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**REPORT
OF
THE MARYLAND STATE PROSECUTOR
FISCAL YEARS 1993, 1994
(July 1, 1992 - June 30, 1994)**

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TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
Overview	1
<u>JUDICIAL DISPOSITIONS</u>	5
1. Bribery of a Prince George's County Official.	5
2. Baltimore City Truck Equipment Contracts	6
3. Theft, Misconduct and Perjury by Talbot County Sheriff	7
4. Theft and Violation of Probation by Former Prince George's County Councilman	8
5. Obstruction of Justice by a Witness	9
6. Misconduct (Bribery) of State Insurance Adjuster	9
7. Forgery of Signatures on Referendum Petition	9
8. Election Law Violation by Mayor and City Council of Ocean City.	10
9. Attempted Bribery of President of Cecil County Board of County Commissioners	11
10. Violation of Probation by Former Dorchester County Deputy Sheriff	12
11. Theft and Misconduct by Comptroller of Baltimore City	12

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TABLE OF CONTENTS (continued)

Page

INVESTIGATIONS COMPLETED WITH REPORTS MADE PUBLIC 13

1. Allegation of Illegal Use of Municipal Resources by Mayor of Frederick to Discredit Political Opponent 13
2. Allegation That Delegate Claimed Expenses to Which He Was Not Entitled 13
3. Political Activity by County Employees 14
4. Allegations of Misconduct by Chief of Aberdeen Police Department 14
5. Report of May Term 1992 Baltimore City Grand Jury 15

INVESTIGATIONS CONCLUDED WITH REPORTS NOT MADE PUBLIC 16

1. Alleged Bribery of Local Official 16
2. Allegations Involving Assistant State's Attorney and Judge 17
3. Allegations of Misconduct by Local Officials 17
4. Allegations of Misconduct by Police Chief. 18
5. Allegations of Election Law Violation by School Board 18
6. Allegation Against Deputy Sheriff 18
7. Allegations Against State's Attorney and Sheriff 19
8. Allegation of Election Law Violation by Prospective Candidate 19

TABLE OF CONTENTS (continued)

	<u>Page</u>
9. Allegation of Improper Influence	19
10. Allegation of Misconduct by State Procurement Officials	20
11. Allegations of Mayor's Misconduct	20
<u>ENFORCEMENT OF THE ELECTION LAWS</u>	21
<u>ADMINISTRATION</u>	22
<u>WORKLOAD STATISTICS</u>	23

Overview of Fiscal Years 1993 & 1994
(July 1, 1992 - June 30, 1994)

It may be said that no criminal case in Maryland seemed to capture more attention by the media during this report period than that of our investigation and prosecution of Jacqueline McLean, the Comptroller of Baltimore City. Beginning in November, 1993 with allegations of her attempt to obtain a lucrative city lease of a building in which she had an interest and her hiring of a "phantom" employee, through a lengthy Grand Jury investigation culminating in indictments in March, 1994, her hospitalization for depression at Sheppard Pratt Hospital, her attempted suicide in April, 1994, highly publicized pre-trial hearings and an aborted trial in June, 1994, her case was constantly before the public. As of the date of this report she has pleaded guilty to charges of misconduct in office and felony theft with no agreements as to sentencing which will take place December 15, 1994. Further discussions of this case will be forthcoming in our report for Fiscal Year 1995.

Another case which received some notoriety on the Eastern Shore involved the successful prosecution and removal from office of John Ellerbusch, the Sheriff of Talbot County for theft of county funds. Sheriff Ellerbusch received a jail term from Judge Owen Wise in September, 1993.

In May, 1994, a father and son, John and Joseph Martinuk were brought to trial in Cecil County for conspiracy and the attempted bribery of a County Commissioner. A mistrial was declared by Judge Elroy G. Boyer, Jr. when the jury failed to reach a verdict on the attempted bribery charge but found them not guilty of conspiracy. A retrial is scheduled in November, 1994. The results will be reported in our Fiscal Year 1995 report.

