass. I'd say, maybe 25 percent of the time I 22 drive down the street, I need to wait for another 23 car to pass. I had a scary incident, I would 24 estimate, maybe about four years ago, where I 25 slowed down to kind of eke through the narrow</p>

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33	<p>1 space in front of Ms. Favali's home, and there was</p> <p>2 a cyclist coming the other direction. And I</p> <p>3 slowed down even further as the cyclist came</p> <p>4 through. And it was so tight, in fact, that some</p> <p>5 part of the cyclist's body, or some part of their</p> <p>6 bicycle -- I'm not sure -- hit my side-view mirror</p> <p>7 and just, you know, startled me to death, and the</p> <p>8 cyclist kept going. So I was very thankful no one</p> <p>9 was hurt.</p> <p>10 But I have a teenage son now that</p> <p>11 drives, and I've given him explicit instructions</p> <p>12 to slow down in front of Ms. Favali's home because</p> <p>13 you can't see if there's a pedestrian or a dog</p> <p>14 that's about to walk out between the parked cars.</p> <p>15 And, you know, you clearly need to wait your turn</p> <p>16 because two cars can't fit through.</p> <p>17 That concludes my testimony.</p> <p>18 HEARING OFFICER: Thank you, Ms. Malek.</p> <p>19 Ms. Favali, do you have any questions for</p> <p>20 Ms. Malek?</p> <p>21 MS. FAVALI: Oh, yes, I do. Do you</p> <p>22 happen to recall the date that that cyclist -- I</p> <p>23 think that cyclist was Jeff Sazbla, who lives in</p> <p>24 the house, and he is a cyclist. Do you happen to</p> <p>25 recall the day? Because I think I was trying to</p>	35	<p>1 Ms. Malek. And so Mr. Malek, I'm assuming you're</p> <p>2 up?</p> <p>3 MR. MALEK: Yes, I'm up. I don't have</p> <p>4 anything to add. I never met Flavia. She seems</p> <p>5 like a very nice, pleasant person. But I have</p> <p>6 noted all of the -- everything that my wife said</p> <p>7 about, you know, you see a truck or a trailer or a</p> <p>8 bunch of cars. I've just kind of seen a lot of</p> <p>9 this, a lot of the things that people have</p> <p>10 mentioned on this call. That's all I have.</p> <p>11 HEARING OFFICER: Thank you.</p> <p>12 Ms. Favali, do you have any questions for</p> <p>13 Mr. Malek?</p> <p>14 MS. FAVALI: Yes, I do. Can you tell</p> <p>15 the vehicles that are on --</p> <p>16 HEARING OFFICER: Can you turn your</p> <p>17 camera around, Ms. Favali?</p> <p>18 MS. FAVALI: Oh, I apologize. I'm</p> <p>19 outside of my residence. And do you know who owns</p> <p>20 the black car in front of my house, or the silver</p> <p>21 car in front of my house? They're not any of my</p> <p>22 tenants.</p> <p>23 MR. MALEK: I'm not in front of your</p> <p>24 house, so I don't know.</p> <p>25 MS. FAVALI: So you can't --</p>
34	<p>1 get ahold of you to figure this out.</p> <p>2 MS. MALEK: I do not recall the day, and</p> <p>3 it happened in a flash. I don't believe anybody</p> <p>4 was coming out of your home, because they were</p> <p>5 coming from the Wilson Lane part of our street,</p> <p>6 and kind of going really fast towards Bradley</p> <p>7 Boulevard. So they weren't coming out of</p> <p>8 anybody's driveway.</p> <p>9 MS. FAVALI: I know. He drives, like,</p> <p>10 90 miles every now and then. So what I'll do is,</p> <p>11 if it's okay with you, he always was wondering --</p> <p>12 I remember he mentioned that to me. So can I call</p> <p>13 you, and maybe we can figure that out after?</p> <p>14 Because Jeff still rides his bike frequently, and</p> <p>15 he's never complained to me of any problems on the</p> <p>16 street. He rides all around Bethesda on a</p> <p>17 regular. So can I have him call you? Would that</p> <p>18 be possible at some point, or e-mail you?</p> <p>19 MS. MALEK: I would rather not share my</p> <p>20 contact information with anyone. But I don't</p> <p>21 know.</p> <p>22 MS. FAVALI: Okay, thank you. But you</p> <p>23 never met me, I conclude, okay. Thank you so</p> <p>24 much. Thank you.</p> <p>25 HEARING OFFICER: Okay. Thank you,</p>	36	<p>1 HEARING OFFICER: Ms. Favali,</p> <p>2 Ms. Favali, Ms. Favali --</p> <p>3 MS. FAVALI: Yes, ma'am.</p> <p>4 HEARING OFFICER: -- he didn't testify</p> <p>5 to specific cars in front of your house today. He</p> <p>6 testified to general cars; you know, his</p> <p>7 experience of a lot of cars being parked in front</p> <p>8 of your house and in your driveway.</p> <p>9 MS. FAVALI: I will rephrase the</p> <p>10 question. Do you often see the black car, because</p> <p>11 I often see the black car in front of my house</p> <p>12 and/or the silver car in front of my house, that's</p> <p>13 there right now?</p> <p>14 HEARING OFFICER: If you don't know,</p> <p>15 Mr. Malek, you know, you can respond you don't</p> <p>16 know.</p> <p>17 MR. MALEK: You know, I don't know</p> <p>18 specifically the black or the silver car.</p> <p>19 MS. FAVALI: Thank you. But -- thank</p> <p>20 you.</p> <p>21 HEARING OFFICER: Okay. Thank you,</p> <p>22 Mr. Malek. Mr. Mack, or I guess whoever is next,</p> <p>23 yes.</p> <p>24 MR. MACK: I'll speak next. This is Ken</p> <p>25 Mack. And there are some vacuum cleaners going,</p>

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<p>37</p> <p>1 so please let me know if they're interfering with 2 you're being able to hear and speak. 3 HEARING OFFICER: Thank you. 4 MR. MACK: I've lived here for many 5 years. We bought the house in 2009, so I've been 6 through the various comings and goings of 7 residents, the many residents of 7709. As I 8 testified last year, and it's equally true this 9 year, Ms. Favali does not reside at 7709. That's 10 clear. 11 I work from home. My office looks out 12 over Oldchester Road, directly across from 7709. 13 I do see Ms. Favali occasionally drive up to the 14 house, sometimes. You know, I would say maybe 15 once or twice a week, I'll see her car. But just 16 not very often, and certainly not enough to say 17 that she lives there. 18 A few years ago, a tenant invited me 19 into the house, as I mentioned, and that was quite 20 unusual. So I did get a chance to see the inside 21 of the house. He told me who lived in the house, 22 and Flavia was not among those people who he said 23 lived in the house. 24 So I don't want to just repeat 25 everything everybody else has already said. I</p>	<p>39</p> <p>1 to me or any tenant in the house in the past year 2 since the last examine [sic]? 3 MR. MACK: Flavia, when I walk by the 4 house on occasion, you will be out doing gardening 5 work. I'll wave to you, or I'll talk to you. But 6 since last year's, and prior to last year's 7 hearing, you and I talked quite a bit and had many 8 conversations. Since last year's hearing, we have 9 not spoken. I will wave at you when I go by, or 10 nod, and so on and so forth. 11 In terms of tenants, one tenant within 12 the last year, who stepped out onto the front 13 lawn, waved to me, greeted me, had a quick chat 14 with him. He was very friendly. All my 15 interactions with you have been very pleasant, and 16 I -- you know, the chat that I have with the 17 tenant who stepped out on his property was very 18 pleasant. So -- but that's been the extent of it. 19 MS. FAVALI: Do you remember the chat 20 you had with the one-hand only, as you say, prior 21 tenant in my house when you had that chat, when 22 you came over onto my property? 23 MR. MACK: Can you repeat that, please? 24 MS. FAVALI: Do you remember the scope 25 of the conversation, that small chat that you had,</p>
<p>38</p> <p>1 agree with the testimony that's been given. It's 2 evident to me that Ms. Favali does not live at the 3 house. And, you know, that's the situation. 4 HEARING OFFICER: Thank you. 5 Ms. Favali, would you like to ask Mr. Mack any 6 questions? 7 MS. FAVALI: Yes. Mr. Mack, is the 8 silver car yours or anybody that you know right 9 now on the street? 10 MR. MACK: Yes. 11 MS. FAVALI: Okay. And is the black car 12 yours or anyone you know on the street? 13 MR. MACK: No. 14 MS. FAVALI: Okay. So that silver car 15 is parked there quite a lot on the street, you 16 realize that? 17 MR. MACK: The silver car has been there 18 for two weeks, since we purchased a new car to 19 replace it. We're going to be selling that silver 20 car. That is just for two weeks, and it's got 21 nothing to do with the traffic that's been going 22 in and out of that house for over ten years. So I 23 wouldn't focus on our silver car being in front of 24 our house for a couple of weeks. 25 MS. FAVALI: I apologize. Did you talk</p>	<p>40</p> <p>1 when you came onto the property, when he was 2 blowing leaves, actually? 3 MR. MACK: You're saying the time I went 4 into the house or the one in the past year? 5 MS. FAVALI: No, no. The past year. 6 No. I'm thinking this is the year-to-year. So in 7 the past year, you said, you've only had one 8 conversation with one of my prior tenants on my 9 property, and that conversation was about a quick 10 chat, less than 15 minutes. Do you recall the 11 nature of that conversation? 12 MR. MACK: We talked about, you know, a 13 number of things. But no, I do not remember the 14 exact content of that discussion. 15 MS. FAVALI: He told me that he's happy 16 to testify or subpoena, whatever. His name is 17 Jeff Brown. He had not lived there for at least 18 months. He came by just two wash his clothes. I 19 said he could do that. He was only here for maybe 20 three hours. You came to the property. You asked 21 him three times within 15 minutes, as he will 22 recall, as he told me, which could be hearsay, I 23 don't know, that you asked him three times if I 24 lived here. All three times -- it was in 25 November/December -- he said yes, Flavia lives</p>

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11 (41 to 44)

