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DAVID W. BROWN

TO: Chairman Derick Berlage
Montgomery County Planning Board **REVISED**

FROM: David W. Brown
KNOPF & BROWN

DATE: November 21, 2005

RE: Clarksburg Town Center Advisory Committee – Analysis of
Slide Presentations by Newland, Bozzuto, and Miller and Smith

SLIDE NUMBER	ANALYSIS OF SLIDES – NEWLAND PRESENTATION
3	The April 13, 2000 meeting agenda from Wynn Withans states that the meeting is being held “to discuss the general Terrabrook changes to CTC, especially the first section of SFD’s that they want to move along quite rapidly. This is an opportunity for our old review team to review the concepts prior to the applicant submitting them for staff level approval.” Contrary to implying that a major project concept change will be approved at the meeting, the memo specifically indicates that changes will be submitted for review at a later date. It also implies that initial changes apply to SFD’s in the first section (now known as Phase IB1). Based on the fact that the single family detached units within Phase IB1 changed very little from the approved Phase I Site Plan (garages and driveways were modified), this would serve to support the real intention of Condition 38 – enabling the staff to make truly minor amendments to units.
4-7	The July 17, 2000 memorandum from Wynn Withans, with attachment of July 13, 2000 memorandum from SKG Architects & Planners, merely highlights the fact that staff anticipated handling some changes at a staff level and some at a Planning Board level. The memo also confirms that the decision regarding staff level versus Board level approvals will be decided at a later date when changes are reviewed more fully. A meeting for discussion of the submission is then scheduled for July 26, 2000. The attachment to the memo discusses a “revised Clarksburg Town Center master plan.” The Clarksburg Town Center Master Plan has not been revised. Clearly, SKG at the time was using erroneous language to refer to the concept plan being presented. The memo merely confirms CTCAC’s assertions that the developer intended from the beginning to track to its own plan rather than the Board-approved Project Plan and Site Plan. The concept plan shows significant alteration to every block within the project, with the exception of Phase IB1. Even so, Wynn’s memo does not imply, contrary to Newland’s November 3 rd presentation, that these changes would be accepted at a staff level. It only states that the proposed changes will be reviewed more fully at later dates.
8-15	The August 7, 2000 memo, with attachments, from Stephen Gang on street section re-

	<p>visions pertains to changes proposed to streets. Of note is the fact that most of the revisions shown are relative to streets within Phase II. Clearly, as discussed in Wynn's memo of July 17, 2000, none of these changes were anticipated to be approved at a staff level (as Phase II was not yet approved and had to come before the Board in a public hearing). The same can be said of slides 12-14 relative to the Pedestrian Pathway System Plan. Contrary to what Newland suggests at the November 3rd hearing (i.e. that a number of meetings with DRC and individuals from DPS served as approval for these changes), there is nothing on record to support that these street changes were approved in any DRC or other meetings. In fact, as late as June 6, 2002, Wynn Withans, in a presentation to the Clarksburg Civic Association concerning the CTC Streetscape Plan (Exhibit A) states: "The reason for the street scape presentation was to involve the Clarksburg community. Once this plan is accepted, the developer's site plans must conform to the accepted streetscape plan. The streetscape plan is a 'road map' for planning. The purpose of the street scape plan is to define the character of the roadways in Clarksburg. This involves defining the roadway widths, the lighting type and placement, decorations, and the rural/urban character. This is a draft working document. The Planning staff would like comments from the CCA and the citizens of the Clarksburg area. This is the first preliminary effort to get this plan written. The Planning staff would like to get a final approval from the CCA in the Fall 2002 prior to approval from the Planning Board."</p>
16-23	<p>There are a number of questionable aspects to Les Powell's partial summary of CPJ meetings with MNCPPC and MCPS. These include multiple duplicate entries where the second entry matches the first with the exception of supplemental detail added to the second entry. (Example: Slide 16 contains two entries for 9/25/2000. Both entries reference 2.0 hours. The first entry Meeting Description lists "DRC meeting." The second entry lists "DRC meeting 'for site plan'.") Additionally, several entries contain uncharacteristic detail in comparison with typical entries. The uncharacteristic detail coincides with issues being stressed by Newland in its presentation. (Examples: Slide 16 entry for 12/1/00 regarding "Meeting with Malcolm Shaneman to review how the previously recorded lots would be handled and what format he wanted for waiver requested." Slide 21 entry for 10/8/2003 regarding "CTC2 10/8 mtg. @P&P w/Malcolm, Rich, Wynn & Nancy about 'plat of correction' issues the w/Wynn and Nancy about pool, then w/Dave, Nancy, Bill, Jim, and Bozutto and Craftstar about site issues.")</p>
27	<p>This is amendment 98001A, also known as Phase 1B, Part 2, approved by Wynn Withans on 8/3/01. As noted in our November 17, 2005 letter, the Wynn Withans signature for this phase is not genuine. What we see on Slide 27 is a composite overlay which fails to show the real Phase 1B, Part 2 site plan underneath. The real Phase 1B, Part 2 site plan that was submitted would expose the pre-inclusion of the Phase 1B, Part 3 modifications in the area just above the blue area highlighted on this composite insert. Slide 27 also shows an approval date of 10/23/01. We have been unable to locate any approval relating to this amendment for that date. In addition, it shows a landscape approval date of 12/4/01. We have been unable to locate any landscape approval for that date either. There is an 8/3/01 landscape plan, again with signature by Wynn Withans which is not genuine. Todd Brown's statement at p.40 of the transcript for 11/3/05 was that "there are signed plans with those dates for this amendment." We believe that statement to be false as it relates to 10/23/01 and 12/4/01.</p>

29	<p>This slide represents the alleged 12/17/01 pre-Bozzuto approval of the 8-98001 section 1B-3. (It is also depicted as the pre-Bozzuto amendment in the Bozzuto PowerPoint™ presentation slide 27.) Our forensic examiner has effectively determined that the signature on the 12/17/01 site plan is not Wynn Withhans' signature, nor is it Tracy Graves' signature. The forensic examiner further clarified that the printing and dating within the developer's certificate block was in the hand of Les Powell. See CTCAC letter to the Board dated November 18, 2005. This amendment is not the 8-98001C amendment, as Bozzuto claims on its presentation slide 7 and as is noted within the minor amendment approval block on the actual document. (The actual 8-98001C amendment relates to Phase 1A, approved on 5/30/03, two years later.) In addition, slide 29 states that there was a DRC meeting on this amendment on 5/21/01. In fact, the DRC minutes for that meeting relate to a 22.14 acre site, which is the acreage involved in Phase 1B, Part 2 – i.e., the slide 27 amendment. Once again, the slide is actually a composite insert and the area depicted in purple is not the area that actually is the subject of the amendment document presented to the Board. The area that is shown depicts Bozzuto amendments of a later date, as depicted in Bozzuto slide 8 and in detail on the right hand side of Bozzuto slides 10 and 11. If one compares the purple area on Newland slide 29 with the actual document that it purportedly represents with a 12/17/01 approval date, it is evident that they simply do not match. Further, in comparing the alleged 12/17/01 amendment document information to the Amendment Application Log, we note that this particular amendment seems to have been squeezed in on an interlineation at some unknown later date than the actual date that it is purported to have been entered. Otherwise, it would have its own separate entry line within the log [H090].</p>
31	<p>This is a supplemental amendment to the initial Phase 1B, Part 2 (8-98001A). This amendment is referenced as 8-98001D, approved on 3/7/02. In this case, there are some discrepancies regarding the amendment application and fee. The application fee was filed and fee paid on the same day that the documents were prepared, or at least some of the documents (some of the documents are dated 11 days later on 2/22/02). This amendment was treated as a minor amendment, and apparently, at least in terms of the records made available to us, generated no concern or discussion about whether or not this was a legitimate subject for a minor amendment, notwithstanding the fact that lots were platted into what was once a public square. This Miller & Smith amendment is to be contrasted with the later Miller & Smith amendment (Amendment F) where a single setback amounting to a difference of 25 sq. ft. on one single lot generated considerable discussion and consternation as to whether or not it was an amendment that required Board approval rather than staff level approval. Ultimately, that amendment was approved at the top level of the staff, by Director Charlie Loehr as a minor amendment. Why, then, was this much more extensive amendment not considered something that should be brought before the Board? The only explanation that we can come up with is that at the much later time the F amendment was considered, the CTCAC had already been making noises about the amendment approval process and questioning data table standards adherence.</p>
33	<p>We have no record of any signatures approving this change in unit type, even fake signatures. There is no documentation whatsoever for this change, even though Todd Brown states in his testimony that the date of this signature set revision is 6/10/02 and that there is a signed site plan for this revision. There is no signed site plan for this re-</p>

