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# Transcript of Hearing In Re Sleaford Road

**Date:** September 15, 2021

**Case:** Abandonment Hearings, In Re: Kentbury Drive & Sleaford Road

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DEPARTMENT OF TRANSPORTATION  
FOR MONTGOMERY COUNTY, MARYLAND

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IN RE: : Petition No.  
SLEAFORD ROAD : AB777  
-----x

Public Hearing  
Before Hearing Officer Richard Dorsey  
Conducted Virtually  
Wednesday, September 15, 2021  
2:05 p.m. ET

Job No. 399561  
Pages: 1-29  
Transcribed by: Megan Wunsch, AAERT CET

Transcript of Hearing In Re Sleaford Road  
Conducted on September 15, 2021

1           Hearing In Re Sleaford Road conducted  
2           virtually.

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8           Pursuant to agreement, before Daniel Long,  
9           Notary Public in and for the District of Columbia.

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A P P E A R A N C E S

PARTICIPANTS:

- Eric Willis, MCDOT
- Tiara McCray, MCDOT
- Damon Orobona, Applicant

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P R O C E E D I N G S

OPENING REMARKS

HEARING OFFICER: It's approximately 2:05 on the 15th day of September, 2021. We are conducting this hearing via Zoom, and we are here for a public hearing on Abandonment Petition AB777 to consider an application received from Nova Ventures, East West LLC, to abandon a portion of right-of-way known as Sleaford Road in Chevy Chase.

My name is Richard Dorsey, and I am the county exec's designee hearing officer for the County's Department of Transportation. The right-of-way abandonment hearing is being conducted pursuant to Chapter 49-62(f) of the County Code.

My role in this abandonment process is to receive information concerning the abandonment request and then write a report and recommendation to the county exec concerning the applicant's petition for abandonment. In order to do this, I will be considering statements made at the hearing, written comments received within the comment period -- that comment period is open until September 29th, 2021, at 5:00 p.m. -- and documents submitted to support or explain a

1 position.

2 My report and recommendation will then be  
3 forwarded to the county exec for consideration,  
4 and the county exec will then forward the report  
5 and the county exec's recommendation to the County  
6 Council. It is the County Council that will  
7 decide whether to grant or deny the applicant's  
8 petition for abandonment.

9 For those who wish to submit written  
10 comments, please submit them to Eric Willis at  
11 Montgomery County Department of Transportation,  
12 100 Edison Park Drive, 4th floor, Gaithersburg,  
13 Maryland 20874, or email them to  
14 Eric.Willis@MontgomeryCountyMD.gov by September  
15 29th, 2021.

16 Here are a few ground rules that we must  
17 cover before Mr. Willis introduces the abandonment  
18 petition in the record.

19 First, turn off or silence your cell  
20 phones.

21 Second, an issue of decorum, all  
22 applicants -- or participants, excuse me, must be  
23 given their due consideration. Those seeking to  
24 offer comments following the close of the  
25 petitioner's case for abandonment are asked to be

1 mindful of time and to limit their comments to the  
2 relevant matters. Such comments should be  
3 confined to less than three minutes.

4 If an interruption occurs, I will give the  
5 individual a first warning. If a second  
6 interruption occurs, I will give that individual a  
7 second warning, and then they will be muted. If  
8 the same individual receives a third warning, that  
9 person will be removed from the call. If there  
10 are several people making interruptions, I will  
11 close the hearing.

12 Following Mr. Willis' introduction, the  
13 applicant will submit its case for why it believes  
14 that the right-of-way should be abandoned. After  
15 the applicant has completed its case, those who  
16 have registered to speak will be afforded the  
17 opportunity to make relevant comments.

18 And now I offer you Mr. Willis to  
19 introduce documents.

20 MCDOT PRESENTATION

21 MR. WILLIS: Thank you, Mr. Dorsey. I  
22 remembered to unmute myself this time, so keeping  
23 myself out on the back floor.

24 Again, my name is Eric Willis. I'm the  
25 chief of the Property Acquisition Section with



1 Montgomery County DOT. My section is responsible  
2 for administering requests for the abandonment of  
3 public rights-of-way.

