

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----x
:
:
KENT VILLAGE, LLC : Case No. ERR-285
:
:
-----x

A hearing in the above-entitled matter was held on
November 10, 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:

Joyce Nichols, Esq.

On Behalf of People's Zoning:

Stan Brown

* * * * *

	<u>Page</u>
Testimony of Nancy Culham	9
Testimony of Andre Jennifer	20
Testimony of Gabrielle Duvall	52

P R O C E E D I N G S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. NICHOLS: All right, good morning, everybody, it is the 10th of November 2021. We are here for ERR 285, which is a request to validate a rental license for 180 units, the rental license number that's being requested to be validated is M-053 which was issued August 19, 2020, and will expire on August 19th, 2022. And good morning, Ms. Edwards or Jackson, Jackson Edwards, I'm sorry.

MS. JACKSON: Yes, my professional name is Jackson, Lisa Jackson.

MS. NICHOLS: Okay, that's what I thought, so okay correct. Stan?

MR. BROWN: Yes.

MS. NICHOLS: All right.

MR. BROWN: Good morning. How are you?

MS. NICHOLS: Just fine, how are you?

MR. BROWN: Doing great.

MS. NICHOLS: Lisa, I need, I'm assuming that Mr. Jennifer and Ms. Duvall are with you, right?

MS. JACKSON: Yes.

MS. NICHOLS: Okay.

MS. JACKSON: And we have one more person who is going to be a witness for the purposes of authenticating a document and she should be joining shortly. Can I address a couple of things first, or do you want to wait until the

1 third witness gets here?

2 MS. NICHOLS: No, that's fine, but I need to ask
3 Mr. Jennifer, if you could please just mute yourself until
4 your turn because we're getting some feedback. Perfect,
5 thank you. Okay, I'm sorry Ms. Jackson, go ahead.

6 MS. JACKSON: Okay, well I just wanted to make one
7 correct to your opening. You are correct that this is a
8 request to validate a rental license in 153, but we also are
9 requesting to validate a use and occupancy permit U2269-74U.
10 So I just wanted to make that verification.

11 MS. NICHOLS: Okay, U22-69- what?

12 MS. JACKSON: U2269-74U.

13 MS. NICHOLS: 74U okay, and what exhibit number is
14 that?

15 MS. JACKSON: And that is Exhibit No. 13.

16 MS. NICHOLS: Is that Exhibit No. 15?

17 MS. JACKSON: Yes, yes, ma'am.

18 MS. NICHOLS: Okay great, okay, thank you.

19 MS. JACKSON: And I also wanted to address three
20 other brief housekeeping matters and a couple of questions
21 that I have. First, there are three exhibits that were sent
22 in, but didn't make it into the binder or the in the exhibit
23 list, but they are noted in the Table of Submitted Exhibits
24 that we submitted that's actually Exhibit 34. And those
25 three items are a record of maintenance expenses, there's

1 two documents. There's a site survey that was submitted and
2 then there's a third large batch of miscellaneous photos of
3 the property. There are some photos of the property in the
4 exhibit list. I think they are 36 K through U, but because
5 it's such a large property, we wanted to give you a full
6 flavor for the community. So there's another batch of photos
7 that hopefully we can submit or try to get submitted again.

8 MS. NICHOLS: Okay. Fatima, if you could please
9 keep in touch with Ms. Jackson and make sure that those
10 three sets of exhibits get in and become part of the exhibit
11 list.

12 MS. BAH: Okay. It's not a problem.

13 MS. JACKSON: They may be there in some other
14 form, they may be stuck on some other document, but if you
15 could make sure it gets on there.

16 MS. BAH: You can email them to me, that's fine.

17 MS. JACKSON: Okay, great, thank you. So just
18 sort of two other things. So in terms of the exhibits,
19 should we move them all at once or, since they're on the
20 exhibit list, because that means --

21 MS. NICHOLS: They're in, they're in.

22 MS. JACKSON: Okay, thank you. And so I had --
23 the other witness that I have who is going to authenticate a
24 document, does that mean if the utility expenses document,
25 since they're already in -- oh Nancy, there, sorry, sorry,

1 Ms. Culham is here.

2 MS. CULHAM: That's okay, yes.

3 MS. JACKSON: She typically is not able to, as a
4 prior constraint, commitment, is there any way that I could
5 offer authenticate right at the beginning so that she won't
6 have to stay on the whole time?

7 MS. NICHOLS: It's your case, you can put anybody
8 on in any order that you wish.

9 MS. JACKSON: Okay, so then what I'd like to do
10 then is do an opening statement and then move into having
11 Ms. Culham do the authentication of the document. Would we
12 swear the witnesses before or after I give the statement?

13 MS. NICHOLS: You give the statement and then I'll
14 swear in each witness as you bring them up.

15 MS. JACKSON: Okay, great. Okay, so good morning,
16 all. As you know Kent Village, the applicant Kent Village,
17 LLC submitted ERR-285 for validation of a permanent issued
18 in error for Kent Village Townhomes and Apartments with
19 rental offices located at 6707 Hawthorne Avenue in Landover,
20 Maryland. In the applicant's case, the ZAT will hear from
21 three witnesses who will testify to the elements required to
22 be met by Section 27-258 of the Prince George's County
23 building ordinance in order for the ZAT to recommend
24 approval of the application. The witnesses will provide
25 testimony that the applicant purchased the already existing

1 property in 1972, which was already in use as a multi-family
2 rental apartment complex with 810 units, with the intent to
3 use the property in the same manner and with the belief that
4 the property was the subject of a valid use and occupancy
5 permit. The applicant will also provide testimony --

6 MS. NICHOLS: When did your client purchase?

7 MS. JACKSON: The purchase was in 1972.

8 MS. NICHOLS: Thank you.

9 MS. JACKSON: When the applicant acquired the
10 property. And the applicant will also provide testimony the
11 property has been continuously used through its ownership as
12 a multi-family rental complex, with regular maintenance and
13 upkeep, but no substantial changes to the use or
14 configuration. The applicant will provide testimony that it
15 has received multi-family rental housing licenses for 810
16 units most recently in August 2019 and will show records of
17 previous multi-family rental housing licenses that were
18 issued by Prince George's County for the same number of
19 units. The applicant will submit that it does not meet the
20 definition of a non-conforming use and therefore is the
21 proper subject of a permanent issued in error application.
22 The testimony will show that there is no evidence that fraud
23 was engaged in obtaining the original permit and rental
24 license. That there is no evidence that there was any
25 fraud, or controversy, or appeals pending at the time the

1 permit and license were issued, and that the applicant has
2 made significant expenditures and good faith alliance that
3 it was operating without use and occupancy permits and
4 rental housing licenses to the tune of more than 10 million
5 dollars improvements to the property in the last five years
6 alone, fifteen million dollars in real estate taxes,
7 approximately 126 million in property tax statements in the
8 last ten years, thousands of dollars in utility bill
9 payments and more than approximately 50 million in debt
10 service over the last 31 years.

11 And finally, the applicant will present testimony
12 of myriad programs of services that it provides to residents
13 that make approval of the applicant not against the public
14 interest. And I also will submit that approval is not
15 against the public interest because it merely seeks
16 validation of a use that's been in existence for more than
17 70 years, one that blends in well with the surrounding area.

18 So at this time, we could, I'd like to call Nancy
19 Culham.

20 MS. CULHAM: Yes, hi.

21 MS. NICHOLS: Hello.

22 MS. CULHAM: Hi.

23 MS. NICHOLS: I need to swear you in please.

24 Thank you so much. Do you solemnly swear or affirm, under
25 the penalties of perjury, that you will now tell the truth,

1 the whole truth, and nothing but the truth?

2 MS. CULHAM: I do.

3 MS. NICHOLS: Thank you, please state your name
4 and business address for the record.

5 MS. CULHAM: Nancy Culham, 1950 Old Gallows Road,
6 Suite 600, Vienna, Virginia 22182.

7 MS. NICHOLS: Thank you.

8 MS. JACKSON: Okay, great. Kelly, please bring up
9 Exhibits 26, 27 and 28. Okay, so 26 first, yes. Let me
10 make sure I have the right exhibit number. All right, so
11 that is, oh different, okay. Can everybody see that or can
12 I continue?

13 MS. NICHOLS: You can continue, yes.

14 MS. JACKSON: Okay, thank you. Ms. Culham, do you
15 recognize this document?

16 MS. CULHAM: Yes, I do.

17 MS. JACKSON: And can you please describe the
18 document?

19 MS. CULHAM: This is a record of the bills that we
20 paid to Pepco dating from 2012 to 2020 from our software
21 year-round.

22 MS. JACKSON: Okay, and were these records kept in
23 the course of a regularly conducted business activity?

24 MS. CULHAM: Yes.

25 MS. JACKSON: Thank you, and is it the regular

1 practice of Southern Management Companies' business activity
2 to make a record of utility payments?

3 MS. CULHAM: Yes, we keep a detailed record of
4 every utility payment we make on all of our properties.

5 MS. JACKSON: Okay. Can we please bring up the
6 next Exhibit 27? Ms. Culham, do you recognize this
7 document?

8 MS. CULHAM: Yes, I do.

9 MS. JACKSON: And would you also describe this
10 record?

11 MS. CULHAM: This is a record of all the gas
12 payments that we made for Kent Village dating from 2012 to
13 2020 in our software through AUM.