After a lengthy investigation with the City Auditor's office of Baltimore City truck equipment contracts, Floyd Wilbur Dearborn, a city supervisor and Keith Edward Graham, president of K & L Truck Equipment Company, Inc., were indicted for bribery and pleaded guilty in December, 1992. It is noteworthy that, in addition to prison terms, the City recovered restitution of over \$250,000.00 from individuals connected with the bribery scheme.

During this reporting period the longest jail sentence imposed on a former public official occurred in November, 1993, when former Prince George's County Councilman Anthony Cicoria was convicted by Judge Robert C. Nalley of violation of probation and sentenced to the remainder of his original ten year prison term - a total of nine years and three months. Mr. Cicoria had been convicted in 1990 by this Office of misconduct, theft and tax evasion and had been removed from office. His appeal of his original conviction for theft of campaign funds resulted in the Court of Appeals ruling in 1993 that a candidate can be charged with theft of campaign funds if he converts them to his personal use. The Cicoria case is now a leading case in Maryland governing the use of campaign funds. The Attorney General's Office represented the State in Cicoria's appeals of his convictions.

Lastly, among the highlights of this reporting period was the Office's investigation of a Baltimore City Grand Jury report accusing the State's Attorney's Office and the Police Department of "gross misconduct" in the investigation of high level drug dealers. The 1992 May Term Grand Jury had conducted a six month investigation of the manner in which the two agencies had handled investigations of alleged drug dealers and money launderers in past years; some dating back to the late 1970's. In a sweeping accusation the Grand Jury

charged the agencies with protecting persons who were involved in narcotics trafficking over the years while concentrating on low level drug users and street dealers in order to accumulate impressive statistics. The Grand Jury conducted their investigation without a prosecutor as legal advisor and took the testimony of over fifty witnesses, most of whom were law enforcement officers and officials. Our investigation of the Grand Jury's allegations commenced in March, 1993 and extended for the remainder of the reporting period. It involved the review of all transcripts of the grand jury's proceedings, interviewing the primary witnesses and extensive examinations of police department files. We issued two interim reports which were made public and a final report which has not been made public. We found no evidence of official misconduct in any of the eleven investigations covered by our reports.

As noted in our Fiscal 1992 report, cost containment measures imposed on State agencies had required the Office to reduce staff, cut its space requirements and establish a more selective approach to the types of cases investigated. Those reductions have essentially remained in place.

Efforts to cope with these reductions resulted in an agreement between this Office and the Attorney General's Criminal Investigations Division. That agreement provides that the State Prosecutor will focus on investigations involving elected officials and those in which the Attorney General may have a conflict of interest. Complaints not involving elected officials, election or ethics law violations or conflicts for the Attorney General are referred to the Attorney General's Office.

At the time of our Fiscal 1992 report, that agreement had just been implemented.

It has worked well and we believe it to be in the best interests of the State under present budgetary restrictions. As a result, the Office has been able to cope with the budget reductions necessitated by recent economic conditions, while sharpening its focus on those types of cases for which an independent prosecutor is indispensable.

Several of the cases set forth below were commenced prior to our agreement with the Attorney General. Some cases, therefore, do not involve elected public officials. It should also be noted that a single investigation often has multiple subjects, who may be a combination of private citizens, elected officials, and other public officials or employees. In such cases, we do not restrict our investigation solely to the elected officials, but include in its scope all those who may be engaged in related criminal conduct.

Ninety four complaints were investigated during Fiscal 1993, seventy nine of which were new complaints. The remaining fifteen were carried over from prior years. The subjects of those investigations included six elected State officials, ten judges, eleven State's Attorneys, thirty-one elected county and local officials, eight chiefs of police, and thirty-five other public officials and employees. Thirteen cases were referred to the Attorney General's Office, the appropriate State's Attorney's Office, a County Attorney's Office, the State Police, or the Baltimore City Police.