4 As Mr. Dorsey noted, this process is  
5 governed by the County Code, specifically Article  
6 49, Section 6 of the code. And that requires that  
7 a County Council may abandoned a public right-of-  
8 way upon a finding that the right-of-way is no  
9 longer needed for present, future use or  
10 anticipated -- present public use or anticipated  
11 future public use or the abandonment is necessary  
12 to protect the health, safety, and welfare of the  
13 residents near the right-of-way to be abandoned.

14 In this case, the subject right-of-way,  
15 known as Sleaford Road, was dedicated to public  
16 use via Subdivision Plat No. 2006, which is dated  
17 August 11th, 1947.

18 The subject portion of the roadway -- and  
19 this is the portion between what had been the  
20 train tracks and the Capital Crescent Trail, soon  
21 to be purple line, and East-West Highway is the  
22 segment that we're focusing on. And just -- that  
23 roadway was never built, but there are public  
24 utilities located within the -- the overall right-  
25 of-way.

1           The applicant here is seeking to  
2     incorporate the portion of the Sleaford Road  
3     right-of-way into the adjacent property. And I'm  
4     sure the applicant can elaborate on this as part  
5     of his presentation, but essentially what we're  
6     looking to do is there's -- there will be a future  
7     pedestrian path where the -- as part of the purple  
8     line construction that comes through the right-of-  
9     way, and the applicant is seeking to have  
10    abandoned portion from the west of that pedestrian  
11    -- the path in between that western edge and the  
12    -- the property boundary of the adjacent property.

13           And this hearing is being conducted in  
14    accordance with the County Code. And as part of  
15    our administrative process, we have provided  
16    requisite notices to other public agencies,  
17    abutting property owners -- and I realize there's  
18    a few of you on the call here -- and the public at  
19    large. As part of that process, we've collected a  
20    number of exhibits, and I will now introduce those  
21    exhibits into the hearing record.

22           Tiara, if you could pull those up, we can  
23    go through those.

24           (Exhibit A introduced, retained.)

25           Exhibit A is the letter from Nova Ventures

1 requesting the abandonment, and the letter has a  
2 number of exhibits and illustrations attached to  
3 it. It also includes the original right-of-way  
4 plat -- subdivision plat of dedicated right-of-  
5 way, what I referred to earlier.

6 So I know that the -- that the applicant  
7 has another presentation to pull up here, but we  
8 can just kind of click through some of the  
9 attachments that were included with the letter  
10 requesting the abandonment and the fee -- the  
11 payment of the fee associated with it.

12 (Exhibit B introduced, retained.)

13 Exhibit B, I believe, is an aerial photo  
14 that we have of the right-of-way area. Through  
15 the photo there, you can see kind of the purple  
16 line construction that's taking place sort of down  
17 the center of the right-of-way.

18 Yeah. There you go.

19 And then we're seeking -- it's the  
20 property just to the south or just below the  
21 right-of-way, that's what the applicant is sort of  
22 focusing on.

23 (Exhibit C introduced, retained.)

24 Exhibit C is the proof of advertising.  
25 This is from The Washington Times showing that it

1 ran, September 1st and September 8th, the notice  
2 of today's hearing, and we attached QR code, which  
3 is also attached to our signs, providing notice of  
4 the abandonment.

5 (Exhibit D introduced, retained.)

6 Exhibit D is a photo of the sign posted at  
7 the property and again incorporating our QR code,  
8 using that as a way of signing up.

9 (Exhibit E introduced, retained.)

10 Exhibit E, this is where we get into some  
11 agency comments. This is an email received from  
12 the Department of Permitting Services, section of  
13 Fire Department Access, indicating no objections  
14 to the requested abandonment.

15 (Exhibit F introduced, retained.)

16 Exhibit F is an email received from the  
17 police department also indicating no objections to  
18 the proposed abandonment.

19 (Exhibit G-1 introduced, retained.)

20 Exhibit G, I believe. Exhibit -- this is  
21 one of two exhibits. Exhibit G-1 is a -- an email  
22 received from our Department of Permitting  
23 Services acknowledging that there had been an  
24 interagency discussion in August concerning the  
25 abandonment request and that previous concerns

1       voiced by DPS had been addressed and they were no  
2       longer in opposition to the abandonment.