14 MS. JACKSON: And were these records kept in the
15 course of a regularly conducted business activity?

16 MS. CULHAM: Yes.

17 MS. JACKSON: And is it the regular practice of
18 Southern Management Companies to make a record of utility
19 payments?

20 MS. CULHAM: Yes, we do keep detailed records of
21 every utility we make on all of our properties.

22 MS. JACKSON: Okay, thank you, and Exhibit 28
23 please. Lastly, do you recognize this record, this
24 document, Ms. Culham?

25 MS. CULHAM: Yes, I do.

1 MS. JACKSON: And will you please describe it?

2 MS. CULHAM: This is the records kept for payments
3 to WSSC for Kent Village for all the utility payments from
4 2012 through 2020.

5 MS. JACKSON: Thank you, and were these records
6 kept in the course of a regularly conducted business
7 activity?

8 MS. CULHAM: Yes, we keep detailed records of all
9 utilities payments made by, on behalf of Southern Management
10 for all our properties.

11 MS. JACKSON: And is it the regular practice of
12 Southern Management Companies' business activities to make a
13 record of utility payments?

14 MS. CULHAM: Yes, it is.

15 MS. JACKSON: Okay, thank you very much.

16 MS. CULHAM: You're welcome.

17 MS. JACKSON: So that concludes the questioning of
18 Ms. Culham.

19 MS. NICHOLS: All right, Mr. Brown, do you have
20 any questions of Ms. Culham?

21 MR. BROWN: I guess I do. Good morning, how are
22 you Ms. Culham?

23 MS. CULHAM: Good morning.

24 MR. BROWN: Great. Did you tell us what your
25 position is at the company?

1 MS. CULHAM: No, I am the Utilities Specialist in
2 the accounting department at Southern Management.

3 MR. BROWN: Okay, and what are your job
4 responsibilities?

5 MS. CULHAM: My responsibility is to review every
6 invoice that comes in for all the properties. I've reviewed
7 the invoices for Kent Village. They come in monthly. We
8 look them over for accuracy. We also, the accuracy includes
9 the billing rates, the meter reads, and we assess whether
10 there are any problems at the property and with the utility.
11 For example, if the water bill has gone up, we contact the
12 property and make sure we determine why the water bill has
13 gone up and we pay the bills.

14 MR. BROWN: I see, now Exhibit 26, 27 and 28 is
15 essentially a summery, if you will, of those various utility
16 bills. Even though this record has approximately 390 pages,
17 I did not see an actual utility bill for WSSC Washington Gas
18 or Pepco.

19 MS. CULHAM: Correct.

20 MR. BROWN: Do you have an actual utility bill
21 that was paid by the owner?

22 MS. CULHAM: Yes, I have copies of every bill.

23 MR. BROWN: All right, Ms. Jackson, we need to put
24 in the record an actual utility bill from each of those
25 utilities. I would prefer to have, since you're trying to

1 validate both U&O permits as well as rental licenses. Maybe
2 one utility bill for each of the last say 10 years. Just
3 one.

4 MS. CULHAM: Just one bill per year?

5 MR. BROWN: One bill for each utility.

6 MS. CULHAM: For each utility.

7 MR. BROWN: And the reason I want that is --

8 MS. CULHAM: Not per unit right, just one?

9 MR. BROWN: Yeah, I mean I think it might be
10 burdensome for me to ask for all of the units but try to
11 make it random of maybe four or five buildings, one utility
12 bill for each of those buildings. And I what I want to see
13 is the name on the utility bill as to who paid it. All
14 right. I know Ms. Jackson has not gotten to her case yet
15 and Southern Management is allegedly the owner of the
16 property which Southern Management in my experience has
17 utilized several different names for various different
18 properties and various different management entities. So I
19 want to see that the owner of this property is the entity
20 that paid the utility bills. All right?

21 MS. CULHAM: So, can I just make one correction
22 that the applicant and the owner of the property is Kent
23 Village, LLC.

24 MR. BROWN: The applicant, what is the name of the
25 applicant?

1 MS. CULHAM: Kent Village, LLC.

2 MR. BROWN: That's what I thought, and look at the

3 --

4 MS. CULHAM: And Southern Management is the
5 property manager.

6 MR. BROWN: All right. Again, that's why I need
7 to see who paid the utilities bills. If the management
8 company the utility bills on behalf of the owner, we need to
9 know that. So please provide those utility bills. And so
10 you're telling me that the exact owner's name is what? Say
11 that one more time for the record?

12 MS. CULHAM: That's Kent Village, LLC.

13 MR. BROWN: All right and do -- go ahead.

14 MS. CULHAM: No, I was going to say the, the
15 applicant doesn't pay the bill, Southern Management pays the
16 bills, just to clarify that.

17 MR. BROWN: Yes, but that's what you hadn't proven
18 yet and that's why I need a copy of those utility bills so
19 we can demonstrate that.

20 MS. CULHAM: Okay, and I'm not sure that the bills
21 are by unit. So I don't believe they are.

22 MR. BROWN: Well Ms. Culham, how are the bills
23 paid when you pay a utility bill for example, for one
24 building, is there one meter for that building or are there
25 separate meters for each unit within the building?

1 MS. CULHAM: It's master meters, so it wouldn't be
2 by unit, it would be by building. Sometimes it can cover a
3 couple of buildings depending on how it was set up, but
4 they're typically master meters.

5 MR. BROWN: Right, so you can give us a utility
6 bill for WSSC, Pepco, Washington Gas, for a number of
7 buildings for the last 10 years, is that correct?

8 MS. CULHAM: Correct.

9 MR. BROWN: All right, and again, I don't want you
10 to produce a whole lot of documents, but we just need to
11 have the actual bills that were paid for various buildings
12 so we know who paid them, the name of that entity, all
13 right?

14 MS. CULHAM: So a sampling from each utility over
15 the last 10 years?

16 MR. BROWN: I'll tell you what, why don't you just
17 do it over the last five years.

18 MS. CULHAM: Okay.

19 MS. NICHOLS: How many buildings are there?

20 MS. CULHAM: There are 69 multi-family buildings
21 and 132 townhomes.

22 MS. NICHOLS: 132, thank you.

23 MS. CULHAM: Let me just double check that's
24 right. I know that Mr. Jennifer is going to get into that.
25 He's a property manager, but I believe that's right. Okay,

1 so just to clarify, you want a bill for each utility for the
2 last five years for approximately five buildings, you said?

3 MR. BROWN: That would be sufficient.

4 MS. CULHAM: Okay.

5 MR. BROWN: Just one bill from each utility for
6 each year.

7 MS. CULHAM: And random buildings?

8 MR. BROWN: Random buildings.

9 MS. CULHAM: Okay.

10 MR. BROWN: And one last question Ms. Culham, and
11 if another witness is going to address this, you can you
12 know, move forward, but you testified that the owner
13 purchased this property in 1972. Again, I didn't see it in
14 the record, but is there in the record a copy of the Deed or
15 a document indicating the owner and the date that they
16 purchased?

17 MS. CULHAM: Yeah, there is on exhibit -- a Deed
18 information is in exhibit -- okay should be Exhibit 16. And
19 I believe all of the Deed information and the Corporate
20 Charter for all of that should be listed under that exhibit.

21 MR. BROWN: Fatima, could we pull up Exhibit 16
22 please?

23 MS. BAH: Sure, hold on one second.

24 MS. JACKSON: This is the Charter document.

25 MR. BROWN: Right, that doesn't appear to be a

1 Deed.

2 MS. JACKSON: Deeds were submitted. We submitted
3 a number of Deeds. We submitted Deeds from 1972, a
4 confirmatory Deed from 1985, and a partnership Deed from
5 1983. Can maybe find the binder number that can -- it
6 doesn't appear to be listed separately as an exhibit but let
7 me try to find the binder number. If its helpful, I'm going
8 to try and pull up the binder number. But we did indeed
9 submit all of the Deed information. I can have one of the
10 witnesses explain the history of the Deeds when we get
11 further into the case.

12 MR. BROWN: Well when you say explain the history
13 of the Deed, I'm not trying to ask you a question as an
14 attorney, but I'm assuming from your response there, that
15 there are multiple Deeds for various buildings, is that
16 correct?

17 MS. JACKSON: Yes. Okay, can I --

18 MR. BROWN: Well Ms. Duvall is shaking her head
19 no.

20 MS. JACKSON: Okay, can I have --

21 MR. BROWN: Well I'll tell you, I'll just wait and
22 let you go ahead and call your witnesses. But that's an
23 issue that we're going to have to resolve concerning the
24 Deed. All right.

25 MS. JACKSON: Okay.

1 MS. NICHOLS: All right, just so you know Ms.
2 Jackson, we don't see any Deeds in the binder.

3 MS. JACKSON: Okay. We definitely did submit, if
4 you look at Exhibit 34 which is the table of the submitted
5 exhibits, it lists all of the different ownership documents
6 that we submitted. I'm not sure why that didn't make it
7 into the binder, but we did submit several different, or all
8 of the Deeds relating to the property.

9 MS. NICHOLS: So it might have been too large. I
10 see at the bottom of page 1 after the Building Directory,
11 you have three Deeds listed there, but maybe, excuse me,
12 moving onto the next page, you have six Deeds. So they
13 should have been before the certificate of good standing,
14 but somehow or other, they're not here. So we're going to
15 need to see those and put them in the record.