	<p>vision in any of the documents submitted to the Board in support of Newland's Power-Point™ presentation and we have been unable to locate any in Board files after months of searching for all of the amendments. There is also no record of any fee being paid in the Amendment Application Log [H090] for this amendment.</p>
35	<p>This slide is referenced as a Site Plan/Landscape Revision for multi-family unit with garage with update of unit architecture. It is also depicted as the Bozzuto minor amendment on slides 8 and 9, and on the right hand side of slides 10 and 11 of the Bozzuto presentation. This is pitched by Newland merely as a refinement of the 12/17/01 Phase 1B, Part 3 amendment. In fact, as we explained in our October 25, 2005 presentation, the only reasonable way to view this amendment is as an attempt to incorporate prior changes for all of Phase 1B, Part 3 into a document signed by Clark Wagner for minor adjustments to the Bozzuto homes depicted in the northwest corner of the Phase 1B, Part 3 area. It would seem that all of the changes to the area within Phase 1B, Part 3 were effectively sought to be approved under the Clark Wagner signature, with all of the townhouse changes essentially coming in under the radar screen with no processing or consideration of any amendment. There is also no amendment fee record relating to the amendment as depicted in slide 35. In effect, what has happened is that because Newland could not defend the certification of this plan under the name Clark Wagner (who has no direct affiliation with Newland), Newland dredged up an earlier plan not in Board files supposedly approving all of the rest of Phase 1B, Part 3 except for minor revisions to the Bozzuto homes that are then attributed to the Wagner signature.</p>
37	<p>This is what is known as amendment 8-98001C, also known as Phase 1A, approved on 5/30/03 by Wynn Witthans. Again, her signature is not a genuine signature on that approval document. The Amendment "Site Plan File Number" on Page 1 of the Application is altered from an underlying letter to the letter "C," with the notation "OK per LP" (presumably Les Powell) and Page 2 of the application for this site plan amendment appears to be done in a different hand and ink than the rest of the application, suggesting a modification of this document after the fact [H030]. The DRC meeting on 7/31/01 has been discussed at length in earlier letters submitted to the Board, detailing CTCAC's belief that there was no substantive discussion of the relative merits of removing the Pedestrian Mews and truncating "O" Street. The DRC discussion was about the technical aspects of the street (90° turn, curb radii, etc.), rather than the land planning aspects of the plusses and minuses of amending the Mews or "O" Street. In addition, the DRC minutes note with regard to some adjustments to streets that certain waivers would be required, and the minutes themselves note that these waivers would be obtained at a later site plan review. In other words, those in attendance at the DRC meeting thoroughly anticipated that there would be a Board site plan review of this amendment.</p>
39	<p>This is the Park & Pool amendment which is the first amendment to Phase 2. This is the sum total of what Newland said about this amendment: "This is the pool clubhouse section in Phase 2. This was a site plan that was for the adjustments to the pool and to the park area within Phase 2. There is a signed staff signature set for this adjustment dated 11/12/03." This is to be contrasted with the extensive presentation made by CTCAC on 10/25/05 documenting at length the absurdities associated with this signature set. There is absolutely no rebuttal from Newland to the points made in our presentation.</p>

41, 43, 45	<p>Slide 41 shows the first of 4 amendments that Newland acknowledges do not have approved site plan signatures – all of which were ostensibly approved on 10/8/03. What Newland says is that these approvals are reflected on record plats that were presented by staff to the Board as being in order and in compliance and appropriate for recordation. Newland does not explain how a plat of correction can amend a site plan – especially in view of the language contained in the “Notes” on the signed plats:</p> <p style="text-align: center;"><i>Notes:</i></p> <p style="text-align: center;"><i>I. All terms, conditions, agreements, limitations, and requirements associated with any Preliminary Plan, Site Plan, Project Plan, or any other Plan, allowing the development of the property, approved by the Montgomery County Planning Board, are intended to survive and not be extinguished by the recordation of this plat, unless expressly contemplated by the plan as approved.</i></p> <p>Our rhetorical question is ‘what is the point of a site plan if one can plat without regard to the site plan?’ Examination of the plats that are identified on slides 41, 43 and 45 reveals that all of these plats were prepared after 10/8/03. Newland does not offer as part of its documentary evidence any pieces of paper purporting to show what in fact was reviewed and considered at the 10/8/03 meeting. If the plats were prepared after the meeting, it seems all but impossible that they could have been considered at that meeting. The only documentation we have of the meeting is Les Powell’s billing notes of the meeting, which show up on slide 21 in an uncharacteristically detailed entry.</p>
47	<p>What is true of slides 41, 43 and 45 is also true of slide 47, with one minor difference. Slide 47 involves 2 plats of correction. One plat was prepared before the 10/8/03 meeting, i.e., plat 22766, and one was prepared nearly one year after the meeting, plat 23038. These plats involve separate parcels, both depicted on slide 47. Hence, while it is possible that the meeting on 10/8/03 involved consideration of one already drawn plat, the same is not true for the other plat: i.e., it presents the same problem as the alleged plats of correction on slides 41, 43 and 45.</p>
49	<p>We have two sets of documentation relating to slide 49. We have Wynn Witthans’ signature, which appears to be clearly in her hand, dated 1/19/03 approving a minor amendment for the dumpster removal with a unit change. The interesting thing about this signature date is that it is almost 2 years before the date of preparation of the document that she is purporting to sign, showing a plotted date of 12/3/04. We have a second Wynn Witthans signature approval dated in 2005, following a stamped receipt of the amendment on 12/10/04, which would coincide with the plot date for the earlier version of the amendment. The signature block with Wynn Witthans’ signature appears again on this document and appears again to be a valid signature of hers, although different from the earlier signature. The arrangement and wording of what was approved is different on the two documents. In addition, the date has been changed from 1/19/03 to 1/19/05, although it appears that when it was first written it was written as January 17th. The “05” approval is completely uninformative with respect to what has been changed and approved because it is shown on a map of the entire Phase 1/Phase 2 site. Also noteworthy about this particular diagram is that there are significant alterations to the Project Data Table on it, including a material alteration to the</p>

