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OFFICE OF THE ZONING HEARING EXAMINER  
FOR PRINCE GEORGE'S COUNTY

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POPULUS FINANCIAL GROUP : Case No. SE-4847  
D/B/A ACE CASH EXPRESS :  
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A hearing in the above-entitled matter was held on  
October 13, 2021, at the Prince George's County Office of  
Zoning, County Administration Building, Room 2174, Upper  
Marlboro, Maryland 20772 before:

Joyce Nichols  
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Dan Lynch, Esq.

On Behalf of People's Zoning:

Stan Brown

\* \* \* \* \*

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\* \* \* \* \*

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MS. NICHOLS: All right. So good morning everybody, it is approximately 9:30 a.m. on October 13th. We're here for Special Exception 4847 for Populus Financial Group for a check cashing business. Mr. Lynch, welcome.

MR. LYNCH: Good morning, Madam Examiner. For the record, Dan Lynch --

MS. NICHOLS: This is your case.

MR. LYNCH: -- with the law firm of McNamee Hosea.

MS. NICHOLS: So it is your case. Go ahead.

MR. LYNCH: Yes, Madam Examiner, for the record again Dan Lynch with McNamee Hosea here on behalf of the apartment Populus Financial Group. We're here today on an application for special exception, that is Special Exception 4847 for a check cashing business to be located in an inline site, which is approximately 3,900 square feet in size in the existing Eastover Square Shopping Center.

Just to set the record straight on this, and so everyone understands, we're not introducing a new use to the shopping center, we are merely relocating an existing business from a pad site to an inline site in the center. But because you are now required to obtain a special exception for that use, we are pursuing this application.

I have with me today two witnesses. I have of course Mark Ferguson, who I'll be presenting as our expert

1 land planner. And then I have a representative of Populus  
2 Financial Group, Ms. Sharon Webb. And unless you or Mr.  
3 Brown have any questions, Madam Examiner, I'd like to call  
4 Ms. Webb and just take us through her testimony.

5 MS. NICHOLS: All right. Great. Welcome, Ms.  
6 Webb. I need to swear you in, so could you raise your right  
7 hand, please? Do you solemnly swear or affirm under the  
8 penalties of perjury to tell the truth, the whole truth and  
9 nothing but the truth in the matter now pending?

10 MS. WEBB: Yes.

11 MS. NICHOLS: All right. Please state your name  
12 and business address, please.

13 MS. WEBB: My name is Sharon Webb, my business  
14 address is 300 East John Carpenter Freeway, Suite 900,  
15 Irving, Texas 75062.

16 MS. NICHOLS: All right. Welcome.

17 MS. WEBB: Thank you.

18 MR. LYNCH: And good morning, Ms. Webb and again  
19 we're here on the application for special exception and you  
20 are here on behalf of Populus Financial Group, is that  
21 correct?

22 MS. WEBB: Yes, that is correct.

23 MR. LYNCH: And for how long have you been  
24 employed by Populus Financial Group?

25 MS. WEBB: Four and a half years.

1 MR. LYNCH: And what is your job title?

2 MS. WEBB: Regional Vice President.

3 MR. LYNCH: And as Regional Vice President, what  
4 are your responsibilities?

5 MS. WEBB: I oversee the operations of the 82  
6 locations in the northeast.

7 MR. LYNCH: Okay. Now this is known as Populus  
8 Financial Group but it's trading as Ace East, excuse me, Ace  
9 Check Cashing, is that correct?

10 MS. WEBB: That is correct.

11 MR. LYNCH: And that is the trade name?

12 MS. WEBB: Yes, that is correct.

13 MR. LYNCH: Okay. Now can you just provide us a  
14 little bit of background on Populus Financial Group and just  
15 tell us a little bit about them and their various locations  
16 throughout the area?

17 MS. WEBB: Absolutely. Populus Financial Group  
18 has been around for 50 years. We operate over 900 check  
19 cashing stores and we cover 22 states.