16 MS. JACKSON: Okay, certainly.

17 MS. NICHOLS: And you might want to, I'm assuming
18 you cross-referenced this document and that's how you
19 figured out that the record of maintenance, the site survey
20 and some of the photos did not make it into the binder.

21 MS. JACKSON: That's right.

22 MS. NICHOLS: So, please go over your list and
23 find out if there's anything else, because obviously the, or
24 I can't find Deeds in here.

25 MS. JACKSON: Okay. Yes, okay, so if I can just

1 refer you to the, and maybe I should have Ms. Duvall do
2 this, but if I could refer you to the justification
3 statement, the property was acquired in 1972 by the
4 applicant, Kent Village, LLC, which was formerly known as
5 Kent Village Associates Joint Venture, which was formerly
6 known as Kent Fay Partnership. And we have the Deed of
7 Transfer and the Deed of Trust that we did submit, but like
8 I said, they didn't, I guess, make it into the binder. We
9 will make sure that all of that is admitted.

10 MS. NICHOLS: So you think they were attached to
11 Exhibit 35?

12 MS. JACKSON: They, yes, so yes, they were
13 submitted along with the survey site plan. No, they should
14 have been right after or before Exhibit 16. So, I'm not
15 sure what happened there.

16 MS. NICHOLS: Okay, well you need to go over these
17 exhibits and make sure that there's not something else
18 missing aside from the six settings we've now identified.

19 MS. JACKSON: Okay. I can move on. Is it okay if
20 I move on to --?

21 MS. NICHOLS: Mr. Brown, do you have any further
22 questions of Ms. Culham?

23 MR. BROWN: Not at this time, thank you.

24 MS. NICHOLS: Thank you, then yes. Yes, continue
25 on.

1 MS. JACKSON: Okay. Ms. Culham, are you good on
2 time or --

3 MS. CULHAM: Would you like me to stay on?

4 MS. JACKSON: If you're able for a bit, but if you
5 can't, then I think we'll be okay with the other two
6 witnesses.

7 MS. CULHAM: I'm able to stay on, if you like.

8 MS. JACKSON: Okay, thank you. Okay, Mr.
9 Jennifer. I'd like to call Mr. Jennifer next.

10 MS. NICHOLS: All right, Mr. Jennifer, you can
11 turn your mic back on. You will need your mic back on.
12 Thank you so much, and yes, I need to swear you in. Do you
13 solemnly swear or affirm, under the penalties of perjury and
14 the matter now pending, to tell the truth, the whole truth,
15 and nothing but the truth?

16 MR. JENNIFER: I do.

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

19 MR. JENNIFER: My name is Andre Jennifer, located
20 at 6707 Hawthorne Street, Landover, Maryland 20785.

21 MS. NICHOLS: Thank you.

22 MS. JACKSON: Okay Mr. Jennifer, can you tell me
23 who you work for?

24 MR. JENNIFER: I work for Solid Management
25 Companies.

1 MS. JACKSON: And what do you do there?

2 MR. JENNIFER: I'm the onsite property manager for
3 Kent Village Apartments.

4 MS. JACKSON: And how long have you been there?

5 MR. JENNIFER: Twenty-one years.

6 MS. JACKSON: And can you explain the relationship
7 between the applicant and Southern Management Companies?

8 MR. JENNIFER: Southern Management Companies is
9 the property manager for Kent Village Apartments.

10 MS. JACKSON: Did you hear my opening statement,
11 do you agree with it and adopt all of the things stated?

12 MR. JENNIFER: Yes, I do.

13 MS. JACKSON: So can we bring s up Exhibit 1, and
14 actually, I think it's going to be on page 98 of the binder.
15 The type of site plan.

16 MS. NICHOLS: Is this the page?

17 MS. JACKSON: I'm sorry?

18 MS. NICHOLS: Is this the page that you're --

19 MS. JACKSON: Yes, yes. So Mr. Jennifer, are you
20 familiar with the property shown at Exhibit 1?

21 MR. JENNIFER: Yes, I am.

22 MS. NICHOLS: Does the site plan, Fatima, have a
23 separate exhibit number?

24 MR. JENNIFER: I'm sorry?

25 MS. NICHOLS: This is for Fatima, does this site

1 plan have a different exhibit number, a separate exhibit
2 number?

3 MS. BAH: Yes, it does. I just can't see it right
4 now because I've typed in the page on my exhibit list, hold
5 on one second.

6 MS. NICHOLS: That's all right Fatima, we'll find
7 it. That is Exhibit 1, page what?

8 MS. JACKSON: I think it's 898 in the binder,
9 sorry.

10 MS. NICHOLS: Yes, yes. Okay. I'm sorry, Ms.
11 Jackson, you can go ahead.

12 MS. JACKSON: Okay, thank you. Mr. Jennifer, are
13 you familiar with the property shown in Exhibit 1?

14 MR. JENNIFER: Yes, I am.

15 MS. JACKSON: Can you describe what we're looking
16 at?

17 MR. JENNIFER: Well it's a site plan of Kent
18 Village Apartments. We're an 810-unit community. We have
19 69 multi family building housing, 678 units, and 132
20 townhomes. The breakdown of the units is 397 two-bedroom,
21 281 one-bedrooms, and 132 townhomes for a total of 810
22 units.

23 MS. NICHOLS: Okay, so let's back that up a little
24 bit and give me a time to write it down. So there's 69
25 multi-family buildings. In 69 buildings, there are how many

1 units?

2 MR. JENNIFER: 678.

3 MS. NICHOLS: 678 units, and then there are 132
4 townhouses?

5 MR. JENNIFER: That's correct.

6 MS. NICHOLS: And then you were giving me numbers
7 I think of the apartments. How many one-bedroom, how many
8 two-bedroom?

9 MR. JENNIFER: There are 281 one-bedrooms, and 397
10 two-bedrooms, and 132 townhomes which consist of two-bedroom
11 units as well.

12 MS. NICHOLS: So all the towns are two-bedrooms,
13 right?

14 MR. JENNIFER: That's correct.

15 MS. NICHOLS: Yes, thank you, okay. Thank you.
16 Go ahead Ms. Jackson.

17 MS. JACKSON: Okay, thank you, and can we bring up
18 Exhibit 36 A through U. Okay. And now Mr. Jennifer, are you
19 familiar with the group of photographs being shown?

20 MR. JENNIFER: Yes, I am, I am.

21 MS. JACKSON: Okay, based on your long and current
22 history with the property, do these pictures reflect a fair
23 and accurate representation of the Kent Village Townhome and
24 Apartment community?

25 MR. JENNIFER: Yes, they do.

1 MS. JACKSON: And would you describe generally
2 what we are seeing in the photographs?

3 MR. JENNIFER: Well you're looking at the typical
4 building located here at Kent Village. You have a garden
5 style apartment building, A-frame roof with two to three
6 stories located in each building, with one or two-bedroom
7 units inside of each building. It could be three or four
8 units per floor, depending upon the building. But this is
9 the typical garden style apartment building here at Kent
10 Village.

11 MS. NICHOLS: There are two-story buildings, but
12 hey may have apartments coming up the rear, is that it?

13 MR. JENNIFER: Excuse me?

14 MS. NICHOLS: Sir?

15 MR. JENNIFER: Excuse me, Ms., I didn't

16 MS. NICHOLS: Oh, I said the multi-family are two-
17 story in height, but they may have apartments in the rear
18 depending on geography on the ground floor, they might be
19 three-story?

20 MR. JENNIFER: That is correct. Two and three-
21 story, that is correct.

22 MS. NICHOLS: Okay. Thank you.

23 MS. JACKSON: Okay, and can you also next
24 identify, can we bring up Exhibit 33. And Mr. Jennifer, can
25 you explain what Exhibit 33 is, are?

1 MR. JENNIFER: Well currently, I'm looking at the
2 entrance to the rental office located on Hawthorne Street.

3 MS. JACKSON: Okay.

4 MR. JENNIFER: This is the entrance to the rental
5 office.

6 MS. JACKSON: Can we pull up one and can you just
7 generally describe what is included in this Exhibit 33?

8 MR. JENNIFER: Yes, that is again a site plan of
9 Kent Village Apartments. We are located on four blocks of
10 the County, Virginia Avenue, West Forest Road, Hawthorne
11 Street, and Vermont Avenue. The way that we have it broken
12 down is sections. Section A, B, D, and F. Section A is
13 West Forest Road, Section B is Vermont Avenue, Section D is
14 Virginia Avenue, and Section F would be Hawthorne.

15 MS. JACKSON: Okay, Mr. Jennifer, is it correct
16 that what's included in Exhibit 33 are floor plans?

17 MR. JENNIFER: Yes, as the floorplans here at Kent
18 Village, yes.

19 MS. JACKSON: Okay. And okay, and is it accurate
20 that these floorplans are listed, are grouped together by
21 street or by building number?