In Fiscal 1994, we investigated a total of one hundred complaints, eighty five of which were complaints received during Fiscal 1994. Fifteen complaints were carried over from prior years. The subjects of those investigations included six elected State officials, four judges, six state's attorneys, thirty-one elected county and local officials, two police chiefs, and forty-one other public officials and employees.

During Fiscal 1993 and 1994 there were judicial dispositions in eleven investigations involving fourteen defendants. In addition, sixteen complaints in Fiscal 1993 and 1994 were closed with reports to the complainant and the subject of the investigation, setting forth our findings and the reasons we did not recommend prosecution. Five of these reports have been made public.

JUDICIAL DISPOSITIONS
(Other Than Late Fee Election Law Cases)

The cases reviewed here are those in which an investigation of allegations of misconduct, bribery or related crimes resulted in a criminal charge.

1. Bribery of a Prince George's County Official

State v. Richard G. Coleman, et al.

On March 17, 1993, the bribery charges against Richard G. Coleman were dismissed by the Honorable William O. Missouri, Judge of the Circuit Court for Prince George's County, at the conclusion of the State's case. Judge Missouri held that the State had failed to establish a sufficient connection between a THIRTY THOUSAND DOLLARS (\$30,000.00) payment made by Mr. Coleman to a public official and proof that Coleman's company, B & C Paving, Inc., was paid in full for work performed for the department headed by that public official in which there were substantial shortages. As a result of the court's ruling, the case against the public official was *entered nolle prosequi* (dismissed by the State).

2. Baltimore City Truck Equipment Contracts

State v. Floyd Wilbur Dearborn

State v. Keith Edward Graham

A three-year investigation into allegations of bribery in connection with the preparation of specifications for trucks and other mobile equipment for the City of Baltimore culminated in the prosecutions of Floyd Wilbur Dearborn, Motor Vehicle Specifications Supervisor for the City, and Keith Edward Graham, President of K & L Truck Equipment Company, Inc., and the recovery of TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000.00) in restitution to the City.

On December 14, 1992, Keith Edward Graham pleaded guilty to paying bribes totalling FORTY EIGHT THOUSAND ONE HUNDRED DOLLARS (\$48,100.00) in cash, as well as vacations, clothing and other items to Floyd W. Dearborn. In return for the bribes, Dearborn tailored specifications for city trucks to fit equipment sold by Graham's company. Graham was sentenced on February 23, 1993 to two years incarceration, all but six months of which was suspended, and was fined FIVE THOUSAND DOLLARS (\$5,000.00). At the time of sentencing, Graham also paid restitution to the City of Baltimore in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

Dearborn, who pleaded guilty to two counts of bribery on March 9, 1992, and had agreed to testify against others, was sentenced on December 18, 1992 to one year incarceration all but four months of which was suspended, fined TEN THOUSAND DOLLARS (\$10,000.00), and ordered to pay restitution of TWENTY FIVE THOUSAND

DOLLARS (\$25,000.00).

Two other individuals involved in this matter paid restitution to the City of Baltimore totalling an additional ONE HUNDRED FIFTY FIVE THOUSAND DOLLARS (\$155,000.00).

3. Theft, Misconduct and Perjury by the Sheriff of Talbot County

State v. John J. Ellerbusch

A four month investigation into the activities of Talbot County Sheriff John Ellerbusch resulted in his indictment on January 14, 1993 for felony theft, misconduct in office and two counts of tax perjury related to his use of Sheriff's Department funds for personal purposes. On September 13, 1993, he was found guilty of misconduct in office by Judge Owen Wise, specially assigned from the Circuit Court for Caroline County. Ellerbusch was sentenced to five years incarceration, four of which were suspended in favor of 5 years supervised probation upon his release. He was also ordered to pay restitution of FIVE THOUSAND DOLLARS (\$5,000.00) to Talbot County, to perform five hundred hours of community service, and to obtain court permission prior to accepting employment in any law enforcement position requiring an oath. The court also entered a civil judgment against Ellerbusch in favor of Talbot County in the amount of FORTY-FIVE THOUSAND DOLLARS (\$45,000.00). The defendant's appeal is pending.

