

From: Aaron Rosenzweig aaron@chatnbike.com
Subject: Internal Investigation
Date: March 14, 2015 at 11:09 PM
To: TTomasello@gaithersburgmd.gov
Cc: Jud Ashman jud.ashman@gmail.com, Ryan Spiegel rspiegel@gaithersburgmd.gov
Bcc: zeelandia@cocoanutstech.com

Hi Tony,

I have phoned you a couple times and spoken with your secretary. My phone number is 240 - 421 - 1074. Please phone me when you get the chance to discuss the details.

I am also copying Council Member Ryan and Mayor Ashman on this message. Both of these men took "Character Counts" to heart and phoned me last week to discover what is wrong. I learned that staff under your employ have not fully informed the council of what has occurred at 1 Thorburn Road. I have waited enough time for the truth to come out on its own. It has not. This misrepresentation cannot continue.

Summary:

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Your staff is effective at responding quickly to reported problems. They are not equipped to evaluate and investigate those problems. They have not learned how to deal with unreasonable citizens in a positive way. As a community we can do better.

Your staff does try. Let's find out what happened and work together to prevent these types of problems in the future.

Desired Outcome:

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Please interview five members of your staff using the attached questions. Compile the information then reflect on it yourself before presenting your findings to the council. This does not have to be done in public. I would like it if your staff could save face. Perhaps someday we can all have lunch together, just without chicken on the menu.

Staff Names:

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Lisa Holland (animal control)
Jorge Esmieu (animal control)
Sylvester Ferguson (animal control)
Sebastian D. Andion (code administration)
Steve Marquina (code administration)

Lisa Holland (animal control)

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*) In your mind, were the chickens an eyesore at 1 Thorburn road? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)

*) In your mind, were the chickens well cared for at 1 Thorburn road? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)

*) In your mind, did Aaron attempt to follow our ordinances? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)

*) After the new chicken ordinances were passed in 2010, did you destroy all outdated copies of the city codes? Did you make sure that all animal control vans had updated regulations for reference by enforcement officers?

*) In mid June 2014 did you visit Aaron Rosenzweig on 1 Thorburn road?

*) Did you hand Aaron the city codes in pink paper form for his future reference? Is it possible you gave him outdated codes?

*) Dec. 5, 2014, approximately 1 week after returning from your vacation, did Aaron phone you to discuss this copy of the codes you gave him? Did you raise your voice at him? Did you yell at him and keep saying "I told you no roosters? Didn't I tell you?"

*) Do you realize that your department wasted nearly 3 hours of Aaron's time in June 2014? Ultimately you found no code violations, correct? Your officers verbally made many false claims that day. They first told Aaron that it is illegal to own chickens in Gaithersburg. Then they told him they must be 200 feet away from the nearest residence. They even asked Aaron for a measuring tape. This is why Aaron asked for the information in writing. Aaron claims he followed everything by the book as best he could. Do you agree with these statements?

*) Do you realize that your officers told Aaron "nobody likes your chickens." Do you realize they also told him he should move to Damascus?

*) Do you realize that when Aaron asked Jorge to look at the pink code book with him, Jorge refused to do so?

*) Do you realize that Jorge told Aaron that his chickens were not allowed to touch the sidewalk? When Aaron asked to see that in writing, in the code book, Jorge refused to do so. Do you also believe that chickens are not allowed to touch the sidewalk while Aaron is out there with them and people are playing with them? If so, can you show me where in the code book this is expressed?

*) Can you explain to me the type of investigation you and your staff made into the various claims against Aaron? Did you talk to his immediate

, can you explain to me the type of investigation you and your staff made into the various claims against Aaron? Did you talk to the immediate neighbors to corroborate?

*) When citizens were angry and upset about Aaron's chickens, did you go and tell those citizens that Aaron has a right to keep chickens and that Aaron is doing nothing wrong?

*) Do you realize Jorge came out to Aaron's home numerous times?

*) Do you realize Jorge told Aaron he had a rooster and that "he would take him now" or give him a citation, his choice. When Aaron asked Jorge to look at the code book, Jorge refused. When Aaron asked him to talk to his neighbors and see if there was any crowing, Jorge said "I'm not going to waste my time." When Aaron asked if he didn't want to do any of these things, then how can he be so sure, Jorge said "I am from Guatemala, I know chickens, I know this is a rooster, I know you need a rooster if you want to eat the eggs but you cannot have him." When Aaron protested and said that wasn't even a correct statement, Jorge asked Sylvester to come in another van. After some private discussion between the two of them, Jorge then said "I don't know why I didn't see it before, you have two roosters, shall I get a third opinion or shall I take them now?"