22 MR. JENNIFER: That is accurate.

23 MS. JACKSON: And they show the units on each
24 floor of each building --

25 MR. JENNIFER: That is correct.

1 MS. JACKSON: -- at the complex?

2 MR. JENNIFER: That is correct.

3 MS. NICHOLS: Do you have an office there? You
4 said you're the resident manager.

5 MR. JENNIFER: Yes, I'm the onsite property
6 manager here.

7 MS. NICHOLS: Okay, so you don't live there, you
8 just have an office there?

9 MR. JENNIFER: That is correct.

10 MS. NICHOLS: Is your office in what would
11 otherwise be an apartment building?

12 MR. JENNIFER: Yes, a converted apartments, that's
13 correct.

14 MS. NICHOLS: Okay, is your office included in the
15 180-unit count?

16 MR. JENNIFER: No, it is not. In the 810-unit
17 count it is not.

18 MS. NICHOLS: I'm sorry, yes, I'm sorry, yes. 180-
19 unit count.

20 MR. JENNIFER: 810-unit count.

21 MS. NICHOLS: 180?

22 MR. JENNIFER: No, 810 units.

23 MS. NICHOLS: Okay, can you pull up for me the
24 floorplan of the building where your office is located so I
25 can see that it is identified as an office and not a

1 dwelling unit? Okay, I believe that should be on the first
2 plan. I'm not sure what's happening, 81.1? No, no, no,
3 back to Exhibit 33.

4 MS. BAH: Yep, I'm on Exhibit 33.

5 MS. NICHOLS: The first page is the cover letter.
6 It is just general building location. The third page is
7 eight through point one, is that where the rental --

8 MS. JACKSON: We might need a second to explore.

9 MS. NICHOLS: That's fine.

10 MS. JACKSON: It's hard for me to, so the office
11 is located on Hawthorne Street. You know, I'm actually not
12 sure that the office is included in this series of site
13 plans because its not included in the 810 units.

14 MS. NICHOLS: Okay, part of the point of site
15 plans are to identify any non-residential use space so that
16 it can't later be converted into a residential use. But
17 that's why we need to know where there are storage
18 facilities or laundry facilities, or in this case, my
19 question is directed at a potentially existing apartment
20 which is currently occupied as a commercial use but could
21 potentially be converted back to residential. So all these
22 spaces also need to be identified on your plans.

23 MS. JACKSON: Okay. Actually, I believe it might
24 be shown on A2, page 7 of 8A22. I think that's Hawthorne
25 Street.

1 MS. NICHOLS: Okay, I have A22.

2 MS. JACKSON: Yes, so Mr. Jennifer, what so yeah,
3 A22 shows 6707 Hawthorne Street and which floor is your
4 office on?

5 MR. JENNIFER: It would be considered the first
6 floor.

7 MS. JACKSON: Okay.

8 MS. NICHOLS: So which one of these units?

9 MS. JACKSON: We may need to get some further
10 clarification, because --

11 MS. NICHOLS: So this is the first floor, and what
12 is the street address, 6716, 6714?

13 MR. JENNIFER: Well the rental office is
14 considered 6707 Hawthorne Street.

15 MS. NICHOLS: This says Virginia Avenue.

16 MS. JACKSON: Okay. I thought A22 said Hawthorne.
17 I thought it said Hawthorne Street on it.

18 MS. NICHOLS: It says Virginia Avenue. No, I
19 don't, I can't, all right let me approach this slightly
20 different, and that is Lisa, these plans are great, but we
21 need to have additional information added to them, and one
22 is the identification of the management office. It was
23 clearly identified as the management office, and not a
24 rental space. And then any other space that, such as
25 storage or laundry, or anything like that. We need you to

1 add that to these plans.

2 MS. JACKSON: Okay.

3 MS. NICHOLS: Okay. All right. The Trust Group,
4 what you've done so far is awesome, we just need those extra
5 spaces because we need to identify exactly what's on the
6 property so that somebody can't come back 15 years from now
7 and say, oh yeah, that apartment's always been there.

8 MS. JACKSON: Right.

9 MS. NICHOLS: So the plans we're certifying, we
10 need to show basically every area on the property.

11 MS. JACKSON: Okay. Yes, I guess my hesitation is
12 that they were so thoroughly done, it probably is on here,
13 marked on here, but because its so voluminous, its hard for
14 me to go through it as we're sitting here.

15 MS. NICHOLS: And I understand that. So what I
16 need you to do is after the hearing is over, I'm going to
17 leave the record open because we have a variety of things
18 that need to come in and I need you to review these plans
19 and make sure that what I'm asking about is identified on
20 the plans, and if not, just add them to the plans.

21 MS. JACKSON: Okay. The management office and the
22 storage.

23 MS. NICHOLS: I don't know if there's laundry
24 facilities, I don't know what other areas there might be in
25 the buildings.

1 MS. JACKSON: Okay.

2 MS. NICHOLS: Okay, thank you.

3 MS. JACKSON: All right, so Mr. Jennifer, are you
4 also familiar with the areas surrounding the community and
5 if so, can you describe it?

6 MR. JENNIFER: Yeah, the area surrounding the
7 community are mostly private homeowners. We are located
8 right off the 2020 corridor which is Landover Road. We are
9 adjacent to the Kent Land Community Center and the old
10 historic Kent Land Ball Room located off of Pine Brook
11 Avenue. 202 provides some commercial businesses out there
12 and the rest is pretty much residential surrounding us here
13 at Kent Village.

14 MS. JACKSON: And are you familiar with when the
15 property was first built and what it was used as when built?

16 MR. JENNIFER: It is my understanding that it was
17 built between 1949 and 1954, and it was always used as a
18 rental property.

19 MS. JACKSON: And as we discussed earlier, are you
20 familiar when the applicant purchased the property?

21 MR. JENNIFER: It is my understanding that it was
22 around 1972.

23 MS. JACKSON: Okay, can we bring up Exhibit 15?
24 Okay, Mr. Jennifer, can you identify what is shown in
25 Exhibit 15?

1 MR. JENNIFER: Yes, it appears to be the use and
2 occupancy permit for Kent Village.

3 MS. JACKSON: And can we bring up Exhibit 14?

4 MR. JENNIFER: That is a copy of the rental
5 license that we received in 2019, I believe.

6 MS. JACKSON: Actually, I think that's, if you
7 look carefully, that might be an earlier one that was
8 issued. Does it appear to you that it was 1984? It's a
9 rental license, is your testimony. Can we also bring up
10 Exhibit 3? Okay, if you kind of scroll down, yeah, there
11 you go. And can you --

12 MR. JENNIFER: Yes, that the rental license.

13 MS. JACKSON: Okay. I'm sorry, could you repeat
14 that?

15 MR. JENNIFER: That is the rental license from
16 2019. That's the one, yeah.

17 MS. JACKSON: Okay, 20, can you read the date
18 issued on the exhibit?

19 MR. JENNIFER: It was issued August 19th, 2020,
20 and yeah.

21 MS. JACKSON: Thank you.

22 MR. JENNIFER: Yes.

23 MS. JACKSON: Based on your exhibit Multi-Family
24 Rental Housing Property Manager, are you aware that its
25 against the law in Prince George's County to operate without

1 valid use and occupancy permits and business licenses?

2 MR. JENNIFER: Yes, I am.

3 MS. JACKSON: Has it been your belief that the
4 property has been continuously operated as a multi-family
5 rental housing complex under the belief that the applicant
6 had valid licenses and permits?

7 MR. JENNIFER: Yes, I did, yes, I do.

8 MS. JACKSON: Has the property ever to your
9 knowledge and belief, ceased being operated as a multi-
10 family rental complex at any time?

11 MR. JENNIFER: Not to my knowledge, no.

12 MS. JACKSON: Do you have any reason to believe
13 there was any fraud or misrepresentation in obtaining the
14 permits?

15 MR. JENNIFER: No, I do not.

16 MS. JACKSON: And do you have any reason to
17 believe that when the permit was issued, there was any
18 appeal or controversy surrounding its issuance pending
19 before anybody?

20 MR. JENNIFER: No, I do not.

21 MS. JACKSON: Mr. Jennifer, in your time as
22 property manager over the years, have expenses been incurred
23 on the property?

24 MR. JENNIFER: Yes, they have.

25 MS. JACKSON: And can we bring up exhibits, well

1 let me just say, can you talk about some of the expenses
2 that have been incurred on the property?

3 MR. JENNIFER: Yes, there's been several expenses
4 incurred on the property over the years such as roof
5 replacements or window replacements, drainage situations,
6 just the overall maintenance of the physical asset. We have
7 incurred expenses all year to maintain the property in the
8 correct way.

9 MS. JACKSON: I want to note two things, Madam
10 Examiner, that as I noted at the beginning, the record of
11 maintenance expenses, the two documents did not for
12 technical reasons, did not get included in the binder or on
13 the exhibit list. So I just want to note that here. And
14 can we bring up Exhibits 23 through 29, or do we need to do
15 them all at once? Mr. Jennifer, are you familiar with
16 Exhibits 23 through 29 from the exhibit list? And that
17 would include the record of debt service, payments, the
18 record of real estate taxes from 1990 to 2021. The Exhibit
19 25 is the record of County real estate taxes 2011 to 2021,
20 and Exhibit 26 is the record of the utility payments to
21 Pepco, Exhibit 27 is the utility payments to Washington Gas,
22 and Exhibit 28 is utility payments to WSSC. Are you
23 familiar with those exhibits?

24 MR. JENNIFER: Yes, I am.

25 MS. JACKSON: And you're familiar with the

1 expenses that are detailed on those, in those exhibits?

