



**County Commissioners:**

James J. Moran, At Large  
Jack N. Wilson, Jr., District 1  
J. Patrick McLaughlin, District 2  
Philip L. Dumenil, District 3  
Christopher M. Corchiarino, District 4

**CORRESPONDENCE AND TESTIMONY PROTOCOLS**

*Excerpt from the Rules of the Queen Anne's County Planning Commission*

ARTICLE IV. HEARINGS

Section 5. Correspondence and Testimony Protocols

(a) Correspondence

1. Correspondence includes letters, emails, and voice messages.
2. Correspondence must be submitted to the Department at least 10 days before the meeting to be included in the Planning Commission meeting materials.
3. Correspondence received up to 48 hours prior to the start of the meeting will be provided to the Planning Commissioners on the morning of the meeting and may be reviewed and considered, if time allows.
4. Correspondence will not be read aloud or played during the meeting but will be noted in the file.
5. Correspondence received after the deadline will be retained for future hearings on the matter, if any occur and will be noted in the file.

(b) Testimony

1. A public comment period for oral testimony will be provided during the meeting.
2. Speakers who physically appear in the meeting room and physically appear in the County-sponsored virtual meeting room will be given the opportunity to speak (or testify).
3. Each speaker is limited to 3 minutes.
4. The Planning Commission will not engage in dialogue or answer questions as the purpose is to receive information from citizens.
5. Demonstrations (clapping, cheering, booing) are not allowed.

(c) Appeals

Only those citizens who participate during a Planning Commission meeting in person or by the County-sponsored virtual meeting room may be parties to the Planning Commission proceedings with legal standing to appeal a Planning Commission decision to the Board of Appeals.

(d) Legal standing

Standing is a legal concept most relevant to appeals from decisions by administrative and quasi-judicial agencies. The concept is intended to address who may and who may not either initiate an appeal or participate in judicial review of an administrative decision. Judicial standing requires participation before the administrative or quasi-judicial agency and "aggrievement" by the decision from which the appeal is noted.

"Aggrievement" is not a condition for participation in the administrative process or hearing, in part, because no decision has been made that may or may not be adverse to a participant's interests. So, essentially anyone may "participate" in an agency procedure. The question is whether remote participation is adequate to meet the first threshold for judicial standing. The general rule is "that absent a reasonable agency or other regulation providing for a more formal method of becoming a party, anyone clearly identifying himself to the agency for the record as having an interest in the outcome of the matter being considered by that agency, thereby becomes a party to the proceedings." *Turner v. Md. Department of Health*, 245 Md. 248, 265 (April 2, 2020). Thus, without a rule identifying how an interested citizen may become a party to the Planning Commission's consideration of an application, there is no means of determining whether participants may or may not have judicial standing as they will not be "aggrieved" by a Planning Commission decision which essentially ownership of property within "sight and sound" of the property subject to the contested application.

A "reasonable agency" regulation for the Planning Commission would be to require participation in person or by the County-sponsored virtual meeting room to qualify as a "party". The Planning Commission and other interested parties or citizens at least have the benefit of live testimony and an acknowledgement of the participant's address and particularized interest in the application. Emails, while somewhat testimonial, cannot be verified as originating from someone with a concrete interest in the subject matter. Audio calls have the same deficiency. Emails and transcripts of voice messages can be included in the application file and distributed to the Planning Commission. The rules can provide that emails and voice messages are insufficient participation to establish procedural standing. That level of interest simply does not meet the threshold to bestow participation standing on the authors or callers. Hence and based on current popular avenues of public engagement, the Planning Commission hereby sets forth these Correspondence and Testimony Protocols.