*) Can you understand the pain you have caused Aaron's family and his community? Do you understand that the code book you gave him clearly states he can keep a rooster as long as it doesn't crow? Can you see how he tried to play everything by the book, make something beautiful, and most of his community was extremely pleased? Can you see how your staff didn't even try to learn the code books and simply listened to angry voices then took action? Can you see how your staff didn't even attempt to get a feel for what other people in the community actually felt about the chickens?

*) Do you realize your staff told Aaron the only way he could keep his chickens is if they stayed in the house 24/7 or if he built a privacy fence?

*) Do you realize that even while Aaron was in the process of building the fence Jorge came and still tried to take away his chickens?

*) Do you realize that while it was Aaron's choice to build that fence, he did it out of fear that his birds would either be poisoned or taken away. Poisoned by the distant neighbor whom you did not confront to say that Aaron has a legal right to do what he is doing. Taken away by Jorge.

*) Do you realize that all of Aaron's immediate neighbors liked the chickens? They are truly the only ones who could be reasonably offended. Also many people from around Westleigh loved his birds. It was only a handful of people who just didn't like chickens that were creating a problem was it not? Why didn't you tell those people to back off or we will take legal action against them? Why didn't you protect Aaron's legal right to own chickens instead of becoming a tool for harassment?

*) In June of 2014, did you tell Aaron "If anyone has a problem with these chickens, tell them to talk to me" ? When problems occurred, who did you really talk to? Did you ever stand up for Aaron and his rights?

*) Dec. 5, 2014, approximately 1 week after returning from your vacation, do you understand that Aaron sincerely thought he was going to have a nice phone call with you and set the record straight? Can you imagine his shock when you turned out to be confrontational? Is it true that when you started raising your voice Aaron said "If you are going to get nasty..." You then cut in and said "Oh honey, you obviously don't know me very well, you have not seen me nasty." Was that appropriate or necessary?

*) Is it true that when Aaron said he felt you were being used as tool to harass him, you said "We have been used for worse." Is it also true that you asked him if child services has visited his home and to consider himself lucky? Is it true that you gave Aaron the impression that abuse of process is not only common in the city of Gaithersburg, it is also accepted?

*) Is it true that you told Aaron there were many reasons to ban roosters. When he asked you what those reasons were you immediately latched into him firmly wanting to know his "plan" on how prevent numerous chicken births? Did you not tell him that every twenty-something days he will have more chickens than he will know how to deal with? Why would you do this? Why would you repeatedly yell at him asking for his "plan" ? Don't you know these are birds, not mammals? It is not like rabbits or dogs... a chicken must sit on those eggs for many days in a row for them to turn into a baby bird. Those eggs will be eaten long before that could happen. There is virtually zero chance of an accidental birth.

*) Is it true that when Aaron asked you how can you be so sure he has roosters you said "Oh I am sure you have two and they will crow." But if they are not crowing now, what is the problem and how can you be so sure?

*) Is it true that you told Aaron that "your two roosters will fight each other." But if they are not fighting now, what is the problem and how can you be so sure?

*) Do you realize Aaron has 12 signatures from nearby and next-door residents that they miss his birds and loved them in the front yard?

*) Do you realize Aaron does not even have a back yard? His property has two side yards on a corner lot. Do you realize there is no ordinance that his birds must be in a back yard?

*) Do you realize that Aaron has 4 signatures from all of his next door neighbors stating there has never been any crowing?

*) You should realize that when Aaron received the city codes from the director of animal control, he can reasonably assume those are the true laws by which he will be judged. A reasonable person should not feel the need to call a lawyer to verify that those codes are correct. A reasonable person should expect that a code enforcement officer should be able to point out and discuss those codes with him.

*) Can you honestly point to anything that Aaron's family has done wrong?

