1	OFFICE OF THE ZONING HEARING EXAMINER
2	FOR PRINCE GEORGE'S COUNTY
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6	HOFMANN BROTHERS INC. : Case No. ERR-001-2025
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10	A hearing in the above-entitled matter was
11	held on June 18, 2025, at the Prince George's County
12	Office of Zoning, Third Floor Hearing Room 3-015,
13	Largo, Maryland 20774, via Zoom videoconference,
14	before:
15	Maurene McNeil
16	Hearing Examiner
17	
18	
19	Transcribed by: Marielle Arnreich
20	eScribers, LLC
21	Phoenix, Arizona
22	000
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1	APPEARANCES	
2		
3	On Behalf of the Applicant:	
4	Abdullah Hijazi, Esq.	
5	Bruce Marcus, Esq.	
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1 PROCEEDINGS

- MS. MCNEIL: Good morning,
- 3 everyone. I'm Maurene McNeil and I'm going to be
- 4 the zoning hearing examiner, today. And it is
- 5 June 18th, 2025. We're here in case number ERR-
- 6 001-2025, and it's -- the applicant is Hofmann
- 7 Brothers Towing, Inc.
- And they're here to request the
- 9 validation of a permit issued in error. The
- 10 permit was U14196. And it previously allowed for
- 11 vehicle towing wrecker service and personal
- 12 vehicle sales.
- Now, just before counsel
- 14 identifies themselves for the record, I want you
- 15 all to know the People's Zoning Counsel could not
- 16 be here today for a personal reason. But we can
- 17 proceed without him. And the applicant will let
- 18 us know if that's okay with them that we proceed
- 19 without them.
- 20 Everything is being recorded, so
- 21 anyone in the room speaking and those on Zoom,
- 22 try not to speak if someone else is speaking and
- 23 keep your mic off until you speak.
- 24 And before we start, is there
- anyone on Zoom that's opposed to this request?

- 1 Doesn't appear to be. That's good. So I'll let
- 2 counsel identify themselves for the record.
- 3 MR. HIJAZI: Good morning,
- 4 Abdullah Hijazi here of Hijazi & Carroll, on
- 5 behalf of the applicant, Hofmann Brothers Towing,
- 6 Inc.
- 7 MR. MARCUS: My name is Bruce
- 8 Marcus. I am also here on behalf of Hofmann
- 9 Brothers.
- 10 UNIDENTIFIED SPEAKER: I don't see
- 11 a --
- MS. MCNEIL: So wait, we're
- 13 hearing some type of response from the folks on
- 14 Zoom, but we're only identifying the attorneys in
- 15 the matter right now. Okay.
- Mr. Hijazi, is there -- are you
- 17 opposed to proceeding without Mr. Brown?
- MR. HIJAZI: No, not at all.
- MS. MCNEIL: Okay. And if you're
- 20 ready, you may call your first witness.
- 21 One other thing for the record, I
- 22 would say it eventually. We have twenty pre-
- 23 marked exhibits in this matter. And I understand
- 24 you may want to remove one or two. When we get
- 25 there, just let us know if you object to any of

- 1 them. Otherwise, all twenty will be part of the
- 2 record in this case.
- 3 MR. HIJAZI: Understood. Thank
- 4 you. Our first witness will be Mr. Gourley.
- 5 Garner Gourley.
- 6 MS. MCNEIL: Mr. Gourley, good
- 7 morning.
- 8 Whereupon,
- 9 GARNER GOURLEY,
- 10 a witness called for examination by counsel for
- 11 the Applicant, was duly sworn, and was examined
- 12 and testified as follows:
- 13 DIRECT EXAMINATION BY MR. HIJAZI:
- 14 Q Please state your name for the record.
- 15 A Garner R. Gourley.
- 16 Q And Mr. Gourley, do you go by Russell?
- 17 A Yes.
- 18 Q And are you the owner of Hofmann
- 19 Brothers Towing, Inc?
- 20 A Yes, sir.
- 21 Q And this company also owns a trade name
- 22 known as Hofmann Brothers Used Cars?
- 23 A That's correct.
- 24 Q And what does this business do?
- 25 A The towing business?

- 1 Q Yeah. Your whole corporation.
- 2 A We tow strictly for the Prince George's
- 3 County Police Department and also for Baltimore
- 4 City Police Department.
- 5 Q So the majority of your work is for
- 6 towing for local governments?
- 7 A Absolutely. We do no private towing.
- 8 Q And would you say the majority of your
- 9 work is during a certain time of the day?
- 10 A Yes. I'd say normally the work we do
- 11 is the hours between 9 and 11. The busy hours
- 12 are between 11 and 4 in the morning.
- 13 Q And so most of your work is at night,
- 14 actually?
- 15 A Absolutely.
- 16 Q Is there a reason for that?
- 17 A I believe that probably through the
- 18 years, we were busier -- many earlier, but I
- 19 think there's so many new companies involved with
- 20 insurance companies that work during the day time
- 21 and not at night. So therefore, the police
- 22 departments have a problem. That's why they use
- 23 contract towers like me with Prince George's
- 24 County.
- 25 Q So would you say your company's one of

- 1 the only companies, or the few companies, that
- 2 were willing to tow late night hours?
- 3 A I believe so, because we get more calls
- 4 at night. And sometimes the Prince George's
- 5 County dispatchers tell us no one else is
- 6 available. We go sometimes a little further than
- 7 we're supposed to go in our area.
- 8 Q What is the address of the property
- 9 where you run your business or where your
- 10 business is located?
- 11 A 7808 Sandy Spring Road, Laurel.
- 12 Q And was that property formally known by
- 13 another address?
- 14 A Yes. It was known formerly as 1421
- 15 Sandy Spring Road.
- 16 Q In the same city?
- 17 A Huh?
- 18 Q Also in Laurel, correct?
- 19 A Yes, sir.
- 21 location for how many years?
- 22 A Well, I started painting fences there
- 23 in 1963. It's -- and I took it over in 1978, I
- 24 believe the date was.
- 25 Q Okay. So you started working for

- 1 Hofmann Brothers in 1963?
- 2 A Yes.
- 3 Q As an employee back then?
- 4 A Yes.
- 5 Q And when did you say you became the
- 6 owner of the business?
- 7 A I believe it was 19 -- I think it was
- 8 incorporated in 1979. I went to work after
- 9 Mitchell Hofmann's (ph.) death in '70 -- '78.
- 10 And I took -- Mrs. Hofmann ran it after his death
- 11 and I took over and I took over from her in 1979.
- 12 Q So you purchased the business from Mr.
- 13 and Mrs. Hofmann around 1979?
- 14 A Mrs. Hofmann, yes.
- 15 Q Okay.
- 16 A And to your knowledge, has the business
- 17 carried out by Hofmann Brothers Inc. been the
- 18 same from when it started until now?
- 19 A Absolutely.
- 20 Q I want to put in front of you -- the
- 21 list. If I can keep the numbering straight. In
- 22 front of you what's in the record is item No. 3.
- 23 Do you recognize this document?
- 24 A My eyes are a little confused.
- 25 Q Is this the site plan for your

- 1 business?
- 2 A Yes, it is. I'm sorry it is the site
- 3 plan. Yes.
- 4 Q Okay. Does this accurately depict the
- 5 condition of your site as it currently exists?
- 6 A Yes.
- 7 Q Okay.
- 8 MS. MCNEIL: Counsel, before you
- 9 leave there; Mr. Gourley, if you're looking -- if
- 10 I'm standing on Sandy Spring looking into your
- 11 site, could you just briefly tell me who's on
- 12 each side of you particularly to the east?
- 13 THE WITNESS: Okay. Example were
- 14 if you're standing on Sandy Spring Road, behind
- 15 you is Tower Federal Credit Union.
- MS. MCNEIL: Behind me? Okay.
- 17 THE WITNESS: Yeah. And then on
- 18 the --
- MS. MCNEIL: You can just go
- 20 around, so --
- 21 THE WITNESS: Yeah. The opposite
- 22 side would be a gas station.
- MS. MCNEIL: One second. So
- 24 that's an example of Exhibit 3 that's up the site
- 25 plan. So you see where there's a vicinity map?