3               (Exhibit G-2 introduced, retained.)

4               Exhibit G-2 is the initial email received  
5       from DPS in which they highlight several potential  
6       problems with the abandonment.

7               (Exhibit H-1 introduced, retained.)

8               Exhibit H -- Exhibit H is a memorandum  
9       received from the Montgomery planning office.

10       It's a multiple-page memorandum in which they  
11       recommend approval of the subject abandonment  
12       request subject to certain conditions, including  
13       granting of any necessary easements or utilities  
14       that may exist within the area to be abandoned.

15               You've got to click through, I guess, some  
16       of the illustrations that were included with that,  
17       and then they'll have some photos, I believe, as  
18       well.

19               And also attached, the applicant's letter  
20       -- the exhibits to the applicant's letter to the  
21       County. Few more clicks.

22               (Exhibit H-2 introduced, retained.)

23               I believe that's H-2. I believe H-1 was  
24       the memo. I believe H-2 are some other  
25       attachments to the Montgomery planning memorandum

1 that we've already looked at. I think this covers  
2 -- this may be the last one.

3 And just -- if you can go back to that one  
4 just for a second, and I know the applicant will  
5 bring this up as well, but this is a good  
6 illustration of the area being sought for  
7 abandonment. You can see the pedestrian path that  
8 cuts through kind of the middle of the right-of-  
9 way, and then the area located sort of in the  
10 bottom of the screen, down, and in between the  
11 property line, which is the line that sort of  
12 meets the curb, yeah, is the area that's being  
13 sought for abandonment. Sleaford Road is actually  
14 an 80-foot-wide right-of-way. You can see sort of  
15 that lower portion of it.

16 (Exhibit I-1 introduced, retained.)

17 I believe we're at Exhibit I. Exhibit I  
18 is an email received from Steve Kohlars [phonetic]  
19 at the Maryland Transit Administration in which  
20 they voiced no objections to the abandonment  
21 request subject to any necessary easements for  
22 utilities that -- that may be within the -- the  
23 area to be abandoned.

24 (Exhibit I-2 introduced, retained.)

25 Exhibit I-2 is an illustration that

1 accompanied the email from Mr. Kohlars, the same  
2 one we just looked at.

3 (Exhibit J introduced, retained.)

4 Exhibit J is an email from Verizon  
5 indicating they do not have any facilities within  
6 the right-of-way, I guess but noting that Pepco  
7 may have a pole there, and to the extent that  
8 Verizon would connect to a Pepco pole, they might  
9 have an issue.

10 (Exhibit K introduced, retained.)

11 Exhibit K is correspondence received --  
12 that I received from the applicant which included  
13 sort of an email thread following up on a site  
14 visit with Pepco, which Pepco indicated that they  
15 did not have any facilities within the portion of  
16 the right-of-way that is being sought for  
17 abandonment.

18 Exhibit L -- no, I think that's it. I  
19 think that's -- that's our final exhibit. So with  
20 that, I will turn it back over to you, Mr. Dorsey.

21 HEARING OFFICER: So at this time, we will  
22 hear statements from Nova Ventures, East West LLC.

23 APPLICANT PRESENTATION

24 MR. OROBONA: Thank you. Can you guys  
25 hear me?

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15

1 MS. McCRAY: Yes.

2 MR. WILLIS: Yes.

3 MR. OROBONA: Can you see me?

4 MR. WILLIS: Yes.

5 MR. OROBONA: And can I share my screen?

6 MS. McCRAY: Yes, you are able to share  
7 screen.

8 MR. OROBONA: Okay. Let me pull this up.  
9 Give me just a minute, guys.

10 HEARING OFFICER: Can you say your name  
11 for the record?

12 MR. OROBONA: I sure will. Just give me  
13 just one second to pull up the screen sharing, and  
14 I will do an introduction. There we go.

15 Okay. Can everyone see this?

16 HEARING OFFICER: Yes.

17 MS. McCRAY: Yes.

18 MR. OROBONA: Okay. So sorry about the  
19 delay here.

20 My name is Damon Orobona. I'm a partner  
21 with Nova Ventures. We are the contract purchaser  
22 of the property located at 4201 East-West Highway  
23 in Chevy Chase, Maryland, and that's the property  
24 that's just south of the Sleaford Road right-of-  
25 way and -- and the subject of today's meeting.