2 MR. JENNIFER: Yes, I am.

3 MS. JACKSON: And attest to those payments having
4 been made?

5 MR. JENNIFER: Yes, I am.

6 MS. JACKSON: Is it your belief that those
7 expenses only would have been occurred if the applicant was
8 under the belief that it was operating under valid permits
9 and licenses?

10 MR. JENNIFER: Yes, I do.

11 MS. JACKSON: Are you aware of any outstanding
12 violations with Prince George's County?

13 MR. JENNIFER: I am not.

14 MS. JACKSON: And finally, would validation of the
15 permit and license be against the public interest, in your
16 opinion?

17 MR. JENNIFER: Not at all. We have been already
18 here for quite a while and we are a major part of the
19 community and we do a lot in the community to support the
20 surrounding residents, and the community, and business
21 leaders in the community, as well as the kids of the
22 community. So we're here and we've been here doing good
23 work here at Kent Village.

24 MS. JACKSON: Okay, that's all I have for Mr.
25 Jennifer at the moment.

1 MS. NICHOLS: All right, Mr. Brown?

2 MR. BROWN: Yes, good morning, Mr. Jennifer.

3 MR. JENNIFER: Good morning.

4 MR. BROWN: Just a couple of questions here.

5 You've indicated you've been the property manager for what,
6 the last 20 years is it?

7 MR. JENNIFER: Yeah, 21 years.

8 MR. BROWN: Twenty-one years, and what are your
9 duties as the property manager?

10 MR. JENNIFER: The overall operations of the
11 community from the maintenance of the physical asset to the
12 hiring of the team members here, resolving resident's
13 concerns, we're resolving, working with contractors and
14 vendors of the community, maintaining the physical asset for
15 the residents here, responding to their maintenance
16 requests, responding to their needs as a residents.

17 MR. BROWN: And are part of your duties include
18 making application for the rental license every two years,
19 is that correct?

20 MR. JENNIFER: That is performed by Southern
21 Management Companies.

22 MR. BROWN: But you said you're employed by
23 Southern Management Companies earlier, is that correct?

24 MR. JENNIFER: That's correct.

25 MR. BROWN: Who actually makes application for the

1 rental licenses every two years?

2 MR. JENNIFER: I believe that's Southern
3 Management, the main office there in Vienna, Virginia.

4 MR. BROWN: So that's not your personal
5 responsibility as property manager?

6 MR. JENNIFER: No, it's not.

7 MR. BROWN: And have you ever made application for
8 a U&O permit?

9 MR. JENNIFER: No, I have not.

10 MR. BROWN: And Ms. Jackson, he may not know this,
11 but who posted the signs on the property? Did the County
12 post them or did you post them as the applicant?

13 MS. JACKSON: Mr. Jennifer, you can answer that.

14 MR. JENNIFER: Yes, Community posted the signs for
15 the hearing, yes.

16 MR. BROWN: Okay, and again, I may have missed it
17 in the file, but I did not see a photograph of the signs
18 that were posted on the property for this case.

19 MS. JACKSON: Yes, that should be, they are,
20 should be in Exhibit, somewhere around Exhibit 20, but
21 they're definitely in the binder also.

22 MR. BROWN: Fatima Bah, if you could pull up a
23 photograph of one of the posted signs, please.

24 MS. BAH: Do you see it, Stan?

25 MR. BROWN: Yes, I see it, thank you.

1 MS. BAH: You're welcome.

2 MR. BROWN: I cannot read what's on the sign, but
3 the reason I wanted to take a look at that Ms. Jackson, is
4 you said at the outset of this hearing that you were
5 applying for validation of U&O permits for in your words,
6 the property, and for rental licenses. And it's required
7 that the notice to the public correctly identify the subject
8 matter of the application. And in looking at the notice of
9 the virtual hearing in the first two sentences it says for
10 validation of permits issued in error, building permit
11 number 2269-U. And so that's a request to validate a
12 building, specific building permit and I did not see in the
13 virtual notice and therefore I wanted to see on the posted
14 signs where you were requesting to validate U&O permits as
15 well. In your justification statement, did you identify the
16 U&O permits as well as the rental licenses?

17 MS. JACKSON: Yes, I did. The use and occupancy,
18 I'm not sure, you're referring to building permit, I'm not
19 sure what you're referring to, but --

20 MR. BROWN: That's what's on the virtual hearing.
21 It says building permit number 2269-U. Is that actually the
22 U&O permit?

23 MS. JACKSON: Yes, that's the use and occupancy
24 permit.

25 MR. BROWN: All right, which exhibit is the use

1 and occupancy permit?

2 MS. JACKSON: The use and occupancy permit is
3 Exhibit 15.

4 MR. BROWN: Fatima, could you pull up Exhibit 15
5 please. And it looks like that was issued in 1975.

6 MS. JACKSON: That's right.

7 MR. BROWN: January 8th, and that's the only U&O
8 permit for the property that you have been able to find?

9 MS. JACKSON: That's right. And we did a search
10 with the, and we have that, that's in the record also over
11 the last several months that we have not -- these are the
12 only permits and licenses that DEPI (phonetic sp.) has on
13 file, has any records of for the property. This use and
14 occupancy, and then obviously the business license permit.
15 The most recent one that was issued, and then we had one
16 from 1983 that is Exhibit --

17 MR. BROWN: Let me just ask Mr. Jennifer a
18 question about this one though. This U&O permit apparently
19 was issued on January 8th, 1975, and the description is to
20 operate apartment rental and management office, R-18 zone.
21 So Mr. Jennifer, to your knowledge, was this a request for
22 an U&O permit only for the management office?

23 MR. JENNIFER: I have no knowledge of that.

24 MR. BROWN: That's what I thought, and that's
25 fine. It's not a bad thing. And did you indicate that your

1 current management office, the address is what?

2 MR. JENNIFER: 6707 Hawthorne Street, Landover,
3 Maryland.

4 MR. BROWN: Right, and this building address is
5 7307. Do you know, is 7307 one of the apartment buildings?

6 MR. JENNIFER: I do not know. We do not have a
7 7307 Hawthorne Street.

8 MR. BROWN: All right, so that's why I'm very
9 confused as well. I saw that wasn't listed on the virtual
10 hearing notice as well. So we need to find out Ms. Jackson,
11 where 7307 Hawthorne Street comes from, and if this U&O
12 permit is only for a specific management office, it's not a
13 U&O permit for the entire property, which brings me to the
14 other question I wanted to ask Mr. Jennifer. And Mr.
15 Jennifer, I'm not trying to trick you or anything. We're
16 just trying to build the record so we all understand what
17 we're talking about. You made reference, and Ms. Jackson
18 has made reference to the property. And I'm going to use
19 that term. The property includes townhouses as well as
20 apartment buildings. The townhouses, are they owned by Kent
21 Village, LLC, or are they owned by the occupants in fee
22 separate title?

23 MR. JENNIFER: They are owned by Kent Village,
24 LLC.

25 MR. BROWN: And so the townhouses are rented to

1 tenants, is that correct?

2 MR. JENNIFER: That's correct.

3 MR. BROWN: All right, and when you said earlier,
4 the property is divided into sections A, B, D, and F, can
5 you explain why sections C and E do not exist?

6 MR. JENNIFER: I do not know. That was the
7 scenario in which I inherited when I got here. The way that
8 they broke down the property in terms of the way the
9 maintenance team responds to maintenance requests and that
10 we just always identify the four sections as A, B, D, and F.

11 MR. BROWN: All right. Now concerning A, B, D,
12 and F, is there a singular Deed for all of the properties
13 that comprise A, B, D, and F, if you know?

14 MR. JENNIFER: Yes.

15 MR. BROWN: There's one Deed?

16 MS. JACKSON: Is it possible that, because I think
17 these questions can be answered by the next witness. So,
18 and can we do that then or do you want to --

19 MR. BROWN: No, I'll ask the next witness, but I
20 mean he's testifying now so I need to ask him the same
21 questions.

22 MS. JACKSON: Okay.

23 MR. BROWN: One other question. Mr. Jennifer, you
24 also indicated that to your knowledge, the property was
25 purchased in approximately 1972, is that correct?

1 MR. JENNIFER: It's my understanding, yes.

2 MR. BROWN: And during the 20-year period that
3 you've been an employee there, are you aware of whether or
4 not the property has been refinanced in the last 20 years?

5 MR. JENNIFER: I am.

6 MR. BROWN: You are aware?

7 MR. JENNIFER: Yes, I am.

8 MR. BROWN: Approximately, when was the property
9 refinanced?

10 MR. JENNIFER: It was recently refinanced I
11 believe in 2020. I may be off with that, but I believe it
12 was refinanced recently as 2020.

13 MR. BROWN: And was it refinanced even prior to
14 2020, do you know?

15 MR. JENNIFER: I think, it was, I not, yeah, I
16 think it was back in 2008 or 2010, it may have been, but I'm
17 not totally familiar with that.

18 MR. BROWN: I understand. And at the time the
19 property was refinanced, again if you know, did the property
20 owner obtain a zoning opinion letter that's required by the
21 lender?

22 MR. JENNIFER: I wouldn't know that at all.

23 MR. BROWN: All right, and so to your knowledge,
24 you don't know whether in 2008, or 2010, or 2020, the
25 property owner obtained a zoning opinion letter to confirm

1 that the property is or is not in compliance with all zoning
2 laws prior to getting a refinance loan?

