

LAW OFFICES OF
TALKIN & OH, LLP
COLUMBIA OFFICE
5100 DORSEY HALL DRIVE
ELLCOTT CITY, MARYLAND 21042-7870

(410) 964-0300
(301) 596-6500
Fax: (410) 964-2008

June 21, 2021

Via electronic and first-class mail

Christiana Mercer Rigby, Chairman
Howard County Zoning Board
c/o Robin Regner
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043
rregner@howardcountymd.gov

**Re: Request to Schedule a Work Session for Deliberations
ZB 1119M - HRVC Ltd. Partnership, c/o Kimco Realty Corp.**

Dear Madame Chair:

Please accept this letter as a request on behalf of the Petitioner in the above-referenced case for the Zoning Board to schedule a work session to continue deliberations in this matter.

At its April 12, 2021 work session, the Zoning Board voted to refer the Petitioner and Opposition to mediation with the Mediation Conflict Resolution Center of Howard County (the "MCRC") pursuant to Section 16.204(b) of the Howard County Code of Ordinances (the "HCCO"). On April 23, 2021, the Zoning Board issued a letter to the Parties of Record in this case to the same effect. On May 4, 2021, MCRC's contact information was posted on the Zoning Board's website and specifically states that "Daniel Dykes, Acting Director, will be reaching out to all parties in this case on 5/4/21. If you do not receive an e-mail from MCRC, you may contact them at info@mcrchoward.org or text or call 301-836-1806." Additionally, on May 4, 2021, Petitioner and Opposition's counsel were informed via e-mail by the Zoning Board's Administrator that Mr. Dykes had been provided the parties' contact information.

As of the date of this letter, MCRC has not contacted the Petitioner to schedule meditation. Petitioner's counsel has left voicemails and has sent e-mails to MCRC requesting that the Petitioner be contacted regarding the mediation. As evidenced by the enclosed e-mail correspondence, Petitioner's counsel on May 12, 2021 and May 25, 2021 e-mailed MCRC informing MCRC that the Petitioner had not been contacted regarding mediation and requested that someone contact the Petitioner as soon as possible. Additionally, it has come to the

Ms. Christiana Mercer Rigby, Chairman
Howard County Zoning Board
June 21, 2021
Page 2

Petitioner's attention that a party opponent has a past affiliation with MCRC creating a potential or perception of a conflict of interest.

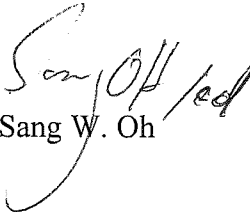
Notwithstanding this issue of a conflict of interest, MCRC's failure to contact the Petitioner has caused an undue delay in the mediation of this matter. The purpose of HCCO Section 16.204(b) is not to cause an indefinite delay of the resolution of matters pending before the Zoning Board. HCCO Section 16.204(b) specifically provides, in pertinent part, that "[i]f no agreement is reached between the parties within 45 days ... the Board **shall** continue with its proceedings or deliberations on the matter." (emphasis added).

The Zoning Board began this case nearly two years ago on July 24, 2019. The case concluded and the record was closed on March 24, 2021. We are currently over seventy days since the Zoning Board voted to refer this matter to MCRC for mediation. Further delay is unwarranted. As such, Petitioner respectfully requests that the Zoning Board schedule a work session to continue its deliberations in accordance with HCCO Section 16.204(b) and provide finality to this long pending matter for all the parties involved.

Thank you for your consideration.

Very truly yours,

TALKIN & OH, LLP



Sang W. Oh

Enclosures

cc: Laura Parrish, Village Manager, Hickory Ridge Community Association
Alan M. Schwartz, Esq.

Gina Pagani

From: Sang Oh
Sent: Wednesday, May 12, 2021 10:24 AM
To: info@mcrchoward.org
Subject: HRVC Ltd. Partnership, c/o Kimco Realty Corp.

Hello. I am counsel to the Petitioner in the above-referenced Howard County Zoning Board case. I was notified by the Zoning Board that I would be contacted by MCRC on 5/4/21. I have received no communication from MCRC regarding participation in this mediation. Please advise. Thank you.

Sang W. Oh
Talkin & Oh, LLP
5100 Dorsey Hall Drive
Ellicott City, MD 21042
410-964-0300
410-964-2018 (f)

Gina Pagani

From: Sang Oh
Sent: Tuesday, May 25, 2021 9:23 AM
To: info@mcrchoward.org
Subject: Mediation - Hickory Ridge Village Center

Hello. I am sending another message in the hopes that someone will contact me. I am the attorney for the Kimco Corporation dba HRVC Ltd Partnership. My client is supposed to be involved in a mediation. Neither me nor my client has been contacted. I would appreciate someone contacting me ASAP to inform as to status. Thank you.

Sang Oh
4435386206

Sent from my iPhone