- 1 Upper right corner. So whose --
- THE WITNESS: Yeah.
- 3 MS. MCNEIL: -- property is on
- 4 that side of you?
- 5 THE WITNESS: To the right-hand
- 6 side?
- 7 MS. MCNEIL: Where's the north
- 8 arrow? It would be to the east. Yeah.
- 9 THE WITNESS: Okay. That would be
- 10 News Court (ph.), I believe it is.
- MS. MCNEIL: Oh, that's a
- 12 resident -- a townhouse. Okay.
- 13 THE WITNESS: Actually Hofmann
- 14 owned that property at one time.
- 15 BY MR. HIJAZI:
- 16 Q And who's to the west of you?
- MS. MCNEIL: Thank you.
- BY MR. HIJAZI:
- 19 Q Yes.
- 20 A Park & Ride.
- 21 Q Okay. So that's a commuter lot?
- 22 A Commuter lot.
- 24 station?
- 25 A There's a gas station and there's also

- 1 a convenience store. And then directly across
- 2 the street is Tower Federal Credit Union, a high-
- 3 rise office building.
- 4 Q Okay. And what is behind your
- 5 property?
- 6 A Two farms. Small farms.
- 7 Q And that's the condition that your
- 8 property has been in for about how many decades?
- 9 A As far as I know it was there in 19 --
- 10 when Mr. Hofmann started, but I mean, for me to
- 11 test I have to say since 1963.
- 12 Q Okay. And how long has your business
- 13 been towing for Prince George's County and other
- 14 local municipal governments?
- 15 A Mr. Hofmann was towing for them before
- 16 I started there. So like, you know -- can I
- 17 testify that he was towing for them? How much do
- 18 you think I can do that?
- 19 Q Well, to your knowledge, based on what
- 20 you know.
- 21 A To my knowledge, yes. He was towing
- 22 for them. I do know he was towing for the state
- 23 police during that time in 1960.
- Q Okay. And in front of you, what's in
- 25 the record as item No. 20 or Exhibit 20. Do you

- 1 recognize this exhibit?
- 2 A It's -- that would, by standing in the
- 3 road, looking --
- 4 Q Well, if you could go through them, do
- 5 you recognize these photos?
- 6 A This is probably -- from here to there
- 7 is a hundred feet off the road.
- 8 Q Are these photos of your property?
- 9 A Yes.
- 10 Q Okay. And these are photos that you
- 11 took?
- 12 A Yes. I didn't personally take them,
- 13 but someone did take them.
- 14 Q At Hofmann Brothers?
- 15 A Yes.
- 16 Q Under your direction?
- 17 A Yes.
- 18 Q Okay. And you reviewed them before
- 19 they were submitted into the record?
- 20 A Sir?
- 21 Q You reviewed these photos before they
- 22 were submitted into the record?
- 23 A Oh, yeah. These were all taken
- 24 probably two weeks ago, if I remember right.
- 25 Maybe three weeks.

- 1 Q And they accurately depict what your
- 2 property looks like; is that correct?
- 3 A Absolutely. Yeah. I could say it
- 4 could be a month old. But it couldn't be much
- 5 longer than that.
- 6 MS. MCNEIL: So the photos that
- 7 are Exhibit 20, all have a type description at
- 8 the top. So you agree with all those type
- 9 descriptions that that's what it's depicting?
- 10 See how it says front of site on the first page?
- 11 THE WITNESS: Yes, ma'am.
- MS. MCNEIL: Okay. Thank you all.
- 13 THE WITNESS: Entrance. Main
- 14 entrance. Of the main entrance. Main entrance
- 15 going to the back. Yes.
- BY MR. HIJAZI:
- 17 Q Okay. And although you didn't take
- 18 those photos, you adopt them as if you did take
- 19 them as your own?
- 20 A Yes.
- 21 Q Okay.
- 22 A Actually, I was with him when he took
- 23 them.
- 24 Q Okay.
- 25 A But I thought that that'd be not too

- 1 good --
- 2 Q But how many employees does Hofmann
- 3 Brothers Towing currently employ?
- 4 A I think right now we're with the full-
- 5 time and part-time. I'd say somewhere between --
- 6 it fluctuates. So I would say probably ten at
- 7 this moment.
- 8 Q And about how many trucks do you
- 9 operate?
- 10 A We have 8 total trucks.
- 11 Q And what is the rough acquisition cost
- 12 for one of your tow trucks?
- 13 A The cheapest one would be somewhere in
- 14 \$115,000. The average is \$125,000, \$130,000.
- 15 Q And when you purchased the business
- 16 from Mr. and Mrs. Hofmann, did they have a U&O
- 17 permit in place?
- 18 A Yes, they did.
- 19 Q And you purchased the actual
- 20 corporation so there was no change of occupant at
- 21 that time, correct?
- 22 A Yeah. Mrs. Hofmann was still there at
- 23 that time.
- 24 Q Okay. But Hofmann Brothers Towing,
- 25 Inc. was operating at that site before you

- 1 purchased the corporation and Hofmann Brothers
- 2 Inc. continued to operate at that site after you
- 3 purchased the corporation, correct?
- 4 A (No audible response)
- 5 Q Okay. And is -- putting in front of
- 6 you what's in the record as item No. 2, is this
- 7 the U&O permit that existed for the site when you
- 8 acquired the business?
- 9 A This one was -- yes. And there's two
- 10 of them. One was this one here, yes. Yes.
- 11 Q Okay. And this U&O permit is dated
- 12 December 18, 1967?
- 13 A Yes, it was. This one here, and then
- 14 they changed the address.
- 15 Q And in reference to the address, what
- 16 address is on this U&O permit?
- 17 A Well, this one here is 1421, but it
- 18 does go over here with the new address, the 7808.
- 19 Looks like maybe -- let's see, let's --
- 20 Q So on here, its address is 1421 Sandy
- 21 Spring Road; is that correct?
- 22 A Yes.
- 23 Q And you testified earlier that that's
- 24 the former address for your property?
- 25 A Absolutely.