20 MR. LYNCH: And your background with Populus  
21 Financial, what are your responsibilities?

22 MS. WEBB: Again I oversee the operations of 82  
23 locations and within the 82 locations, we provide check  
24 cashing, money orders, bill payment, wire transfers and  
25 prepared Visa cards as well.

1           MR. LYNCH: And Populus Financial trading as Ace  
2 Check Cashing is currently operating a store from Eastover  
3 Square Shopping Center, is that correct?

4           MS. WEBB: That is correct.

5           MR. LYNCH: And how long have they been operating  
6 the site from the shopping center?

7           MS. WEBB: 29 years.

8           MR. LYNCH: And the purpose of today's application  
9 is to relocate the store from a freestanding site to an  
10 inline site. Could you just explain to the Examiner and to  
11 Mr. Brown why you're relocating?

12           MS. WEBB: Yes. The landlord asked us to move and  
13 offered us a larger space and a nicer location in the  
14 center. It's something that we're very excited about being  
15 that we've been in the same location for 29 years.

16           MR. LYNCH: And are you familiar with the Staff  
17 Report in this matter and that is the Staff Report dated  
18 July 14th and currently contained in the record in this  
19 application?

20           MS. WEBB: Yes.

21           MR. LYNCH: And do you agree with the findings  
22 made by the staff of Park and Planning regarding this  
23 application?

24           MS. WEBB: All except the, all except the  
25 exception of the bicycle rack.

1           MR. LYNCH: And why don't you agree with the  
2 condition relative to the bicycle rack?

3           MS. WEBB: As of now, the, the placement for the  
4 bicycle rack will intrude the customers walkway, walking  
5 into the location. So if we can find a good location and  
6 agree to it, and of course with the subject of the  
7 landlord's approval, we would be more than welcome to do it,  
8 we're just looking for the best location.

9           MR. LYNCH: Okay. And again you agree otherwise  
10 with the staff findings as well as the other conditions of  
11 approval, correct?

12           MS. WEBB: Yes.

13           MR. LYNCH: Now in the Staff Report, they refer to  
14 a specific section of the Zoning Ordinance, that is Section  
15 27-341.01 of the Zoning Ordinance, and this section deals  
16 with check cashing businesses. Are you familiar with 27-  
17 341.01 of the Zoning Ordinance?

18           MS. WEBB: I am, yes.

19           MR. LYNCH: Okay. And you and I have talked about  
20 this before and we've through each one of those  
21 requirements, but today let's for the record, let's explain  
22 to the Examiner how Populus Financial complied with those  
23 requirements. Now Section 27-341.01 provides that the  
24 hours of operation shall be limited to the hours of 9:00  
25 a.m. to 8:00 p.m. Do you plan on limiting the hours of

1 operation of this business from 9:00 a.m. to 8:00 p.m.?

2 MS. WEBB: That is correct, yes.

3 MR. LYNCH: Now, two requires that a schedule  
4 fees, charges, shall be posted immediately visible to  
5 persons entering the check cashing business, and that a copy  
6 of the fee schedule shall also be made available to all  
7 persons upon entrance to the check cashing business. Can  
8 you please explain to the Examiner how you plan to comply  
9 with that requirement?

10 MS. WEBB: Yes, we already comply with this  
11 requirement and will continue to provide the information.

12 MR. LYNCH: And Number 3 requires that no other  
13 business shall share floor space with the check cashing  
14 business. Are you planning to have any other business  
15 operate from this new space?

16 MS. WEBB: There will be no other business  
17 operating within the area of this special exception.

18 MR. LYNCH: Number 4 requires a security lighting  
19 and cameras shall be provided on all open sides of the check  
20 cashing facility providing surveillance of the area and  
21 within 100 feet of the exterior of the building. Do you  
22 plan on complying with Number 4 of this requirement?

23 MS. WEBB: We are proposing to install  
24 surveillance cameras in compliance with this requirement.

25 MR. LYNCH: Number 5 requires that at least one



1 security employee with no other duties must be on the  
2 premise when the check cashing business is open for  
3 business. Do you plan on complying with Number 5?