41	<p>1 here. Yes, Flavia lives here. I'm going to 2 France. 3 So he left right after that conversation 4 he had with you, drove his car to Florida, sold 5 it, and he's been in France in Rulon for the past 6 months, happily, as an ex-pat. That was the only 7 tenant that told me that they'd talk to you, and 8 he was a prior tenant, way over past the year that 9 we had the last hearing. 10 MR. MACK: I recall him saying that he 11 traveled a lot, that he lived in different places, 12 that he had lived at your place before and then 13 came back to live there again. 14 MS. FAVALI: Correct. But the scope of 15 that small chat in this year was that you asked 16 him three times if I lived here. All three times 17 he said, yes. He called me and told me that, 18 because I wasn't there at the house that day. 19 I was volunteering. It was a Wednesday. 20 I have the date. He was a prior PI. So he showed 21 me where your camera was, looking down at my 22 house, so you have privy to every car coming 23 [sic] -- 24 MR. MACK: Hold on. Hold on. I have no 25 camera looking at your house.</p>	43	<p>1 recall him talking about him, not about 2 Ms. Favali, and that he was traveling around and 3 living in different places. 4 HEARING OFFICER: Okay, thank you. 5 Ms. Favali, did you have any other questions for 6 Mr. Mac? 7 MS. FAVALI: No. I'm sorry. 8 HEARING OFFICER: Okay. All right. 9 Mr. Mack, I do have another question for you, 10 similar to what I've asked everyone else. In the 11 last 12 months to a year, have you noticed any 12 changes, or is anything different in how you see 13 Ms. Favali come and go from the property, like, 14 since before the last hearing? 15 MR. MACK: Yes, I do see her car there a 16 bit more often. I don't see it there 17 consistently. And when I say her car, I mean the 18 silver Mitsubishi. And I noticed it pick up right 19 after last year's hearing. I see it there, maybe, 20 once or twice a week, whereas before, I saw it not 21 at all. But so, to me, and I don't know if making 22 the statement goes beyond the scope of what I'm 23 supposed to say in response, it more was to convey 24 the sense of a physical presence, but still 25 without the consistency to actual be living there</p>
42	<p>1 MS. FAVALI: I'm sorry. 2 HEARING OFFICER: And that was not part 3 of the testimony. So again, you're testifying, 4 Ms. Favali, more than you're asking. Your 5 question that you're asking Mr. Mack is, do you 6 recall the content of the conversation he had with 7 your tenant? 8 MS. FAVALI: Yes. 9 HEARING OFFICER: To which he said -- I 10 think you said you weren't 100 percent sure. It 11 was, you know, 15 minutes or so, about the 12 conversation. You then said to him, This is your 13 recollection of the conversation based off of the 14 conversation that you had with him. Which, yes, 15 that is indeed hearsay. He is not here to testify 16 to the content of the conversation that he had 17 with Mr. Mack. Mr. Mack either remembers what 18 they talked about or he does not. 19 MS. FAVALI: Yes, Your Honor. I'm 20 sorry. 21 HEARING OFFICER: So, Mr. Mack, do you 22 remember what you talked about, and if it was 23 within the last 12 months? 24 MR. MACK: It was within the last 12 25 months. I don't remember clearly. I do seem to</p>	44	<p>1 [sic]. So it seemed more like trying to make 2 different actions to demonstrate, you know, a 3 presence. 4 HEARING OFFICER: Okay. 5 MR. MACK: She's not there enough to 6 actually live there. She doesn't come and go. 7 And I can see directly, you know, the street, the 8 front door, everything. 9 HEARING OFFICER: Okay. 10 MR. MACK: It looks like someone who was 11 just dropping by on occasion. 12 HEARING OFFICER: Okay. All right. 13 Thank you, Mr. Mack. 14 And let's see who's next. Ms. Bennet, 15 Ms. Bennet again. 16 MS. BENNET: So my name is Caressa 17 Bennet. I go by Carrie. And I reside at 7705 18 Oldchester Road with my husband, Michael Bennet. 19 Michael, my husband, grew up one street over from 20 our street, on Kirby Road, where his 90-year-old 21 mother, Ann Bennett, still resides. I've lived 22 here for 27 years, and it's my primary residence. 23 77 Oldchester Road [sic] is two houses down from 24 me, and prior to becoming a rental house, it was 25 lovingly maintained by Ray and Josephine Favali,</p>

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12 (45 to 48)

45	<p>1 Ms. Favali's parents, with whom I had an</p> <p>2 opportunity to meet and speak with on many</p> <p>3 occasions when we first moved here. This was when</p> <p>4 my children were very young.</p> <p>5 I never met their daughter Flavia until</p> <p>6 both of her parents had passed away and she</p> <p>7 inherited the house and started doing work on it,</p> <p>8 building the circular driveway, putting up</p> <p>9 fencing, and adding some additional entrances.</p> <p>10 She also added a handicap accessible ramp, which I</p> <p>11 think she originally planned to use for tenants</p> <p>12 that had disabilities. I may not have that right,</p> <p>13 because it took a conversation with her I had on</p> <p>14 the street, took place, like, probably nine or ten</p> <p>15 years ago, and my memory is a little fuzzy on that</p> <p>16 point. I was also pretty exhausted from doing a</p> <p>17 long run and trying to get back home.</p> <p>18 I live next door to Dan Chappell and</p> <p>19 Jackie Chappell and their kids. Mine and Dan's</p> <p>20 houses were built at the same time by the same</p> <p>21 builder in 1997. And the former original owner of</p> <p>22 Dan's house, Tom and Thelma Calhoun, were our</p> <p>23 neighbors prior to them moving in. And the</p> <p>24 Calhouns and our family were very close. And I</p> <p>25 remember constantly getting complaints from Thelma</p>	47	<p>1 dog by her rental house in the evenings during and</p> <p>2 right after the pandemic, because of the numerous</p> <p>3 out-of-state cars and tenants that were living at</p> <p>4 the rental house. People were constantly coming</p> <p>5 in and staying for short periods of time, and</p> <p>6 there are a lot of vehicles parked out on the</p> <p>7 street, some with flat tires, out-of-state license</p> <p>8 plates. Ms. Favali was clearly not around.</p> <p>9 Of particular concern were the days</p> <p>10 leading up to January 6th, 2021, and thereafter,</p> <p>11 when so many out-of-state vehicles appeared; a lot</p> <p>12 of really big pickup trucks. One of the tenants</p> <p>13 in a pickup truck nearly sideswiped me when I was</p> <p>14 driving home. There was a lot of yelling going</p> <p>15 on.</p> <p>16 After the ADU hearing last year, I</p> <p>17 expected to see more of her because, according to</p> <p>18 my mother-in-law, she joined the Bethesda Village,</p> <p>19 a community of retired and elderly Bethesdians.</p> <p>20 They get together for organized social activities.</p> <p>21 Ms. Favali joined this group in September 2023, a</p> <p>22 few weeks after the decision denying her ADU was</p> <p>23 released, yet I never saw her until recently.</p> <p>24 My kids were home on Thanksgiving, and</p> <p>25 our family took a neighborhood stroll with our</p>
46	<p>1 and Tom about the rental property next door to</p> <p>2 them.</p> <p>3 I also live -- on the other side of me,</p> <p>4 next door to Georgia Jaitly and her husband,</p> <p>5 Rakesh Jaitly, and the Jaitly's daughter, Krishna,</p> <p>6 grew up with my two children, Karen and Ethan</p> <p>7 Bennet, and Krishna is like a second daughter to</p> <p>8 me. They've lived here one year longer than I</p> <p>9 have.</p> <p>10 Roger and Karen Winston live across the</p> <p>11 street from us, and Bryt and Fred Malek live</p> <p>12 across the street next to them, next to the Maiden</p> <p>13 Lane Urban Park. My daughter has babysat for</p> <p>14 David Goodfriend and his wife, Sue Emmer, and his</p> <p>15 boys when they were younger, and we see each other</p> <p>16 often, and we're out walking our dogs. The Macks</p> <p>17 are also active in our neighborhood. As</p> <p>18 neighbors, we see each other out and about and are</p> <p>19 aware of each other's coming and goings.</p> <p>20 I cannot say the same for Ms. Favali. I</p> <p>21 rarely see her. The front window curtains in</p> <p>22 front of 7709 Oldchester is nearly always drawn</p> <p>23 shut, which was not the case when her parents</p> <p>24 lived there.</p> <p>25 For several years, I stopped walking my</p>	48	<p>1 dog, and I saw Ms. Favali through the window for</p> <p>2 the first time in the house. Her curtains were</p> <p>3 drawn open, and all the lights were on. Normally,</p> <p>4 they are closed, and you cannot see the lights on</p> <p>5 in the house. I saw her again one evening last</p> <p>6 week, moving her car out of the driveway onto the</p> <p>7 street.</p> <p>8 Other than seeing her occasionally</p> <p>9 working in the yard on one other or maybe two</p> <p>10 other occasions, I don't recall seeing her for the</p> <p>11 past year. I've seen her tenants on many</p> <p>12 occasions getting out of their vehicles and</p> <p>13 pulling into or out of the driveway, but I don't</p> <p>14 know any of them.</p> <p>15 We are still having issues with the</p> <p>16 street parking, and as recently as this past week,</p> <p>17 had a trailer with South Carolina license plates</p> <p>18 sitting on the street in front of the rental</p> <p>19 property unattached to a vehicle. On Thanksgiving</p> <p>20 day, it was attached to a big black pickup truck</p> <p>21 with South Carolina plates. The next day, the</p> <p>22 pickup truck was gone and the trailer remained</p> <p>23 parked in front of the house for nearly a week, I</p> <p>24 believe. I took pictures of this, and those are</p> <p>25 included as Exhibit 18.</p>

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13 (49 to 52)

<p>49</p> <p>1 There are no sidewalks on our street. 2 And to Bryt Malek's point, navigating around the 3 trailer and the parked cars, when there is 4 traffic, it's unsafe for pedestrians and 5 bicyclists and just dogs, animals. I just worry 6 that an ADU added to the rental facility she runs 7 will create even more problems with street 8 parking, and will hamper the ability of children, 9 adults, and pets to navigate safely. 10 In sum, I don't believe that Ms. Favali 11 uses the rental facility as her primary residence 12 and has attempted to obtain an ADU license under 13 false pretenses. 14 HEARING OFFICER: Thank you. 15 MS. BENNET: That concludes my 16 testimony. 17 HEARING OFFICER: Ms. Favali, do you 18 have any questions for Ms. Bennet? 19 MS. FAVALI: Yes, I do. So the numerous 20 out-of-state vehicles, what states? How many 21 vehicles are there, and what states are they from? 22 MS. BENNET: South Carolina, Florida, 23 Tennessee. I don't remember. I wasn't keeping 24 track of all of them, but I just noticed that they 25 weren't Maryland license plates.</p>	<p>51</p> <p>1 that, moving your car onto the street late at 2 night. 3 MS. FAVALI: Thank you. 4 HEARING OFFICER: Okay. 5 MS. JAITLEY: Hi. My name is Georgia 6 Jaitly. I live at 7703 Oldchester Road. I've 7 been in my house for 28 years, and it is my 8 primary residence. There are two houses between 9 my house and the rental house owned by Flavia 10 Favali. 11 I work as a nurse at Suburban Hospital. 12 I work in the recovery room, so we have staggered 13 shifts. I have to take night call, so I drive 14 past her rental home on a regular basis. I have 15 never seen her. I have never spoken to her in the 16 28 years I have lived in my home. I have never 17 observed her living in the rental house, nor any 18 children living there or visiting. 19 I've observed numerous vehicles parked 20 on the street and in the driveway, which often 21 make it difficult to pass, especially when 22 oncoming traffic is approaching. I worry that 23 pedestrians and neighborhood children riding their 24 scooters and bikes will not be seen an end up in 25 the emergency room, as our street does not have</p>
<p>50</p> <p>1 MS. FAVALI: How many different South 2 Carolina cars did you observe? 3 MS. BENNET: Two, three, counting the 4 trailer. 5 MS. FAVALI: Okay. And how many Florida 6 cars did you observe in the past year, since the 7 last hearing? 8 MS. BENNET: In the last year -- the 9 Florida license plates was referencing the time 10 around Covid and January 6th, 2021. 11 MS. FAVALI: Okay. So in the past year, 12 if I understand this, we might have had two or 13 three South Carolina out-of-state cars and maybe 14 one Florida car? 15 MS. BENNET: That's correct. 16 MS. FAVALI: Thank you. And I don't 17 have -- and you haven't talk to me in the two 18 years since our first hearing until today, second 19 hearing. Have you ever talked or spoken to me 20 once? 21 MS. BENNET: No. Because I never see 22 you. I just testified that I only saw you through 23 your window on Thanksgiving day. 24 MS. FAVALI: Right. 25 MS. BENNET: And then a few days after</p>	<p>52</p> <p>1 sidewalks for them to use to avoid the traffic 2 trying to navigate around the cars parked on the 3 street. 4 At one point, I noticed that there was a 5 large box truck that sat there for at least six 6 months. I believe it was closer to probably nine 7 months before it was ever moved. It had a flat 8 tire. 9 The neighbors on either side have small 10 children, and that is concerning to me with 11 constant changing tenants and seemingly short-term 12 rental situations. 13 I also had two beagles. They recently 14 died, a few years ago. One of them, whenever he 15 would get out of our yard or out of our house, he 16 would always go to her backyard and was found 17 digging up trash every time. 18 And that's the end of my testimony. 19 Thank you. 20 HEARING OFFICER: Thank you, Ms. Jaitly. 21 Ms. Favali, do you have any questions for 22 Ms. Jaitly? 23 MS. FAVALI: Yes, ma'am. So in the last 24 two years, you've never spoken to me and never saw 25 me, from your testimony. In the last two years --</p>

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14 (53 to 56)