	<p>front yard setback requirement for townhouses. It changed from 10' to "non-applicable" at the very time that there was great consternation internal to Park and Planning regarding known front yard setback violations, as reflected in the Miller & Smith email dialogue (detailed in Robert Brewer's letter of 11/17/05) culminating in a 1/25/05 approval of a one-lot waiver of 2' from the 10' setback requirements. See discussion of slide 51. According to this record, this was just 6 days after an amendment had been approved showing that there was no setback requirement for townhouses at all.</p>
<p>51</p>	<p>This is a revision to Phase 1A, referenced as 8-98001F. In contrast to virtually every other minor amendment, the documentation for this minor amendment is complete and conclusive. It demonstrates that there was extensive back and forth discussion between the applicant and the Board staff about whether or not this matter could be resolved as a minor amendment and it was conclusively decided that it should be a minor amendment by the director of the staff, Charlie Loehr. This decision is then reflected in a letter to Miller & Smith, signed by Wynn Witthans and dated 1/25/05, essentially confirming that it would be a minor amendment to allow reduction in the setback on a single lot from 10' to 8'. Attachments to Miller & Smith letter to the Board, dated November 17th, provide Email correspondence indicating that the legal staff was involved in the analysis of this matter, effectively concluding that the front yard setback for townhouses was 10' and that it would be appropriate in this one instance to amend it to 8' to ratify a 2' X 12.5' foundation layout field mistake (i.e., a net adjustment of 25 sq. ft. from what was required according to the site plan Project Data Table). The documentation also includes the notation that the Planning Director found the setback amendment to be minor in nature and that additional landscaping added to the front area in question would create compatibility with adjacent units so that the goals and objectives of the site plan would not be frustrated in this instance even though there was a minor deviation from standards. The extensive and careful documentation of this change reflects the proper mode of analysis and decision making on a minor amendment. CTCAC does not regard it as a mere coincidence that this careful documentation came at the time that it did, in January of 2005.</p>
<p>53</p>	<p>This slide depicts the Phase 2 portion of the Manor Home amendments that were discussed at length in the CTCAC's 10/25/05 presentation to the Board. Newland's discussion of slide 53 before the Board answered none of the issues, questions or allegations raised by CTCAC at the 10/25/05 hearing. It should also be noted that the application for amendment for the Phase II Manor homes was initially logged in on the Amendment Application Log as Amendment 8-02014A on 9/8/04 and then overwritten with a B. [H090]. This amendment to Phase 2 was applied for on 9/8/04 and a DRC meeting date scheduled for 10/18/04 before there was an approval date on the Phase 2 signature set, which later turned out to be 10/14/04. Whether there was a DRC meeting on 10/18/04 or not is not known from the records, but it is fairly clear from the information disclosed that if there was a meeting on that date, it did not discuss this amendment. Nor does slide 53 disclose a DRC meeting date. The project application for this amendment is inconsistent with slide 53. Slide 53 shows 4 different units with a maximum of 12 multi-family dwellings in each unit, for a total of 48 or fewer units, yet the application shows 58 units and references a record plat that is involved with the application known as 8-98001G (which is shown in slide 55).</p>

55	The application for amendment 8-98001G in slide 55 is dated 2/2/05 but, in fact, as demonstrated by the application for slide 53, 8-02014B, the earlier application already accounts for the units supposedly brought forward in the later application. This later application was therefore completely unnecessary.
57	This slide represents the unapproved site plan amendment 8-98001E for Phase 1A, Part 4 which has yet to come before the Board and is, therefore, of no current significance in the case.
60-70	These slides depict the Project and Preliminary Plan views of the mews area as well as DRC meeting minutes of July 31, 2001, with attachments. CTCAC has never questioned that the mews was initially depicted as a street in the Project and Preliminary Plans. Instead, CTCAC focused on the reason for inclusion of the mews as a visual and walkable connection to the Church and historic district (described in detail in the staff report for Site Plan 8-98001 Phase I and noted by staff as an addition and amendment to the Project Plan). DRC meeting minutes and Transportation Committee Review notes do not serve as evidence that the elimination of the Pedestrian Mews or the significant truncation of "O" street were considered or approved.
72-78	Slide 73 represents an MPDU Location Plan "Signed by Terrabrook on 3/27/03." This plan is not actually approved until October 14, 2004, along with the Phase II Site Plan. CTCAC previously detailed the questionable aspects of the Phase II Site Plan approval and the fact that units were platted, permitted, built and even occupied prior to that date. The MPDU plan presented to the Board by Newland does not justify construction prior to MPDU agreement with DHCA. Slides 73-77 depict DRC meeting dates and comments that do not specifically address or approve MPDU changes. Additionally, slide 78 depicts transcript notes from the February 10, 2005 Bozzuto Manor Home Hearing, during which the subject of MPDU's was raised, although MPDU's were not before the Board for consideration. This slide only serves to accentuate CTCAC's contentions regarding the shortfall in MPDUs at the time and Newland's presumptive reliance on as yet unapproved MPDU locations to compensate for that shortfall.
82-97	Covered in detail in CTCAC November 21, 2005 final submission letter.
98-103	CTCAC covered in its presentation to the Board on October 25, 2005 the issues surrounding the School and Park Site. As previously discussed, delay in approval of the school site did not warrant platting and permitting prior to approval of the Phase II Site Plan. It remains illegal to plat or permit prior to approval of a site plan signature set.
103-111	These slides cover the chronology of the pool and plaza amendment, but fail to answer why the amendment precedes the approval of the Phase II Site Plan.
112-116	Slides 112-116 have no substance. Newland's presentation to the Board neither responds to CTCAC's contentions regarding the failure to provide amenities in accordance with the Site Plan Enforcement Agreement phasing schedule, nor addresses the woefully inadequate amenities currently provided on-site.
117-119	In slides 117-119, Newland agrees with CTCAC's assessment that 35 single family detached lots are below the Board-approved development standard of 4000 sq. ft. The data table has never been amended and still depicts, even on alleged amendments, a 4000 sq. ft. minimum lot requirement. Plat records cannot serve as authorization vehicles for amending development standards on an approved site plan (as noted regarding slides 41-45). Nor is it self-evident from any of the site plan drawings that these lots are undersized. Newland remains in violation on these lots.
120-124	Covered in detail in CTCAC November 21, 2005 final submission letter.

SLIDE NUMBER	ANALYSIS OF SLIDES – BOZZUTO PRESENTATION
5	Bozzuto references the 8-98001G amendment as pertaining to Buildings 1-4. According to the Amendment Application for Amendment G, this amendment pertains only to one 12-unit Manor Home.
7	As noted in CTCAC's November 17, 2005 letter to the Board, the validity of the site plan represented by this slide is in serious question. Neither Wynn Witthans' signature nor Tracy Graves' signature are authentic. In CTCAC's November 21, 2005 final submission letter, this site plan document and conditions surrounding production of the document are further detailed.
12	This slide represents approvals contained in the Phase II site plan, dated October 14, 2004. CTCAC has already presented to the Board issues pertaining to questionable aspects of the Phase II Signature Set and date.
14-15	All Manor homes are depicted too close to abutting buildings and in violation of setback requirements. At the Manor Home hearing on February 10, 2005, the staff did not make the Board aware of the alterations in the site plan to the previously approved development standards, including elimination of the 30' spacing requirement between end units, and a reduction in the side yard requirement. The approved data table still reflected a requirement of 30' between end buildings for multi-family units and other dwelling units and a multi-family side yard of 10'/20.' All Manor Homes, if constructed as currently planned, will be in violation of side yard minimum requirements as well as end unit setback requirements.
17	<p>This slide depicts email correspondence of November 4, 2004 between Jackie Mowrey of Bozzuto and Wynn Witthans. The emails clearly indicate that Bozzuto is questioning whether Manor Home site plan revisions must go the Board for approval or whether they can be handled through staff level approval. Wynn's response makes clear that the plans will have to go the Planning Board for approval, pending citizen comments. What CTCAC finds disturbing about this exchange (as clearly presented to the Board in its presentation of October 25, 2005) is that the Manor Home amendments in question (amendments within both Phase I and II of the project to revise units from 9-unit to 12-unit dwellings) had already been submitted by Bozzuto and permits approved by Wayne Cornelius in June and August of 2004 respectively.</p> <p>Actions to schedule a hearing before the Board are of particular interest here in view of the chronology of events relative to CTCAC's actions at the time. [H119]. First, CTCAC was questioning not only height standards, but all development standards at the time. Second, it is now clear that the staff, the Director and legal counsel for the Board were aware of rampant setback violations at the time. It is no coincidence that the data table contained in the site plan as presented to the Board during the February 10, 2005 Manor Hearing contains altered height and setback requirements. (The Board was not fooled by this attempt to get Board signature on a "4 story" definition of height within a data table. The applicant was required to guarantee that the units would not exceed 45' and to specify the height on the site plan.) This was an unabashed attempt to incorporate changes without Board or public awareness and supports CTCAC's assertions that the developer and builders proceed according to their own plans and attempt to paper over problems after the fact.</p>