- 1 Q Or I'm sorry, where your business is
- 2 located, correct? Now when you purchased the
- 3 business, you didn't also purchase the real
- 4 estate, correct?
- 5 A No.
- 6 Q And the real estate continued to be in
- 7 Mr. and Mrs. Hofmann's personal names, correct?
- 8 A Yes, her estate.
- 9 Q And then as they passed away, they
- 10 deeded their properties into their respective
- 11 estates or trusts?
- 12 A Yes.
- 13 Q And when they -- after the properties
- 14 were deeded to this respective trust, is that
- 15 when -- did that trigger a change of ownership
- 16 that required you to obtain a new Use and
- 17 Occupancy Permit?
- 18 A Not that I'm aware of.
- 19 Q Okay. Well, did DPIE request that you
- 20 obtain a new Use and Occupancy Permit at some
- 21 point because of that change of ownership?
- 22 A No, because I apply every year the same
- 23 license.
- Q Let's talk about what you apply for
- 25 every year. Do you currently hold any licenses

- 1 from Prince George's County or the State of
- 2 Maryland?
- 3 A Yes.
- 4 Q Which licenses do you --
- 5 UNIDENTIFIED SPEAKER: Excuse me,
- 6 those of us online cannot hear, should we be able
- 7 to hear at this point?
- MS. MCNEIL: Have you heard
- 9 anything or just lately you didn't hear? Can you
- 10 hear me? Can you all hear me? We're going to go
- 11 off the record for two minutes.
- 12 UNIDENTIFIED SPEAKER: Hello?
- (Whereupon a recess was taken)
- MS. MCNEIL: Okay. Thank you
- 15 everyone for your patience. And we're going to
- 16 try to go back to Mr. Gourley and finish his
- 17 testimony.
- MR. HIJAZI: Good morning, Madam
- 19 Examiner, Abdullah Hijazi here on behalf of
- 20 Hofmann Brothers Towing, Inc. and we'll pick up
- 21 where we left off with Mr. Gourley.
- BY MR. HIJAZI:
- 23 Q Mr. Gourley, before I stopped the
- 24 direct examination, I think I asked you what kind
- 25 of licenses do you have with the Prince George's

- 1 County and the State of Maryland?
- 2 A The license, of course, with Prince
- 3 George's County government, we have to apply for
- 4 three licenses a year. One is the small --
- 5 Prince George's County Small Business Tow
- 6 Coordination, which is one of our tow licenses.
- 7 And the third license we have to apply for is the
- 8 medallion license of the Tow Division.
- 9 Q And you also maintain a license with
- 10 the MVA of the State of Maryland?
- 11 A Yes. Yes, sir.
- 12 O What license is that?
- 13 A Hofmann Brothers Used Cars.
- 14 Q For the Prince George's County
- 15 licenses, you had to renew those licenses every
- 16 year?
- 17 A Yes. All three of them each year.
- 18 Q And did that require regular
- 19 inspections to your property?
- 20 A From each department.
- 21 Q And so does that mean you would have
- 22 multiple inspections from the county from
- 23 different agencies every year?
- 24 A Three times a year.
- 25 Q All right. And when you obtained those

- 1 licenses or renewed them every year and invested
- 2 in your company, did you do that in reliance on
- 3 this 1967 Use and Occupancy Permit?
- 4 A Yes, I did.
- 5 Q And when you purchased all your trucks
- 6 and hired a dozen or so employees, did you do
- 7 that in reliance on this 1967 permit?
- 8 A Yes, sir. I did.
- 9 Q So all the investments that you've made
- 10 to date in your business over the last three or
- 11 more decades have been relying on the fact that
- 12 you thought that you had a permit to run your
- 13 business at this location?
- 14 A Yes, sir.
- 15 Q And earlier you testified to the fact
- 16 that you tow for municipal governments, among
- 17 those being Prince George's County?
- 18 A Yes.
- 19 Q And I'm putting in front of you what is
- 20 item 18 from the record. Are these some of the
- 21 tow tickets that show that you've been actively
- 22 towing for Prince George's County?
- 23 A Yes, sir.
- Q I'm also putting in front of you item
- 25 19 from the record. Do you recognize this

- 1 document?
- 2 A Um-hum. That's a Prince George's
- 3 County CS78.
- 4 Q And what does that mean? What is this
- 5 form used for?
- 6 A Well, sometimes, if a vehicle is left
- 7 and normally, we have to turn on paper every
- 8 month for PG. So usually this would be -- what
- 9 happens is if your car is left there and no one
- 10 picks it up, we can dispose of it to a licensed
- 11 junkyard and it becomes a CS 78. It gives us
- 12 lots of paper, so we can get rid of an abandoned
- 13 vehicle.
- 14 Q Okay. So you've basically submitted
- 15 both of these exhibits as evidence that you've
- 16 been towing for Prince George's County
- 17 government; is that correct?
- 18 A Yes.
- 19 Q And you currently have contracts with
- 20 Prince George's County government as well,
- 21 correct?
- 22 A Yes.
- 23 Q In fact, isn't it true that you
- 24 recently received another contract award from
- 25 Prince George's County?

- 1 A Yes.
- 2 Q And how long is that contract award
- 3 for?
- 4 A Two years.
- 5 Q And your tow license and your ability
- 6 to maintain the three licenses you talked about,
- 7 they are dependent on you being able to validate
- 8 this Use and Occupancy Permit, correct?
- 9 A Yes, sir. That would be correct.
- 10 Q And if you do not validate the Use and
- 11 Occupancy Permit, then you would lose those
- 12 licenses, correct?
- 13 A Absolutely.
- 14 Q And what would that mean for your
- 15 business?
- 16 A Well, there would be no business. I'd
- 17 have -- it would be a vacant piece of property.
- 18 Q Okay. You submitted what's in the
- 19 record as item No. 6. Do you recognize this
- 20 document?
- 21 A Yes.
- 22 Q And is this a statement or letter from
- 23 you?
- 24 A Yes, it is.
- 25 Q And does it detail the history of your

- 1 ownership and work at Hofmann Brothers Towing,
- 2 Inc.?
- 3 A Yes, it gives a description of the
- 4 property, which is next door to us, yes.
- 5 Q And among other things, does it
- 6 describe how much you've invested in hundreds of
- 7 thousands of dollars in your fleet?
- 8 A Yes.
- 9 Q And does it also describe that you
- 10 employ multiple people, many of which are senior
- 11 employees that have been there for decades?
- 12 A Yes. Yeah. I said 35, 40, 50 years
- 13 for some of them.
- 14 O Wow. And between salaries and the cost
- 15 of your fleet and insurance, how much do you
- 16 think you've invested in this company over the
- 17 last just couple years?
- 18 A You mean everything?
- 19 Q Yeah.
- 20 A It'd be hard for me to -- I mean, 42,
- 21 50. It's probably with property taxes,
- 22 insurance, it's somewhere around 80 to \$90,000 a
- 23 year, and I'm probably low balling that with
- 24 property. Our insurance is 56,000 a year. And
- 25 the trucks that we've purchased over the years,

- 1 that could be close to 800 or \$1,000,000.
- 2 Q And are you aware of any complaints
- 3 from neighbors or residents targeted at your
- 4 business?
- 5 A No, actually, no. Actually, my
- 6 neighbors behind me, I just helped them last
- 7 week. It was two reasons. His son, wrecked
- 8 their car, we helped him go get it and took it to
- 9 his house. We also had a tree problem. One was
- 10 on his property, one was on ours, so we jointly
- 11 got together and removed.
- 12 Q And when people look at your property
- 13 from the street, is it evident from the way it
- 14 looks that it is a tow lot or a place to store
- 15 wrecked vehicles?
- 16 A Absolutely not. You couldn't see it.
- 17 I have more comments that people who do come in,
- 18 say they couldn't believe it is a tow company
- 19 because of the way it's kept.
- 20 Q Okay. What do --
- 21 A We are open seven days a week.
- Q Can you tell me a little bit more about
- 23 how, what you mean by the way it's kept? What do
- 24 you do in terms of regular maintenance to the
- 25 property?

- 1 A Well, constantly, we -- you know,
- 2 probably these fences are painted twice a year.
- 3 Of course, you know, our lawn upkeep, our flower
- 4 beds that we try to keep up, there's no debris
- 5 left anywhere around the property. It's -- you
- 6 know, I'm not saying that sometimes at night if
- 7 something goes wrong, it's not -- it's picked up
- 8 the next day.
- 9 MS. MCNEIL: There's a fence
- 10 around the property. Is it a board-on-board or
- 11 is it similar to the one on Exhibit 20, the first
- 12 page?
- THE WITNESS: It's this one?
- 14 MS. MCNEIL: Um-hum. Is that the
- 15 way the entire property is fenced or do you have
- 16 board-on-board?
- 17 THE WITNESS: It's -- yes. This
- 18 would be -- over here would be your Park & Ride.
- MS. MCNEIL: Okay.
- 20 THE WITNESS: And this across the
- 21 street would be, of course, your gas station and
- 22 convenience stores. Behind us -- behind which it
- 23 shows -- this is across the street.
- MS. MCNEIL: That's Tower?
- THE WITNESS: Yeah.