53	<p>1 in the last year was there -- two years, was there</p> <p>2 a box truck -- was that box truck there in the</p> <p>3 past two years since the last hearing?</p> <p>4 MS. JAITLEY: I'm unsure of that. I</p> <p>5 can't remember when that was.</p> <p>6 MS. FAVALI: Okay. So I am remembering</p> <p>7 your beagle now. Now I know who your beagle</p> <p>8 was. And in the past year, have you noticed the</p> <p>9 box truck -- I'm sorry -- have you noticed the</p> <p>10 trailer on the street for more than two days?</p> <p>11 MS. JAITLEY: Yes. Just recently, within</p> <p>12 the last few weeks, there's been a trailer</p> <p>13 detached from any vehicle that was sitting on the</p> <p>14 street.</p> <p>15 MS. FAVALI: So you noticed that in the</p> <p>16 last two -- so I asked you in the last two days.</p> <p>17 You said, yes, in the past two weeks; correct?</p> <p>18 You've noticed the trailer at the house?</p> <p>19 MS. JAITLEY: It has not been there</p> <p>20 within the last two days, I don't believe.</p> <p>21 MS. FAVALI: Okay.</p> <p>22 MS. JAITLEY: But it's been recent that</p> <p>23 the trailer sat there for at least a week.</p> <p>24 MS. FAVALI: At least a week, okay.</p> <p>25 Thank you.</p>	55	<p>1 the first thing, the trailer.</p> <p>2 In the last year, none of my tenants,</p> <p>3 who have been there the year before, have talked</p> <p>4 to any -- have talked to any resident of</p> <p>5 Oldchester Road. They all hold jobs. They all</p> <p>6 have been here on a monthly lease, keeping to</p> <p>7 their -- and I can have them sign affidavits, that</p> <p>8 they see me here. They keep to themselves. I</p> <p>9 keep to myself. We come and go.</p> <p>10 I will testify to the tax credit. Yes,</p> <p>11 indeed, I did get a tax credit. I can go back in</p> <p>12 time and figure it, but I think it was five years.</p> <p>13 Because I told you, Mr. Chappell. So, yes, it has</p> <p>14 to be -- it was a \$10,000 tax credit if you did --</p> <p>15 and Frances Mackie was my inspector, and they give</p> <p>16 you \$2,000 year. I think over five years it's</p> <p>17 \$2,000. And I think I'm over that tax credit.</p> <p>18 When I did fall last February 22nd at my</p> <p>19 volunteer site -- I volunteer as an IVC volunteer</p> <p>20 in Camp Springs, Maryland on Wednesdays -- I</p> <p>21 actually put my hand on a desk. There was a</p> <p>22 rolling chair. I missed the chair. I fell down,</p> <p>23 and you can actually still see my shoulder bone,</p> <p>24 my collarbone, is still not healed. The next</p> <p>25 week, because I had my arm in a sling, this was</p>
54	<p>1 HEARING OFFICER: Okay. Does that</p> <p>2 conclude the testimony of the objectors? Is there</p> <p>3 anyone else that we missed? That's it, okay.</p> <p>4 Ms. Faval, now it's your turn to speak.</p> <p>5 MS. FAVALI: Thank you. In the last --</p> <p>6 I'll first talk for the trailer, which is kind of</p> <p>7 a moot point, actually. The trailer was attached</p> <p>8 to the truck on Thanksgiving day. The trailer and</p> <p>9 the truck both left Friday morning early. The</p> <p>10 trailer did not come back on Saturday. The truck</p> <p>11 came back on Saturday.</p> <p>12 HEARING OFFICER: Okay. Who owns the</p> <p>13 trailer and the truck?</p> <p>14 MS. FAVALI: I do. Well, my LLC,</p> <p>15 Sawmills and Sawgrass. So Friday it left, both of</p> <p>16 them left, the trailer and the truck. Saturday,</p> <p>17 only the truck came back. Sunday, the truck and</p> <p>18 the trailer came back. The trailer stayed on the</p> <p>19 street because I was filling it with fence posts</p> <p>20 for the trash to take away at the trash day. And</p> <p>21 the truck left, came back with the trailer. And</p> <p>22 on -- my gosh -- on Thursday, less than four days</p> <p>23 later, the trailer went back up the hill, my</p> <p>24 driveway hill, where I just store it, because it</p> <p>25 won't -- it's a pretty safe place for it. That's</p>	56	<p>1 for last year's hearing, I couldn't tie my shoes,</p> <p>2 so I tripped and fell and broke my tibia and fibia</p> <p>3 [sic] -- ankle, tibia, and fibia. I then was</p> <p>4 rushed to Holy Cross.</p> <p>5 I stayed there for about a week or two,</p> <p>6 until they could set -- I had it in a sling for a</p> <p>7 couple of days, then I had to put in this filler,</p> <p>8 and I couldn't even access my home. I couldn't</p> <p>9 even access -- and, yes, I have a handicap</p> <p>10 accessible home, yes, knowing that. And I did</p> <p>11 that years ago, so many years ago that Shonda</p> <p>12 McLaughlin, who was a monthly tenant, actually</p> <p>13 went up and down on the ramp and had a room.</p> <p>14 The problem with me was, I had a</p> <p>15 wheelchair. I had a broken collarbone. I had a</p> <p>16 cast that was a metal cast, so I couldn't get in.</p> <p>17 I couldn't ambulate. So as much as I have a</p> <p>18 private entrance, as much as I have a ramp, and as</p> <p>19 much as I have a room, I couldn't even get to my</p> <p>20 kitchen because my wheelchair -- the wheelchair</p> <p>21 was actually big enough for that particular room.</p> <p>22 I mean, the size of the door. But the problem was</p> <p>23 I couldn't get anywhere but the room.</p> <p>24 And so the house was not -- I was in a</p> <p>25 Potomac -- I was in a nursing home facility. I</p>

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15 (57 to 60)

<p>57</p> <p>1 went to my son's, but I could not even have 2 access. So last year, I didn't know what primary 3 residence is. Now that I found out that primary 4 residence is six months and a day, I more than 5 comply with that. I said that in my 6 documentation. I complied with primary residence, 7 I say, and I can throw in affidavit that I've been 8 here way more than six months and a day, and I'm 9 asking The Court that maybe we extend this or keep 10 the license, keep the same sign, don't change 11 anything. And every day, if it's okay with The 12 Court -- like, I came back. 13 So when I got the e-mail that I was 14 having objections, I was not even in the country. 15 And I'm sorry; my car was there for seven days. 16 I did not use that car for seven days 17 because the people I was going with, we always fly 18 out of Dulles. This time, we were flying out of 19 Reagan. So usually, I just park my car at my 20 son's place in the apartments in Reston, and he 21 Ubers me to Dulles. So all of a sudden, that day 22 -- so I would never have my car there for seven 23 days. It was seven days from the 8th of the 24 November, seven days later, or nine, my car did 25 not move. It was right in front of the driveway,</p>	<p>59</p> <p>1 residence. So my Kennedy Street house has been, 2 for years, since 2005, it has been on my office, 3 on my tax records, on all my taxes as a office, 4 all the deductions. 5 HEARING OFFICER: Say that again. What? 6 MS. FAVALI: Since 2005, when I moved to 7 6412 40th Avenue, that's last year in the last 8 year's comments. My principal residence, my 9 primary residence, I didn't understand what 10 primary residence was. I'm sorry. But I moved to 11 6412 40th Avenue. I declared that on my taxes as 12 my primary residence, and I got my homestead at. 13 Then I moved to, in 2000 -- hang on. I can tell 14 you this. Then I moved to Oldchester Road. I did 15 not know until last year's hearing that primary 16 residence, along with having your license, along 17 with voting, and along with a library card, and 18 along with everything else, you had to live there 19 six months and a day. 20 I took notes and I sent them in as an 21 exhibit. I took notes of every day I've been in 22 the house. 23 I like traveling. I'm in my 70s. And 24 yes, I do like sailing, and last year, I said the 25 same thing. If I die when I sail, I die. If I</p>
<p>58</p> <p>1 but I was not in. I was out of the country. 2 So when I got back on Monday the 18th of 3 November, I saw my complaints. I took a snapshot 4 of the Montgomery County trash. No, no. I'm 5 sorry. The Montgomery County Leaf. My apologies. 6 And I took a picture. I got the guy's name 7 because he was going to do my leaves for \$100. 8 And then the next day, I saw Mr. -- I saw a dog 9 grooming truck in front -- no. I saw the whole 10 electric truck. And the next day I saw a dog 11 groomer truck in front of my house. The next day 12 I saw -- I have documentation for every day. 13 I'm wondering if, since no one says 14 they've seen me under oath, and I say I've lived 15 here under oath for six months in today, I am 16 hopeful that -- I couldn't get inside my house 17 last year for my primary residence. I didn't 18 really answer it. 19 I've used my office, 4222 Kennedy 20 Street. I haven't used it as a primary residence, 21 but I have all my -- just like, I looked at 22 Mr. Chen on the notice, yes. A lawyer. I mean, 23 people could have a work residence -- I mean, a 24 workplace where you get all your mail, and you 25 have a residence where you have a primary</p>	<p>60</p> <p>1 die on the street, I am ready to go. I'm in my 2 70s. I've done what I have to do in life, I 3 think. But I'd like to have a quality of life. 4 As my doctor said, Dr. Cooper, who is 5 very famous -- I didn't realize how famous he was 6 -- surgeon who did my left ankle and then did my 7 right ankle. So he did my right ankle in June -- 8 July 21st, 2000, last year [sic]. He allowed me 9 to drive again, and he decided I needed a handicap 10 accessible. And it would only be for me. It's 11 like all the counters go below is for a 12 wheelchair, that way. 13 Like, on June 25th, the ambulance from 14 Suburban Hospital, Ms. Jaitly was there for 45 15 minutes getting me, because in my house, one 16 tenant said the refrigerator is not cold. One of 17 my kids happened to come in. Everybody slipped on 18 a pile of water in the kitchen. The tile is 19 black. The water fell. I fell, and I broke a 20 patella, a femur and a tibia. 21 So if I had -- if last year's hearing, I 22 could have built my ADU, my ADU would have been 23 done, I would have been able to access my ADU for 24 the time that it took me to be on crutches for the 25 next month or so.</p>

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16 (61 to 64)