3 MR. JENNIFER: That is correct. I am not familiar
4 with that information.

5 MR. BROWN: That's fine. And going back to the as
6 built floor plans that you addressed earlier. Fatima, if
7 you could pull up the renderings of the floorplans, any
8 floorplans. It's like a colored illustration of the
9 individual apartment.

10 MS. JACKSON: And actually, could I just, if you
11 pull up 821, I think we'll see the leasing office on that
12 one.

13 MS. BAH: Okay, is that Exhibit 33?

14 MS. JACKSON: Yes.

15 MR. BROWN: Yes.

16 MS. BAH: Thank you, hold on one second.

17 MS. NICHOLS: 821 Lisa, 821?

18 MS. JACKSON: Yeah, the floorplans and then it
19 should be right before the --

20 MS. NICHOLS: Let's see, so this is West Forest
21 Road, but that's okay. On the side it's got the Hawthorne
22 Street Leasing Office, okay. Okay, so what are those, so is
23 it in the apartment, excuse me, the unit, residential unit,
24 or is it in, I'm not sure what I'm looking at. The part
25 that has the leasing office.

1 MS. JACKSON: Where is says leasing office?

2 MS. NICHOLS: Yes, exactly, so is that an
3 apartment? And I don't know what all the other rooms are
4 that are beneath the words leasing office. Where is the
5 leasing office?

6 MS. JACKSON: Mr. Jennifer you want to?

7 MR. JENNIFER: I'm looking.

8 MS. JACKSON: It's on the first floor, right?
9 Well this says the basement. Is the rental office in the
10 basement?

11 MR. JENNIFER: Yeah, it's considered the basement
12 of 6710, but the entrance to the rental office is off of
13 Hawthorne Street.

14 MS. JACKSON: Okay, so is it in the 6707 or --

15 MR. JENNIFER: No it's actually located at 6710.

16 MS. NICHOLS: So we'll need to get that clarified.

17 MR. JENNIFER: Yes, so in the unit, I can see two
18 bathrooms in that unit. Is it in the unit with the two
19 bathrooms?

20 MR. JENNIFER: It is, correct.

21 MS. JACKSON: Okay, so that unit is not
22 considered, is not counted in the 678 multi-family units?

23 MR. JENNIFER: No, it's not.

24 MS. JACKSON: Okay, and then what are those other
25 rooms that are located beneath the words leasing office?

1 MR. JENNIFER: Those are the management offices
2 and other offices which exist in the rental office here.
3 The leasing office and the resident services office.

4 MS. NICHOLS: Okay, Lisa when you referenced the
5 street address there to 6710, would you please be more clear
6 that, that entire block is utilized. Both the what looks
7 like it was an apartment unit and all the other offices as
8 well. Just make sure that you know, outline it so it looks
9 like that entire block is utilized as the leasing office.
10 Do you understand what I'm asking?

11 MS. JACKSON: Yes.

12 MS. NICHOLS: Thank you.

13 MS. JACKSON: More clearly identify what the use
14 is.

15 MS. NICHOLS: Right, and that the use is that
16 whole sect, not just a part of it.

17 MS. JACKSON: Okay.

18 MS. NICHOLS: Okay, so that takes care of, let me
19 cross that one off my list. That takes care of that.

20 MS. JACKSON: I'm sorry, Mr. Brown, did I
21 interrupt you?

22 MR. BROWN: That's all right, that's fine. But
23 Mr. Jennifer, in looking at the exhibit that we're looking
24 at now, as well as the as built floorplans, my question was,
25 this exhibits indicates it was last drafted November 2021,

1 labelled as basement, and the colored renderings also you
2 referenced as, and I believe they are labelled as built.
3 How do you know this is how the property was built in 1972?

4 MR. JENNIFER: Just my understanding that no
5 structural changes have taken place, and the overall layout
6 of the building, that is just my understand of it.

7 MR. BROWN: All right, but to your knowledge, you
8 don't have any knowledge one way or the other whether or not
9 interior changes have been made to any of the buildings
10 since 1972, do you?

11 MR. JENNIFER: I do not.

12 MR. BROWN: Really, these plans both the
13 renderings of the floorplans as well as what we're looking
14 at here is, I'm going to call it as built basement A2.1. We
15 don't know if that's as built. It appears to me that the
16 engineer or architect that drafted these plans merely went
17 building by building, and these are existing illustrations
18 of the various buildings' interior. Is that more accurate?

19 MR. JENNIFER: That, that is accurate.

20 MR. BROWN: And so Ms. Jackson, my bad eyes can't
21 see who drafted the plan that we're looking at. Who is the
22 engineer for these plans?

23 MS. JACKSON: It was, I'm just trying to zoom in
24 here. HBOCM Architecture.

25 MR. BROWN: All right. What you may want to do is

1 you know, either bring them in later on, if this hearing is
2 continued. Or put some document in that confirms that these
3 plans are not as built, but they really are a representation
4 of what is existing or alleged to be existing in each
5 building for the floor plans as well as the site plan of the
6 property.

7 MS. JACKSON: Well, can I --

8 MR. BROWN: Yes.

9 MS. JACKSON: I mean, it's testimony that he
10 believed that --

11 MR. BROWN: Well he's speculating. Mr. Jennifer
12 has only been there for 20 years, he wasn't there in 1972
13 and the engineer that drafted the plans that we're looking
14 at, he had to get this information from somewhere, either
15 from actual as built plans in 1972, or he went into each
16 building and made a representation of what is in each
17 building. But at this point, I don't know which it is, but
18 Mr. Jennifer clearly can't testify to that, he wasn't there
19 in 1972, and he has not reviewed the County's records as to
20 any as built plan because you haven't proffered any as built
21 plans. These are not as built.

22 MS. JACKSON: Okay. I mean I believed that the
23 term as built means as existing.

24 MR. BROWN: No, as built is how was a specific
25 building constructed.

1 MS. JACKSON: Built out, okay.

2 MR. BROWN: Right, and so these labels are being
3 as built are not accurate. I mean that's probably what's
4 out there right now, and there's probably a strong
5 likelihood that 80, 90 percent of it is as built, but it's
6 unlikely because Mr. Jennifer testified that 7307 Hawthorne
7 Street doesn't even exist and that's the proffer U&O that
8 you're attempting to validate, and apparently has no
9 reference to the subject property. And that U&O only
10 applies to a specific unit or management office. And that
11 leads us to other questions. I mean, just so we have it on
12 the record, is there a reason that you have to validate,
13 assuming the U&O that you proffered is even relevant, that
14 you have to validate the U&O permit as well as all of the
15 rental licenses for the buildings?

16 MS. JACKSON: I mean we were informed, so is it
17 okay, I don't if to add that to my testimony so I can --

18 MR. BROWN: You can go ahead and explain it to us,
19 yes.

20 MS. JACKSON: So, I mean the history of this is
21 that my understanding is that we were told that at one point
22 that we couldn't get a business license, we had to go in and
23 get a non-conforming use certification and when they went in
24 to get the non-conforming use certification, we were told
25 that they needed to get the, you know, it was a non-

1 conforming use because it didn't meet the parking
2 requirements originally.

3 MR. BROWN: Well, not in non-conforming use
4 because it was not legally built in 1972.

5 MS. JACKSON: Right.

6 MR. BROWN: So you can't certify a non-conforming
7 use which is why you have to validate --

8 MS. JACKSON: Right.

9 MR. BROWN: -- the rental licenses and/or the U&O.
10 It may be difficult to validate the U&O because to date, I
11 mean again, I may have missed it in the voluminous
12 documents, I don't see a U&O that references this property.

13 MS. JACKSON: Well this is the only use and
14 occupancy permit that the applicant has ever had. And it's
15 always been their understanding and belief that it covers
16 the 810 units that are there and have been there. I noticed
17 just from some other cases in particular, and I don't know
18 if its proper to argue it here, but I noticed in another
19 case, in ERR275 there was a similar situation where the
20 original use and occupancy said the same thing. It was from
21 1964, and the original U&O said it was for a rental office,
22 but there were 187 units. I don't know if that's something
23 that they used to do in the County, I don't know, but it's
24 always be our, the applicant's understanding that the U&O
25 covered all of the units.

1 MR. BROWN: And you have not been able to find any
2 other U&O permit other than the one that you showed us a
3 moment ago?

4 MS. JACKSON: No, that's right. And if you look at
5 Exhibit 21, an email from myself to DEPI where we asked for
6 information on any other permits that they had and they
7 don't have anything. So we didn't do a MPIA request, but we
8 diligently inquired and they have not been able to -- and
9 they did in fact if you look at the email, they say they,
10 I'm not reading verbatim, but they just have it with that
11 they probably don't have any record.

12 MR. BROWN: And Mr. Jennifer, if you can answer
13 it, or Ms. Jackson, I guess if you can explain it, not
14 testify, were all of these buildings built in 1972, and how
15 do we know that. This is a rather large property. I can't
16 imagine that it was all built in 1972. Do you know?

17 MR. JENNIFER: No, it was not built in '72. It is
18 my understanding that the community was built between 1949
19 and 1954.

20 MR. BROWN: I'm sorry, you're right. It was
21 purchased in '72, but the construction, so you're saying,
22 occurred when again, what was it?