Jorge Esmieu (animal control)

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- *) In your mind, were the chickens an eyesore at 1 Thorburn road? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)
 - *) In your mind, were the chickens well cared for at 1 Thorburn road? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)
 - *) In your mind, did Aaron attempt to follow our ordinances? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)
 - *) Is it true that numerous times Aaron requested you read our ordinances with him and each time you refused? If so, why did you refuse?
 - *) Is it true that you threatened Aaron that you would either take his chickens or give him a citation. Is it true that you did this numerous times. If so, why?
 - *) Is it true that you told Aaron the only way he could keep his chickens is to either keep them inside his home 24/7 or build a privacy fence? If so, why?
 - *) Is it true that you told Aaron his chickens could not touch the sidewalk while he was with them. If so, why?
 - *) Is it true that you told Aaron "nobody likes your chickens" and that "you are the only person in Gaithersburg who tries to have chickens." ?
 - *) Is it true that you told Aaron he should move to Damascus?
 - *) When Aaron asked you to talk to his neighbors you refused? He claims you said "I am not going to waste my time." If so, why?
 - *) Is it true that you told Aaron "I know you have a rooster and you need him so you can eat eggs but you cannot have him" ? Then Aaron replied "You need to get an education." Aaron says he felt that he hurt you with his words. You do not need a rooster to eat eggs, that was what Aaron meant but he thinks you took it another way. Did Aaron later apologize to you?
 - *) Jorge, you need to understand something. Aaron saw a man take photos of his family playing with the chickens, give them the middle finger, and then drive away. 30 minutes later you show up, talk about "chickens at large" and then try to take away their birds. You did this without talking to neighbors and without reading the codes with Aaron. This happened not just once but many times. Aaron has rights too, you should help defend his rights.

Sylvester Ferguson (animal control)

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 - *) In your mind, did Aaron attempt to follow our ordinances? Be explicit. ("It doesn't matter what I think" is not an acceptable response.)
 - *) In mid June 2014 did you visit Aaron Rosenzweig on 1 Thorburn road?
 - *) Did you hand Aaron the city codes in pink paper form for his future reference?
 - *) Were you initially rough with Aaron on that day, knocking on his door and telling him he cannot have chickens?
 - *) Did you hand him the city codes on pink paper and keep telling him "it says in here" and he had to keep saying "show me where?"
 - *) Did you waste 2 to 3 hours of Aaron's time that day ultimately to find he had done nothing wrong?
 - *) Aaron did say that at the end of the day you smiled and apologized. You told him that neighbors pretend to be your friend but then turn around and call animal control angry and upset. Aaron said he didn't feel that was the case with his neighbors and later got 12 signatures from all next-door neighbors and other close by ones stating they loved his birds.
 - *) Did you know that on Dec. 15th Aaron's children read a letter at city hall praising you for your strength of character? Were you given a copy of this letter? If not, I will be sure to get you a copy.
 - *) Aaron tells us that you had a calming affect on Jorge when Jorge decided he must take their chickens. He said if it was not for you, he would have had to call the police and things would have quickly escalated out of control. Aaron also said you treated their birds with respect and he thanks you for that. Could you tell me a bit more about the interactions between you and Jorge?

Sebastian D. Andion (code administration)

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- *) On Nov. 21, 2014 did you visit Aaron Rosenzweig at 1 Thorburn road? Was Jorge also there?
- *) Did you witness Jorge say "Now Sebastian and Steve will take your rooster." ? At which point you or Steve said "animals is your job Jorge." ?
- *) Did you witness Aaron asking Jorge to discuss the city code book with him but Jorge completely refused? Be explicit.
- *) Why were you there that day, be explicit, what did you find?
- *) Did you tell Aaron he could not provide heated water and heated air for his birds by using an extension cord? Did you check to see if he was using industrial waterproof connectors? Did you see a true safety issue or was it simply that he should not have an extension cord?
- *) Did Aaron ask you about holiday lighting, at which point you added "oh, that's right, you can have it for temporary use of 60 days" whereas before he asked that question you made it sound like he simply could not have an extension cord period?
- *) When Aaron started asking for specifics about the law and to see it in writing did you start mumbling? Did you refuse to show him the violation in writing that day? Did you promise to bring him the written codes the following Monday but never followed through?
- *) When Aaron asked if he built a privacy fence and used the same heating arrangement behind the fence you answered "that would be perfect, the city won't have a problem with that." So there really was no safety issue? He was not even currently breaking any ordinance if he had 60 days to use an extension cord. So why did you threaten him with a citation?

Steve Marquina (code administration)

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