4 MS. WEBB: Yes, we are proposing to employee at  
5 least one security employee when, when the check cashing  
6 business is open for business.

7 MR. LYNCH: And finally Number 6 requires cashiers  
8 must work behind bullet resistant glass. As part of your  
9 interior build out are you planning on installing bullet  
10 resistant glass for cashiers to work behind?

11 MS. WEBB: We are proposing to install bullet  
12 resistant glass in front of the cashiers, yes.

13 MR. LYNCH: And with that Madam Examiner, I have  
14 no further questions for Ms. Webb.

15 MS. NICHOLS: All right. Mr. Brown, do you have  
16 any questions?

17 MR. BROWN: (No audible response.)

18 MR. LYNCH: Stan, your mic.

19 MR. BROWN: It's so natural just to start talking,  
20 you know.

21 MR. LYNCH: Yes, we all do it, Stan.

22 MR. BROWN: Right. My only question was, Ms.  
23 Webb, is the applicant a franchise?

24 MS. WEBB: No.

25 MR. BROWN: Okay. Looking at the application it's

1 Populus Financial Group and Eastover Plaza Improvements,  
2 LLC. Populus Financial Group is the owner of the business,  
3 correct?

4 MS. WEBB: Yes.

5 MR. BROWN: And then what is Eastover Plaza  
6 Improvements, LLC in relationship to this application?

7 MS. WEBB: I'm, I'm not sure what that means, but  
8 I do know that we are part of the corporation that operates  
9 under Populus Financial, Ace Cash Express operates under  
10 Populus Financial as one of their brands.

11 MR. LYNCH: Mr. Brown, Eastover is the owner of  
12 the property.

13 MR. BROWN: It's the owner of the property?

14 MR. LYNCH: Yes.

15 MR. BROWN: All right. But it's going to be an  
16 inline business so it won't, oh does it own the shopping  
17 center, Eastover?

18 MR. LYNCH: Yes, it does.

19 MR. BROWN: Oh it owns the shopping center.

20 MR. LYNCH: Eastover owns the shopping center so  
21 that's why they're made an, that's why they signed the  
22 application and filed the disclosure as well as the  
23 affidavit.

24 MR. BROWN: Okay.

25 MR. LYNCH: And Populus Financial is the

1 applicant. They're renting space from Eastover  
2 Improvements.

3 MR. BROWN: I got you. All right.

4 MR. LYNCH: Okay.

5 MR. BROWN: No other questions. Thank you.

6 MS. NICHOLS: All right. Mr. Lynch, I have a  
7 question for you and I'm looking at the conditions --

8 MR. LYNCH: Yes.

9 MS. NICHOLS: -- of the technical staff, and I  
10 don't see anything with regards to a bike rack.

11 MR. LYNCH: Yes, that's Condition, give me one  
12 second --

13 MR. FERGUSON: It's 1A. Mark Ferguson, for the  
14 record. It's Condition 1 --

15 MR. LYNCH: 1A.

16 MS. NICHOLS: Thank you, Mark. One says provide a  
17 minimum of two inverted U style that allows for two points  
18 of secure contact, add text map et cetera to sheet 1.

19 MR. FERGUSON: Yes, Madam Examiner, Mark Ferguson  
20 again. I think they've clipped their usual language, so  
21 normally right after the words U style it would say bicycle  
22 rack. And I hadn't even noticed that those words are  
23 missing, so but that is what is and what they mean to be.

24 MS. NICHOLS: Okay. Thank you. Thank you for the  
25 missing language.

1           MR. LYNCH: Yes, and if you refer back to the  
2 findings, you'll see that's their intention to put a bike  
3 rack in front of the store.

4           MS. NICHOLS: Okay. All right. So Mr. Lynch your  
5 client indicated that she was willing to do that but she  
6 wanted to change the location. Have you been able to  
7 discuss a changed location with anyone?

