

IN THE MATTER OF
DONNA GORJÓN,

Appellant

v.

**HOWARD COUNTY DEPARTMENT
OF PLANNING AND ZONING,**

Administrative Agency

* BEFORE THE BOARD OF APPEALS
* OF HOWARD COUNTY, MARYLAND
* CASE NO. BA-829D

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ADMINISTRATIVE AGENCY’S MOTION TO MODIFY SUBPOENA

The Howard County Department of Planning and Zoning (“DPZ”), by its undersigned counsel and pursuant to Rule 2.207(e) of the Rules of Procedure of the Board of Appeals, respectfully moves the Board of Appeals (the “Board”) to modify the subpoena issued to Justin Tyler, so as to excuse his personal appearance on the October 27, 2026 hearing date and instead reschedule his appearance on the reserved November 17, 2026 continuation date. In support, DPZ states:

1. Background.

At the Appellant’s request, the Board issued a subpoena on August 24, 2026 commanding Justin Tyler, a Planning Specialist II with DPZ, to appear and produce documents at the hearing then scheduled for September 17, 2026. The subpoena directs Mr. Tyler to produce material referenced in his November 8, 2023 email regarding the applicable setback, the Final Development Plan documents attached to that email, and any notes or records reflecting the basis for a determination that the setback for 10450 Waterfowl Terrace is 7.5 feet.

The September 17, 2026 hearing did not proceed. By Amended Scheduling Order entered October 7, 2026, the Board reset the hearing to October 27, 2026 at 9:00 a.m., with a reserved continuation date of November 17, 2026 at 9:00 a.m. The Amended Scheduling Order further ordered that, “the subpoenas issued by the Board pursuant to this matter remain in effect,” that any previously served individual, “is hereby compelled to appear in accordance with the subpoena ... on October 27, 2026,” and that, “[s]ubpoenaed individuals may also be required to attend the continuation date on November 17, 2026.” Mr. Tyler is among the subpoenaed individuals the Order identifies.

2. Mr. Tyler has a mandatory public duty as an election judge on October 27, 2026, and cannot appear that day.

Mr. Tyler has been appointed and is serving as an election judge during early voting for the 2026 general election. Under Maryland law, an election judge, “shall ... carry out the tasks assigned by the local board ... during the period of time that begins before the election through the close of the polls,” and must take measures throughout the voting day to preserve the integrity of the voting process ([Md. Code Ann., Elec. Law § 10-303](#)). Early voting centers are open, and their judges must be present, during the statutorily fixed early-voting days and hours ([Md. Code Ann., Elec. Law § 10-301.1](#)). Election-judge service is an obligation of the office; an appointed judge continues to serve unless, “the local board excuses the person for good cause” ([Md. Code Ann., Elec. Law 10-203](#)). The date selected by the Board, October 27, 2026, falls within the early-voting period, and Mr. Tyler is required to serve as an election judge that day. He therefore cannot comply with the subpoena’s command to appear personally on October 27, 2026.

3. The Board should modify the subpoena to require Mr. Tyler's appearance on the reserved November 17, 2026 continuation date.

The Board controls its own process and may modify a subpoena it has issued; the Charter confers on the Board the power, “to compel the attendance of witnesses” in connection with its hearings, and the authority to compel attendance necessarily includes the authority to fix, and adjust, the date on which attendance is required. Consistent with the standard Maryland courts apply to subpoenas, a tribunal may order, “that the subpoena be complied with only at some designated time or place other than that stated in the subpoena” where compliance as written would impose an undue burden ([Md. Rules 2-510](#)).

Modification is appropriate and narrow relief. The Amended Scheduling Order already contemplates that subpoenaed individuals, “may also be required to attend the continuation date on November 17, 2026”, a date after the general election on which Mr. Tyler's election-judge conflict will not exist. Requiring Mr. Tyler to appear on November 17, 2026 rather than October 27, 2026 honors both the subpoena and his mandatory public duty, and it causes no prejudice to the Appellant, who obtains the witness and his testimony on a date the Board has already reserved for continuation of this matter.

CONCLUSION

For these reasons, DPZ respectfully requests that the Board modify the subpoena issued to Justin Tyler to excuse his personal appearance on October 27, 2026 and to require his appearance on the reserved continuation date of November 17, 2026, and grant such other and further relief as the Board deems appropriate.

Respectfully submitted,

HOWARD COUNTY OFFICE OF LAW

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/s/ David R. Moore

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2026, a copy of the foregoing
Administrative Agency's Motion to Modify Subpoenas and the accompanying Certification
Pursuant to Board Rule 2.207(e) was served by electronic mail, to:

Donna Gorjón, Appellant, Pro Se, gorjondo@att.net; Lawrence Schoen, Property
Owner, larryschoen@gmail.com; and Marcie Karen Weil, Property Owner,
Hikingboots6@aol.com.

/s/ David R. Moore

David R. Moore

CERTIFICATION PURSUANT TO BOARD RULE 2.207(e)

I hereby certify that a copy of the accompanying Administrative Agency's Motion to Modify Subpoena was provided to all persons known to have an interest in the case, including but not limited to the petitioner, the property owner, the Administrative Agency, and any person entitled to written notification under Rule 2.203(e) and (f), as the case may be.

PLEASE NOTE: Any person interested in responding to the motion shall file a written response with the Board within 15 days of the date that the motion was filed.

/s/ David R. Moore

David R. Moore