4. Theft and Violation of Probation by Prince George's County Councilman
State vs Anthony Cicoria

The prolonged judicial dispositions in the case of Anthony Cicoria, first reported in the 1990 Report of the Maryland State Prosecutor, resulted in charges of violation of probation and felony theft against the former Prince George's County Councilman. These charges arose from his unauthorized use of his county telephone credit card issued him when he was a council member after his removal from office. After failing to appear for an August, 1992 hearing on the violation of probation, Mr. Cicoria became a fugitive.

In August, 1993, Mr. Cicoria was apprehended in Florida and extradited to Maryland to face the outstanding charges against him. On November 8, 1993, Mr. Cicoria was found guilty of violation of his probation. He was sentenced by Judge Robert C. Nalley, specially assigned from the Circuit Court for Charles County, to serve the remainder of his original ten year prison sentence, a total of nine years and three months.

Shortly after the arrest of Mr. Cicoria in Florida the Maryland Court of Appeals filed its opinion in his appeal of the original conviction. In affirming Cicoria's theft conviction, the Court held that funds contributed to a candidate's campaign committee are not the property of the candidate. The Court stated that:

When, contrary to the prescribed procedures, campaign funds are obtained, whether by deception or without authorization, and used, with the requisite intent to deprive those persons with the paramount possessory interest in those funds, of the funds, the crime of theft occurs. It does not matter, in that event, for what purpose the funds are ultimately used.

Cicoria v. State, 332 Md. 21, 629 A.2d 742 (1993).

5. Obstruction of Justice by a Witness

State v. James Carter Bays

During the course of an investigation of allegations of misconduct on the part of a local police chief, the defendant produced several false documents. As a result, on July 30, 1993, he was charged with obstruction of justice. On January 31, 1994, Bays pleaded guilty to the charge. He was given the benefit of probation before judgment, and was fined \$100.00.

6. Misconduct (Bribery) of State Insurance Adjuster

State v. Russell Robert Rippel

On February 23, 1994, Russell Rippel, an insurance adjuster for the State of Maryland employed by the State Treasurer's Office, pleaded guilty to misconduct in office. Rippel admitted to receiving free vehicles, repairs and parts from a vendor in return for steering State vehicle repair and maintenance business to that company. He was sentenced by Judge Raymond G. Thieme, Jr., of the Circuit Court for Anne Arundel County, to three years incarceration, which was suspended in favor of three years supervised probation and 1,040 hours of community service.

7. Forgery of Signatures on Referendum Petition

State v. Heidi Lynn Thompson

The Montgomery County Election Board discovered a large number of forged signatures on referendum petitions and referred the matter to this Office for investigation. The investigation revealed that the forged signatures had been gathered by two individuals

at the request of a third party. The third party was engaged in paying a number of persons to gather petition signatures. They were paid a set sum per signature obtained. At the bottom of each petition form, the person who solicited the signatures was required to attest to his/her belief in the genuineness of the signatures. We found no evidence that the person who paid for the signatures was aware that any of those submitted were false.

We recommended prosecution of Thompson for five counts of filing a false affidavit in violation of Article 33, Section 23-5(3). The other individual was incarcerated and awaiting trial on far more serious charges. Due to that fact, and to some difficulties in proof not present in Thompson's case, prosecution was not recommended.

On March 19, 1993, Heidi Lynn Thompson pled guilty to one count. She was sentenced to thirty days incarceration which was suspended in favor of twelve months supervised probation, sixty hours of community service, and a fine of TWO HUNDRED AND FIFTY DOLLARS (\$250.00).