8           MR. LYNCH: No, we have not at this point,  
9 however, we'd like some flexibility in the language, you  
10 know, basically saying that subject to, you know, consent of  
11 the landlord, because any other location within the center  
12 will require the landlord's consent.

13           MS. NICHOLS: Okay. So you're suggesting the  
14 removal of the language that parenthetical be provided be  
15 provided near the building entrance?

16           MR. LYNCH: Yes.

17           MS. NICHOLS: Okay. All right. Thank you, Ms.  
18 Webb, I have no questions.

19           MS. WEBB: Thank you.

20           MR. LYNCH: Thank you, Madam Examiner. And then  
21 my second witness is Mark Ferguson.

22           MS. NICHOLS: Mr. Ferguson --

23           MR. FERGUSON: Good morning, Madam Examiner.

24           MS. NICHOLS: -- good to see you.

25           MR. FERGUSON: Thank you. Likewise.

1 MS. NICHOLS: If you do, all right, let's see I  
2 need to swear you in, please. Exactly, you're other right.  
3 Do you solemnly swear or affirm under the penalties of  
4 perjury in the matter now pending to tell the truth, the  
5 whole truth and nothing but the truth?

6 MR. FERGUSON: I do.

7 MS. NICHOLS: Thank you. Please state your name  
8 and business address for the record.

9 MR. FERGUSON: My name is Mark Ferguson, my  
10 business address is 9500 Medical Center Drive, in Largo,  
11 Maryland.

12 MS. NICHOLS: All right. Please be advised that I  
13 have read this document.

14 MR. LYNCH: And as always, Madam Examiner, I would  
15 like to have Mr. Ferguson accepted as an expert in land  
16 planning and his resume is marked as Exhibit 22.

17 MS. NICHOLS: I am so sorry, yes, Mr. Ferguson,  
18 you continue in your capacity as an expert in the field of  
19 land planning. Thank you. And your resume and of course  
20 your report are accepted into the record.

21 (Hearing Exhibit No. 22 was  
22 marked for identification.)

23 MR. LYNCH: And Mr. Ferguson, just briefly.  
24 You've been retained by the applicant to perform certain  
25 land planning services, is that correct?

1 MR. FERGUSON: That's correct.

2 MR. LYNCH: And you're familiar with the  
3 application which is the subject of today's hearing, is that  
4 correct?

5 MR. FERGUSON: I am. I am.

6 MR. LYNCH: And you're familiar with the property  
7 which is the subject of today's hearing?

8 MR. FERGUSON: Yes, I am.

9 MR. LYNCH: Unless Mr. Brown or the Examiner have  
10 any objections, if you could summarize the findings that  
11 you've made that are contained in Exhibit 21 regarding your  
12 conclusions and findings with regard to this application.

13 MR. FERGUSON: Well, very briefly, I think this is  
14 very straightforward. The three salient points are first  
15 that this use has existed under this operation in the  
16 neighborhood for a long time, so it won't be introducing a  
17 new use, it won't even be introducing a new operator, just a  
18 relocation of the existing facility by approximately 1,000  
19 feet. The existing building, by the way, is located on the  
20 south side of Audrey Lane, so it's on a separate parcel, but  
21 within the same ownership, the same shopping center. And if  
22 you look at the Special Exception Site Plan our firm's logo  
23 Site Design, Inc. is approximately over the location of the  
24 existing building. So it's a very close distance.

25 The second site specific point that I think is

1 salient is that the new location is literally two doors down  
2 from the District 4 Police Station. Though I'm not aware of  
3 security, particular security concerns at the existing  
4 operation but the new location will have the advantage of  
5 being even closer to the police station.