23 MR. JENNIFER: From 1949 to 1954.

24 MR. BROWN: All right, so it was constructed over
25 a period of years. And you guys have not been able to

1 obtain any building permits related to any structure on this
2 property, is that correct?

3 MS. JACKSON: Can I, I mean, I don't know when I
4 can answer and when I, but --

5 MR. BROWN: Go ahead, if he cannot, go ahead.

6 MS. JACKSON: Okay, yeah, no, my understanding is,
7 I mean I know that I personally have inquired and I know
8 that my client has previously inquired also with the County
9 and have not been able to find or location any building
10 permit. And Park and Planning noted I think also in their
11 documents too that it did not exist into the records. I
12 believe I'm right about that.

13 MR. BROWN: And --

14 MS. JACKSON: I'm sorry, am I answering your
15 question, I'm not sure if my --

16 MR. BROWN: I mean you're telling me that we don't
17 know, so I mean so that's the --

18 MS. JACKSON: Okay.

19 MR. BROWN: All right, I mean that's all the
20 questions I have for Mr. Jennifer.

21 MS. NICHOLS: All right, I have one please, and
22 that is let's see, I'm going to have to find it. So the
23 affidavit of posting, I believe that's Exhibit 17. Exhibit
24 17, okay so there's the pictures, okay, but the affidavit of
25 posting, let's try 17. hat's Suzanne's. So Suzanne is not

1 really the affidavit of posting, she's testifying as to the
2 continuance operation (indiscernible).

3 MS. JACKSON: I think the posting affidavit is on
4 the screen?

5 MS. NICHOLS: Yes, okay, yes, so it's 20. So Mr.
6 Jennifer, you said that the community posted the signs.
7 Does that mean you didn't post them?

8 MR. JENNIFER: Well the, the maintenance staff
9 here at Kent Village posted the signs. I didn't personally
10 post them, yeah.

11 MS. NICHOLS: Okay, but you personally checked and
12 made sure that they were maintained during the period of
13 posting as required?

14 MR. JENNIFER: That is correct.

15 MS. NICHOLS: Okay, all right. All right, okay,
16 that's all I have. Thank you so much.

17 MR. JENNIFER: Thank you.

18 MS. JACKSON: Okay, all right, so if there's no
19 further questions, I'll move on to our next witness.

20 MS. NICHOLS: Okay.

21 MS. JACKSON: And that's Gabrielle Duvall.

22 MS. NICHOLS: Ms. Duvall, I need to, yes, thank
23 you so much. Do you solemnly swear or affirm, under the
24 penalties of perjury and the matter now pending, to tell the
25 truth, the whole truth, and nothing but the truth?

1 MS. DUVALL: Affirm.

2 MS. NICHOLS: Thank you. Please state your name
3 and business address for the record?

4 MS. DUVALL: Gabrielle Duvall, business address is
5 1950 Old Gallows Road, Suite 600, Vienna, Virginia 22182.

6 MS. NICHOLS: Thank you.

7 MS. DUVALL: Thank you.

8 MS. JACKSON: Now Ms. Duvall, can you please state
9 your title and position with the company, and your duties?

10 MS. DUVALL: Certainly. I am currently the
11 Executive Vice President and General Counsel for Southern
12 Management Companies, formerly known as Southern Management
13 Corporation. I joined the company in 2017 as general
14 counsel and have received several promotions since that
15 time. Prior to joining Southern Management Corporation at
16 the time and now Companies, I was outside counsel for
17 Southern Management working on finance and structure deals
18 going back to 2006. My current duties include overseeing
19 financial transactions and overseeing the legal department
20 and the government relations committee for Southern
21 Management.

22 MS. JACKSON: So can we, I had originally a
23 different question, but can we just start with, can you talk
24 about the ownership, history and structure of Kent Village?

25 MS. DUVALL: Certainly I can. I became familiar

1 with the ownership structure when I was hired as national
2 structure counsel for 2012 global refinance of Southern
3 portfolio of 69 assets including Kent Village. As part of
4 my duties with outside counsel, I had to provide certain
5 statements and opinions regarding the organization,
6 ownership and structure of the ownership. What I learned
7 and discovered at that time is that Kent Village was
8 operated by assumed partnership who initially acquired the
9 asset and it was Kent Village, parcels A, B, D, and F. They
10 operated the property from acquisition in 1972 until 1985 as
11 one. And then in 1985, filed a conservatory Deed in the
12 public land records of Prince George's County at Liber
13 (phonetic sp.) 6041, Faleo (phonetic sp.) 382, and that
14 confirmatory Deeds intermitting half the property is
15 operated as one, and noted the formation concurrently with
16 Kent Village Joint Venture Partnership, which was the entity
17 that was owning the communities from that time forward.
18 Kent Village Joint Venture Partnership was converted in
19 December of 2006 to Kent Village, LLC., which is the entity
20 today.

21 MS. JACKSON: Okay, and can you also, do you have
22 any, back to the question about the floorplans, do you have
23 any knowledge about the as built, what am I trying to say,
24 the --

25 MS. DUVALL: As to whether the floorplans are as

1 built or --

2 MS. JACKSON: -- either they're, that's it.

3 MS. DUVALL: I do not have personal knowledge of
4 that. What I do have personal knowledge of is site surveys
5 have been conducted. Not floorplans per se, if inside of
6 the buildings, but site surveys have been conducted as part
7 of our reloan transition that I'm aware of since at least
8 2008. I can also say going back to one of the questions
9 that Mr. Brown had that as part of the loan structure since
10 2008, no zoning opinion has been required, and we have not
11 produced a zoning opinion in our financial transactions.
12 This property was refinanced as part of a portfolio of loans
13 going back to 1993. It's been ins our portfolio, which I'll
14 explain in a little bit, of refinancing, but most recently,
15 the property was refinanced in 2008, 2012, 2015, and most
16 recently was part of our very wide portfolio refinance in
17 2020, as Mr. Jennifer stated, a 2.4 billion dollars that
18 encompassed 68 properties within Southern's portfolios. All
19 properties are cross-collateralized and cross-defaulting and
20 has been that way since 1993. That is one property default
21 on any loan obligations which include proper permit and
22 licensing the entire enterprise is subject correct. So
23 we've done all of that and in good faith reliance on the
24 belief that we had a valid U&O, valid business licensing. 0

25 MS. JACKSON: So, okay, so just to reiterate what

1 you just said, you believe that the applicant has acted in
2 good faith expending funds and incurring obligations and
3 reliance on the permits or the license?

4 MS. DUVALL: Yeah, I would argue that it's
5 actually, well not argue, but I would state that it's
6 actually bigger than the applicant's reliance, Southern
7 Management, which is the management entity managing Kent
8 Village as well as over 30 other communities in Prince
9 George's County alone. Southern Management acted in good
10 faith and reliance at all times since acquisition and since
11 it's been managing the property. Because Southern
12 Management has consistently included Kent Village as one of
13 the rich ends of its global financing structure which allows
14 each entity that's borrowing to get better rates by being
15 part of a collective pool, as to benefit of that and again,
16 the risk is cross-collateralization and cross-default. If
17 we thought that there was any way that Kent Village wasn't
18 properly operating, we couldn't possibly put it in the pool.

19 MS. JACKSON: And finally, do you believe that
20 validation of the permit and the license would be against
21 the public interest in any way?

22 MS. DUVALL: Absolutely not. Southern Management
23 has been a cornerstone in Prince George's County, as has the
24 Kent Village community itself. Southern Management employs
25 over 700 people in Prince George's County. We have

1 approximately 48 million dollars in annual salaries and
2 benefits. We have approximately 12,000 apartment homes
3 which house approximately 34,000 individuals in Prince
4 George's County. The entirety of our Prince George's County
5 is workforce housing, which as you know is naturally
6 occurring affordable housing without affordable credits or
7 any of that. We also pay upwards of 20 million dollars
8 annually in real estate taxes for all of our communities,
9 which again are financed together and kind of rise and fold
10 together. And the village itself, has been beautifully
11 maintained. Andre was being modest when he described his
12 role in the community. It's been beautifully maintained in
13 addition to the physical asset being maintained. Andre also
14 has a Resident Financial Services Department that provides
15 credit counseling and assistance to our residents. Helps
16 them budget, helps them stay on track, helps residents stay
17 a long term. I believe the part of the record includes an
18 affidavit from a resident who has enjoyed long term stay at
19 Kent Village. Kent Village has not changed in the character
20 and nature of the way it has been used as far as I know
21 going back, and Kent Village has been viewed as kind of a
22 beacon in that community before the community rose up around
23 it. Recently, there was a townhome development across the
24 street where the townhomes are selling, as far as I
25 understand it, upwards of \$400,000. We believe that Kent

1 Village is excellent maintenance, curb appeal, and longevity
2 of its residents. Part of that reason that people are able
3 to develop in that area.

4 MS. JACKSON: Okay, thank you, Ms. Duvall. I
5 don't have any additional questions.

6 MS. NICHOLS: Mr. Brown.

7 MR. BROWN: Yes, good morning, Ms. Duvall, how are
8 you?

9 MS. DUVALL: Good morning, Mr. Brown. Good, thank
10 you, how are you?

11 MR. BROWN: Good. I mean some of the testimony
12 you just made is very helpful concerning the ownership and
13 the confirmatory Deeds. Ms. Jackson, since some of the
14 Deeds or none of the Deeds made it into the record, the only
15 Deed I would really need would be the confirmatory Deed she
16 said around, what year was it?