61	<p>1 And at that point, June 25th, I couldn't</p> <p>2 drive for a couple of days. Then, when I could</p> <p>3 drive, my Mitsubishi was not there for at least</p> <p>4 three weeks. My Subaru Outback was there, because</p> <p>5 I could drive the Subaru Outback with only my left</p> <p>6 leg, because it doesn't have a stick. So, yes, my</p> <p>7 Subaru was there for maybe three or four weeks,</p> <p>8 but I know I was there, and I went to Suburban</p> <p>9 Hospital for my -- I was going to say -- Dashed</p> <p>10 (phonetic) was the attending surgeon at Suburban</p> <p>11 Hospital. A very good ortho. He said you're</p> <p>12 going to need an immobilizer; stay on that; come</p> <p>13 see me in two weeks, blah, blah, blah, what the</p> <p>14 doctor did. He interned under Dr. Paul Cooper, my</p> <p>15 surgeon for my two ankles. And Paul Cooper, of</p> <p>16 all the surgeons in the world, he was the first</p> <p>17 person in the last two months ago to do a plastic</p> <p>18 ankle.</p> <p>19 HEARING OFFICER: Ms. Favali.</p> <p>20 Ms. Favali, the details of the surgery aren't</p> <p>21 relevant.</p> <p>22 MS. FAVALI: Okay. I could not have</p> <p>23 access to my house. When I had my hearing last</p> <p>24 June, July, I could not even access my house.</p> <p>25 This year, I could access my house. I have proof</p>	63	<p>1 what exhibit it is. I'm happy to look it up and</p> <p>2 share it.</p> <p>3 MS. FAVALI: I have this exhibit too,</p> <p>4 now that I think about it. It is principal</p> <p>5 residence for 770 -- tabulations coming down --</p> <p>6 from the sign coming down on 7/28/2023 to the sign</p> <p>7 from a year, from 7/28/2023 to 7/28/2004 [sic], I</p> <p>8 spent a total of 366 nights. No. I spent a total</p> <p>9 of -- oh, my God.</p> <p>10 HEARING OFFICER: It says -- in your</p> <p>11 thing it says 238 nights. You spent a total of</p> <p>12 238 nights there?</p> <p>13 MS. FAVALI: Thank you. Yes.</p> <p>14 HEARING OFFICER: Okay.</p> <p>15 MS. FAVALI: Yes.</p> <p>16 HEARING OFFICER: So you understand that</p> <p>17 your neighbors are saying that they haven't seen</p> <p>18 you spend those nights there?</p> <p>19 MS. FAVALI: Correct.</p> <p>20 HEARING OFFICER: All right.</p> <p>21 MS. FAVALI: And I can tell you who I</p> <p>22 saw, the neighbors. In fact, actually, one day it</p> <p>23 was snowing, and the neighbors down to my right,</p> <p>24 to my left, depending on how you look at it, my</p> <p>25 neighbors on either side were out snowing [sic].</p>
62	<p>1 from me that I have been there.</p> <p>2 I am asking The Court if we could just</p> <p>3 postpone this for a year, and every day I will</p> <p>4 take a picture, timestamp it.</p> <p>5 HEARING OFFICER: Ms. Favali, I do not</p> <p>6 have the authority to leave this application</p> <p>7 hanging, all right? You either live there now and</p> <p>8 pursue it now, or you withdraw your application</p> <p>9 and reapply.</p> <p>10 MS. FAVALI: I can say under perjury</p> <p>11 that I've lived here[sic]. I have people that</p> <p>12 have been to my house and had tea, coffee,</p> <p>13 Thanksgiving dinner, et cetera. I believe, under</p> <p>14 perjury of oath, I know, I know that I have stayed</p> <p>15 here the required amount, six months and a day, is</p> <p>16 what I was told, what I heard, that a primary</p> <p>17 residence is.</p> <p>18 HEARING OFFICER: Now, that's for tax</p> <p>19 purposes. So how many nights, Ms. Favali, have</p> <p>20 you spent in the house? Not days that you</p> <p>21 visited. How many nights have you spent in the</p> <p>22 house?</p> <p>23 MS. FAVALI: That's on my exhibit. Can</p> <p>24 you give me one second, ma'am?</p> <p>25 HEARING OFFICER: Sure. Just tell me</p>	64	<p>1 I was out snowing too [sic]. They were talking to</p> <p>2 each other, and no one talked to me. So it was</p> <p>3 kind of -- if you don't want to talk to me, that's</p> <p>4 okay. We were all three snowing -- I mean,</p> <p>5 shoveling the snow. But it says right here, July,</p> <p>6 I spent two nights, right? August, three nights,</p> <p>7 because I was actually helping a girlfriend with a</p> <p>8 detached retina. September, 17 nights. October,</p> <p>9 four nights. I was out of the country.</p> <p>10 November 24 nights.</p> <p>11 HEARING OFFICER: All right. So I'm</p> <p>12 just going to share this, so everyone can see what</p> <p>13 you're looking at.</p> <p>14 MS. FAVALI: Thank you. Yes, thank you.</p> <p>15 Oh, I was doing something else. Thank you.</p> <p>16 HEARING OFFICER: Okay. All right. So</p> <p>17 this is what you were referencing; correct?</p> <p>18 MS. FAVALI: Yes, ma'am. So I thought I</p> <p>19 complied with principal residence, and I can</p> <p>20 verify. Hang on. I have to find the exhibit. I'm</p> <p>21 so sorry.</p> <p>22 HEARING OFFICER: This is the exhibit</p> <p>23 list, and these are your exhibits, for the most</p> <p>24 part.</p> <p>25 MS. FAVALI: Yes, ma'am. I'm so sorry.</p>

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17 (65 to 68)

<p>65</p> <p>1 Yes, ma'am.</p> <p>2 HEARING OFFICER: Right. Okay. All</p> <p>3 right. What else would you like to tell me?</p> <p>4 MS. FAVALI: In terms of Singles on</p> <p>5 Sailboats, yes, indeed. I didn't send these two</p> <p>6 exhibits because there was not enough time.</p> <p>7 HEARING OFFICER: Let me ask you, why is</p> <p>8 Singles on Sailboats relevant?</p> <p>9 MS. FAVALI: Because Dan, Mr. Chappell,</p> <p>10 put in an exhibit. His exhibit is -- because</p> <p>11 you're right. It's a volunteer organization. I'm</p> <p>12 still in Hyattsville, because they need to have,</p> <p>13 like, a member. We try to mentor new members.</p> <p>14 Just like the BMAV that I joined right after the</p> <p>15 hearing, I joined BMAV to be a group community.</p> <p>16 So that community -- so on Page -- if you look at</p> <p>17 the Singles on Sailboats, the June 24 edition, the</p> <p>18 membership directory, I am listed as Oldchester</p> <p>19 Road, but I'm still a mentor for people who come</p> <p>20 in as Hyattsville.</p> <p>21 The Arc, I have been a board member for</p> <p>22 years. I think my membership, thankfully, will be</p> <p>23 over at Arc board this coming year, because they</p> <p>24 had memberships in the -- so, yes. I was in</p> <p>25 Kennedy Street when I actually was on the Board,</p>	<p>67</p> <p>1 to me, he just texted me. He went to Florida.</p> <p>2 His truck sold the next week. So both those</p> <p>3 vehicles, Jeff had out-of-state and Sergio had</p> <p>4 out-of-state, yes. Okay. So both of those have</p> <p>5 been gone for this hearing. And those are the</p> <p>6 same pictures he showed last year, exact same,</p> <p>7 except for the trailer that, yes, I wanted to help</p> <p>8 my son. I have a son in Reston. He moved and the</p> <p>9 trailer was helpful in Reston. So I'm sorry about</p> <p>10 that.</p> <p>11 HEARING OFFICER: Okay. Anything else?</p> <p>12 MS. FAVALI: Hang on. Thank you. This</p> <p>13 is my last time to say. So my membership for SOS</p> <p>14 is -- and you can just go look on the website.</p> <p>15 But, yes, I help in Hyattsville. I use my 4222</p> <p>16 Kennedy Street office, and all correspondence goes</p> <p>17 there, yes. All my court cases, all my problems</p> <p>18 go to Kennedy Street.</p> <p>19 Yes, I asked for a house check on 3802</p> <p>20 Oliver Street, along with the house check on 4222</p> <p>21 because I'm never there. And they give you free</p> <p>22 house checks in Hyattsville. I didn't know that.</p> <p>23 So that's why I asked. But you forgot to say that</p> <p>24 one at 3802 Oliver Street, another house.</p> <p>25 Hang on. Hang on. I do have some</p>
<p>66</p> <p>1 but I've been on that Board for the Arc a while</p> <p>2 helping out as a nonprofit.</p> <p>3 So I believe that spending 238 nights</p> <p>4 out of 365 days, nights, total nights, with a car,</p> <p>5 living there with the car licensed in South</p> <p>6 Carolina, is sufficient for primary residence,</p> <p>7 Your Honor. And I don't have -- the same tenants</p> <p>8 I had last year, I have this year.</p> <p>9 I posted all the rent rolls and all</p> <p>10 their leases. Yes, I have monthly -- I like</p> <p>11 monthly leases for the same reason I said last</p> <p>12 year, but I've had the same monthly tenants this</p> <p>13 year and last year. I really haven't had a</p> <p>14 turnover.</p> <p>15 The exhibits and photos Mr. Chappell</p> <p>16 exhibited are the same photos as the year before.</p> <p>17 Two of those cars had been gone last year. The</p> <p>18 white van. So if you look at his exhibits on the</p> <p>19 photos, it's the same photos he shot last year.</p> <p>20 The only car that is still relevant is Jeff's, who</p> <p>21 lives in Florida, is the white car. The other two</p> <p>22 people, the truck, Sergio moved out. And I</p> <p>23 already said Jeff Brown, who talked to Ken Mack</p> <p>24 once, with the long hair, he moved to -- he sold</p> <p>25 -- the day that he talked to Ken, he didn't talk</p>	<p>68</p> <p>1 comments. Just give me one second. I'm so sorry.</p> <p>2 So my house -- oh. Numerous is large numbers or</p> <p>3 many or great quantity. So far, we only have -- I</p> <p>4 only have one South Carolina -- in the last year,</p> <p>5 since the last hearing, there's only been a South</p> <p>6 Carolina car, one of my three and/or Jeff's</p> <p>7 Szabla, Florida plate, when he's -- because his</p> <p>8 primary residence is in Florida. Okay. Numerous.</p> <p>9 Three vehicles.</p> <p>10 So I have an LLC. So that's why my</p> <p>11 vehicle is owned -- so it's very simple. If I</p> <p>12 happen to pass, everything should be done in a</p> <p>13 trust, so everything -- so everything should be --</p> <p>14 so yes. Hopefully, taking care of all my business</p> <p>15 before and everything is at 4222 Kennedy Street</p> <p>16 because this house is where I lived.</p> <p>17 Last year, no one talked to me. Kennedy</p> <p>18 Street is my office. My tenants have been here</p> <p>19 since last year and this hearing.</p> <p>20 Oh, I would think the basketball hoop on</p> <p>21 our street, now that we're thinking about it, is,</p> <p>22 there's been a basketball hoop on the street.</p> <p>23 That, to me, is a hardship. I have not tried to</p> <p>24 be on Mr. Chappell's land.</p> <p>25 So the cars are no more than four,</p>

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18 (69 to 72)

<p>69</p> <p>1 sometimes five. So I don't think numerous is -- 2 and we have a driveway. And when I do my ADU, the 3 driveway is going to be extended. It's going to 4 go right up to my ADU. So it's basically a paved 5 -- I walk right out of my house with the ramp, and 6 get right out onto my -- so it's really 7 specifically designed for a handicap wheelchair, 8 which wasn't designed, you know. 9 And I do have the accessibility to life, 10 but I think that credit has gone. I think I did 11 it five years ago. It's \$2,000 per year. If not, 12 it's ending this year. So yes, it was a \$10,000 13 tax credit that I had, and I actually told 14 Mr. Chappell I did it, suggesting it's a great 15 idea now with the tenants getting tax credits, but 16 that was -- you can look it up in the County. 17 That's -- well, I'm not getting a \$10,000 tax 18 credit for doing it. It was over the years. 19 So, thank you. That concludes my 20 comments. 21 HEARING OFFICER: All right. Just a 22 couple questions. How many rooms in your house do 23 you rent? 24 MS. FAVALI: Right now, I'm only renting 25 three, but I could rent four.</p>	<p>71</p> <p>1 house to Bethesda Cares. It was not worth it. It 2 was before -- I just had to get rid of them. I'm 3 sorry. They all had -- and so years and years 4 ago, I did the whole house. It was not viable for 5 me. But in the last two years, only four rooms, 6 Your Honor. 7 HEARING OFFICER: All right. So now I 8 see, Ms. Bennet, you have your hand raised. 9 You're muted. There you go. 10 MS. BENNET: That's right. I was going 11 to ask her some questions. But before we did 12 that, we had some testimony from two of our 13 neighbors who couldn't be here. One is Alexander 14 Finkel. 15 HEARING OFFICER: Yes. 16 MS. BENNET: I think you accepted that 17 testimony on Friday. 18 HEARING OFFICER: I did. 19 MS. BENNET: And I just wanted it 20 recorded for the record. And also, Roger Winston 21 also had a short statement that was submitted. 22 HEARING OFFICER: Okay. 23 MS. BENNET: I just wanted you to know, 24 Madam Examiner, that we had a hard time 25 collectively getting everybody on one date that</p>
<p>70</p> <p>1 HEARING OFFICER: Okay. So you have 2 four bedrooms that you could rent? 3 MS. FAVALI: All with bathrooms, yes. 4 And handicap accessible bathrooms, yes. The rooms 5 are handicap accessible. Only two rooms are 6 handicap accessible. Four rooms are bedrooms that 7 meet County code with the smoke alarms, the 8 egress, the wide doorways, yes. And of those four 9 bedrooms -- 10 HEARING OFFICER: What is the maximum 11 number of tenants you've had in the house at one 12 time? 13 MS. FAVALI: When I didn't live there 14 and declare as my principal residence, five. No 15 more than five. And I showed you, by my leases, 16 that I don't even have overnight occupants on the 17 lease. I do a monthly, yes. I do a five 18 utilities, because I like to share in the 19 utilities. We all, like, share as one. And I 20 have overnight, one person per one room, yes, Your 21 Honor. So never more than five. 22 Oh, I apologize. I apologize. Years 23 ago, in the last year, years ago, Mr. Chappell is 24 right when he talked to the Calhouns, Bethesda 25 Cares asked for a house, and I rented the whole</p>	<p>72</p> <p>1 could appear. 2 HEARING OFFICER: Understood. 3 MS. BENNET: So I want to say you did a 4 pretty good job, and I also want to thank Georgia 5 Jaitly for getting her schedule rearranged. If I 6 may, on rebuttal -- 7 HEARING OFFICER: Yes. 8 MS. BENNET: -- ask a few questions. 9 HEARING OFFICER: Absolutely. 10 MS. BENNET: So, Flavia, with the 11 original facility, I think you submitted as an 12 exhibit -- and I don't have which exhibit it is. 13 Maybe somebody can look very quietly -- a rental 14 license. It looks to me to be expired. Is there 15 a current rental license? 16 MS. FAVALI: Well, that was my problem 17 last year. I always believed, when I went to -- 18 before I bought the house, as I explained last 19 year, I went to whoever I was supposed to go to. 20 I got a rental license. And now that I live in 21 the house, I believe I can rent up to four people. 22 So I have four bedrooms with bathrooms. I don't 23 need a license. So that was a moot point for last 24 year. I finally found it. Yes, you're right. I 25 got hacked. I couldn't find -- yes. I did report</p>