- 1 MS. MCNEIL: That's the last page,
- 2 last picture in Exhibit 20.
- 3 THE WITNESS: Gas station.
- 4 MS. MCNEIL: You don't have to
- 5 tell --
- THE WITNESS: I'm trying to find
- 7 it here. Here's one of it, this is what the rear
- 8 lot looks like.
- 9 MS. MCNEIL: Okay, so that's the
- 10 inside of the impound lot.
- 11 THE WITNESS: Yes. Which is --
- MS. MCNEIL: So it looks like
- 13 there's a board-on-board fence, right?
- 14 THE WITNESS: Yeah.
- MS. MCNEIL: And trees, that's all
- 16 I was asking.
- 17 THE WITNESS: Oh yes. We plant
- 18 trees, bamboo, and there's a fence all the way
- 19 around.
- BY MR. HIJAZI:
- 21 Q Mr. Gourley, are you aware of any fraud
- 22 or misrepresentation that surrounded obtaining
- 23 the 1967 U&O permit?
- 24 A Absolutely not.
- 25 Q Has anyone ever accused you or the

- 1 former owners that -- based on your knowledge,
- 2 has anyone accused the former owners or you, of
- 3 fraud or misrepresentation --
- 4 A No.
- 5 Q -- in obtaining that permit?
- 6 A No. Absolutely not.
- 7 Q And are you aware of any appeal or
- 8 controversy related to the issuance of that
- 9 permit?
- 10 A I'm not too sure.
- 11 Q Are you aware of any controversy or
- 12 appeal that resulted from the issuance of the
- 13 1967 U&O permit?
- 14 A No, not that I'm aware of.
- 15 Q And all the investments that you've
- 16 made in the property to date have been done in
- 17 good faith and reliance on that 1967 Use and
- 18 Occupancy Permit?
- 19 A Yes.
- 20 Q And in your opinion, would the
- 21 validation of this 1967 U&O permit adversely
- 22 affect public interest or the health, safety, or
- 23 welfare of county landowners and residents?
- 24 A You mean hurt anybody?
- 25 Q Yes.

- 1 A Absolutely not.
- 2 Q And in fact, do you think it would help
- 3 public interest for your company to be able to
- 4 validate its Use and Occupancy Permit and
- 5 continue operating?
- 6 A Yes. I would think Prince George's
- 7 County Police Officers out there. Yes.
- 8 Q Okay, why is that? Can you explain a
- 9 little bit more?
- 10 A Well, because we're always -- the thing
- 11 is, we're complimented because with Prince
- 12 George's County Police Departments, you have
- 13 to -- you're supposed to be eligible, no more
- 14 than 20 to 25 minutes.
- You know, we try, and we're complimented
- 16 because we try to be there without breaking any
- 17 laws, but we usually show up within 10 to 15
- 18 minutes.
- 19 Q And --
- 20 A We're -- we staff our drivers. Most
- 21 tow companies have to call the people at home,
- 22 ours are on staff, we keep them there. And then
- 23 like I said, they leave immediately when a call
- 24 comes in.
- 25 Q So the majority of your work is

- 1 responding to emergency calls?
- 2 A Yes.
- 3 Q And the majority of work is in support
- 4 of public law enforcement?
- 5 A Yes.
- 6 Q And you're specified to a very specific
- 7 region in the northern part of Prince George
- 8 County, correct?
- 9 A Yes.
- 10 Q So removing your business from that
- 11 northern part of the county would create a
- 12 hole --
- 13 A Yes, because I'm, you know, we are
- 14 backed up. When I say backed up, the northern
- 15 part of PG County, there's nothing really left,
- 16 we're probably eight blocks from Howard County,
- 17 half a mile from Montgomery, so we're the only
- 18 ones in that far sector.
- 19 MR. HIJAZI: Madame Examiner, just
- 20 a quick indulgence.
- 21 Madame Examiner, that's all we
- 22 have for Mr. Gourley, unless you have any follow-
- 23 up questions.
- MS. MCNEIL: Mr. Gourley, and I
- 25 guess counsel as well, would you all be able to

- 1 provide any invoices? I believe his testimony,
- 2 but it's common that we have some invoices
- 3 reflecting his testimony in the file, like --
- 4 MR. HIJAZI: So we -- if Your
- 5 Honor would leave the record open, we're more
- 6 than happy to supplement some invoices. The only
- 7 thing we were worried about is letting pricing
- 8 out, because this industry is very competitive.
- 9 We didn't want to let out his, like, proprietary
- 10 pricing, because a lot of these contracts are
- 11 actually bid out through a public procurement
- 12 process, but we can redact --
- MS. MCNEIL: You pay utilities?
- MR. HIJAZI: Obvious -- yes.
- MS. MCNEIL: Does he pay utilities
- 16 over the years?
- MR. HIJAZI: Yes, yes, no, yes,
- 18 yes. His property --
- MS. MCNEIL: Has he paid taxes
- 20 over the years?
- 21 MR. HIJAZI: -- taxes. Yes. We
- 22 are more than happy to provide those types of
- 23 invoices.
- MS. MCNEIL: Because again, it was
- 25 sworn testimony, but we normally have --

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1 MR. HIJAZI: Yes.
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- MS. MCNEIL: -- some documents,
- 3 so --
- 4 MR. HIJAZI: Yes.
- 5 MS. MCNEIL: And you can -- yes.
- 6 MR. HIJAZI: Yes. We have more.
- 7 MS. MCNEIL: And the other thing,
- 8 and it's probably more for you, or maybe it's
- 9 another witness, but did you all have to apply
- 10 for another U&O, and why?
- BY MR. HIJAZI:
- 12 Q So, Mr. Gourley, do you remember why we
- 13 have to apply for a new Use and Occupancy Permit?
- 14 A I don't understand what you're --
- 15 Q Sure. Are you aware that DPIE is
- 16 requiring a new --
- 17 A Yes.
- 18 Q -- Use and Occupancy Permit?
- 19 A Yes. Yes. Yes.
- 20 Q Is it your recollection that it's
- 21 because Mr. and Mrs. Hofmann passed away and the
- 22 property was re-deeded in the names of their
- 23 trusts, or --
- 24 A That's what I'm -- that's what I'm
- 25 being --

- 1 Q -- their heirs --
- 2 A --that's what I'm being told. Yes.
- 3 MS. MCNEIL: Referring to the
- 4 deeds in the record, I think it was like 2011 and
- 5 2016.
- 6 MR. HIJAZI: Yes.
- 7 MS. MCNEIL: Okay.
- MR. HIJAZI: Yes, yes, Your Honor.
- 9 And we will have another witness that can speak
- 10 more about those as well.
- MS. MCNEIL: Thank you, Mr.
- 12 Gourley.
- 13 THE WITNESS: Okay, that's it?
- MS. MCNEIL: Yes.
- 15 Mr. Harvey?
- MR. HIJAZI: Yes.
- MS. MCNEIL: Can you hear me?
- 18 Sir, you're muted.
- 19 MR. HARVEY: Okay. I'm unmuted
- 20 now.
- MS. MCNEIL: Would you like to
- 22 give testimony now since it seems to be working
- 23 and I want to get your testimony. Fingers
- 24 crossed that everything continues working. Would
- 25 you like to testify in this matter?