27	Although building #9 is not yet built, this slide clearly depicts setback violations. One side measures 18.6' from the adjacent building, while the other side measures 12.6' from the adjacent building. Each requires a 30' setback according to the approved data table standards.
28-29	This slide depicts building #10. This building is also clearly in violation of setback requirements. One slide measures 10.8' from the adjacent Miller and Smith SFD, which actually requires 4' minimum for its setback, leaving only 6.8' for the Manor Homes' side setback. This is a clear violation of the end unit setback requirements even as shown on Bozzuto's own presentation slides 9 and 29. The slide 29 data table is suspect, as detailed above in our comments to slide 17.

SLIDE NUMBER	ANALYSIS OF SLIDES – MILLER AND SMITH PRESENTATION
19	Approved signature set 8-98001B is referenced here. The current amendment documentation on file for this modification appears to be the first instance of private land platted into HOA “green” space and owned by private homeowners, who pay tax on the property. There are serious concerns with this relative to liabilities for homeowners, as well as the apparent disregard for area that was initially to be turned over to HOA. How was it determined, without public hearing to convert this parcel to private ownership? Where was the discussion on alternate HOA green space? As with the many other illegitimate amendments, this was done without Board hearing or input.
15-16	Slides 15-16 review setback violation allegations with regard to Miller and Smith units. In many instances, the slides reference consistency with plat recordation as the basis for “no violation.” As noted in comments to the Bozzuto presentation, plat recordation is not a legally sufficient means of amending approved development standards.
20-26	<p>Slides 20-26 depict Amendment 8-98001D, including Amendment Application, detail of the corresponding record plat 616-41 (M-NCPPC reference), filed as plat 21971, and details of specific aspects of change in signed drawings. Although this amendment was presented as representing all of the Miller and Smith arts and crafts homes, the plat only covers lots 48-49 C and 38-41 D. Slide 20 erroneously positions that the amendment “maintained” the approved 32-foot wide lots. The lots depicted are actually lots 30-34 E (plat record 21973). This is problematic not only because the amendment was not for the lots shown in the presentation to the Board, but also because the 32’ lots had never been previously approved (either by Klebanoff or others), nor could they be approved by these plats (See Note 1 on all plats: “all terms, conditions..”). Additionally, the plat approvals within these slides once again pre-date the amendment site plan approvals (Plats dated 4/12/01; site plan dated 8/3/01).</p> <p>Further, Miller and Smith alleges in slide 20 that 32’-wide lots were approved by Wynn Withans’ signature on the 8-98001D Signature Set, which is listed in Amendment Application Log at Park and Planning as “8-98001BC,” dated 2/11/02. This slide shows a section of a “site plan” which actually appears to be a landscaping plan. It is possible that it might be representative of a builder site plan, but not a standard site plan signature set. Either way, it does not legally alter the approved data table or development standards. Therefore, Miller and Smith is still in violation of the Minimum Lot Width at Building Line requirement.</p> <p>Contrary to the major, unauthorized amendment to lot widths, slides 22-26 depict truly minor amendments (including the addition of windows to a right side elevation of one unit; addition of trees, groundcover and fencing, and use of ribbon driveways). Detailed drawings and approvals are presented for the minor changes, serving only to highlight the fact that the same type of documentation one would expect for a more major change is mysteriously absent.</p>
29-30	Based on the foregoing information, Miller and Smith conclusions are inaccurate.
32-33	Once again, Miller and Smith conclusions are inaccurate. As discussed relative to slides 20-26, Amendment 8-98001D does not include “all” arts and crafts homes, and even if it did, it does not approve changes to lot sizes or setback requirements.

34-35	Once again, Miller and Smith attempts to position in slides 34-35 that the plat approvals for lots 29 and 30 in some way authorized reduction of the lot widths. Although the plat record highlighted in the slide does show reduced lot widths, the development standards were never amended to allow for this and the development is still subject to the approved standards. See Note 1 on the plat.
36-38	This slide does not actually depict lot 15 Block FF, as noted. It actually represents lots 33-35 Block C (as shown in pictures).
45	These lots did not meet minimum development standards for single family home net lot sq. ft. requirements. The 4,000 sq. ft. minimum net lot requirement was never changed in the development standards and is still shown as "4,000 sq. ft." on the binding site plan data tables to date.
48	In this slide, Miller and Smith alleges that a 4' setback is appropriate for SFD home lot 5 block S. As the home is next to a Manor Home (end unit) requiring 30' setback, 4' is appropriate for a SFD, but not on this lot between the SFD and Manor Home.
50	We are unable to find this data table in any approved documents. There is no document, for instance, that approves a 3' side yard for single family homes. The setback for townhomes does not change with this data table, however.
52	The data table Miller and Smith relies upon is a compilation of other data tables. As shown on this slide, it does not exist in public records.
54-55	These slides neatly illustrate the creation of artificial terracing as used throughout our community by Miller and Smith and then used in their claims of reduced height.
58	Any claim of new calculus for height determination in August, 2005 is beside the point; terracing happened after determination of height violations.

Shiley, Kimberly (NIH/NCI)

From: John Fauerby [johnfauerby@hotmail.com]
Sent: Wednesday, August 18, 2004 10:28 PM
To: Shiley, Kimberly (NIH/NCI)
Subject: CCA Planning Committee Notes on Streetscape Plan 6/6/2002

I've copied and pasted the meeting notes inline. For some reason, it takes too long to create attachments. You may not want to receive attachments anyway. I have also searched my other CCA Planning Meeting notes for Town Center or Streetscape notes and found the following notes may be relevant: 11/29/2001, 12/13/2001, 11/7/2002, 1/23/2003, 2/27/2003, 7/24/2003, and 3/25/2004. I remember that the 6/6/2002 was the first of two or three discussions on the streetscape plan.

Here's the notes from the 6/6/2002 CCA Planning Meeting:

Minutes from the June 6, 2002 Clarksburg Civic Association Planning Meeting**Presentation of the Draft Clarksburg Street Scape Plan**

Nellie Mascall will be taking over at the Clarksburg Planner from Karen Kumm. Karen Kumm was always the interim Clarksburg Planner. Nellie worked on the Clarksburg Master Plan and claims to be fully familiar with Clarksburg. She will be the primary staff reviewer of future preliminary plans.