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19 (73 to 76)

<p>73</p> <p>1 that. I can actually show you the documents when 2 I did get hacked. So I had to change a lot of 3 stuff. But, yes. Last year I had a rental 4 license. I do not need one as far as I know this 5 year. I can rent if I live in the house, four 6 unrelated people in single rooms. 7 MS. BENNET: Okay. Thank you. And 8 applying for the application this year, as 9 evidence of proof of primary residence, you 10 submitted a real estate bill showing the 7709 as 11 your primary residence; is that correct? And that 12 is in here as exhibit -- 13 MS. FAVALI: Yes, ma'am. And I think 14 that will show my lifetime credit. 15 HEARING OFFICER: Exhibit 7? 16 MS. FAVALI: Yes. And that will also 17 show -- 18 MS. BENNET: Can you put up Exhibit 7, 19 Madam Examiner? 20 HEARING OFFICER: Sure. 21 MS. BENNET: And this is what you 22 submitted, Flavia, as proof of primary residence? 23 MS. FAVALI: Uh-huh. 24 MS. BENNET: Okay. And then could we 25 also look at exhibit -- I think it's Exhibit S and</p>	<p>75</p> <p>1 MS. BENNET: I'm just asking the 2 question. I'm not asking you to prove it. I'm 3 just trying to clarify for the record. You are 4 receiving this tax benefit; is that correct? 5 MS. FAVALI: For the aging in -- I think 6 it's called -- oh, my gosh. Is it called 7 lifetime? 8 HEARING OFFICER: It's Designed For Life 9 tax credit on the tax bill. 10 MS. FAVALI: Thank you. That's what 11 it's called, yes, ma'am. But the \$10,000, 12 Mr. Chappell was right, it is \$10,000, but it only 13 goes \$2,000 a year, and I think they thought I had 14 run out. I think this is what it is. They 15 thought I had run out of my tax credits, but I 16 think that is my last tax credit for that five 17 years, yes. Unfortunately, since you're asking 18 me, can I make a -- 19 HEARING OFFICER: No. You only can 20 answer her questions. You can't continue to 21 testify. 22 MS. FAVALI: Yes, ma'am. I apologize. 23 MS. BENNET: And, Ms. Faval, you have a 24 lot of businesses, I've gathered, and you probably 25 have a lot of tax returns that you have to file,</p>
<p>74</p> <p>1 compare Exhibit S to Exhibit 7? It's one of our 2 exhibits. I think it's 13S. 3 HEARING OFFICER: Okay. Here we go. 4 MS. BENNET: And I just note that those 5 are two different versions of the tax bills. 6 MS. FAVALI: I think I can't see them 7 that small. I have them both. I think what that 8 is -- and I can do my research and tell you. I 9 think what it was is, I missed my tax credit, 10 thank you very much, for my -- because it was 11 lower. I cannot claim this as a -- I do claim 12 this as homestead, but I can't claim this as -- 13 that's why my tax credit was running out, because 14 I did get the \$10,000 tax [sic]. They forgot to 15 apply it. I believe that was it. And I can 16 actually find out from you. But you submitted 17 one, and I submitted one. I think they were 18 different, yes you're right. 19 MS. BENNET: The one you submitted -- I 20 just want to verify that the one you submitted was 21 not doctored by you in any way to make it look 22 like anyway it looks. 23 MS. FAVALI: No, no, no. In fact, I 24 don't know how I can prove that. But I can just 25 go on the tax -- I have to pay it by December.</p>	<p>76</p> <p>1 it sounds like in South Carolina, Maryland. I 2 don't know what other states. But that's not my 3 question. I'm just prefacing that. I want to 4 know what address you use on your personal income 5 tax return, not on any of your businesses. What 6 address is on your 2023 personal income tax for 7 both federal and the State of Maryland? 8 MS. FAVALI: Very good question. So 9 what I was told to do by TurboTax, who does my 10 taxes, is this is -- my real estate is not a 11 Schedule E. So every real estate I have is on 12 Schedule E, along with my Montgomery County 13 primary residence, 7709. I take .5, 50 percent, 14 of the deductions on -- 15 MS. BENNET: I wasn't asking about your 16 deductions. I don't think you need to share that 17 with us. 18 MS. FAVALI: I have a work address. 19 MS. BENNET: I was asking, on your 20 personal income tax, your name and what address 21 pairs on the -- 22 MS. FAVALI: 4222 Kennedy Street. Yes, 23 ma'am. 4222 Kennedy Street, Hyattsville, 24 Maryland. 25 MS. BENNET: That's for your federal</p>

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20 (77 to 80)

77	<p>1 income tax and your State of Maryland tax or 2 filings? 3 MS. FAVALI: Yes. 4 MS. BENNET: Okay. And that was for 5 2023; correct? 6 MS. FAVALI: I filed an extension. I'm 7 kind of backlogged. But I have 2022. It was for 8 2022 and 2021. So I have those two tax years. So 9 2020 -- 10 MS. BENNET: What about 2020? 11 MS. FAVALI: I don't remember. 12 MS. BENNET: Okay. 13 MS. FAVALI: But I do know, the last two 14 years, I took on Schedule E .5 for the Oldchester 15 Road house. 16 MS. BENNET: But on the actual first 17 page of the filing -- 18 MS. FAVALI: It always goes -- and I 19 explained it, it's my work address. I use my work 20 address for everything. 21 MS. BENNET: Okay. Thank you. In the 22 Hearing Examiner's decision, she said that you 23 didn't live there. It's in the record. It's in 24 the decision that you have not used 7709 as your 25 primary residence going back to 2015. Did you</p>	79	<p>1 to have each of your tenants testify under oath 2 that you are living there as your primary 3 residence, and you have not done that. 4 MS. FAVALI: No, I have not. 5 MS. BENNET: There's no witnesses to 6 corroborate this ruse of yours. 7 MS. FAVALI: First, you're asking me a 8 question? 9 MS. BENNET: No. I'm asking you, like, 10 do you plan to put any testimony into the record 11 today from anyone who can corroborate what you're 12 saying? Like, you spent the night there. You put 13 in an exhibit of all the days that you spent the 14 night there, but you've put no testimony or any 15 evidence in from anyone else other than yourself; 16 is that correct? 17 MS. FAVALI: If it would help to answer 18 your question, to have the man that I sent to 19 you -- 20 HEARING OFFICER: Ms. Favali, 21 Ms. Favali, so your opportunity to present your 22 case in chief is over. So what Ms. Bennet is 23 asking is, you know, essentially she's asking you 24 a yes or no question. She asked you -- 25 MS. FAVALI: The answer is no.</p>
78	<p>1 appeal that decision? 2 MS. FAVALI: Repeat that question, 3 ma'am. 4 MS. BENNET: The hearing examiner 5 determined in the order -- 6 MS. FAVALI: Last year? 7 MS. BENNET: -- that 7709, last year, 8 was not your primary residence going back to 2015. 9 Did you appeal that decision? 10 MS. FAVALI: No. 11 MS. BENNET: Okay. Thank you. 12 MS. FAVALI: Because I couldn't even 13 access my house. 14 MS. BENNET: Thank you. Thank you very 15 much. 16 HEARING OFFICER: Okay. Go ahead. 17 MS. BENNET: Yes. I think what we've 18 got is the situation here is that it's not what 19 she's put into the record, it's what she's not put 20 into the record. So I just want to ask a few 21 questions along that line. 22 Flavia, not a single person has 23 corroborated you living there. There's no 24 testimony from your tenants, from the neighbors. 25 One of the easiest things you could have done is</p>	80	<p>1 HEARING OFFICER: The answer is no, 2 okay. 3 MS. BENNET: Ms. Favali, at your home at 4 422 Kennedy Street, do you have any belongings, 5 personal belongings, there, clothing, shoes, 6 suitcases for your travel, photographs, any of 7 those things there? 8 MS. FAVALI: I do. 9 MS. BENNET: Do you have the similar 10 amount in the home at 7709 Oldchester Road, or the 11 rental facility that you're calling your home? 12 MS. FAVALI: Well, considering -- I'm 13 trying to answer that question. Considering the 14 house on Kennedy Street is 780 square feet and the 15 house in Bethesda is over 2,000. So I have my 16 parents -- actually, yes. I can show you. Not in 17 my bedroom, no. In my bedroom, I only have one 18 picture and one crucifix. That's all I have in my 19 bedroom. 20 MS. BENNET: Okay. Thank you. And you 21 have a whole bunch of cars. Some of them have 22 South Carolina license plates. Some of them have, 23 you know, Maryland license plates. What state do 24 you have your driver's license in? 25 MS. FAVALI: Maryland, at 7709</p>

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21 (81 to 84)