- 1 MR. HARVEY: I'm more than willing
- 2 to testify.
- 3 MS. MCNEIL: Okay.
- 4 Whereupon,
- 5 JAMES HARVEY,
- 6 a witness called for examination by counsel for
- 7 the Applicant, was duly sworn, and was examined
- 8 and testified as follows:
- 9 MS. MCNEIL: Okay.
- 10 DIRECT EXAMINATION BY MR. HIJAZI:
- 11 Q Good morning, Col. Harvey. Can you
- 12 please state your name for the record?
- 13 A James Harvey.
- 14 Q And Col. Harvey, when did you first
- 15 meet Mr. Gourley?
- 16 A When he was working for Hofmann
- 17 Brothers, which would have been in the early
- 18 '60s.
- 19 Q Okay, and how are you familiar with
- 20 Hofmann Brothers Towing?
- 21 A Primarily through my job as a Maryland
- 22 State Trooper. I was assigned to -- I was
- 23 assigned to the Waterloo Barrack as a road
- 24 trooper, which includes the area around Laurel.
- 25 And as a road trooper, I would call them to tow

- 1 vehicles from the accident scenes.
- 2 Q And around what year was that, that you
- 3 were first interacting with Hofmann Brothers
- 4 Towing?
- 5 A Started in 1962, and for the next three
- 6 years, I was assigned to the Waterloo Barrack
- 7 used them as a towing service.
- 8 Q And at the time, were you aware of any
- 9 allegations of fraud or misrepresentation
- 10 surrounding their Use and Occupancy Permit?
- 11 A No, I was not.
- 12 Q And at the time, were you aware of any
- 13 appeals or controversies regarding their Use and
- 14 Occupancy Permit?
- 15 A No.
- 16 Q And is it your belief that Hofmann
- 17 Brothers Towing, Inc. has acted in good faith in
- 18 relying on their use in occupancy permit?
- 19 A Yes. As far as I know, they were a
- 20 very efficient operation. Always quick to
- 21 respond and did a good job at accident scenes in
- 22 removing the cars that were involved.
- 23 Q In your opinion, will the validation of
- 24 their Use and Occupancy Permit adversely affect
- 25 the public interest or the health, safety, or

- 1 welfare of the county landowners and residents?
- 2 A I'm not quite sure what you're asking.
- 3 Could you repeat that?
- 4 Q Sure, in your opinion, will the
- 5 validation of their Use and Occupancy Permit hurt
- 6 the public in any way?
- 7 A No.
- 8 Q In fact, do you think it will help the
- 9 public in any way?
- 10 A It certainly won't harm it, and they
- 11 certainly are a positive -- have a positive
- 12 effect on removing the cars from the roadway in
- 13 fast order to allow traffic to resume.
- 14 Q During your time with the state
- 15 troopers, did they have a good reputation for
- 16 providing good service?
- 17 A Absolutely. Not only when I was there
- 18 as a road trooper, but several years later, I
- 19 came back as the barrack commander of Waterloo
- 20 and was responsible for that area of the state to
- 21 remove vehicles from accident scenes.
- 22 And of course, we had rules and regulations
- 23 that they had to follow and they were always very
- 24 effective in taking care of towing business and
- 25 never had any problems at all with them.

- 1 Q In approximately what years were those
- 2 that you were interacting with Hofmann Brothers
- 3 Towing, Inc.?
- 4 A That would have been in the '70s. I
- 5 don't remember the exact date, but I was the
- 6 barrack commander of Waterloo for three or four
- 7 years. And then later on, I was promoted to
- 8 captain and was the troop commander in Prince
- 9 George's and Montgomery County.
- 10 We continued to use Hofmann Brothers as
- 11 well, as well as towing companies, and certainly
- 12 Hofmann Brothers was always very effective and
- 13 had a good reputation with us as being efficient
- 14 and fast.
- MR. HIJAZI: Thank you, Colonel
- 16 Gourley -- I'm sorry, Colonel Harvey.
- MS. MCNEIL: Thank you, Colonel.
- 18 THE WITNESS: Is that all you need
- 19 from me?
- 20 MR. HIJAZI: Yes, Colonel Harvey,
- 21 thank you very much.
- THE WITNESS: Thank you.
- MS. MCNEIL: The next witness.
- 24 UNIDENTIFIED SPEAKER: Are they
- 25 leaving?

- 1 MR. HIJAZI: Muted.
- MS. MCNEIL: The next witness.
- 3 MR. HIJAZI: So our next witness
- 4 would be Mr. Eddie Puls.
- 5 MR. PULS: Good morning.
- 6 MS. MCNEIL: Good morning.
- 7 Whereupon,
- 8 EDWARD PULS,
- 9 a witness called for examination by counsel for
- 10 the Applicant, was duly sworn, and was examined
- 11 and testified as follows:
- 12 DIRECT EXAMINATION BY MR. HIJAZI:
- 13 Q Mr. Puls, please state your name for
- 14 the record.
- 15 A Sure. My name is Edward Joseph Puls,
- 16 Jr.
- 17 Q And Mr. Puls, how are you familiar with
- 18 Hofmann Brothers Towing, Inc. and/or Mr. Gourley?
- 19 A Starting in 1974, I was a police cadet
- 20 for the Howard County Police Department.
- 21 Initially, we were assigned to different
- 22 operations, one of those being the Traffic
- 23 Division. Hofmann's at that time did not tow for
- 24 Howard County as authorized tower. We only had
- 25 three in the county at that time for Howard.

- 1 However, numerous vehicles -- incidents
- 2 would take place, chases into Prince George's
- 3 County or incidents where someone was arrested
- 4 inside of Prince George's County and it would
- 5 have been towed to Hofmann Brothers. I was at
- 6 their lot regularly, I would say at least once
- 7 every four to six months for the years I was a
- 8 cadet.
- 9 I then went to the police academy.
- 10 Graduated from the academy, was eventually
- 11 transferred into detectives where I ran a multi-
- 12 year, multi-state undercover stolen car ring and
- 13 when we started serving search warrants, it was a
- 14 stolen car ring originated from a car lot that
- 15 was located in Washington, D.C.
- He was sending out people to steal the
- 17 hoarder at the Pentagon and other buildings --
- 18 this is before 9/11 and there was no security.
- 19 It would come to Howard County where the vehicles
- 20 would be re-plated, the serial numbers would be
- 21 changed, and then they would be removed.
- 22 Well, I was on a task force with the --
- 23 I was running an operation. I don't know why,
- 24 but I was. And one of my people with me was a
- 25 Maryland State Police corporal, and we wrote 17

- 1 search warrants to be served on the same day in
- 2 multiple states and in Howard -- Howard, Prince
- 3 George's, Washington, D.C., and the northern
- 4 Virginia areas.
- 5 The cars were towed not only -- because
- 6 we had so many cars being coming in, we didn't
- 7 have the facilities in Howard to tow the cars, so
- 8 we brought in Hofmann Brothers and I was, again,
- 9 on their lot and saw the vehicles being towed. I
- 10 inspected the cars there. I found the vehicles
- 11 to be towed properly and to be stored properly.
- 12 They would allow us to use their
- 13 facilities to inspect the cars to see what's
- 14 called the con-VIN or the confidential vehicle
- 15 identification number. And then we would either
- 16 have it towed out or released to whoever had
- 17 purchased a car through insurance company or the
- 18 owner, the real owner of the car.
- 19 Later, I retired from the Howard County
- 20 Police Department and I went to law school, one
- 21 of the biggest mistakes in my life I might say.
- 22 But I would say I went to law school. I enjoyed
- 23 being an attorney and the friendship that I had
- 24 developed with Mr. Gourley, he was represented at
- 25 the time by our former Chief of Police, Paul

