

Letter to the Editor
Date: 31 May 2020

Subject: Virtual Quasi-Judicial Hearings Should Not Be Conducted

The Howard County Citizens Association (HCCA), Concerned Citizens of Western Howard County, Greater Highland Crossroads Association and the Smarter Growth Alliance of Howard County have expressed major concerns regarding conducting Virtual Zoning Board hearings whenever a case is being heard Quasi-Judicial in Howard County. We understand the unprecedented restrictions because of the Coronavirus in an effort to protect the public health and welfare nonetheless Virtual Quasi-Judicial hearings should not be conducted.

We respectfully request that the Zoning Board suspend all Quasi-Judicial hearings until the restrictions are lifted and we can all meet in person. This request is also applicable for ALL hearing cases conducted by the Planning Board, Hearing Examiner and Board of Appeals.

The State has closed its courts for the past several months as a result of the current pandemic. While we have heard that the courts are tentatively opening next month, the reopening will come in phases, with more pressing matters coming first and civil trials not being heard until early fall or later. Quasi-Judicial hearings should not be conducted when it has been deemed untimely.

There is currently no provision in the Rules of Procedure of the aforementioned Boards for virtual hearings. Currently there has not been any public instruction on how the audience will be able to cross-examine witnesses or provide evidence such as exhibits which are essential features associated with Quasi-Judicial hearings. What will occur when any participant experiences technical difficulties which have already occurred during previous held virtual meetings?

In order to preserve the integrity of procedural rules of public engagement and trust in our system we ask that such hearings be postponed until they can be conducted in person, or, at the very least, until there is public communication on how the following will be handled: cross examination, evidence submission, handling of technical problems, and how those who cannot meet equipment requirements can participate.

All we are asking for is “Due Process” which is defined as a “fair treatment through the normal judicial system, especially as a citizen's entitlement.” We simply request justice for all concerned parties and the elimination of all virtual Quasi-Judicial hearings.

Stu Kohn
HCCA President