Karen Kumm and Wynne Withans are the authors of the draft street scape plan for Clarksburg. Karen Kumm will continue to work with Wynne until this plan is accepted by the Planning Board. Karen presented the plan at the CCA planning meeting. Wynne is the primary staff reviewer of site plans.

The reason for the street scape presentation was to involve the Clarksburg community. Once this plan is accepted, the developer's site plans must conform to the accepted street scape plan. The street scape plan is a "road map" for planning.

The purpose of the street scape plan is to define the character of the roadways in Clarksburg. This involves defining the roadway widths, the lighting type and placement, tree types and placement, decorations, and the rural/urban character.

This is a draft working document. The Planning staff would like comments from the CCA and the citizens of the Clarksburg area. This is the first preliminary effort to get this plan written. The Planning staff would like to get a final approval from the CCA in the Fall 2002 prior to approval from the Planning Board.

Referring to the street scape plan, Karen specified that the plan only addresses the types of roads shown in black. These are the main through roads. The neighborhood residential roads are not included. John Fauerby requested that sample street scape plans be included for these residential roads.

Karen Kumm went over the street scape objectives. The comprehensive plan shows sample features in limited areas also called treatments. The bolded titles below are the types of treatments addressed by this plan. The plan includes both text and drawings.

I-270:

EXHIBIT A

8/19/04

LAW OFFICES OF
KNOPF & BROWN
401 EAST JEFFERSON STREET
SUITE 206
ROCKVILLE, MARYLAND 20850
(301) 545-6100

FAX: (301) 545-6103
E-MAIL BROWN@KNOPF-BROWN.COM
WRITER'S DIRECT DIAL
(301) 545-6105

DAVID W. BROWN

November 18, 2005

Via Email

Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Clarksburg Town Center

Dear Chairman Berlage:

This letter is submitted on behalf of the Clarksburg Town Center Advisory Committee ("CTCAC") as the third installment of CTCAC's rebuttal to the presentation of Newland and the builders on November 3, 2005. It directly supplements my letter of November 17, 2005 regarding the validity of signatures on various site plan amendments.

The purpose of this letter is to provide the Board additional forensic evidence relating to the authenticity of certifications on the Phase 1A, Phase IB Part 2 and IB Part 3 amendments, for which Newland claims validity. For reasons previously stated, CTCAC disputes their validity wholly apart from the genuineness of the certifications on them. CTCAC's evidence consists of an Affidavit executed by a court qualified Certified Document Examiner and a court qualified Forensic Document Examiner. Because the amendments were all ostensibly certified by Tracy Graves of Terrabrook, the Examiners were provided multiple examples of Tracy Graves' signature. They were also provided known exemplars of CPJ engineer Les Powell's printing and signature. See attached Affidavit and exhibits.

The forensic analysis demonstrates that Ms. Graves cannot possibly have signed all of the amendments, because the handwriting of her signature is materially different among them. Our operating assumption, confirmed by a broader sample of her signature from record plats, is that the signature on the Phase IB Part 2 amendment is genuine. That exact signature reappears as a cut and paste on the Phase 1A amendment at a much later time. Hence, it cannot reflect a contemporaneous certification by Ms. Graves with respect to the Phase 1A amendment. The Affidavit also establishes that the Phase 1B Part 3 certification is in the handwriting of Les Powell, with reference to known exemplars of Mr. Powell's printing and signature. The Affidavit goes on to detail additional discrepancies in the

Derick Berlage, Chairman
November 18, 2005
Page 2

documentation for these sub-phase plan amendments, as well as other associated plan documents.

CTCAC does not have the ability to conduct an investigation to determine exactly what events transpired within Terrabrook, predecessor to Newland, or its agent, CPJ, to produce fabricated certifications. Whether explanations will be forthcoming in this proceeding is uncertain. See discussion in my letter of November 17, 2005 regarding forgery and making false entries in public records, which is equally applicable here.

Whatever the explanation or lack thereof, for these discrepancies, the obvious unreliability of these certifications is relevant to the Board's assessment of the willfulness of site plan violations. These "certifications" confirm and exemplify the cavalier attitude whereby the developer simply proceeded according to its own plan rather than Board-approved plans, in the expectation of having its actions ratified after-the-fact, if ever discovered.

Sincerely yours,


David W. Brown

/enclosures

cc: Michele Rosenfeld, Esq.
Rose Krasnow, Chief, Development Review
John A. Carter, Chief, Community-Based Planning
Barbara A. Sears, Esq.
Todd D. Brown, Esq.
Kevin Kennedy, Esq.
Timothy Dugan, Esq.
Robert G. Brewer, Jr., Esq.
Steve Kaufman, Esq.
County Council

Forensic Document Examiners, Inc.

AFFIDAVIT

WE HEREBY AFFIRM UNDER THE PENALTIES OF PERJURY AS FOLLOWS:

1. My name is Katherine Mainolfi Koppenhaver. My address is 403 Haslett Road, Joppa, Maryland 21085. I am over the age of 18 and competent to testify.

Attached hereto and incorporated herein as Exhibit A is a copy of my Curriculum Vitae that sets forth my background and experience that qualifies me to undertake the examination requested and render the opinions given in this report. The facts and qualifications referred to therein are true and I am a competent court-qualified Certified Document Examiner.

2. My name is Mary Helen Bean. My address is 3927 Deer Park Court, Havre de Grace, Maryland 21078. I am over the age of 18 and competent to testify.

Attached hereto and incorporated herein as Exhibit B is a copy of my Curriculum Vitae that sets forth my background and experience that qualifies me to undertake the examination requested and render the opinions given in this report. The facts and qualifications referred to therein are true and I am a competent court-qualified Forensic Document Examiner.

3. We have been asked to examine the following documents:

4. **Developer's Certificates:**

- E-1: Site Planting Plan, Clarksburg Town Center, Phase 1B, Part 3 consisting of eleven (11) pages, each bearing the handprinting and signature of Tracy Z. Graves, dated 08/02/02. Copy.
- E-2: Site Development Plan, Clarksburg Town Center, Phase 1B, Part 2 consisting of five (5) pages, with page one bearing the signature of Tracy Z. Graves, dated 6/28/01. Copy.
- E-3: Site Planting Plan, Clarksburg Town Center, Phase 1B, Part 2 consisting of a cover and nine (9) pages, with cover page bearing the signature of Tracy Z. Graves, dated 6/28/01. Copy.

P. O. Box 324
Fax: 410-538-8548

Joppa, Maryland 21085
www.forensicdocumentexaminers.com

410-679-8257
Va 703-671-7347

Forensic Document Examiners, Inc.

4. Developer's Certificates (Continued):

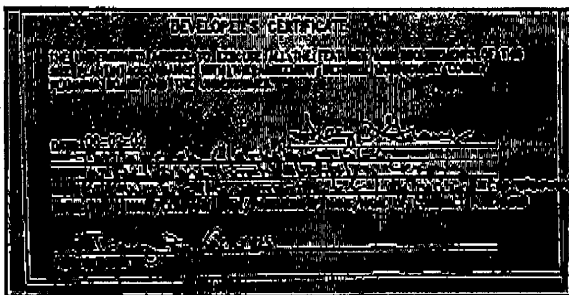
- E-4: Site Development Plan, Clarksburg Town Center, Phase 1B, Part Three consisting of three (3) pages, each bearing the handprinting and signature of Tracy Z. Graves, dated 11/14/01. Copy.
- E-5: Site Development Plan, Clarksburg Town Center, Phase 1A consisting of eleven (11) pages, each bearing the handprinting and signature of Tracy Z. Graves, dated 4/28/03. Copy.
- E-6: Site Landscape Plan, Clarksburg Town Center, Phase 1A consisting of a cover and twenty (20) pages, each bearing the handprinting and signature of Tracy Z. Graves, dated 04/24/03. (Two are dated 05/23/03 and one's date is not visible.) Copy.