- 1 Rappaport, and Paul and I later became law
- 2 partners, and I represented Mr. Gourley and his
- 3 company for some time.
- I then left, very foolishly, and became
- 5 a prosecutor in another county, so I kind of lost
- 6 track of what was going on. And then I've been
- 7 with the same company now as their corporate
- 8 counsel and director of security and fraud
- 9 prevention now for 28 years. A privately
- 10 owned -- a car dealership group that operates in
- 11 seven states.
- 12 So that's how I know Mr. Gourley, and I
- 13 know -- I go down regularly and visit Mr. Gourley
- 14 and I know the operation has been run routinely,
- 15 regularly, for that entire time I've known him.
- 16 Q Mr. Puls, during the time that you've
- 17 known Hofmann Brothers Towing, Inc., were you
- 18 ever aware of any allegations of fraud or
- 19 misrepresentation in the acquisition of the 1967
- 20 U&O permit?
- 21 A Absolutely not.
- 22 Q And were you ever aware of any appeal
- 23 or controversy regarding the issuance of any Use
- 24 and Occupancy Permit for Hofmann Brothers Towing,
- 25 Inc.?

- 1 A Other than this hearing today? No.
- 2 Q And you don't view this as an appeal or
- 3 a controversy regarding the issuance of any --
- 4 A No. I just say other than -- this is
- 5 the only hearing we've ever had that I'm aware of
- 6 as to this.
- 8 Towing, Inc. and Mr. Gourley have acted in good
- 9 faith and in reliance on the 1967 U&O permit to
- 10 expend monies and incur obligations?
- 11 A Not only that, but also the lease says
- 12 it's to be operated as a tow and sales company.
- 13 Q Okay. And do you believe that the
- 14 validation of the 1967 U&O permit will affect the
- 15 public interest or health, safety, or welfare of
- 16 anybody negatively in any way?
- 17 A I think by revoking it, it will hurt
- 18 the county, and I'll tell you why. Not only the
- 19 income that comes in from Hofmann's on taxes and
- 20 fees, but also if you would put townhouses in the
- 21 same density that are next door to him, your
- 22 traffic would increase tremendously. Maximum, I
- 23 would say, Mr. Gourley tows in ten cars a day.
- 24 Maximum.
- 25 If you put townhouses in the same density

- 1 that is next to him, you would have twenty or
- 2 more townhouses on that four-acre property. That
- 3 would bring in at least fifty vehicles coming in
- 4 every morning and coming back every evening,
- 5 which is far more than what he's got now. And it
- 6 would affect the travel on the roadway in front
- 7 of it. And I can say that as a police officer
- 8 who used to have to deal with traffic issues at
- 9 one time in my career.
- 10 MR. HIJAZI: That's all we have
- 11 for Mr. Puls, Madame Examiner.
- MS. MCNEIL: So I guess this is
- 13 for you and Mr. Puls. The lease is also an
- 14 excellent thing to put into the record, if you
- 15 don't mind.
- MR. HIJAZI: Yes, definitely.
- MS. MCNEIL: Thank you for
- 18 mentioning that. And I assume as corporate
- 19 counsel, you were paid? It wasn't pro bono?
- 20 THE WITNESS: I'm not being paid
- 21 today.
- MS. MCNEIL: Not today, but I
- 23 mean -- I'm just trying to --
- 24 THE WITNESS: When I was
- 25 representing Mr. Hofmann, when I represent him

- 1 for things, I get paid for those issues. I'm not
- 2 here today as his counsel. I'm here to testify
- 3 as to what I see, and I'm certainly not getting
- 4 paid today. I'm actually on leave from my full-
- 5 time job to be here.
- 6 MS. MCNEIL: Thank you.
- 7 MR. HIJAZI: Thank you for your
- 8 time, Mr. Pulse.
- 9 THE WITNESS: Thank you.
- 10 MR. HIJAZI: Madam Examiner, our
- 11 next witness would be Mr. Tucker (ph.).
- MR. TUCKER: Good morning,
- 13 everyone.
- MS. MCNEIL: Good morning, Mr.
- 15 Tucker.
- 16 Whereupon,
- 17 NORMAN TUCKER,
- 18 a witness called for examination by counsel for
- 19 the Applicant, was duly sworn, and was examined
- 20 and testified as follows:
- 21 DIRECT EXAMINATION BY MR. HIJAZI:
- 22 Q Mr. Tucker, please state your name
- for the record.
- 24 A My name is Norman Tucker.
- 25 Q And Mr. Tucker, are you the office

- 1 manager at Hofmann Brothers Towing, Inc.?
- 2 A Yes. I do help out.
- 3 Q And how long have you been working at
- 4 Hofmann Brothers Towing, Inc.?
- 5 A Haven't been a -- oh, off and on
- 6 fifteen years. I've been coming by Mr. Hofmann's
- 7 place.
- 8 Q Okay. And during your time at Hofmann
- 9 Brothers Towing, Inc., were you aware of any
- 10 allegations of fraud or misrepresentation in
- 11 relating to the 1967 Use and Occupancy Permit?
- 12 A No, sir.
- 13 Q And were you aware of any appeal or
- 14 controversy regarding the issuance of Hofmann
- 15 Brothers Towing, Inc. Use and Occupancy Permit?
- 16 A No, sir.
- 17 Q And do you believe that your company's
- 18 acted in good faith in relying on that permit?
- 19 A Yes. I do, sir.
- 20 Q And in expending monies, incurring
- 21 obligations in reliance on that permit?
- 22 A Yes, sir.
- 24 your Use and Occupancy Permit or Hofmann Brothers
- 25 Towing, Inc. Use and Occupancy Permit will

- 1 negatively affect the public?
- 2 A Yes, I do.
- 3 Q You think it will help the public or
- 4 hurt the public?
- 5 A I think it would help the public.
- 6 Q Okay.
- 7 A It does a lot for the public.
- 8 Q Can you give us examples of how he
- 9 helps the public?
- 10 A Well, we have people come in that have
- 11 never been in accidents, they don't know what to
- 12 do, so we help them with their cars, with their
- 13 tags, tell them about calling the insurance and
- 14 not to cancel the insurance until they do contact
- 15 their lawyers and everything, and we're very
- 16 helpful. We have people come back, bring us
- 17 things, y'all did a good job, y'all -- we
- 18 appreciate what you did, because we never had an
- 19 accident.
- 20 Q Is your company obligated to do any of
- 21 that, providing any of that assistance?
- 22 A No. But you know, everybody's very
- 23 nice and friendly in our company, but we just
- 24 help those that need to be helped.
- 25 Q So would you say that your company goes

- 1 out of its way to help not only law enforcement,
- 2 but also the people whose cars you end up towing
- 3 after emergencies?
- 4 A Yes, sir.
- 5 MR. HIJAZI: Thank you, Mr.
- 6 Tucker, that's all I have for you.
- 7 MS. MCNEIL: Thank you, Mr.
- 8 Tucker.
- 9 THE WITNESS: Okay.
- 10 MR. HIJAZI: Our last witness will
- 11 be, unless there's anybody else online, our last
- 12 witness will be Mr. Eddie Diaz-Campbell.
- MS. MCNEIL: Good morning, Mr.
- 14 Campbell.
- MR. DIAZ-CAMPBELL: Good morning,
- 16 Madame Examiner.
- 17 Whereupon,
- 18 EDDIE DIAZ-CAMPBELL,
- 19 a witness called for examination by counsel for
- 20 the Applicant, was duly sworn, and was examined
- 21 and testified as follows:
- 22 DIRECT EXAMINATION BY MR. HIJAZI:
- 23 Q Mr. Diaz-Campbell, what is your -- I'm
- 24 sorry. Please state your name for the record.
- 25 A My name is Eddie Diaz-Campbell.