17 MS. DUVALL: 1985.

18 MR. BROWN: I'd like to have that in the record so
19 it's clear who the current owner is. You also testified
20 with regards to the site surveys that were done. I think
21 your as built documents should be re-labelled as site
22 surveys. And so Ms. Duvall, with regards to the site
23 surveys, did you see documents that were different from what
24 were offered today? Another label on it as being as built
25 plans?

1 MS. DUVALL: I have not, sir. The site surveys
2 we've gotten typically from you know just in full
3 transparency, those sites surveys typically show the
4 buildings on the properties, which is the exact same layout
5 as the floorplans. However, the site surveys do not go in
6 depth into the buildings to say whether or not the buildings
7 are structurally sane. But I can state with certainty that
8 every site survey I have seen going back in my records and
9 my files since the early 2000s, has shown the same layout of
10 the community without change.

11 MR. BROWN: Yeah.

12 MS. DUVALL: Mr. Jennifer added a splash park, and
13 that's a new improvement.

14 MR. BROWN: Yeah, I've known about that. I would
15 like to have at least one site survey in the record. I'm
16 sure that they are consistent with the plans, but the site
17 survey would be helpful.

18 MS. DUVALL: We have that and we can provide that
19 to Ms. Jackson so that for you.

20 MS. JACKSON: And can I just, not that it matters
21 at this point, but we did actually submit a site survey.
22 I'm not sure, and I apologize, but it didn't make it into
23 the binder nor into the exhibits, but we can certainly
24 provide that.

25 MR. BROWN: I think the problem is when you submit

1 voluminous documents, those documents are not always going
2 to transfer electronically.

3 MS. JACKSON: Okay.

4 MR. BROWN: You have to item, put them in
5 separately.

6 MS. JACKSON: Okay.

7 MR. BROWN: That's the problem.

8 MS. JACKSON: Okay.

9 MR. BROWN: All right, so we have the confirmatory
10 Deed coming, one site survey coming. And another I had for
11 you Ms. Duvall is to clarify, oh yes, concerning the zoning
12 opinion letters, all right, I understand why you don't have
13 those since all of the properties are cross-collateralized
14 in a billion-dollar portfolio that makes sense. The reason
15 I asked for that is, it goes to the issue of knowledge, and
16 so Ms. Duvall, if you can tell us, I did see in the record
17 where Park and Planning Commission notified the applicant of
18 the absence of a U&O permit and an absence of rental
19 licenses. How did the applicant become aware that this
20 property did not have the proper U&O permit and rental
21 licenses?

22 MS. DUVALL: Good question. I believe my
23 development and procurement office became aware of it in, I
24 want to say it was, and I'm not sure of the date certainty,
25 but I believe it was either very late 2019 or very early

1 2020. Or maybe it was mid-2020 that the letters started
2 going back and forth with Ms. Brenbay Rodriguez (phonetic
3 sp.). He's part of our development and procurement team.
4 (Indiscernible) I felt the genesis of why he started the
5 inquiry. I will say that Legal became involved when Mr.
6 Rodriguez reported what was happening and we immediately
7 engaged Jackson Edwards to assist us in following the
8 process, trying to get established first as the non-
9 conforming years, which for reasons you've stated and Ms.
10 Edwards has stated was not applicable to us, and we are
11 there in this process. So it's been long and protractive
12 over the last couple of years, but to my understanding and
13 knowledge, no one at Southern had any knowledge that the U&O
14 was not covering the 810 units leased 2019 and now early
15 2021.

16 MR. BROWN: I understand. All right, no further
17 questions, thank you.

18 MS. DUVALL: Thank you.

19 MS. NICHOLS: All right, Ms. Duvall, I don't have
20 any questions of you at this time.

21 MS. DUVALL: Thank you, Ms. Nichols.

22 MS. NICHOLS: Ms. Jackson, do you have any further
23 witnesses?

24 MS. JACKSON: No, that concludes the witnesses. I
25 can just refer you to the justification statement, revised

1 justification.

2 MS. NICHOLS: That's okay. There are so many
3 documents that are missing for one reason or another, plus
4 the site plan has to be corrected so that I can certify it.
5 So what I want to do is I'd like to continue this hearing to
6 the 12th of January. Does that work for you?

7 MS. JACKSON: I'll make it work.

8 MS. NICHOLS: Okay, but I'd like to continue this
9 hearing. We're not going to close the record anyway. I'd
10 like to continue to the hearing until the 12th of January
11 also sat 9:30. And at that time Ms. Jackson, you are free
12 to put on the same witnesses, any more witnesses, anything
13 to further extend on your case, but I think it's better that
14 we get the documents in so we can look at them. I need you
15 to compare what you think should be in the record and what
16 we actually have as exhibits. You heard the requests from
17 Mr. Brown indicating he wants a sampling of actual bills,
18 utility bills over the last five years from a sample of the
19 buildings. So as to determine who actually paid the bills.
20 You indicated, Ms. Jackson, that you're aware at least that
21 we're missing a record of maintenance, the site survey, and
22 a certain number of photos. So we need to get those in.
23 With regards to Ms. Duvall, I need the Deeds. I need the
24 1972 Deed, the 1985 confirmatory Deed, and there was a
25 reference to a later Deed, but I didn't pick that up. Is

1 there another Deed after 1985 that I should be looking at?

2 MS. DUVALL: There were, I believe after 1985, Ms.
3 Nichols, there were Deeds of Trust that were submitted as
4 part of the record to evidence the financing that I
5 testified to. So that I didn't see any problems with
6 confirmatory Deed that we have in our record, and there are
7 many Deeds actually missing, that are actually Deeds of
8 process.

9 MS. NICHOLS: Okay, all right. I need the 1972
10 Deed and the purchase Deed, the 1972, the 1985 confirmatory
11 Deed. Let's see, Mr. Brown or Ms. Jackson, was there
12 something, and of course you're going to redo the site plans
13 so that I can certify them if indeed we go that way. Is
14 there something else?

15 MS. JACKSON: When you say the site plans, you
16 meant the floorplans, right?

17 MS. NICHOLS: Correct.

18 MS. JACKSON: Okay.

19 MS. NICHOLS: We need the site survey and then we
20 need the floor plan that fills in any missing areas on the
21 properties. And let's just face it, this is a large number
22 of multi-family, so normally I go through the plans and put
23 my finger down and count all of the units. I'm putting that
24 on you, Ms. Jackson, to make sure that there are only 810
25 units plus the rental office okay, so that there are

1 actually 811 spaces, but one is clearly not to be used as a
2 residential. Okay, can I put that on you?

3 MS. JACKSON: Yes.

4 MS. NICHOLS: Thank you. Okay, so either you or
5 Mr. Brown, was there something else that, a document that we
6 want to be looking at next time that I have forgotten to
7 mention?

8 MR. BROWN: That includes all the documents that I
9 needed, yes.

10 MS. NICHOLS: Okay.

11 MS. JACKSON: Can I just have a clarification
12 question, because I'm not sure what to do about the question
13 you had, Mr. Brown had about on the posting. Was there some
14 issue you had with that?

15 MR. BROWN: Well I'm not going to make a big deal
16 of it, but it's really unclear what you were attempting to
17 validate, simply given that your old permit apparently
18 doesn't even relate to this property, but it's almost going
19 to be impossible to determine the actual rental licenses
20 when you don't even have U&Os. So the posting is defective.
21 But again, I'm not going to make a big deal of it.

22 MS. JACKSON: Okay, and just to, I mean not to, we
23 didn't make up those signs, but --

24 MR. BROWN: Wells, I understand.

25 MS. JACKSON: Okay.

1 MS. NICHOLS: Yes, thank you, Ms. Jackson. We
2 understand.

3 MR. BROWN: I believe Ms. Culham has her hand up,
4 wants to say something.

5 MS. CULHAM: Yes, Mr. Brown, I would like to
6 clarify with you on the copies of the utility invoices. I
7 wanted to clarify for example on WSSC, if I pull one invoice
8 from a random building per year, is that sufficient, so it
9 would be five WSSC invoices? Or did you want more than that
10 for WSSC?

11 MR. BROWN: That's more than enough. Just one
12 each invoice for five years for each utility, that's
13 correct.

14 MS. CULHAM: Right, so it would be a total of 15
15 invoices.

16 MR. BROWN: Fifteen invoices, yes.

17 MS. CULHAM: With three utilities, okay, thank you
18 so much.

19 MR. BROWN: Yes.

20 MS. NICHOLS: All right, is there anything
21 further, Ms. Jackson?

22 MS. JACKSON: No, I think we have our marching
23 orders and we will get those documents into you and you said
24 the date was January 12th?

25 MS. NICHOLS: January 12th at 9:30, yes, ma'am.

1 MS. JACKSON: Okay, thank you.

2 MS. NICHOLS: Thank you. All right, that being
3 said, the hearing in this matter today is going not be
4 concluded, but the hearing will be continued to January
5 12th, at 9:30 to allow additional exhibits and potentially
6 additional witnesses. And I thank everybody for
7 participating and have Happy Holidays.

8 MS. JACKSON: Thank you.

9 (Whereupon, the hearing was concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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:

KENT VILLAGE

Case No. ERR 285

By:

Signature Here



Pat Purnell, Transcriber