1           We are requesting a partial abandonment of  
2 the Sleaford Road right-of-way, as Mr. Willis did  
3 a good job of -- of giving a brief introduction  
4 on. And I'll elaborate that -- on that a little  
5 bit further, but kind of keep my comments brief  
6 and be available to answer any questions after the  
7 fact if necessary.

8           So quick backstory here. There's a little  
9 bit of history, and there's also been a little bit  
10 of confusion on this application with all the  
11 various agencies and utilities. And as I've met  
12 -- and neighbors as well. And as I've met with  
13 folks, kind of explaining the situation, seems to  
14 be a little bit more clarity in support for the  
15 request, so I'm hoping to kind of do the same  
16 thing on the call today and, again, answer any  
17 questions afterwards.

18           So again, I'm -- I'm Damon Orobona with  
19 Nova Ventures. We are the contract purchaser of  
20 the property at 4201 East-West Highway.

21           The current landowner of 4201 East-West  
22 Highway is a couple named Siva Anantham and  
23 Cynthia Weiss. They've lived -- they previously  
24 lived in the home at 4201 East-West Highway for a  
25 number of years, I think close to a decade, had

1 three young children living there and recently  
2 moved, I think within the past year, still live in  
3 Bethesda, but -- but moved away when the  
4 construction on the purple line commenced.

5 The house -- the home that's there today  
6 is currently being leased to another family that  
7 also has children. The children that are in the  
8 house today are slightly older. I believe they're  
9 around high school age or so. But the -- the  
10 property today is currently occupied.

11 And Nova Ventures, again, is the contract  
12 purchaser, interested in purchasing the property  
13 for continuing to lease it and potentially look  
14 into a very small-scale redevelopment of the  
15 property, but that's not the -- the development  
16 request has not been filed, and that's not  
17 forthcoming at the moment. So today's request is  
18 about the abandonment of Sleaford Road.

19 And let me kind of get into this a little  
20 bit. So what you see on the screen today is the  
21 original record plat for the property itself,  
22 which -- the 4201 East-West Highway property. If  
23 you can see my cursor, it's -- the property's  
24 highlighted in blue here. This plat was  
25 originally dated in 1947. And again, it includes

1 4201 East-West Highway, as long as many, many  
2 other properties from the original plat, and then  
3 also the Sleaford Road right-of-way, which at the  
4 time back in 1947 when it was plated, was meant to  
5 be a functional street.

6 Now, if we zoom into the property itself,  
7 this is 4201 East-West Highway. You can see the  
8 outline in blue, and then just to the north of  
9 this, you can see the entirety of the Sleaford  
10 Road right-of-way, which I believe Eric -- Mr.  
11 Willis mentioned was a 60-foot-wide right-of-way.  
12 And then you can see in these conditions from this  
13 photo -- this aerial photo was taken, I believe,  
14 in 2018 -- as you can see from the conditions of  
15 this photo, from the time the property was  
16 constructed in 1949 up until about 2018, this was  
17 the condition of the property.

18 If you were standing in the Sleaford Road  
19 right-of-way where my cursor is shown, like, say  
20 on the driveway for the home, you -- one would  
21 suspect that this entirety of the property was all  
22 included in the 4201 East-West Highway property.  
23 It's been used and maintained by the property  
24 owners since the time of construction.

25 So fast-forward to around 2018, when the

1 purple line plans were being developed and  
2 designed by MTA. There was obviously a lot of  
3 concern with the residents of this home, again,  
4 with small children.

5           When they saw the original plan for the  
6 purple line, that had a pedestrian and bicyclist  
7 trail that was to run through this area along with  
8 a lot of stormwater management systems and a  
9 tunnel that would run under the purple line tracks  
10 to connect this trail to the existing Capital  
11 Crescent Trail, which is just in the rear of the  
12 site. You can see that trail used to be in  
13 existence prior to the construction, and then  
14 after the construction of the purple line, that  
15 will be there again.

16           So the property owners met with MTA  
17 representatives on the design of -- of this  
18 Sleaford Road right-of-way. Mr. Willis, I  
19 believe, was present at that meeting as well in  
20 2018. I was not there.