- 1 Q And what is your current job title?
- 2 A I'm a senior land planner.
- 3 Q And do you have a college education?
- 4 A I do.
- 5 Q And can you tell me a little bit of
- 6 what your college education involves?
- 7 A Yes. I received a Bachelor of Science
- 8 and Architecture from the University of Virginia
- 9 and a Master of City Planning from the University
- 10 of Pennsylvania.
- 11 Q And do you hold any licenses,
- 12 certifications, or memberships in any
- 13 professional organizations?
- 14 A I'm a certified planner under the
- 15 American Planning Association.
- 16 Q And where did you start your career in
- 17 the field of land use and planning?
- 18 A I started in the city of Dover,
- 19 Delaware, where I worked as a public planner for
- 20 the city.
- 21 Q And how long did you work for the City
- 22 of Dover?
- 23 A I worked there about four years from
- 24 2016 to 2019.
- 25 Q And briefly, what were some of your job

- 1 duties at the City of Dover?
- 2 A I reviewed permit applications,
- 3 development applications, variances, and helped
- 4 with comprehensive planning efforts.
- 5 Q And where did you work after leaving
- 6 the City of Dover?
- 7 A I worked for the Prince George's County
- 8 Planning Department.
- 9 Q And how long were you at the Prince
- 10 George's County Planning Department?
- 11 A I was there about five years, from 2019
- 12 to 2024.
- 13 Q And what were some of your main job
- 14 duties?
- 15 A I reviewed development applications,
- 16 principally, preliminary plans of subdivision,
- 17 but also helped co-workers with other development
- 18 applications.
- 19 Q And are you currently employed as a
- 20 senior land planner at the law firm of Hijazi &
- 21 Carroll?
- 22 A I am, yes.
- 23 Q And what are some of your job duties in
- 24 that role?
- 25 A In my current role, I -- I perform

- 1 research on the zoning regulations of different
- 2 jurisdictions, do due diligence for properties,
- 3 and assist with the submittal of development
- 4 applications.
- 5 Q And did you, in fact, do the due
- 6 diligence and review for this subject
- 7 application?
- 8 A I did.
- 9 MR. HIJAZI: And before we get too
- 10 far, Madame Examiner, at this time, I'd
- 11 respectfully request that Mr. Eddie Diaz-Campbell
- 12 be admitted as an expert witness in the field of
- 13 land use and planning. He's also a hybrid fact
- 14 witness, as well given his involvement in the
- 15 research for this subject application.
- MS. MCNEIL: Couple of questions,
- 17 and I would like his CV to be put into the
- 18 record.
- MR. HIJAZI: Yes. Will do.
- MS. MCNEIL: Mr. Diaz. I keep
- 21 remembering Eddie. Diaz-Campbell, I'm sorry.
- Have you been accepted as an expert
- 23 before any other administrative body prior to
- 24 today, or court of law?
- THE WITNESS: No, I have not.

- 1 MS. MCNEIL: Have you been
- 2 declined as an expert --
- 3 THE WITNESS: No, I have not.
- 4 MS. MCNEIL: -- before an
- 5 administrative body? Okay. And how long have
- 6 you been with the law firm?
- 7 THE WITNESS: Since November of
- 8 last year.
- 9 MS. MCNEIL: You had a good day
- 10 today, because Mr. Brown would have thought of
- 11 seventy-five other questions. But I will accept
- 12 you as an expert in land use planning.
- MR. HIJAZI: Thank you, Madame
- 14 Examiner.
- MS. MCNEIL: But I'll be waiting
- 16 for the other document.
- MR. HIJAZI: Okay.
- MS. MCNEIL: Thank you.
- 19 BY MR. HIJAZI:
- 20 Q Mr. Eddie Diaz-Campbell, did you review
- 21 the 1967 Use and Occupancy Permit issued for this
- 22 property?
- 23 A I did.
- 24 Q And how did you locate that permit?
- 25 A It was given to me by Mr. Gourley.

- 1 Q And did you inquire with park and
- 2 planning and/or DPIE to see if there were any
- 3 other Use and Occupancy Permits for this
- 4 property?
- 5 A Yes. I formed a search with DPIE for
- 6 other Use and Occupancy Permits, but did not find
- 7 any others.
- 8 Q And based on your research, how long do
- 9 you think the Hofmann Brothers Towing, Inc. has
- 10 been operating from this site?
- 11 A They have been operating since at least
- 12 1967, when the Use and Occupancy Permit was
- 13 issued. Based on the testimony of others here,
- 14 it appears to have been operating before that.
- 15 Q And what was the 1967 Use and Occupancy
- 16 Permit for which uses?
- 17 A It was for a -- it's for towing of
- 18 wrecked vehicles and operating a used car lot.
- 19 Q And is it your understanding that Park
- 20 and Planning has taken the position that this
- 21 1967 use of occupancy permit was issued in error?
- 22 A Yes, that is my understanding.
- 23 Q And why is that, based on your
- 24 understanding?
- 25 A So the property is currently in the

- 1 rural residential zone, where auto towing and
- 2 sale of used cars are not permitted uses. Based
- 3 on -- based on my research into this property and
- 4 the information received from park and planning
- 5 staff, the property has always been zoned rural
- 6 residential since 1961, when the -- when the
- 7 zoning code first went into effect on the
- 8 property.
- 9 So in 1967, when the permit was issued,
- 10 the -- the auto towing and used car sales would
- 11 have, at that time, already not been permitted
- 12 uses. It's for that reason that the park and
- 13 planning staff asserted that the permit was
- 14 issued in error.
- 15 Again, based on some of the prior testimony,
- 16 the Hofmann Brothers Towing appears to have been
- 17 operating before 1967, but we don't really have
- 18 any -- any documentation to prove specifically
- 19 when it was established. The Use and Occupancy
- 20 Permit doesn't say that when it was issued, it
- 21 was already a non-conforming use. So we are --
- 22 we are moving forward on the basis that the
- 23 permit was issued in error.
- 24 Q Right in front of you, what's in the
- 25 record as item No. 16, do you recognize this

- 1 exhibit?
- 2 A Yes, I do.
- 3 Q And what is this exhibit?
- 4 A This exhibit is the most recent deeds
- 5 for the -- the property. Two of them are from
- 6 2011, and they conveyed the property from Naomi
- 7 Hofmann and Gilbert Lee Hofmann, Sr. Or sorry,
- 8 they -- they conveyed the property from Gilbert
- 9 Lee Hofmann, who was the personal representative
- 10 of the estate of Naomi Hofmann.
- 11 And -- excuse me. Sorry. Yes. Gilbert --
- 12 Gilbert Lee Hofmann, who was the personal
- 13 representative of the estate of Naomi M. Hofmann
- 14 was the grantor. And both he himself and the --
- 15 the residuary trust of Naomi M. Hofmann were the
- 16 grantees.
- 17 Q So before these deeds were issued, was
- 18 the property originally owned by Gilbert Lee
- 19 Hofmann and Naomi Hofmann?
- 20 A Yes, it was.
- 21 Q And eventually after they passed away,
- 22 the properties were transferred to their heirs
- 23 and their trust?
- 24 A Yes, they were.
- 25 Q And is it your understanding that these

- 1 transfers are what necessitated a new Use and
- 2 Occupancy Permit?
- 3 A That is correct.
- 4 Q And after applying for the Use and
- 5 Occupancy Permit, is that the first time you were
- 6 told by anybody at park and planning or DPIE that
- 7 you would not be able to certify this as a non-
- 8 conforming use without filing this request?
- 9 A That's also correct. The -- in order
- 10 to certify the property as non-conforming, the
- 11 property would have had to be a conforming use
- 12 under the zoning at a prior point in time.
- 13 And then we would have had to demonstrate
- 14 that the use was continually operating since the
- 15 date it became non-conforming. But since the
- 16 uses have been non-conforming, since the very
- 17 earliest permit, there is no way to certify it as
- 18 non-conforming.
- 19 Q Did you review and personally
- 20 contribute to the drafting of the statement of
- 21 justification that's in the record as item No. 4?
- 22 A Yes, I did.
- 23 Q And is that the statement of
- 24 justification that I'm referring to?
- 25 A Yes, it is.