6           And then the third salient point and I think Ms.  
7 Webb alluded to this in her testimony is that the landlord  
8 really was seeking not only to provide them with a new and  
9 larger space than the one they have right now but really  
10 their relocation will free up a very visible site on Indian  
11 Head Highway for a redevelopment that will be beneficial to  
12 the community. So they keep the same use in the  
13 neighborhood but they'll be able to have a use which will be  
14 better be able to take advantage of the visibility and the  
15 passing traffic out on Indian Head Highway. So I think this  
16 is really beneficial for really for everybody and that's the  
17 summary of the salient points in my report. The rest of it  
18 I adopt as my testimony. Dan, I'm sorry, you're muted.

19           MS. NICHOLS: You're muted, Dan.

20           MR. LYNCH: That's what I get for trying to be  
21 courteous. Mr. Ferguson, just briefly as indicated by Ms.  
22 Webb, the applicant would like an adjustment to the position  
23 relative to the bike rack. Do you concur with her that will  
24 be difficult to locate that bike rack in front of their  
25 (indiscernible) door?

1           MR. FERGUSON: I do. So the condition actually  
2 seeks, this is typical for Park and Planning, two bike racks  
3 and those two bike racks with the bikes will occupy a space  
4 of about 6 feet square. The covered walkway in front of the  
5 store really extends from the building front all the way out  
6 to the curb line and that will just leave, if there are bike  
7 racks there, a small space for pedestrians to circulate in  
8 front of the store without having to step out into traffic  
9 in the circulating lane.

10           So an appropriate location where there is some  
11 space, it's right in front of the police station, but that  
12 would just require coordination with both the property owner  
13 and of course the police.

14           MR. LYNCH: And I have nothing further for Mr.  
15 Ferguson.

16           MS. NICHOLS: All right. Mr. Brown?

17           MR. BROWN: No questions, thank you.

18           MR. FERGUSON: Thank you.

19           MS. NICHOLS: All right. Thank you. All right.  
20 Thank you, Mr. Ferguson.

21           MR. FERGUSON: (Indiscernible).

22           MS. NICHOLS: Brief and succinct. Mr. Lynch?

23           MR. LYNCH: Madam Examiner, just one housekeeping  
24 item, I noted that the business entity affidavit that was  
25 submitted was unsigned. I'll have a new affidavit submitted



1 into the record in this matter on behalf of Populus  
2 Financial. The affidavit submitted on behalf the property  
3 owner is signed, it's just the one for Populus Financial is  
4 not signed.

5 MS. NICHOLS: All right. When we've received  
6 that, Betty, please just substitute the document out. Don't  
7 make it a new exhibit, just substitute the signed affidavit  
8 for the unsigned affidavit. Okay?

9 (No audible response.)

10 MS. NICHOLS: Can you hear me, Betty?

11 MS. POTEAT: Yes, ma'am.

12 MS. NICHOLS: Okay. Thank you so much. All  
13 right. Mr. Lynch, any parting pearls of wisdom?

14 MR. LYNCH: Not from me, but thank you very much  
15 for your time and everyone have a very nice night.

16 MS. NICHOLS: All right. So you're asking that I  
17 approve it subject to the two conditions, the Technical  
18 Staff Report with Condition 1A amended as we discussed, is  
19 that correct?

20 MR. LYNCH: That's correct. That's correct.

21 MS. NICHOLS: All right. Thank you.

22 MR. LYNCH: Thank you.

23 MS. NICHOLS: Mr. Brown, do you happen to have  
24 anything further?

25 MR. BROWN: That's it for me. Everyone have a

1 wonderful day.

2 MS. NICHOLS: All right. Wonderful. Thank you.

3 Nice meeting you, Ms. Webb.

4 MS. WEBB: Thank you so much.

5 MS. NICHOLS: Everybody take care --

6 MR. LYNCH: Thank you.

7 MS. NICHOLS: -- and everybody stay healthy.

8 MS. WEBB: Uh-huh. Bye-bye now.

9 MS. NICHOLS: Thank you. Okay. Bye-bye now.

10 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Office of the Zoning Hearing Examiner in the matter of:

POPULUS FINANCIAL GROUP  
D/B/A ACE CASH EXPRESS

Case No. SE-4847

By:

*Diane Wilson*

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Diane Wilson, Transcriber