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**VIA ELECTRONIC AND HAND DELIVERY**

Ms. Khandikile Sokoni, Esq.  
Office of Zoning and Administrative Hearings  
100 Maryland Avenue, Suite 200  
Rockville, Maryland 20850

Re: Objections to Pre-Hearing Statement Submitted by Keith Nusbaum  
Notley Road - Local Map Amendment No. H-159 (the “Application”)

Hearing Examiner Sokoni,

On behalf of Notley Assemblage LLC (the “Applicant”), we object to various aspects of the “Pre-Hearing Statement in Opposition” submitted by Keith Nusbaum (the “Statement”) in connection with the above-referenced Application (Exhibit 55). We request that the Hearing Examiner give clear guidance to the parties regarding the scope of Mr. Nusbaum’s allowable participation in the upcoming hearing on the Application.


The Applicant acknowledges that Mr. Nusbaum is a Party of Record, pursuant to his request dated August 11, 2025 (Exhibit 32(a)), but notes that he is participating in these proceedings as an individual who is not represented by counsel. As such, Mr. Nusbaum’s participation is limited to what the OZAH Rules of Procedure (Council Resolution No. 18-780) (the “Rules”) permit of an individual member of the public. Mr. Nusbaum’s Statement goes beyond the submission of narrative testimony and pertinent written materials as allowed by Rules 3.3 and 3.5. In reference to presenting evidence at the hearing and reserving the right to calling witnesses he indicates an intention to participate in the hearing in a role reserved for counsel representing organized opposition, which is not permitted by the Rules. Further, while there will be opportunities for him and other individuals to cross-examine witnesses that testify at the OZAH hearing, subject to the Hearing Examiner’s authority to establish procedures for the reasonable regulation of cross examination, we would object to any attempt by Mr. Nusbaum to call his own witnesses.

Additionally, while we do not object to Mr. Nusbaum’s submission of materials he feels are relevant into the record, including the “Maryland Department of Transportation, State Highway Administration, Turning Movement Summary Report”, we would object to any testimony he plans to offer that draws conclusions from the contents contained therein, as, to our knowledge, Mr. Nusbaum does not have the necessary credentials to qualify him as an expert in transportation engineering or planning.

In sum, we do not object to Mr. Nusbaum, as an individual member of the public, testifying during the hearing or submitting written materials as he has, but we do object to his stated intention to participate in the proceedings beyond the limits identified for individuals in the Rules. We therefore request that the Hearing Examiner issue a ruling making the limits of Mr. Nusbaum's participation clear. We wanted to submit this objection and request for clarification in advance, to make sure the ground rules are clear to all parties prior to the hearing. Thank you in advance for your consideration.

Sincerely,

  
Elizabeth C. Rogers

  
Erin E. Girard