- 1 Q And this statement of justification was
- 2 drafted in support of this subject request to
- 3 validate the 1967 permit; is that correct?
- 4 A Yes, it was.
- 5 Q Are you willing to adopt this statement
- 6 of justification as your own?
- 7 A I am.
- 8 Q And in your expert opinion, and to a
- 9 reasonable degree of professional certainty,
- 10 based on all the records that you've reviewed in
- 11 preparing for this hearing, I'm going to ask you
- 12 a few questions. Did you see any evidence that
- 13 the 1967 Use and Occupancy Permit was procured
- 14 through fraud or misrepresentation?
- 15 A I did not.
- 16 Q Did you see any evidence of any appeal
- 17 or controversy regarding the issuance of this Use
- 18 and Occupancy Permit?
- 19 A I did not.
- 21 acted in good faith on the issuance of the 1967
- 22 Use and Occupancy Permit?
- 23 A They have, yes. Based on their
- 24 testimony today as to all of the investments they
- 25 have made in the property.

- 1 Q And lastly, will the validation of this
- 2 1967 Use and Occupancy Permit adversely affect
- 3 the public interest or the health, safety, or
- 4 welfare of county landowners and residents?
- 5 A In my opinion, it will not. The --
- 6 although the property is still zoned rural
- 7 residential, the character of the neighborhood
- 8 over time has changed considerably since the
- 9 1960s.
- 10 Although there are some nearby residential
- 11 properties, you've also seen the office building
- 12 across the street, the gas station, and the used
- 13 car -- and the park and ride lot that are also in
- 14 the vicinity. Currently, the property is really
- 15 a commercial property in a commercial area, so
- 16 allowing it to continue would not be a
- 17 substantial change.
- MR. HIJAZI: Thank you, Mr. Diaz-
- 19 Campbell.
- 20 Madame Examiner, that's all we
- 21 have for this witness.
- MS. MCNEIL: Thank you, sir.
- MR. HIJAZI: Madame Examiner, if
- 24 there is anybody from the Hofmann family online,
- 25 we'd like to have them testify very, very

- 1 briefly. Otherwise, I think we are done.
- MS. MCNEIL: Is there anyone from
- 3 the Hofmann family online that would like to
- 4 offer some testimony? I don't think there's a
- 5 chat. Please unmute if you'd like to testify.
- 6 Thank you very much.
- 7 Any other witnesses?
- MR. HIJAZI: That's all, Madame
- 9 Examiner. We'd respectfully request the
- 10 validation of the 1967 Use and Occupancy Permit,
- 11 and certification of the uses included in that
- 12 permit as certified nonconforming uses.
- MS. MCNEIL: There was something
- 14 in the record that you wanted the terms to be
- 15 changed --
- MR. HIJAZI: Yes.
- MS. MCNEIL: -- to match what's in
- 18 the code today. And maybe if this is approved,
- 19 we'll just address it by mentioning both. It
- 20 was, and how the most similar use is. Do you
- 21 recall where that -- I don't recall where that
- 22 was.
- MR. HIJAZI: Yes. Yes. Yes.
- 24 Yes. So the 1967 Use and Occupancy Permit has
- 25 uses that are labeled as -- sorry. Just find it

- 1 real quick. Operating towing service and used
- 2 car lot under today's zoning ordinance. I
- 3 believe the closest equivalent uses to the ones
- 4 in the 1967 Use and Occupancy Permit would be
- 5 vehicle towing and wrecker service, and personal
- 6 vehicle sales. That's quoting verbatim from the
- 7 current zoning ordinance.
- 8 MS. MCNEIL: And I'll take a
- 9 proffer from you, because if someone mentioned
- 10 it, I didn't get it. But were there wrecker
- 11 services originally or just towing?
- 12 MR. HIJAZI: Yes, it was even
- 13 included on this. It says to operate towing
- 14 service and used car lot. And here, I believe it
- 15 says on the other sheet, it says to operate
- 16 towing wrecked vehicle and sale of used cars.
- 17 That's the same Use and Occupancy Permit; it's
- 18 just referred to in different ways.
- MS. MCNEIL: And I thank you all
- 20 for being here today and bearing with us, and I
- 21 would ask that the record will remain open for
- 22 some invoices showing the reliance on the permit
- 23 over the years, including the lease.
- 24 MR. HIJAZI: The lease and the CV
- 25 of Mr. Diaz- Campbell.

- 1 MS. MCNEIL: Yes.
- 2 MR. HIJAZI: And the -- our only
- 3 request to us to the items in the record is, we
- 4 would like No. 15 stricken.
- 5 MS. MCNEIL: The historic aerial
- 6 imagery.
- 7 MR. HIJAZI: Yes. But everything
- 8 else is fine, and we'd request that all of those
- 9 items remain in the record.
- MS. MCNEIL: Actually, isn't that
- 11 there to show that it's pretty much in the same
- 12 location?
- MR. HIJAZI: It is, it is. Yeah.
- MS. MCNEIL: So if you're not
- 15 truly opposed, I think I should leave that in the
- 16 record for the council.
- 17 (Exhibit marked Applicant 1-20 was
- 18 admitted into the record.)
- MR. HIJAZI: That's fine. That's
- 20 fine. Yes.
- 21 MS. MCNEIL: We'll keep the record
- 22 as is, and whenever you're ready, but do you
- 23 think maybe in the next two weeks or so you
- 24 would --
- MR. HIJAZI: Yes.

- 1 MS. MCNEIL: -- get it in?
- 2 MR. HIJAZI: Yes, definitely.
- 3 MS. MCNEIL: Okay, the --
- 4 MR. HIJAZI: For the three items.
- 5 MS. MCNEIL: For the record, I
- 6 didn't say three items. I said an invoice.
- 7 MR. HIJAZI: Uh-huh.
- MS. MCNEIL: And --
- 9 MR. HIJAZI: The lease.
- MS. MCNEIL: The lease.
- MR. HIJAZI: The CV.
- MS. MCNEIL: But the invoices, I
- 13 don't want one. I want a couple of things.
- MR. HIJAZI: Yes, yes, yes. Oh,
- 15 yeah, yeah.
- MS. MCNEIL: Okay. So you're just
- 17 thinking of them all grouped together.
- MR. HIJAZI: Yes. Yes. Yes.
- MS. MCNEIL: I got you. Okay.
- 20 Then I thank you all for being here today.
- MR. HIJAZI: Thank you, Madame
- 22 Examiner.
- MS. MCNEIL: And good to see you
- 24 and your co-council, who was very quiet and kept
- 25 things moving, we appreciate that. You all have

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1 a great day.
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      (Whereupon, the proceedings were
3 concluded.)
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1	CERTIFICATE
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4	I, Marielle Arnreich, certify that the foregoing
5	transcript is a true and accurate record of the
6	proceedings.
7	
8	
9	2 AB,
10	Make
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18	Date: June 27, 2025
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