<p>81</p> <p>1 Oldchester Road.</p> <p>2 MS. BENNET: Okay.</p> <p>3 MS. FAVALI: When I moved, my license</p> <p>4 used to be 6412 40th Avenue, and I can present</p> <p>5 that. University Park, that was my primary</p> <p>6 residence. When I moved into Bethesda as my</p> <p>7 primary residence, I didn't understand -- and I'm</p> <p>8 sorry. It was my fault. And I didn't know</p> <p>9 primary residence meant you had a live here six</p> <p>10 months and a day. So now that I know that primary</p> <p>11 residence is six months and a day, maybe you'll</p> <p>12 advise me of what I have to do for next year, but,</p> <p>13 yes.</p> <p>14 MS. BENNET: I just want to say that</p> <p>15 you're claiming six months and a day as how you</p> <p>16 establish primary residence. But in the hearing</p> <p>17 examiner's order that came out last year, she</p> <p>18 cited to a case called Oglesby versus Williams,</p> <p>19 and that is not what is cited as proof of</p> <p>20 residency. And the ADU application has three ways</p> <p>21 to prove residency. One is a driver's license,</p> <p>22 one is the property tax bill, and one is -- I</p> <p>23 think it's the income tax returns, if I recall.</p> <p>24 And the one you chose was the property tax; is</p> <p>25 that correct? You didn't submit anything else?</p>	<p>83</p> <p>1 If you could turn to that, the very last part of</p> <p>2 that on the second page. And I may have missed</p> <p>3 something, but I'm going to read what you wrote</p> <p>4 here. It says -- I'm not sure who Greg Friedman</p> <p>5 is, but I'm assuming he's a lawyer. And you say:</p> <p>6 Greg Friedman's e-mail that he would represent me</p> <p>7 next year, when he is apprised of the outcome of</p> <p>8 Monday's ADU requirements.</p> <p>9 Why do you need Greg Friedman to</p> <p>10 represent you next year?</p> <p>11 MS. FAVALI: Okay. The reason why I</p> <p>12 joined the BMAV is, my mentor, Mimi Cutler, who is</p> <p>13 in her '80s, said you need to have a group of</p> <p>14 people who are like-minded than you. Join the BMA</p> <p>15 village. I love your mom. I wish I could walk as</p> <p>16 good as her on the walkie-talkies. I hope to see</p> <p>17 her this afternoon at the Edgebrook Club. But I</p> <p>18 joined the BMA to have like-minded people.</p> <p>19 MS. BENNET: That's not what I asked. I</p> <p>20 asked you who Greg Friedman is and why you said</p> <p>21 Greg Friedman was going --</p> <p>22 MS. FAVALI: Oh, that's a lawyer. I'm</p> <p>23 sorry. He was a lawyer that --</p> <p>24 MS. BENNET: -- to represent you next</p> <p>25 year. Are you, in effect, saying that you know</p>
<p>82</p> <p>1 MS. FAVALI: No. But I can.</p> <p>2 MS. BENNET: I just want to make sure</p> <p>3 nothing else was submitted, other than the</p> <p>4 property tax bill.</p> <p>5 MS. FAVALI: I forgot all about that.</p> <p>6 Yes, ma'am. I forgot about that.</p> <p>7 MS. BENNET: Okay. And you testified</p> <p>8 just on rebuttal, just a minute ago, that you did</p> <p>9 not appeal the decision of the hearing examiner?</p> <p>10 MS. FAVALI: No.</p> <p>11 MS. BENNET: So you accept the facts</p> <p>12 that she found that that was not your permanent</p> <p>13 residence, or your primary residence?</p> <p>14 MS. FAVALI: February 22nd, I cannot</p> <p>15 access the house until my surgeon, Paul Cooper,</p> <p>16 only let me drive the car again 7/21, when he sent</p> <p>17 -- gave me an affidavit to get an ADU, and I</p> <p>18 started accessing the house back in June, but I</p> <p>19 couldn't drive.</p> <p>20 MS. BENNET: Okay.</p> <p>21 MS. FAVALI: I couldn't drive.</p> <p>22 MS. BENNET: Thank you. Thank you. I</p> <p>23 appreciate that you want to go on, but I don't</p> <p>24 need to hear that. I just want to offer one</p> <p>25 another exhibit that you submitted, Exhibit 17.</p>	<p>84</p> <p>1 you're going to lose this hearing, because you</p> <p>2 haven't established your primary residence, and</p> <p>3 you're looking ahead next to next year to hire a</p> <p>4 counsel?</p> <p>5 MS. FAVALI: There's eight of you or</p> <p>6 seven of you. There's eight of you saying that</p> <p>7 you're under perjury that I don't live here, and</p> <p>8 it was me saying that I do live here. So somebody</p> <p>9 is lying. Either eight people are lying or I'm</p> <p>10 lying. Okay. So I'm going to probably lose this</p> <p>11 year. So I have to figure, what were the ground I</p> <p>12 lost this year? Are we getting complaints about</p> <p>13 my cars, complaints about where I live? Are we</p> <p>14 getting complaints about permitting the ADU?</p> <p>15 It seems like Montgomery County</p> <p>16 permitted it. And I will probably do a different</p> <p>17 -- yes, I will live here, like I'm living here the</p> <p>18 last year, and I will take a picture of every day</p> <p>19 of something notable that happens on the street</p> <p>20 that would only happen this particular day at this</p> <p>21 particular time, like the Montgomery County Leaf</p> <p>22 people, like Whole electric, like the dog groomer,</p> <p>23 like whatever; that this particular day, I have it</p> <p>24 stamped. And so I'll have some evidence for next</p> <p>25 year that, yes, you all say I don't live here.</p>

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22 (85 to 88)

85	<p>1 I don't have numerous cars. I wish I</p> <p>2 did, but I don't. And my Mitsubishi will probably</p> <p>3 not be around much longer. It's a 2000. No.</p> <p>4 It's a 2007, with about 200,000 miles. So it's</p> <p>5 not going to live very long. That's why got the</p> <p>6 Subaru. So my numerous cars are three.</p> <p>7 MS. BENNET: Okay. Well, now that</p> <p>8 you've brought the cars up, can you explain what</p> <p>9 the Tesla chauffeur is?</p> <p>10 MS. FAVALI: Sure. His name is James</p> <p>11 Cyr. He loved to be -- he would have -- I didn't</p> <p>12 want him here, but he would have loved to be on</p> <p>13 Zoom. James Cyr used to live here prior to this</p> <p>14 hearing. He knows you. Every time he passes, he</p> <p>15 usually waves to Ken Mack's house.</p> <p>16 MS. BENNET: Is he driving you in a</p> <p>17 Tesla and chauffeuring you around so that you can</p> <p>18 leave your cars parked there to make it look like</p> <p>19 you live there?</p> <p>20 MS. FAVALI: Okay. Okay. I'm so sorry.</p> <p>21 Yes. The only time my car was ever parked in my</p> <p>22 driveway -- and he happened to drive me. I only</p> <p>23 use the Tesla drivers. He actually did the</p> <p>24 trailer from when I was moving my son, Dave, for</p> <p>25 Thanksgiving weekend, up the driveway, because I</p>	87	<p>1 is, the crowd that I go to the Bahamas with -- it</p> <p>2 is the Club Med, Columbus Isle. They all leave,</p> <p>3 religiously, out of Dulles, okay? And I was so --</p> <p>4 I forgot. I looked at my plane reservation that</p> <p>5 day, and I realized it wasn't Dulles, it was</p> <p>6 Reagan. I was going to just take an Uber to the</p> <p>7 Bethesda Metro, because I have a yellow card, and</p> <p>8 take it down to Reagan. But James happened to</p> <p>9 call me. I said, James, you want to pick me up</p> <p>10 and take me to the airport? I paid him \$60 to</p> <p>11 take me from Kennedy Street to Reagan that one</p> <p>12 day. I left my car there. I'm sorry. I usually</p> <p>13 never leave my car in my driveway. But because I</p> <p>14 got mixed up on the airport within an hour of</p> <p>15 having to fly out -- because we always fly out of</p> <p>16 Dulles. My son lives in Reston. I always leave</p> <p>17 my car with him, and he always takes me to Dulles.</p> <p>18 So that was the only time.</p> <p>19 MS. BENNET: Thank you. So I have no</p> <p>20 further questions Ms. Favali.</p> <p>21 HEARING OFFICER: All right. Does</p> <p>22 anyone else have any further questions for</p> <p>23 Ms. Favali? Mr. Chappell?</p> <p>24 MR. CHAPPELL: So, Ms. Favali, you've</p> <p>25 said on this Designed For Life tax credit, you</p>
86	<p>1 couldn't do that, because he has a Tesla. He made</p> <p>2 a hatch for me because he does property work other</p> <p>3 places with the mulch. So he has a Tesla. He put</p> <p>4 a special hitch that he can carry my trailer. So</p> <p>5 he has picked me up in South Carolina. No, North</p> <p>6 Carolina, when my truck lost its motor. I had a</p> <p>7 pay him a fortune. He picked me up. He didn't</p> <p>8 have a Tesla then, but, yes. He's a prior tenant,</p> <p>9 James Cyr. He used to live here years ago. He</p> <p>10 wanted to actually move, because my rent was so</p> <p>11 high.</p> <p>12 MS. BENNET: Where is he picking you up</p> <p>13 from? Is he picking you up from the house at</p> <p>14 Kennedy Street or the original facility, 7709?</p> <p>15 MS. FAVALI: The only time -- no. The</p> <p>16 only time he picked me up for money, for, like,</p> <p>17 money was on, I think, November the 8th, when I</p> <p>18 went to the Bahamas, when you notified me, only</p> <p>19 because I was planning on parking my -- I never</p> <p>20 leave my car in the driveway when I'm gone in</p> <p>21 Kennedy Street. I'm sorry. I never leave my car</p> <p>22 in my primary residence in Oldchester Road</p> <p>23 whenever I go anywhere for more than a day. I</p> <p>24 always have my car with me and my trailer. No,</p> <p>25 and my vehicle. What happened on November the 8th</p>	88	<p>1 received it for the past four years, and this is</p> <p>2 the last year, the fifth year?</p> <p>3 MS. FAVALI: I'll Google it right now.</p> <p>4 I don't know, but I believe so. But under oath, I</p> <p>5 don't know. But I do know I've applied for the</p> <p>6 Designed For Life.</p> <p>7 MR. CHAPPELL: I'll allow for close</p> <p>8 enough.</p> <p>9 MS. FAVALI: Close enough, thank you.</p> <p>10 And it was Montgomery -- James Mackie was my</p> <p>11 wonderful inspector.</p> <p>12 MR. CHAPPELL: Do you realize that to</p> <p>13 qualify for that, it's required to be your primary</p> <p>14 residence? And based on the hearing examiner's</p> <p>15 findings in 2023 and what you've testified to</p> <p>16 today and in previous years, it was not your</p> <p>17 primary residence?</p> <p>18 MS. FAVALI: I apologize. I also --</p> <p>19 when I was apprised, as you see, I moved in as</p> <p>20 soon as I realized what primary residence was,</p> <p>21 yes. And I was gone in the hospital and the</p> <p>22 nursing home from February 22nd -- no.</p> <p>23 February 28th. February 22nd I broke my</p> <p>24 collarbone, which you can still see is broken, to</p> <p>25 February 28th. February 20th, I broke my ankle.</p>

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23 (89 to 92)