8. Election Law Violation by the Mayor and City Council of Ocean City

State v. Mayor and City Council of Ocean City

In early 1993, the Office investigated a complaint that the Mayor and City Council had expended public funds to place an advertisement in a local paper endorsing abolishment of the Worcester County Sanitary Commission without including an authority line stating who had placed the advertisement. At the time, the issue of abolishment of that agency was on the November ballot for a non-binding poll. We found that in fact the advertisement had been placed by the Mayor and Council; that it contained no authority line and; that the

omission of the authority line was deliberate.

On March 31, 1993, the corporate body of the Mayor and City Council of Ocean City was charged with an election law violation for omission of the authority line. On May 24, 1993, District Court Judge Richard R. Bloxom found the Mayor and Council not guilty, holding that the corporate body of the Mayor and Council was not a "person" required to include an authority line on a political advertisement. The State could not appeal the Court's decision.

9. Attempted Bribery of President of the Cecil County Board of County Commissioners

State v. John Peter Martinuk

State v. Joseph Peter Martinuk

This investigation into attempts by the defendants to obtain approval of a zoning change by the Cecil County Board of County Commissioners by means of bribery was initially conducted by the Cecil County State's Attorney and the Cecil County Sheriff's Department. In late July, 1993, they requested that this Office take over the investigation. The investigation culminated in indictments of John Peter Martinuk and his son, Joseph Peter Martinuk for attempted bribery and conspiracy to bribe the President of the Board of County Commissioners.

The charges were tried before a jury in Cecil County in May, 1994. The defendants were acquitted of the charges of conspiracy. A mistrial was declared on the charges of attempted bribery when the jury was deadlocked nine for conviction, three for acquittal. Retrial of the attempted bribery charges is scheduled for November 28, 1994.

10. Violation of Probation by Former Dorchester County Deputy Sheriff

State v. James Taylor

Dorchester County Deputy Sheriff James Taylor was convicted of misconduct in office on June 2, 1992. On September 30, 1992 he was sentenced to 6 months incarceration with all but 20 days suspended, to be followed by four years of supervised probation.

On June 10, 1994, Taylor was found in violation of that probation. He was sentenced to serve 160 days in jail, all but 60 days of which was suspended.

11. Theft and Misconduct in Office by the Comptroller of Baltimore City

State v. Jacqueline F. McLean

An investigation commenced in November, 1993, resulted in the indictment of Baltimore City Comptroller Jacqueline F. McLean on charges of felony theft and misconduct in office. The theft and theft-related misconduct charges, contained in one indictment, relate to paychecks issued on McLean's authority to a fictitious employee, the proceeds of which were converted to the personal use and benefit of the Comptroller and her family. A second indictment charges misconduct in connection with the Comptroller's attempts to arrange a long-term City lease of a building owned by Four Seas and Seven Winds, a travel agency owned and operated by the Comptroller and her husband.

Trial of this matter was scheduled before Judge Elsbeth Bothe, Judge of the Circuit Court for Baltimore City, on June 8, 1994. Following two days of acrimonious hearings, a much publicized meeting by five members of the Baltimore City Council with administrative Judge Joseph H. H. Kaplan, and the defendant's involuntary commitment to the Shepard

and Enoch Pratt Hospital as a danger to herself (she had threatened suicide), the case was postponed and scheduled for arraignment on September 2, 1994.

INVESTIGATIONS COMPLETED WITH REPORTS MADE PUBLIC

Note: The subject of an investigation may demand that the State Prosecutor's report of the investigation be made public. (Article 10, Section 33B(f) *Annotated Code of Maryland*.)

1. Allegation of Illegal Use of Municipal Resources by Mayor of Frederick to Discredit a Political Opponent

In a two page report dated September 9, 1992, the complainant was notified that there was no basis for belief that the Mayor of Frederick had engaged in any criminal misconduct. The report was subsequently published in the Frederick newspapers.

