

BA 13-033C AL-HUDA, INC. t/a DAR-US-SALAAM
August 27, 2015
Minutes

Board Members Present:

James Howard, Chair
Genevieve Walker-Lightfoot
James Walsh
John Lederer
Steven Hunt

David Moore – Board Attorney
Alison Mathieson – Recording Secretary

Attorneys:

Sang Oh, Attorney for the Petitioner Al-Huda, Inc.
Joan M. Becker, Attorney for the Opponents/Appellants

Worksession on Motion to Dismiss filed by Joan Becker for the Opponents.

Ms. Becker & Mr. Oh provided oral argument on this Motion

Mr. Oh argued that if the Board declines to hear the case then the Hearing Examiner's decision stands.

Ms. Becker continued to argue that the fact that Al Huda did not proceed with the case within a six month period of being placed on the Unscheduled Docket and therefore the matter should be dismissed

Board went off the record and began deliberations. Mr. Howard agreed to decide on the Motion to Dismiss the Appeal of RDW, Motion to Dismiss the Appeal of Al-Huda, and the Motion to Deny Conditional Use of Al-Huda.

Mr. Howard felt the most conservative approach was to deny all and let the time run out. Mr. Walsh argued that Mr. Oh has admitted that his client does not have standing and therefore the Board should be allowed to address that issue. The Board discussed whether the two years runs from the date of the Hearing Examiner's decision which was May 13, 2014 or from today's date.

7:55 p.m. Ms. Walker-Lightfoot had to leave the hearing. Board agreed to carry the matter over if there was a 2-2 tie in the decision. Board continued their deliberations.

Mr. Walsh expressed his opinion that Al-Huda had no standing and made a motion to deny the petition of Al-Huda for a conditional use based on their lack of standing. Mr. Lederer seconded.

Mr. Howard took a straw poll that showed the vote would be split. Board discussed deferring the decision on the Motion to Dismiss.

As Ms. Walker-Lightfoot had left the hearing and it appeared the decision would be split, the Board agreed to continue to allow the parties to address the issue of standing.

Board is to schedule another date to hear a Motion for lack of standing and that a decision on the other Motions will be held until that decision has been made.

Hearing adjourned at 8:17 p.m.