5. Exemplars

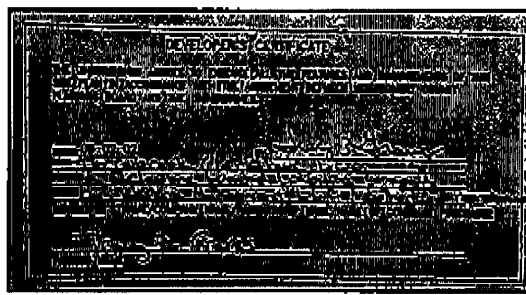
- S-1: Clarksburg Town Center Sign-in Sheet containing the known handprinting of Les Powell, dated 2/11/05. Copy.
- S-2: Clarksburg Town Center Preliminary Meeting Sign-in Sheet containing the known handprinting of Les Powell and Tracy Graves, not dated. Copy.
- S-3: Site Planting Plan, Clarksburg Town Center, Phase 1B, Part 2 with cover page and nine (9) pages, with the cover page bearing the known signature of Les Powell, dated 11/14/01. Copy.

Opinions

6. E-1: All pages contain the identical Developer's Certificate as shown on E-1a & E-1c:



E-1a

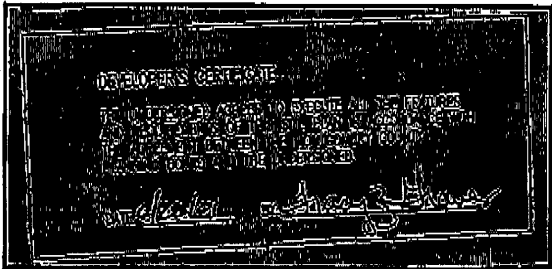


E-1c

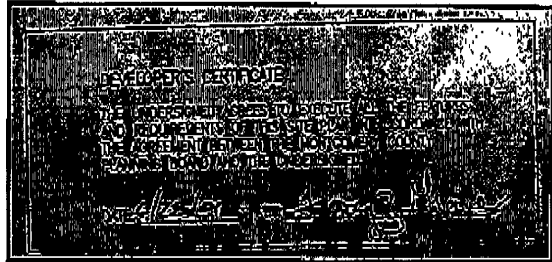
These certificates are cut and pasted. One or all are copies from a model since it is impossible for anyone to duplicate their handwriting and signature.

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7. E-2: Only Page 1 contains a Developer's Certificate. It is seen below.



E-2



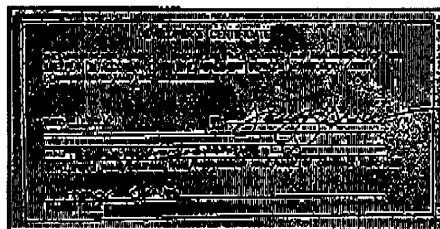
E-3

8. E-3: Only the cover page contains a Developer's Certificate and it is identical to E-2. However, it is a deteriorated copy indicating that it had been cut and pasted from a previous version, perhaps E-2.

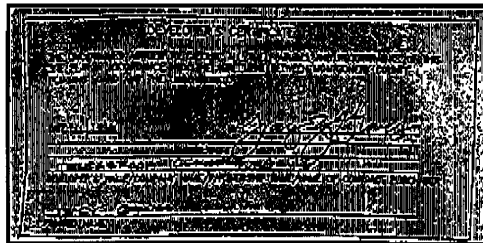
9. E-4: Each Developer's Certificate has been filled in separately. The handprinting and dates were not written in the same hand as E-1, 2 and 3. They are written in the same hand as handprinting and date of Les Powell. See exhibit C.



E-4a



E-4b



E-4c

10. E-5: All pages contain the identical Developer's Certificate as E-1, except on each, the date, 4/28/03 has been entered separately. There is evidence of white-out being used on the dates indicating that the same form was being used with changes of the dates.

Forensic Document Examiners, Inc.



E-5a



E-5b

11. E-6: All pages contain the identical Developer's Certificate as E-1 and E-5 but some are dated 04/24/03 in one font; some are dated 04/24/03 in a different font, and two are dated 05/23/03. Examples follow.



E-6a



E-6c



E-6r



E-6h

12. The handprinting and signatures of Tracy Graves on E-4 were not written in the same hand as the signatures of Tracy Graves on E-1, E-2, E-3, E-5 and E-6.



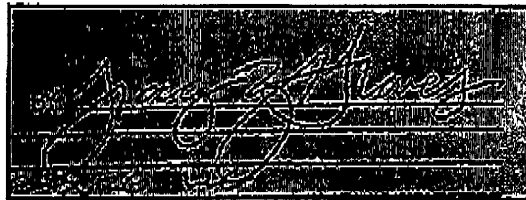
E-4a



E-6



E-4b



E-4c

Forensic Document Examiners, Inc.

I, Katherine Mainolfi Koppenhaver do solemnly declare and affirm that the foregoing statements of fact are true and correct.

Katherine M. Koppenhaver

November 17, 2005

Date

Katherine Mainolfi Koppenhaver
Certified Document Examiner

I, Mary Helen Bean, do solemnly declare and affirm that the foregoing statements of fact are true and correct.

Mary Helen Bean

November 17, 2005

Date

Mary Helen Bean
Forensic Document Examiner

CURRICULUM VITAE

CERTIFICATION Certified by the National Association of Document Examiners (NADE) 1986
BOARD CERTIFIED Board Certified by the Board of Forensic Document Examiners (BFDE) 2004
DIPLOMATE Awarded Diplomat Status by NADE in 1996
PROFICIENCY RATING Participated in Proficiency Testing through Latrobe University with 96% accuracy

COURT-QUALIFICATIONS Testified in court and deposition over 300 times in:

U. S. District Court for Maryland	Circuit & District Court of Harford County
U. S. District Court of Virginia	Circuit Court of Calvert County
United States Court of Federal Claims, Wash., DC	Circuit & Orphans Court of Cecil County, Maryland
Tribunal of Gothenberg, Sweden	Circuit Court of Wicomico County
Regional Trial Court of Makati City, Manila	Orphan's Court of Charles County
Superior Court of the District of Columbia	District Court of Queen Anne's County
Superior Court of Sussex County, Georgetown, DE	Circuit Court of Montgomery County
Superior Court of Madison County, New York	District Court of Worcester County
Probate Court of Clark County, Las Vegas, Nevada	Alcohol Beverage Control Board, Washington DC
Circuit Court of Alexandria, Virginia	American Arbitration Association
Circuit Court of Arlington County, Virginia	Arbitration Hearing in Rehoboth, Delaware
Circuit Court of Fairfax County, Virginia	American Labor Arbitration Board
Circuit Court of Fauquier County, Warrenton, VA	Board of Law Examiners for Maryland
District Court of Manassas, Manassas, Virginia	Inquiry Panels for Attorney Grievance Commission
Circuit Court of Norfolk, Virginia	Maryland Vehicle Administrative Hearings
Circuit, District, Orphans Court of Anne Arundel Co.	NASD Arbitration
Circuit, District, Orphans Court of Baltimore City	Securities Arbitration Board
Circuit, District, Orphans Court of Baltimore County	Unemployment Hearings, Baltimore City & County
Circuit, District, Orphans Court of Carroll County	Bexar County, San Antonio, Texas
Circuit, District, Orphans Court of Howard County	Corpus Christi, Texas
San Francisco, California	Houston, Texas
Circuit, District, Orphans Court of Prince George Co.	