2. Allegation That Delegate Thomas Hattery Claimed Expenses to Which He Was Not Entitled

The opponent of Delegate Hattery (Carroll and Frederick Counties, District 4A) in the 1992 Congressional election complained that Delegate Hattery claimed and received reimbursement from the State for lodging and meal expenses which he did not actually incur. In a seven page report dated September 30, 1992, the Office concluded that Delegate Hattery had properly complied with the guidelines of the Legislative Accounting Office in claiming reimbursement for his expenses and that there was no evidence that he received reimbursements to which he was not entitled.

3. Political Activity by County Employees While on the Job During Working Hours

A citizen complaint resulted in an investigation into a series of meetings held by Prince George's County officials and employees. It was alleged that the meetings were held during working hours to organize a campaign opposing a tax freeze referendum question on the ballot in violation of then Article 33, Section 28-1, *Annotated Code of Maryland*.

A report was issued on October 29, 1992 with a finding that one meeting was conducted, in part, during working hours. Despite the fact that a large portion of the meeting was legitimately devoted to providing information on the referendum measure and its potential effects to attendees, a portion of it was also devoted to organizing political opposition to the referendum.

Although we found a violation of the statute prohibiting such activity, we noted in our report that the statute in question provided no criminal penalty. We declined to recommend prosecution for misconduct in office because of the *de minimis* nature of the violation and because there was no indication that anyone was forced or pressured into attending the meeting.

4. Allegations of Misconduct in Office by the Chief of the Aberdeen Police

Department

The initial phase of this investigation was completed with the issuance of a report on July 2, 1993, dealing with three allegations against the Chief of Police:

- a. Misconduct and theft in connection with the alleged conversion of certain City funds;

- b. Alleged bribery and misconduct relating to a sale of surplus weapons; and
- c. Alleged misconduct in connection with the disposition of certain traffic and parking tickets.

With respect to allegation (a) above, we found that some funds were unaccounted for, but we were unable to develop evidence sufficient to establish that those funds were stolen. We found no evidence of criminal activity on the part of the Chief of Police in connection with the sale of surplus weapons. We found misconduct in connection with the allegations in (c) above, but did not find the violation sufficiently egregious to warrant a recommendation of prosecution. The investigation was continued into the activities of another member of the Police Department in connection with the weapons sale.

In a second report, issued on January 25, 1994, we addressed an allegation that the Chief committed criminal misconduct in connection with the handling of a "missing person" investigation. We found insufficient evidence of alleged improprieties in the investigation to warrant criminal prosecution of the Chief for misconduct in office.

The continued investigation of the surplus gun sale resulted in the prosecution of James Bays, set forth above, for obstruction of justice, and in the issuance of a third report on February 8, 1994. The third report has not been made public.

5. Report of the May Term, 1992 Baltimore City Grand Jury

On March 9, 1993, the Baltimore City Grand Jury issued a report which was highly critical of drug enforcement efforts in Baltimore City and which claimed to have found evidence of organized corruption in both the City Police Department and the State's

Attorneys Office designed to protect high-level members of the drug trade. This Office undertook to investigate the eleven specific allegations of misconduct on which the Grand Jury's broad claims appeared to be based. These included allegations of misconduct on the part of the State's Attorney, his assistants, the Mayor, and high ranking members of the Baltimore City Police Department. In the course of our investigation, we not only reviewed the grand jury testimony of more than fifty witnesses who testified before the Grand Jury, but also, in most instances, conducted our own interviews and additional investigation.

Our findings and recommendations have been set forth in two separate reports, one issued on September 7, 1993, dealing with three of the allegations, and the second issued on December 16, 1993, addressing three other allegations. The third and final report was completed in early August, 1994. We have found no criminal conduct on the part of any of the public officials criticized by the Grand Jury.