<p>89</p> <p>1 Yes, I did not realize. It was wrong, yes. 2 MR. CHAPPELL: Okay. 3 MS. FAVALI: But, as soon as I 4 recognized it, I rectified it, I think. 5 MR. CHAPPELL: Okay. Well, the IRS 6 might disagree with the prior years, but that's 7 not what we're talking about today. 8 Do you also recall a conversation a few 9 years ago about the tax credit that you and I had, 10 and you told me you were receiving a \$10,000 11 credit from the County, and that you were going to 12 pocket the money because you've only spent a 13 couple of thousand dollars to design the 14 handicapped ramp, and that you had not spent the 15 entire amount? And you had asked me not to 16 disclose that information out of fear of 17 prosecution? 18 MS. FAVALI: I actually spent -- 19 actually, the guy that's going to do to the roof 20 -- I had never placed my roof -- and build the ADU 21 is American Home Contractors. I spent \$12,000 22 replacing all the doors in the front. You see 23 them every morning. 24 I saw you this morning. You know, 25 there's my trailer. There you are. I was outside</p>	<p>91</p> <p>1 Mr. Chappell, that I was in Potomac Valley Rehab 2 Hospital, getting therapy, getting food, all free 3 on Medicare, how lousy the system is when you get 4 old. I had six months not to be able to drive or 5 ambulate. That's when I thought, what am I going 6 to do here, because I'm -- 7 HEARING OFFICER: Okay. Ms. Favali, I 8 think you've answered the question. 9 MR. CHAPPELL: Okay. Can you also 10 answer, does your sons live at 422 Kennedy Street? 11 MS. FAVALI: No, sir. 12 MR. CHAPPELL: So the court cases and 13 arrest records that we provided with them using 14 that address, they were mistaken? 15 MS. FAVALI: You can look at -- you 16 could call up the courts on every of one of them. 17 I put moved, no forwarding address. So I think -- 18 MR. CHAPPELL: I think the court case 19 reflects that address of your son -- 20 MS. FAVALI: Hang on a second. They 21 were so small, I couldn't do it. The court cases 22 for -- were they, like, back in over, like, eight 23 years ago? 24 MR. CHAPPELL: They were October 2024. 25 I think his court case was actually a few weeks</p>
<p>90</p> <p>1 watering my plants. All of those windows are 2 replaced. I told you, I remember that 3 conversation, I think a little bit better or 4 differently. I recall that conversation, you want 5 to do this now before you get to be me, and you're 6 stuck. You can do it now. So the \$10,000 tax 7 credit, you can't really pocket the money. You 8 have to show that you spent in excess of -- I 9 believe you have to spend in excess of \$10,000, 10 and they give you \$10,000. 11 And they want -- I mean, this is the 12 joke of this whole thing, is the County wants 13 people to age in place. I'm a septuagenarian. My 14 bones are documented that they're terrible, mushy, 15 mushy bones. So I'm a septuagenarian. I'm trying 16 to take care of myself. I would have loved to 17 have stayed in my house when I broke everything 18 last February. My wheelchair, I need to have an 19 electric wheelchair and/or a DoorDash. Again, 20 there were so many things. Yes, I have the Design 21 For Life credit, but I couldn't even access the 22 kitchen. I couldn't even move in my wheelchair. 23 Do you realize I had these big old things that 24 were this big. Yes, I did get the Design For Life 25 credit. It was then that I realized, sir,</p>	<p>92</p> <p>1 ago. 2 MS. FAVALI: Correct. Moving, no 3 forwarding address. What about Felipe? You put 4 Felipe up to in the mix. 5 MR. CHAPPELL: I wasn't asking about 6 that. I was asking about Caleb, who was arrested 7 in October 2024. And he used the address at 8 Kennedy Street. 9 MS. FAVALI: He did or The Court did? I 10 don't know what he did. I haven't talked to him 11 since well before that. I haven't talked to him 12 since his birthday. I haven't talked to him for 13 -- yes. He's -- yes. He might have -- The Court 14 might have used it, but he doesn't use that. 15 MR. CHAPPELL: Okay. 16 MS. FAVALI: He was homeless by his 17 choice. 18 MR. CHAPPELL: Okay. That's all I have. 19 Thank you. 20 MS. FAVALI: And I don't think Felipe's 21 court case is relevant. 22 HEARING OFFICER: All right. Thanks, 23 Ms. Favali. All right. Does anyone else have any 24 questions for Ms. Favali? 25 Okay. We're going to move on to</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 Mr. Johnson. All right. Mr. Johnson, how are 2 you? 3 MR. JOHNSON: I'm doing well. How about 4 yourself? 5 HEARING OFFICER: I'm good, thank you. 6 So tell me about this application. Tell me about 7 the second application. What's different from 8 this time to the last time and any observations 9 you have. 10 MR. JOHNSON: Sure. Now, I just want to 11 be clear that the previous inspection was not 12 conducted by me. 13 HEARING OFFICER: Right. 14 MR. JOHNSON: It was conducted by a 15 member of our office, Inspector Michelle Hadrick. 16 She had been out at the property. 17 When we received the second application 18 that was assigned to me, on September 5th of '24, 19 I was able to coordinate with the applicant 20 property owner to conduct the preliminary 21 inspection on September 30th of '24. 22 HEARING OFFICER: Okay. 23 MR. JOHNSON: I don't know how detailed 24 you want regarding the preliminary inspection or 25 any follow-up to that, but --</p>	<p style="text-align: right;">95</p> <p>1 and safety violations that they were to be 2 corrected immediately. The applicant did correct 3 those violations within several days, and we were 4 able to confirm that. And then, I completed the 5 preliminary inspection report, reflecting back of 6 the initial inspection on September 30th. That 7 was on October 7th, when preliminary inspection 8 report was completed. 9 HEARING OFFICER: I have a question for 10 you, and I'm not sure if you will be able to 11 answer this or not. So if Ms. Favali was to build 12 this ADU, live in the ADU, the primary residence 13 could no longer be a rooming house; correct? 14 MR. JOHNSON: Well, I initially thought 15 that. And that's a good question. I initially 16 thought that, and I discussed it with the 17 applicant at the time. And the applicant's 18 intention was to reside in the detached ADU, the 19 proposed detached ADU, and have a family. You 20 know, these tenants would be temporary, 21 essentially, and that by the time the property was 22 occupied, the home would be either vacant, or the 23 primary dwelling would be -- there would be a 24 lease, you know, one family, one lease for the 25 primary dwelling. And all the other accessory</p>
<p style="text-align: right;">94</p> <p>1 HEARING OFFICER: Tell me about your 2 observations of inside the house. Like, how is it 3 organized? How was it set up? 4 MR. JOHNSON: Okay. The interior of the 5 home has, I believe, six assigned bedrooms, two of 6 which were occupied, or reported to be occupied, 7 by the applicant. One was more intended for, it 8 appeared, to be sleeping, and the other for 9 storage. There were, at the time, I believe, 10 another four tenants that were residing at the 11 property, and each of those tenants had a separate 12 bedroom. 13 Through the inspection process of both 14 the exterior of the property and the interior of 15 the dwelling, I was able to identify 20 16 violations. The vast majority of those violations 17 were fairly minor and were limited to the grounds. 18 And although it's probably on the high side of 19 inspections that I conduct for ADU applications, 20 they all seem within reason to be corrected by the 21 time I went out for the final, with the exception 22 of two health and safety violations. And they 23 were smoke alarms that needed to be updated and 24 relocated. 25 So we went over. We issued those health</p>	<p style="text-align: right;">96</p> <p>1 dwelling unit inspections I've conducted, that's 2 been the case. 3 However, I did consult with the 4 licensing section in preparation for this hearing, 5 and I was informed that they do not believe there 6 is anything prohibiting an individual from renting 7 rooms in a primary dwelling while they reside in a 8 detached accessory dwelling unit. So again, that 9 is not a question that I would feel comfortable 10 directly -- 11 HEARING OFFICER: Okay. Understood. 12 MR. JOHNSON: -- licensing section to 13 answer, but I did consult with them in preparation 14 for this and was informed that room rentals, as 15 far as they understood, could continue. 16 HEARING OFFICER: Okay. So that changes 17 things, though, doesn't it, from a parking 18 perspective? Because if Ms. Favali is going to 19 park in the ADU and you have five room rented in 20 the primary dwelling, that's six cars. How does 21 that work for parking on-site? 22 MR. JOHNSON: Well, just as a way of 23 background, as -- you know, some of this is 24 licensing screens for. 25 HEARING OFFICER: Understood.</p>

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25 (97 to 100)

<p>97</p> <p>1 MR. JOHNSON: My role as the inspector 2 is to go on-site and not count the number of 3 vehicles or the road, or the parking on the road, 4 although, that's something that, if it's 5 excessive, we'll make note of. As you know, it's 6 the square footage of the driveway. 7 HEARING OFFICER: Right. 8 MR. JOHNSON: And the square footage of 9 the driveway far exceeds our requirements. 10 HEARING OFFICER: Yeah. Because it's 11 only for three cars, right? The square footage of 12 the driveway is only to accommodate three cars, 13 right? 14 MR. JOHNSON: Exactly. So the parking 15 measured approximately 1,500 square feet. Now, 16 you know, some of that is there's two entrances. 17 It's a horseshoe driveway, part of it is a 18 horseshoe driveway. So some of that is limited 19 when it comes to parking. 20 HEARING OFFICER: Right. 21 MR. JOHNSON: But I don't make that 22 assessment. I simply report the square footage. 23 HEARING OFFICER: Square footage, right. 24 MR. JOHNSON: Of off-street parking, 25 yeah.</p>	<p>99</p> <p>1 driveways. That horseshoe driveway would be 2 included in our calculation. It may add some 3 ability to, you know -- it gives you another path 4 to enter and leave the property. So it may add 5 some functionality. But, you know, essentially, 6 they're both basically a little over the width of 7 a vehicle. 8 HEARING OFFICER: Okay. 9 MR. JOHNSON: So they're going to be 10 limited to how many vehicles they could get 11 through without pulling them out onto the street 12 and shuffling cars. 13 HEARING OFFICER: Okay, thank you. When 14 you went to inspect that day, were there cars 15 parked on the street; do you recall? 16 MR. JOHNSON: I think I'd have to 17 reflect on my photos, but there really wasn't that 18 many vehicles. There may have been a total of 19 three vehicles. My recollection, three vehicles 20 and a trailer. The trailer, at the time, 21 displayed South Carolina registration, and it was 22 parked at the far end of that driveway that 23 runs -- 24 HEARING OFFICER: Okay. 25 MR. JOHNSON: -- parallel to the</p>
<p>98</p> <p>1 HEARING OFFICER: Yeah. Because I'm 2 looking at the -- here. I'll share screen. I'm 3 looking at the parking plan. So, like, this 4 portion couldn't be used for parking. This 5 portion really couldn't be used for parking 6 because it's going to be ingress and egress, 7 right? But parking could be here, essentially, 8 along the side of the house, or potentially here 9 in the middle; is that accurate? 10 MR. JOHNSON: Well, no. I don't see any 11 restrictions on parking in either the horseshoe or 12 the driveway that runs parallel to the property 13 line. 14 HEARING OFFICER: Okay. 15 MR. JOHNSON: I think you run into the 16 same situation when it comes to parking, is that 17 if you have a driveway that is effectively a 18 little larger than the width of a car, any time a 19 vehicle needs to be moved -- 20 HEARING OFFICER: Right. It's a car 21 shuffle. 22 MR. JOHNSON: Exactly. But we see that 23 all the time. There's not a requirement that we 24 have, you know, a width for two cars to pass. We 25 simply, you know, check the square footage for the</p>	<p>100</p> <p>1 property line. 2 HEARING OFFICER: Okay. 3 MR. JOHNSON: And one of the vehicles 4 was reported -- the applicant reported that that 5 was her vehicle. My recollection was, it was a 6 Mitsubishi, silver in color. It also displayed 7 South Carolina registration. 8 HEARING OFFICER: Okay. 9 MR. JOHNSON: And it was parked on the 10 horseshoe. My recollection is, it was parked on 11 the horseshoe section of parking. 12 HEARING OFFICER: Okay. 13 MR. JOHNSON: Again, I could reflect on 14 the photos and maybe -- 15 HEARING OFFICER: That's okay. 16 MR. JOHNSON: -- have concrete 17 information, but that's what my recollection is. 18 HEARING OFFICER: Okay. All right. I'm 19 just trying to see if there's anything else I had 20 notes on. Okay. No. I think that's it. 21 Oh, just a quick question. So when you 22 noted the violations, do you know if they've been 23 abated, or have you had an opportunity to go back 24 and check? 25 MR. JOHNSON: The health and safety</p>

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26 (101 to 104)