TYPES OF CASES

I have given opinions on cases involving suspect signatures, disputed wills, poison pen letters, graffiti, industrial espionage, altered medical records, check mark identification, sequence of writing, embezzlement, typewritten documents and disguised handwritings since 1983. I have examined over 2000 cases in the past 22 years.

FORMAL EDUCATION

- Harford Community College with Associate of Applied Science in Criminal Justice with highest honors.
- Questioned Document Course at Northern Virginia Community College. & George Washington University.

SPECIALIZED TRAINING

- Attended Seminars sponsored by NADE on questioned documents annually since October 1982.
- *Handwriting Identification* by Judith Housley, CDE & Jeanette Farmer, July 24 & 25, 1989, Wash, DC.
- *Ink and Paper Analysis* by Albert H. Lyter III of Federal Forensic Associates, Philadelphia, Pennsylvania.
- *Document Examination Seminar* by Marcel Matley and Ted Widmer, 1992, San Francisco, California.
- National Handwriting Seminar, American Board of Forensic Examiners, Aug. 5-9, 1993, Branson, MO.
- National Academy of the American Board of Forensic Examiners, Aug. 4-7th, 1994, Branson, MO.
- Association of Forensic Document Examiners Seminar, Sept. 9-11, 1994, Las Vegas, NV.
- American Board of Forensic Examiners, Expert Witnessing, 7 credit hours, Feb. 22, 1995, Honolulu, HI.
- AFDE & International Graphonomics Society Symposium, August 7-11, 1995, London, Ontario Canada.
- International Association of Questioned Document Examiners (IAQDE), Sept. 28th, 1995, Kansas City, Kansas.
- Court Testimony Professional Development Seminar for Document Examiners by Larry Ziegler, 10/2/96.
- Forgery Investigators Association of Texas Seminar, April 18, 1997, Georgetown, Texas.
- Holistic Analysis: Physiological & Psychological Foundations, Forensic Applications, Marcel Matley, 8/8/99.
- American Academy of Forensic Science, QD General Sessions (1993, 1995, 1996, 1997, 2004)
- Mid-Atlantic Association of Forensic Scientists, Questioned Document Sessions (1993 thru 1998)
- The National Forensic Center Conferences (NFC) (1991, 1992, 1995 thru 1997)
- Economic Crime Summit, May 9-12, 1999 in Orlando, FL & May 7-10, 2000 in Austin, Texas
- IAQDE Annual Educational Seminar, Sept. 24-28, 2002. Sarasota, FL
- AFDE & IGS Symposium, November 2-5, 2003, Phoenix Arizona & October 20-23, 2004, Rochester, New York
- SEAK, June 17-18, 2005 Cape Cod.
- AFDE Symposium, October 26-29, 2005 San Antonio, TX

66 Seminars and Workshops attended.

SEMINARS PRESENTED – 64 with at least 22 being one full day.

- *Signature Verification and Forgery Alert* for bank tellers through the American Institute of Banking.
- *How To Be A Credible Witness*, Towson State University, Harford and Essex Community Colleges.
- *Business of Document Examination*, Seminar by Handwriting Services of California, 1992.
- *Portable Questioned Document Equipment*
National Handwriting Seminar of the American Board of Forensic Handwriting Analysts, Aug. 9, 1993.
- *Document Examination Workshop*, AHAF, Los Angeles, CA, October 9, 1993.
- *Disguised Writing*, National Academy of the American Board of Forensic Examiners, Aug. 4, 1994.
- *Qualifying As An Handwriting Expert*, Beverly Hills, CA, March 18, 1995.
- *Reducing Losses from Forged and Fraudulent Checks*, Dallas, Texas, June 15, 1995.
- *Qualifying As An Expert Witness*, Dallas, Texas, June 17, 1995.
- *Handprinting*, National Academy of the American Board of Forensic Examiners, Aug. 4, 1995.
- *Check Identification and Classification for Law Enforcement Officers*,
Dallas, Texas, June 12, 1995; Houston, Texas, August 15, 1995; Oklahoma City, OK, May 21, 1996.
- *Document Examination Workshop*, AHAF, Tucson, Arizona, October 21, 1995.
- *Technical Advances for Questioned Document Examiners*, NFC, San Diego, California, November 4, 1995.
- *Winning Tactics at Deposition & Detecting Technologically Produced Fraudulent Documents*, NFC, CA.
- *Exhibit Preparation and Handling in Court*, NFC, Tampa, FL., Nov. 7, 1997.
- *The Business of Document Examination*, AHAF, Denver, CO, Aug. 5, 1999.
- *Desktop Forgery through Scanning*, ASIS, Orlando, FL, Sept. 11, 2000 and Nov. 21, 2000 Balto. Chapter.
- *The Handwriting of the Blind, A Case Study*, IAQDE, Sarasota, Florida, September 28, 2002.
- *Presenting A Professional Image*, Santa Monica, California, July 20, 2003.
- *Painting Word Pictures*, AHAF Conference, Costa Mesa, California July 25, 2003
- *Court Procedures*, The School of Forensic Document Examination, Oct 15-17 2004, Dallas, TX
- *Supporting Your Opinion*, The School of Forensic Document Examination, Oct 14th & 15th, 2005

FOR THE NATIONAL QUESTIONED DOCUMENT EXAMINERS ASSOCIATION

- Dallas, Texas Nov. 15, 1992.
- Kansas City, MO, June 11 & 12, 1994.
- Shawnee Mission, KS, November 7 & 8th, 1996.
- Dallas, TX, January 11, 1996 & January 9th, 1997.
- Dallas, Texas, March 17th & 18th, 2001
- Atlanta, Georgia on Sept. 18 & 19, 1993.
- Dallas, Texas, June 10-11th, 1995.
- Dallas, Texas, March 1 & 2nd, 1997.
- Dallas, Texas, March 18 & 19th, 2000

TOPICS INCLUDE: *Check Points, Principles of Document Examination, Multiple Personalities and Other Identity Problems, Identifying Handprinting, The Telltale Dot and Trash Marks, and Semantics*

LECTURES PRESENTED AT NADE CONFERENCES

- *Case of A Promissory Note*, 1987.
- *Evaluating Evidence*, 1990
- *Red Flags*, 1994.
- *PreConference Workshop*, 1997.
- *Workshop on Qualifying as an Expert*, 1998
- *Development of Children's Handwriting*, 2000
- *Bond Salon Training in Cross-Examination*, 2001
- *How not to Testify*, 2004
- *Evidence*, 1989.
- *Impeaching the Expert Witness*, 1992
- *Our Profession and It's Problems*, 1995
- *Hired to Criticize, An Ethical Problem*, 1997
- *Demonstrative Evidence*, 1999
- *Professional Panic*, 2002
- *Distinguishing Between Disguise & Simulation*, 2003
- *Handling Criticism* 2005

PAPERS PRESENTED

- *Disguised Writing in Anonymous Writing Cases*
International Graphonomics Society, London, Ontario, Canada, August 10, 1995.

