

IN THE MATTER OF THE APPEAL : BEFORE THE  
of : HOWARD COUNTY  
**Dr. Sara Via, et al.** : BOARD OF APPEALS  
Appellants : HEARING EXAMINER  
: Case No. BA 806-D

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**ORDER**

Having considered the Motion to Quash Subpoena filed by Randy Marriner on March 5, 2024, and having considered the opposition to the Motion to Quash filed by Sara Via on March 15, 2024, and having found the following:

1. A Subpoena directed to Randy Marriner was issued by the Howard County Hearing Examiner (“Subpoena”) and served on Marriner on a timely basis under the Howard County Hearing Examiner Rules;
2. The Subpoena states that Mr. Marriner is compelled to appear before the “Board of Appeals Hearing Examiner in the above captioned matter on Wednesday, March 6, 2024, at 5:30 PM, George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, and for any dates continuing thereafter;”
3. The requests for testimony and the requests for production of documents included in the Subpoena are reasonable and not unduly burdensome;
4. The hearing to be held by the Hearing Examiner is not a judicial review of an agency record, but is an administrative *de novo* hearing, is not limited to the “agency record,” and may include facts outside of DPZ’s “record;”
5. The requests for testimony and the requests for production of documents included in the Subpoena are reasonably related and relevant to the subject of the appeal; and
6. Mr. Marriner’s failure and inability to appear at the March 6, 2024, hearing is moot, as the hearing has been continued to June 26, 2024.

Accordingly, it is this 28th day of March 2024, by the Howard County HEARING EXAMINER, ORDERED:

- A. The Motion to Quash filed by Randy Marriner on or about March 5, 2024, shall be and hereby is DENIED;
- B. Mr. Marriner remains subject to the Subpoena and shall appear at the continued hearing on June 26, 2024, at 5:30 PM, George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, and for any dates continuing thereafter to testify and produce documents as directed in the Subpoena.

**HOWARD COUNTY HEARING EXAMINER**

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Katherine L. Taylor

Mailed: \_\_\_\_\_