101	<p>1 violations have been abated. Many of the</p> <p>2 violations we have we'll just have to reinspect</p> <p>3 for at the final inspection. For example, the</p> <p>4 ramp on the back of the home has some boards that</p> <p>5 are rotting. That's going to be part of the</p> <p>6 construction process. And when she puts the</p> <p>7 exterior -- if the project goes as intended, the</p> <p>8 proposed exterior ADU is going to need a pathway,</p> <p>9 and that's going to be part of the project.</p> <p>10 So there's some things on the grounds.</p> <p>11 The trailer, for instance, needing to get current</p> <p>12 registration, and some other issues that are just</p> <p>13 going to play themselves out.</p> <p>14 The critical issues for the health and</p> <p>15 safety, we ensure they are corrected immediately.</p> <p>16 They were corrected, and that's when we issue the</p> <p>17 preliminary inspection report.</p> <p>18 The final inspection is currently</p> <p>19 scheduled for October 1st of '25. That's not set</p> <p>20 in stone. Just for an exterior construction</p> <p>21 project, we put a one-year follow-up on the case,</p> <p>22 because, you know, typically, they take at least a</p> <p>23 year from the time they're, you know, applying for</p> <p>24 it till the time they're ready for final</p> <p>25 inspection. The final inspection would only</p>	103	<p>1 I might leave the record open to consult with</p> <p>2 licensing. I'll let everybody know this. So once</p> <p>3 I take a look for this to see, because this,</p> <p>4 what's proposed, just confirming with you, is a</p> <p>5 detached new structure; correct?</p> <p>6 MR. JOHNSON: That's correct.</p> <p>7 HEARING OFFICER: Okay. Oh, I see</p> <p>8 Mr. Bouma has his hand raised. Mr. Bouma?</p> <p>9 MR. BOUMA: I am here if you need me to</p> <p>10 testify.</p> <p>11 HEARING OFFICER: Okay. Yeah. I might</p> <p>12 ask you a few questions about that, if you don't</p> <p>13 mind.</p> <p>14 But I think that's it, Mr. Johnson.</p> <p>15 Thank you. I appreciate that.</p> <p>16 MR. JOHNSON: Thank you.</p> <p>17 MS. BENNET: I have some questions for</p> <p>18 Mr. Johnson.</p> <p>19 HEARING OFFICER: Okay. All right,</p> <p>20 Mr. Bouma, before we start with you, everybody</p> <p>21 gets to ask you questions, Mr. Johnson. All</p> <p>22 right, Ms. Bennet.</p> <p>23 MS. BENNET: Yes. Mr. Johnson, Exhibit</p> <p>24 2 is your preliminary inspection report. I don't</p> <p>25 know if the Hearing Examiner wants to pull it up</p>
102	<p>1 happen after all the violations are corrected, all</p> <p>2 the items on the preliminary inspection report</p> <p>3 have been addressed, all the building permits, to</p> <p>4 include the building, electric, mechanical</p> <p>5 permits, any permits that are run through WSSC.</p> <p>6 When they are final, the last step is for me to</p> <p>7 schedule that final inspection, or, essentially,</p> <p>8 the applicant to contact us and say, it's time;</p> <p>9 I've completed this. I do my research, see that</p> <p>10 those items that we've discussed and are</p> <p>11 documented in the preliminary inspection report</p> <p>12 have been completed. And then, we'll set up that</p> <p>13 final inspection. So I don't mean to say the</p> <p>14 final inspection will be October 1st of '25.</p> <p>15 HEARING OFFICER: Right.</p> <p>16 MR. JOHNSON: That's just the first date</p> <p>17 we have, and we will follow up with the applicant</p> <p>18 in and around that date to see what the status of</p> <p>19 the project is. Often, our applicants are asking</p> <p>20 for additional time to complete the work. And</p> <p>21 within reason, that is granted. That is not</p> <p>22 granted at my level. That is the licensing</p> <p>23 section for the Department of Housing and</p> <p>24 Community Affairs that would grant any extensions.</p> <p>25 HEARING OFFICER: Okay. So, all right.</p>	104	<p>1 on the screen.</p> <p>2 HEARING OFFICER: I can pull it up.</p> <p>3 MR. JOHNSON: Okay.</p> <p>4 MS. BENNET: And I just want to note for</p> <p>5 the record that it's your letter, or your report,</p> <p>6 is addressed to Ms. Favali at 4222 Kennedy Street.</p> <p>7 Why was it not addressed to her at the address of</p> <p>8 the place that she's claiming as her primary</p> <p>9 residence?</p> <p>10 MR. JOHNSON: That's a good question.</p> <p>11 Generally, I can answer by saying it's an</p> <p>12 automated process. When I generate that</p> <p>13 inspection report, whatever address is assigned to</p> <p>14 the property owner, it generates that letter, and</p> <p>15 their information goes on there. In reviewing it,</p> <p>16 you know, I see that that is an issue. It's not</p> <p>17 uncommon, though.</p> <p>18 A significant -- not a significant.</p> <p>19 Some percentage of our applicants have addresses</p> <p>20 elsewhere, because they're in the construction</p> <p>21 process. You know, they may provide a different</p> <p>22 address for mailing reasons or whatever. So in</p> <p>23 this case, the address that was provided,</p> <p>24 presumably the licensing was at Kennedy Street, it</p> <p>25 was entered into the database. So when I</p>

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27 (105 to 108)

<p>105</p> <p>1 generated the letter, it was sent out to the 2 Kennedy Street address. I would have to look into 3 it a little bit more to see why it did pick up 4 that address, but it's not uncommon we have other 5 addresses that are in the database that are 6 generated. Perhaps Mr. Clifton Bouma, in our 7 licensing, would have a better idea how that 8 address, you know, was initially entered. 9 MS. BENNET: I think he's going to talk 10 to us. But the next thing in Exhibit 2 is, it's 11 called licensing and registration. It's the next 12 page in Exhibit 2, after your inspection report. 13 HEARING OFFICER: Okay. Let me keep 14 going down here. 15 MS. BENNET: My question on that, and I 16 don't know if this is a question for you or 17 Mr. Bouma, but my question is, is this the 18 director's report the same one that is required by 19 the rules, Rule 3.1.2? And I think we have that 20 rule listed as Exhibit R. Who prepares this 21 director's report? Was that you or was that 22 someone else? 23 MR. JOHNSON: I prepared. The 24 director's report, I believe, is also synonymous 25 with the preliminary inspection report. That's my</p>	<p>107</p> <p>1 what he saying. 2 MR. JOHNSON: Yes. Yes. 3 MS. BENNET: I just want to make sure I 4 understand. Thank you. 5 HEARING OFFICER: Yeah. 6 MS. BENNET: That's all I have. 7 HEARING OFFICER: Okay. Does anyone 8 else have any questions for Mr. Johnson? Okay. 9 All right, thank you. 10 MR. JOHNSON: Thank you. 11 HEARING OFFICER: Mr. Bouma, so this is 12 an application for a detached ADU. So in theory, 13 like, I was asking Mr. Johnson, Ms. Favali could 14 live in the ADU and rent out five bedrooms in the 15 main house? 16 MR. BOUMA: So I was just looking that 17 up. So it's my understanding that it's the ADU 18 that's limited. If I can share my screen? 19 HEARING OFFICER: Sure. 20 MR. BOUMA: Can you see my screen? 21 HEARING OFFICER: I can. 22 MR. BOUMA: So if you look at here it 23 says, It's limited by Chapter 26, the total number 24 of occupants residing in the accessory dwelling 25 unit who are 18 years or older is limited to two.</p>
<p>106</p> <p>1 understanding. 2 MS. BENNET: So it's not the report that 3 is defined in Section 3.1.2 of the rules? And 4 that rule is in Exhibit R, if you want to show 5 that. 6 MR. JOHNSON: Exhibit R? 7 MS. BENNET: Exhibit R. 8 MR. JOHNSON: Okay. I see numbered 9 exhibits. 10 MS. BENNET: It's 13R. 11 HEARING OFFICER: Here we go. 12 MR. JOHNSON: Okay. 13 MS. BENNET: 13R, sorry. 3.1.2 defines 14 the director's report. I'm just trying to 15 understand what's in the rule there, and is that 16 what this is, or is this part of the preliminary 17 inspection report? 18 MR. JOHNSON: I believe it's synonymous. 19 The preliminary inspection report and the 20 director's report are essentially -- they are the 21 same thing. They are just described differently 22 for -- yeah. It's the same thing. 23 MS. BENNET: So that fulfills 3.1.2, in 24 your view? 25 HEARING OFFICER: Yeah. I think that's</p>	<p>108</p> <p>1 HEARING OFFICER: To two. 2 MR. BOUMA: So it's my understanding 3 that it's just the ADU that's limited. If they 4 live in the ADU, then they could rent the main 5 structure. 6 HEARING OFFICER: But then, I think, it 7 -- isn't a rooming house defined as someone who 8 lives in the house and rents rooms? But it would 9 not be -- 10 MR. BOUMA: But she would be living in 11 the ADU. 12 HEARING OFFICER: -- it's not to be more 13 like a multi-family dwelling, right? 14 MR. BOUMA: So it would only have one 15 kitchen. So that's permitted. They can rent to 16 up to five unrelated persons. 17 HEARING OFFICER: So five unrelated 18 persons with one kitchen? 19 MR. BOUMA: Right. 20 HEARING OFFICER: So it could continue 21 to move forward exactly how as it is, if she were 22 to construct it -- 23 MR. BOUMA: From my reading of the code, 24 that's my understanding, yes. 25 HEARING OFFICER: And I'm just curious,</p>

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28 (109 to 112)

109	<p>1 has this come up yet? The ADU law is relatively</p> <p>2 new. So has this come up? Essentially, a rooming</p> <p>3 house with an ADU?</p> <p>4 MR. BOUMA: Not this exact situation,</p> <p>5 no. But I have other properties where the person</p> <p>6 lives in the ADU and rents the main house. But I</p> <p>7 don't know how many bedrooms --</p> <p>8 HEARING OFFICER: But as, like, one</p> <p>9 dwelling unit, right?</p> <p>10 MR. BOUMA: Right. I mean, there's only</p> <p>11 one kitchen, so we consider it not a multi-family.</p> <p>12 HEARING OFFICER: But it's different,</p> <p>13 though, right? Because if you're renting rooms,</p> <p>14 is that defined differently than renting one house</p> <p>15 to, like, five leases in one house?</p> <p>16 MR. BOUMA: A room rental, which the</p> <p>17 owner was talking about, if they live in the</p> <p>18 property and share the common areas and the one</p> <p>19 kitchen, we don't license that. We do consider</p> <p>20 that a room rental. But that's only if the owner</p> <p>21 lives there and shares the common areas and the</p> <p>22 one kitchen.</p> <p>23 HEARING OFFICER: Right. So she</p> <p>24 wouldn't live there.</p> <p>25 MR. BOUMA: Correct.</p>	111	<p>1 MS. FAVALI: No. I think I've said</p> <p>2 enough.</p> <p>3 HEARING OFFICER: Okay. Thank you. All</p> <p>4 right.</p> <p>5 MS. FAVALI: And thank you.</p> <p>6 HEARING OFFICER: Okay. So now those in</p> <p>7 opposition, you guys get the last word. Who, if</p> <p>8 anyone, would like to speak? Ms. Bennet?</p> <p>9 MS. BENNET: I don't have anything</p> <p>10 further.</p> <p>11 HEARING OFFICER: Okay. Great. So that</p> <p>12 concludes the testimony in this matter. I'm going</p> <p>13 to keep the record open.</p> <p>14 So now that Mr. Bouma was here, I</p> <p>15 appreciate you jumping in and answering those</p> <p>16 questions for me. I'm going to leave the record</p> <p>17 open for ten days in order for Mr. Carmichael to</p> <p>18 generate our transcript. This will be the written</p> <p>19 transcript of the proceeding that will become part</p> <p>20 of the permanent record. A decision will be</p> <p>21 rendered within 30 days of the date when the</p> <p>22 record is closed. So essentially, I'll have a</p> <p>23 decision rendered within 40 days. That decision</p> <p>24 will be based on the testimony and evidence here</p> <p>25 today, as well as the documents that were put into</p>
110	<p>1 HEARING OFFICER: So if she lived in the</p> <p>2 ADU, she's no longer sharing that common space.</p> <p>3 MR. BOUMA: Right.</p> <p>4 HEARING OFFICER: So it would have to be</p> <p>5 either a single-family dwelling unit, where,</p> <p>6 essentially, five roommates could live together</p> <p>7 with one lease, not five rooms, five rooming units</p> <p>8 with her?</p> <p>9 MR. BOUMA: I'm not sure.</p> <p>10 HEARING OFFICER: Yeah. I mean, that,</p> <p>11 to me, is an important distinction, but it's</p> <p>12 probably a County attorney ruling on that.</p> <p>13 MR. BOUMA: Okay. Yeah.</p> <p>14 HEARING OFFICER: Okay. All right.</p> <p>15 Thank you. I appreciate that.</p> <p>16 MR. BOUMA: Sure.</p> <p>17 HEARING OFFICER: And if you could stop</p> <p>18 sharing screen, that's all, sir.</p> <p>19 MR. BOUMA: Sure.</p> <p>20 HEARING OFFICER: All right. Any</p> <p>21 questions for Mr. Bouma? Okay. All right.</p> <p>22 So now we are essentially at the</p> <p>23 rebuttal portion. So, Ms. Faval, after hearing</p> <p>24 the testimony of Mr. Johnson and Mr. Bouma, is</p> <p>25 there anything else you'd like to tell me?</p>	112	<p>1 evidence previously and that are up on the</p> <p>2 website.</p> <p>3 I appreciate everybody's time being here</p> <p>4 today, and I hope you all have a great day.</p> <p>5 MR. MACK: Thank you very much.</p> <p>6 MS. BENNET: Thank you.</p> <p>7 (Off the record at 11:42 a.m. EST.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

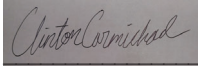
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I, Clinton Carmichael AAERT CER, the
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taken, do hereby certify that said proceedings
were electronically recorded by me; that the
foregoing transcript, to the best of my ability,
knowledge, and belief, is a true and accurate
record of the proceedings; and that I am neither
counsel for, related to, nor employed by any of
the parties to this case and have no interest,
financial or otherwise, in its outcome.



CLINTON CARMICHAEL, NOTARY PUBLIC FOR
FOR THE STATE OF DELAWARE

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CERTIFICATE OF TRANSCRIBER

I, Jacalyn Mann, do hereby certify that
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neither counsel for, related to, nor employed by
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Jacalyn Mann
December 12, 2024.

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