BOOKS PUBLISHED

- *Evaluating Evidence*, 1990
- *The Business of Document Examination*, 1991, Revised 1997
- *How To Be A Credible Witness or Taking the Fear Out of Testifying*, 1992
- *A Selection of International Penmanship Systems*, 1993
- *Demonstrative Evidence*, 1996
- *Scientific Document Examination Manual*, 1997
- *Book Reviews*
- *How to Qualify As an Expert Witness*
- *Attorney's Guide to Document Examination*, Quorum Books, Greenwood Publishers, 2002
- *The Principles of Document Examination*, (College Textbook & Workbook), 2003 – Taught at East Tennessee University

DOCUMENT EXAMINATION COURSE WRITTEN

- Commissioned to write a Basic Course in Document Examination for the National Questioned Document Examiners Association in Texas. Completed and copyrighted in 1994. Course was certified in Oklahoma.

ARTICLES PUBLISHED IN THE NADE JOURNAL - 35 articles published:

- *Do's and Don'ts for Accuracy in Suspect Document Cases*, August 1983, also in *The Daily Record* on March 2, 1983.
- *Qualifying as an Expert in Court*, Nov. 1987.
- *Handling Cross Examination*, May 1988.
- *Evidence*, November 1989.
- *Preparing Court Exhibits*, February 1990.
- *Identifying Class Characteristics vs Individual Characteristics*, February 1990.
- *Disguised Writing*, May 90.
- *Letter of Opinion*, May 90.
- *Working with Lawyers & Their Clients*, Aug. 90.
- *Evaluating Evidence - A Systematic Examination of Handwriting Characteristics in Suspect Document Cases*, November 1990.
- *How To Be A Credible Witness*, February 1991.
- *Interpreting the Writing Movement for Identification Purposes*, May, 1991.
- *Reducing Losses from Forged and Fraudulent Checks*, August, 1991.
- *Desktop Forgery*, August, 1991.
- *The Karlene Ann Griffith Case*, November 1991.
- *The Techniques of Cross-Examination*, May 1992.
- *The Elements of Fraud*, August 1992.
- *Handwriting Systems of the World*, Nov. 1992.
- *Impeaching the Expert*, November 1992.
- *Fundamental Truths About Handwriting*, April '93
- *Equipping Your Document Laboratory*, Nov 1993.
- *The Jack the Ripper Diary*, February 1994.
- *Principles of Handwriting Identification*, July 94.
- *Handprinting*, July 1994.
- *The TellTale Dots*, December, 1994.
- *Detecting Erasures in Pen and Pencil Writing*, Spring, 1995.
- *Deposition Testimony*, Spring 1996.
- *Principles of Identification*, December 1996
- *The Care & Preservation of Documents*, 1997
- *Descriptive Terminology*, Spring 1998
- *Why Document Examiners Disagree*, Winter 1998
- *Examination of a Passport*, Summer 1999
- *Demonstrative Evidence*, Spring 2000
- *Enough Exemplars*, Fall 2000
- *The Road to Graphic Maturity*, Summer 2001
- *Distinguishing Between Disguise & Simulation*, 2003

OTHER PUBLICATIONS

- Editor of the *Communique*, bi-monthly newsletter for NADE since 1990.
- Was Co-Editor of *The NADE Journal* published 3-4 times a year through 1998.
- *Collecting Documents in Questioned Document Cases*, The MISA Messenger, Vol. 5, No. 7, July 1997
- *The Care and Preservation of Documents*, The MISA Messenger, Vol. 5, No. 8, August, 1997
- *From Graphology to Document Examination*, The Vanguard, January-March 2000.
- *The Document Examiner*, The Vanguard, July-September, 2000.
- *Qualifying As An Expert In Court*, The Vanguard, April - June 2001.
- *Presenting Testimony in Court*, The Vanguard, July - September 2001.
- *How To Help Consumers & Businesses Deter Document Forgery*, White Collar Crime Fighter, 7/00.
- *Outsmarting Today's High Tech Forgers and Counterfeiters*, White Collar Crime Fighter, 6/04
- *New High-Tech Tools for Busting Forgers and Counterfeiters*, White Collar Crime Fighter, 10/04.

ARTICLES PUBLISHED IN THE DAILY RECORD

- *Executive Order Provides Reforms To Improve Efficiency in Federal Court* on February 11, 1992.
- *Impeaching Experts on the Stand* on March 16, 1992.
- *Attorneys Should Ask Themselves Questions When Choosing Expert* on Sept. 5, 1992.
- *Careful Research Necessary Before Engaging in Cross-Examination* on Oct. 20, 1992.

MEMBERSHIPS and AWARDS

- National Association of Document Examiners 1982 to present.
President of NADE 1990 -1994. Re-elected President 2000 - 2005.
- NADE Document Examiner of the Year in 1991.
- Expert Witness Institute, London, England (EWI) 2001 to present.
- American Society for Industrial Security (ASIS)
- Fraud Investigators Association of Texas, formerly Forgery Investigators Association of Texas (FIAT)
- Maryland Investigators and Security Association (MISA).
- ASTM Main Committee 30 - Sub Committee 02 Questioned Document Section, 2004.
- Volunteer of the Year 2001 by the Maryland Volunteer Lawyers Service.

RESEARCH

- At the Handwriting Analysis Research Library in Greenfield, Massachusetts
- At the Baltimore Law Library, Towson State University, New York Research Library, Library of Congress, Peabody Institute, University of Maryland Resource Library, Enoch Pratt Library, Baltimore County Libraries.

Mary Helen Bean
Forensic Document Examiners, Inc
403 Haslett Road
Joppa, MD 21085

Forensic Document Examiner
(410) 679-8257
maryhbean@comcast.net

CURRICULUM VITAE

EDUCATION

- BA Degree, Secondary Mathematics Education, SUNY Oneonta
- Master's Degree, Education, Loyola College, MD
- Graduate Courses at Southern Oregon College, University of Iowa, Western Maryland College

SPECIALIZED TRAINING

Apprentice to Katherine Mainolfi Koppenhaver, CDE, Forensic Document Examiners, Inc., 7/02-7/05

RELATED EXPERIENCE

- edited Katherine Mainolfi Koppenhaver's on-line course in Forensic Document Examination
- on-line teacher for K.M. Koppenhaver's course in Forensic Document Examination
- edited K.M. Koppenhaver's college text "Forensic Document Examination, Principles and Practices"

AREAS OF SPECIAL INTEREST

- disguised writing
- handprinting
- conducting research on synchronous writing

MEMBERSHIPS

National Association of Document Examiners (NADE)

SEMINARS ATTENDED

Annual NADE Conference, Quebec, Canada, 5/19-5/21/05

- On-Line Signature Verification: Fundamentals and Recent Developments
- Symbolic and Semantic Analysis of Anonymous Letters
- Pikaso Software
- Macro Photography with the Use of the Computer
- Introduction to Analysis and Characterization of Gel Ink Pens
- Comparative Analysis
- Easy and Difficult Traits to Imitate in Forged Handwriting
- The Bush Guard Documents Controversy

14th Annual National Expert Witness Conference, SEAK, Hyannis, MA, 6/16-6/17/05

TYPES OF CASES

I have rendered opinions in over eighty cases involving suspect signatures, altered documents, anonymous letters, and handwriting identification.

11/17/05

Exhibit C

S-1

LES POWELL CPJA 301 434 7000

S-2

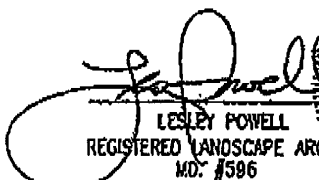
LES POWELL CHARLES P. JOHNSON & ASSOC. 301-434-7000

S-3

LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE PLANS AND RECORDS.

11/14/01
DATE


LESLEY POWELL
REGISTERED LANDSCAPE ARCHITECT
MD. #596