21           I was not involved at that time, but have  
22 -- have heard from the property owners that that  
23 meeting was very well received by MTA officials on  
24 the design of the purple line, and all of the  
25 systems for the purple line were to be designed

1 outside of the area that had predominantly been  
2 used by the residents of 4201 East-West Highway  
3 prior to 2018, back from -- back from 1949 up  
4 until 2018.

5 So if you fast-forward to aerial picture  
6 of the site today, this -- this is what the  
7 property looks like today.

8 Whoops. I think I went too far.

9 This is what the property looks like  
10 today. So the purple line construction is  
11 underway. The -- the construction has held tight  
12 on this limits of disturbance line that was kind  
13 of talked about, discussed on that on-site  
14 meeting. You can see it represented by the dashed  
15 line here.

16 So all of the construction activities and  
17 planning for the purple line and the pedestrian  
18 underpass in connection to the Capital Crescent  
19 Trail has held tight on this line and has been  
20 shown to the north of this limits of disturbance  
21 line while the driveway and backyard area has been  
22 kind of held fast and still used the same way as  
23 it always has been by the residents of the home  
24 today.

25 And I'm not sure if you guys can see this,

1 because I see my -- a picture of everyone on the  
2 call here, but there's a -- I put a picture of  
3 what the pedestrian -- the purple line underpass  
4 looks like in the top right-hand corner of the  
5 screen. This is going to be a tunnel that goes  
6 underneath the purple line tracks and connects  
7 with this pedestrian trail. And if you see -- if  
8 you follow the line along to show where that  
9 tunnel will be, you can see the tunnel entrance,  
10 or exit if you will, is literally going to be  
11 steps away from the property and the use of the  
12 back and side yard of the property today.

13 So as discussed -- oops.

14 So as discussed on -- in that meeting in  
15 2018, the on-site meeting 2018, the -- the owners  
16 of the land and us, as contract purchasers,  
17 requesting the abandonment of this -- formally  
18 requesting the abandonment of this area outside of  
19 all of the purple line activities. As you can see  
20 in this image, the request for abandonment  
21 includes the entirety of the driveway and  
22 turnaround area that's in existence today.

23 I'm sure, as everyone on the call is aware  
24 -- is well aware, that East-West Highway is a very  
25 high-traffic road, in having this driveway with a

1 little bit of a turnaround area here, it helps  
2 from a safety standpoint to allow a safe and  
3 adequate ingress and egress into the property from  
4 East-West Highway.

5 And again, if you look at the rear yard,  
6 this house has for years been a great home for  
7 families because of the proximity to downtown  
8 Bethesda and all the local schools with our --  
9 which are within walking distance, and it's a  
10 large home. So I think it's safe to say that  
11 probably we'll continue to have families living  
12 here for some time. And there is a children's  
13 playset in the backyard here, again, which is just  
14 steps away from where the tunnel and pedestrian  
15 underpass for the purple line is going to be  
16 spilling out into the right-of-way.

17 So we're requesting this abandonment area  
18 in order to make sure that the home maintains the  
19 use of safe and adequate ingress and egress onto  
20 East-West Highway, and then to allow for a little  
21 bit of buffer and screening area to buffer the  
22 property, the use of the property today, from more  
23 of a public passageway that's going to be there  
24 and functioning when the construction of the  
25 purple line is finished.

1           And this image shows the area requested  
2     for abandonment shaded in again, also alongside  
3     the plans for the purple line. So it showed --  
4     you can see in this image the pathway, the  
5     pedestrian pathway and cyclist trail. That is  
6     going to connect to the future Capital Crescent  
7     Trail and tunnel underground right here. It is  
8     outside of the area requested for abandonment as  
9     well as any stormwater management benches and any  
10    other elements of the purple line construction  
11    that are planned to -- to the north of this area  
12    requested for abandonment.

13           So with that, that concludes the  
14    applicant's case where we believe that this  
15    request satisfies all standards for the partial  
16    abandonment request of the Sleaford Road right-of-  
17    way.

18           The requested section of the Sleaford Road  
19    right-of-way is not necessary for the present or  
20    anticipated public use because all purple line  
21    improvements are planned to be outside of this  
22    area requested for abandonment.