**INVESTIGATIONS CONCLUDED WITH A REPORTS NOT
MADE PUBLIC**

1. **Alleged Bribery of Local Official**

On August 13, 1992, this Office issued an eighteen page report of our findings in connection with a preliminary inquiry into allegations of possible bribery, misconduct and ethics law violations by a Mayor in connection with a proposed development. After conducting a number of interviews and reviewing records voluntarily provided, we concluded that there was no evidence of any criminal violation to warrant further investigation.

2. Allegations Involving an Assistant State's Attorney and Judge

A local police chief requested that we investigate possible misconduct in office on the part of an assistant state's attorney in his/her handling of two drug cases. He also requested that we investigate an allegation that a judge had received a payment of \$2,500.00 from a defendant in a drug case while that defendant's sentencing was pending before the judge. On September 29, 1992, we reported the results of our preliminary inquiry to the police chief in two separate two page reports. We found insufficient evidence to warrant a full investigation of any of the allegations.

3. Allegations of Misconduct by Local Officials

This matter involved cross-complaints. A city councilman complained that certain police officers were conspiring and using their police powers to discredit him politically by targeting him and his children for arrest. A preliminary investigation was conducted to determine whether a full investigation was warranted. In a seven page report issued October 9, 1992, we found insufficient evidence to justify a full investigation of the councilman's allegations.

A complaint was also received from the Mayor of the same jurisdiction alleging that the councilman had attempted to improperly influence the Police Chief in the handling of an arrest of the councilman's son. In a three page report, also issued on October 9, 1992, we found no criminal conduct on the part of the councilman.

4. Allegations of Misconduct by Police Chief

A State's Attorney, citing a conflict of interest, referred allegations of criminal misconduct on the part of their Chief by several members of a local police force to this office. On October 21, 1992, we issued a seven page report addressing the six allegations made against the Chief of Police. We found no prosecutable misconduct.

5. Allegation of Election Law Violation by School Board

On October 27, 1992 we issued a four page report in which we found that a document distributed in connection with a ballot referendum question violated the Fair Election Practices Act. We also found that, because the violation was inadvertent and was not motivated by any corrupt or evil intent, prosecution of the violation as a criminal offense was inappropriate.

6. Allegation Against Deputy Sheriff

In a three page report dated November 10, 1992, we addressed a complaint that a deputy sheriff officer had participated in political activity in uniform during working hours. Following a preliminary investigation, we found that the allegations did not involve any corrupt or evil intent on the part of the deputy sheriff. Consequently, we declined to conduct a full-scale investigation.

7. Allegations Against State's Attorney and Sheriff

A county law enforcement officer alleged that the State's Attorney and the Sheriff obstructed a drug investigation by closing the investigation and telling the target (a well-respected and politically active citizen) of the nature of the investigation. We found no criminal conduct on the part of either the State's Attorney or the Sheriff. Our findings and conclusions were set forth in a sixteen page report issued March 4, 1993.

8. Allegation of Election Law Violation by Prospective Candidate

On April 26, 1993, we determined, in a three page report, that, until a person intending to run for office has filed a certificate of candidacy or a committee has been filed on his behalf, provisions of the Fair Election Practices Act governing the activities of "candidates" are not applicable to his activities. Those provisions governing "prospective candidates", however, may be applicable even though none of the filings referred to above has been made. As a result of our finding, we declined to undertake a full criminal investigation.

9. Allegation of Improper Influence

It was alleged that a Mayor had received a large, essentially unsecured loan from a politically prominent individual. The loan was modified in a manner favorable to the Mayor approximately one year later. At the time of the modification, the lender was investing in a substantial development project adjacent to the Mayor's jurisdiction. Within a short time of the loan modification, the developers (including the lender) sought a highly controversial

ruling in connection with their project by the Mayor and Council. It was suspected that the original loan, or the modification, may have been made to influence the Mayor in his official duties.

