IN THE MATTER OF	*	**BEFORE THE**
	*	**HOWARD**
OLDE SCAGGSVILLE, LLC;	*	**COUNTY**
G&R MAPLE LAWN, INC.	*	**ZONING BOARD**
	*	**ZB 1134M AND ZB 1134PDP**

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EXCEPTIONS OF PROTESTANT JOEL B. HUREWITZ

Protestant Joel B. Hurewitz ("Protestant") submits, pursuant to Howard County Code § 16.203A(d), these Exceptions to the Report of the Zoning Board Hearing Examiner ("ZBHE") in the above-captioned cases.

Protestant takes exception to the determination that Joel B. Hurewitz was not a Party.

The Zoning Board Rule 2.403.D.16. states that a Party is one who by testimony or writing requests to be a Party. The Rule does not specify that magic words be used: "I wish to be a Party."

As the Hearing Examiner, Zoning Board, Petitioners' Counsel, and the Zoning Counsel are aware, Protestant filed pursuant to Zoning Board Rule 2.403.D.5.a. filed a preliminary Motion to Disqualify before the Zoning Board.

Parties make motions. The preliminary motion to the Zoning Board was the writing to become a Party.

At the Zoning Board's Administrative Meeting, the Zoning Board effectively denied the Motions to Disqualify by sending the cases to be heard by the Zoning Board Hearing Examiner (ZBHE). Protestant sought to clarify this denial for the record before the Zoning Board and while doing so acknowledged the ZBHE. Additionally, Protestant personally commented on the denial with Counsel for the Petitioner.

Yet, even though the Motions to Disqualify had been effectively denied, when the matter was commenced, the ZBHE sought to have Protestant argue the Motions. Protestant was not on

Webex and did not argue the motions. Parties argue motions. By calling Protestant to argue, the ZBHE acknowledged that Protestant was a Party.

At the close of testimony, Protestant stated that he would be filing a Memorandum of Law. No objection was made by the ZBHE, Coussel or the Zoning Counsel. By stating that a Memorandum of Law was to be filed, Protestant was making testimony that he was a Party.

At this same time, Mandee Heinl, counsel for the Petitioners, stated that she would be responding to Protestant's Motions to Disqualify in her Memorandum of Law. Motions are made by parties. By stating the intention to respond to the Motions to Disqualify, Counsel effectively acknowledged that Protestant was a Party.

Though the response was untimely, specious and conclusory, Counsel for the Petitioners, followed through and did in fact respond to the Motions to Disqualify in the Petitioners' Memorandum of Law. Counsel respond to Parties not Persons of Record. By replying to the Motions to Disqualify Counsel effectively acknowledged that Protestant was a Party.

Similarly, the Zoning Counsel also made the similar untimely, specious and conclusory statements regarding the Motions to Disqualify in its Memorandum of Law, he also effectively acknowledged that Protestant was a Party.

Additionally, because the ZBHE did not consider the **MEMORANDUM OF LAW OF PROTESTANT JOEL B. HUREWITZ**, takes exception to the law and facts therein and incorporates it herein by reference.

Respectfully submitted,



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Protestant
Party

November 5, 2026