

From: [Robeson Hannan, Lynn](#)
To: [Johnson, Nana](#)
Subject: FW: Motion to Compel Immediate Filing of Amended Application ("Motion to Compel")
Date: Wednesday, February 25, 2026 9:42:35 AM

Is this in the record?

From: Bil Chen <wjc@cwtm.net>
Sent: Tuesday, February 24, 2026 12:07 PM
To: Office of Zoning and Administrative Hearings <OZAH@montgomerycountymd.gov>; Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Cc: sleecho@bregmanlaw.com; 'Vivian Riefberg' <vivianriefberg@gmail.com>; 'Meg VanDeWeghe' <meg.vandeweghe@gmail.com>; 'Kim Brinkman' <ksbrinkman@gmail.com>; wwkauf@aol.com; swkauf@aol.com; john-harris1@verizon.net; rwbowe21@gmail.com; penny.evins@holton-arms.edu; dariushkh@gmail.com; stevenkolas@yahoo.com; bailabailajazz@gmail.com; tracykwwashington@gmail.com; rimatannous@yahoo.com; muratt@gwu.edu; juliearthurgarcia@gmail.com; 'Lawrence Green' <larryhgreen@gmail.com>
Subject: Motion to Compel Immediate Filing of Amended Application ("Motion to Compel")

[EXTERNAL EMAIL]

Madam Examiner: This email is sent in reply to your email of yesterday, February 23, 4:08 p.m., as well as your predecessor emails related to the Motion to Compel and the related emails of others, including attorney Lee-Cho. Also, this email is sent to parties of record as reflected in the OZAH file. Apparently the "cc" copies of emails has grown to many, many pages with many individuals who are not parties of record. I do not think that I am obligated to copy anyone other than a party of record as required by OZAH.

I ask that you re-read the Motion to Compel and its exhibits. The dispute that is the basis for the motion arises from the absolute and total failure of the Applicant, Holton Arms School, Inc., to comply with the requirements of the Zoning Ordinance for filing an application to modify a special exception, here a Major Modification. This failure to comply with the law – the law – was initially raised by you in your 2+ page email to attorney Lee-Cho of November 12, 2025, which is **EXHIBIT A** to the Motion to Compel. It was the subject of the preliminary proceedings of the then first day of OZAH hearings on November 17, 2025 --- it was the only matter addressed. **The issue was the failure of the Holton Arms application to comply with the requirements of the Zoning Ordinance.** If you do not believe me, please read the entire November 17 OZAH hearing transcript. Its in the record.

To solve the failure of Holton Arms to file a proper application it was decided and agreed that it could file new/revised plans and other documents/material by February 13, 2026, to make its application compliant with the law. The November 17 hearing transcript makes that decision/agreement clear, plain, and unambiguous. See, **EXHIBIT B** to the Motion to Compel, but, again, if you do not believe me, read the entire transcript. **To this date, Holton Arms still --- STILL --- has NOT filed new/revised plans or other documents/material to amend its application to comply with the law. ALSO, Holton has NEVER reported what it did do, or did not do, for almost 3 months (November 17, 2025, to February 13, 2026) to gather/order/prepare the new/revised plans**

(especially those referenced by Mr. LaVay at the November 17 hearing) that were needed to amend its application.

In justification of its failure to comply with the law, the Zoning Ordinance requirements, Holton's lawyer has argued that it was not required to file new/revised plans and other documents/material until the OZAH Rule 3.5 "pre-hearing submission" date which is 30 days before the first day of the OZAH hearing scheduled for April 7, 2026, which would be March 8, a Sunday. That contention is absolutely contrary to the November 17 hearing transcript and also prejudices the ability of the opposition to file pre-hearing submissions because opposition pre-hearing submissions are due 20 days before the April 7 hearing, being March 18. In that scenario (as argued by attorney Lee-Cho) the opposition would only have ten (10) days to review the new/revised plans and other documents/material before their pre-hearing submissions were due.

Aside from the failure of Holton Arms to file required new/revised plans and other documents and material by February 13, it has now been revealed that one component, its FCP, cannot be reviewed by M-NCPPC staff by March 26. In fact, based on the emails of both Ms. Bogdan and Ms. Lee-Cho apparently **no** FCP has even been submitted to M-NCPPC staff by Holton Arms. The FCP is an important required submission, and the opposition needs to see and review it in order to address it at the OZAH hearing. And, the opposition intends to address the FCP at the hearing.

The orders originally submitted in conjunction with the Motion to Compel have been superceded.

Due solely to the failures of Holton Arms (or its consultants/representatives) its application is still not compliant with the law, and under existing timeframes the opposition (and M-NCPPC staff also) will not have enough time (as mandated by the OZAH rules) to review an amended application (whenever it may be filed) and also file required opposition pre-hearing submissions. All of the foregoing has occurred to disadvantage and prejudice the opposition. Its been done intentionally. The Holton application is not ready for an OZAH hearing and due to Holton's own fault and machinations the OZAH hearing must be postponed until, at least, an amended application compliant with the law is on file and had M-NCPPC review. The multiple emails that have been filed since the Motion to Compel was filed over a week ago amply demonstrate that this case is not ready for hearing. Given the record in this case, my clients object to any OZAH hearing on April 7, 8, 9, and 10.

Bil Chen.