We found no evidence that the loan in question was in fact a bribe disguised as a loan. We reported our findings to the subjects of the investigation and the complainant on July 16, 1993.

10. Allegations of Misconduct by Procurement Officials

On March 29, 1994 we issued a three page report of our findings in an investigation into allegations of bribery, misconduct and ethics violations on the part of certain state employees engaged in procurement for one of the State's institutions. The primary suspects resigned their employment during the investigation. We did not recommend prosecution for bribery due to insufficient evidence.

Although we did find misconduct in office and ethics law violations, they were not sufficiently egregious to warrant a recommendation of prosecution.

11. Allegations of Mayor's Misconduct

On April 5, 1994, we issued a four page report pertaining to allegations that a Mayor had violated his city's policy in extending certain utilities to a vacant lot in which he had acquired or was about to acquire an interest, substantially increasing the value of the property. We found that extension of the utilities to the lot was not specifically prohibited by regulation or policy. We further found that the Mayor had not personally profited from

the extension of utilities.

ENFORCEMENT OF THE ELECTION LAWS

Legal Intern Robert Scott, who joined the Office in August, 1993, has done an excellent job in organizing and streamlining the processing of election law late filing fee cases. These cases are referred to the Office by the State Administrative Board of Election Laws (SABEL). They involve political committees and their officers who have failed to file the required financial reports in timely fashion and/or those who have failed or refused to pay the requisite late fees. When SABEL is unable to obtain voluntary compliance, the offenders are referred to this Office for possible prosecution.

The number of referrals can be quite voluminous. A number of complaints are usually referred by SABEL at the same time, and are treated in our workload analysis as a single case. Thus, a single late fee investigation often involves dozens of political committees and their officers.

During the period covered by this report, the Office handled eight late fee investigations consisting of complaints from SABEL numbering one hundred sixty six campaign committees involving a total of two hundred forty four potential individual defendants. Of this total, two hundred ten settled their cases with this Office prior to the filing of charges. Thirty four persons were charged with criminal violations of the election laws because they refused to pay the late fees, or ignored our communications. Nineteen of those charged resolved the violations prior to trial. Five defendants, who contested the

charges, were found guilty, given the benefit of probation before judgment and fined. The remaining ten defendants have charges pending in the District Court for Anne Arundel County.

ADMINISTRATION

The staff has stabilized since the severe budget cuts of the last several years, though there have been several changes in personnel. Management Associate Jane Skrzypiec resigned to devote full time to her children. Deborah Amig was promoted to fill the vacant Management Associate position. Nancy Forbes was hired to fill the Stenographer/Legal & Legislative position vacated by Ms. Amig.

Our present staff of seven permanent and two temporary employees consists of three prosecutors, including the State Prosecutor, one investigator, one auditor, two administrative support personnel and two contractual positions. One of the contractual positions is filled by legal intern Robert Scott, a third year student at the University of Baltimore School of Law. Our budget request for a permanent investigator's position was denied, but we were given funds to hire an investigator or another law clerk. As of July 1, 1994 these funds were utilized to hire Isabel Cumming, a graduate of University of Baltimore School of Law who was recently admitted to the Maryland Bar. Ms. Cumming has an extensive background in accounting, is a Certified Fraud Examiner and, in addition to her law degree, has been awarded a Master of Business Administration from the University of Baltimore.

WORKLOAD STATISTICS

	FY 1993	FY 1994
Complaints Requiring Investigation:	94	100
Carried over from prior year	15	15
New Files Opened	79	85
Closed	79	71
Carried Over	15	29
Sources of Complaints:		
Citizens	43	44
Elected & Appointed Officials	9	9
Law Enforcement Agencies	4	10
State & Local Election Boards	9	7
State's Attorneys & Attorney General	7	7
Anonymous	6	4
Self-Initiated	<u>1</u>	<u>4</u>
TOTALS	79	85