23           The requested section of the Sleaford Road  
24    right-of-way will allow for the functional use of  
25    the home located at 4201 East-West Highway,



1 including safe ingress and egress onto East-West  
2 -- onto East-West Highway, an allowance of  
3 increased privacy and safety screening from the  
4 future trail and underpass that will be placed  
5 within feet of the property, which will improve  
6 and protect the health, safety, and welfare of  
7 residents near the right-of-way, as those are the  
8 standards required for an abandonment under  
9 Section 49-63(c) of the Montgomery County Code.

10 The applicant -- we've met extensively  
11 with the various agencies and utilities. We're  
12 willing to provide any necessary easements that  
13 are necessary to accommodate this request.

14 If I can go back one slide, actually, I do  
15 want to point something out. So there is a storm  
16 drain pipe that -- that just goes within the area  
17 requested for abandonment -- goes right here. You  
18 actually can probably see it better. You can see  
19 -- in this image, you can see the construction of  
20 that pipe that's being laid right now. We are  
21 requesting that area again to -- to allow a little  
22 bit more buffer and ability to screen from the  
23 future trail.

24 But we have already discussed with MCDOT,  
25 MCDPS, and MTA, and the purple line partners

1 giving an easement in that area to ensure that it  
2 continues to be landscaped as they have planned  
3 and allow them to -- to maintain that area if  
4 necessary in the future.

5 And lastly, as I mentioned at the  
6 beginning, Nova Ventures is looking at a potential  
7 small redevelopment of this property that would be  
8 done -- we're looking to design maybe two or three  
9 mid-sized homes under the R-60 zoning standards at  
10 this location. There's no plans really drawn up  
11 yet or filed. That's just something that we're  
12 considering for the future.

13 Right now, I really want to focus on the  
14 abandonment request that's before you today, but  
15 happy to answer any questions at this time.

16 HEARING OFFICER: I have no questions for  
17 the applicant.

18 At this time, we will hear public comments  
19 if there are any.

20 MR. WILLIS: I believe we did have two  
21 people that had signed up to speak. I believe we  
22 had Anne Weeks had signed up to speak as well as  
23 Susan Schwartzbach. So if either one of them  
24 would care to comment, they are free to do so.

25

PUBLIC COMMENTS

Transcript of Hearing In Re Sleaford Road  
Conducted on September 15, 2021

26

1 MS. SCHWARTZBACH: I'm Susan Schwartzbach.  
2 I totally understand why it's being requested. I  
3 have no objection to it. I just really wanted to  
4 understand what was planned.

5 MS. WEEKS: And I'm Anne Weeks, and I  
6 think most of my questions, or pretty much all of  
7 my questions, were answered, so --

8 HEARING OFFICER: If there's no one else  
9 wishing to provide verbal comment, those who wish  
10 to submit written comments, please submit those to  
11 Eric Willis at Montgomery County Department of  
12 Transportation, 100 Edison Park Drive,  
13 Gaithersburg, Maryland 20878, or email him at  
14 Eric.Willis@MontgomeryCountyMD.gov by September  
15 29th, 2021.

16 If there's no further comments, the public  
17 record will remain open until the close of  
18 business on September 25th at 5:00 p.m., and this  
19 concludes our public hearing for the abandonment  
20 of Sleaford Road in Chevy Chase.

21 MR. WILLIS: Just, I think that's the  
22 29th.

23 HEARING OFFICER: Sorry, sorry. I'll  
24 stand corrected.

25 MR. WILLIS: No worries.

1 HEARING OFFICER: September 29th, 2021, at  
2 5:00 p.m.

3 MS. McCRAY: I see -- I see no comments in  
4 the -- in the chat, so looks like we're good to  
5 go.

6 HEARING OFFICER: Okay. Thanks, everyone,  
7 very much.

8 (Off the record at 2:35 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Daniel Long, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; 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.



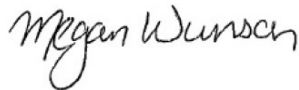
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Daniel Long, Court Reporter

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CERTIFICATE OF TRANSCRIBER

I, Megan Wunsch, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; 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.



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Megan Wunsch, AAERT CET

September 25, 2021

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