



**REPORT
OF THE
MARYLAND STATE PROSECUTOR**

FY 2015 – FY 2018

**Emmet C. Davitt
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, MD 21286
Telephone: (410) 321-4067**

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I. Introduction

The Office of the State Prosecutor (“OSP”) was established by Constitutional amendment and legislation in 1976 to restore the public’s confidence that the State Government has the integrity and ability to monitor the activities of its public officials and employees. The past several years have seen a continuation of the Office’s policy of the consistent and fair enforcement of the corruption, misconduct in office, bribery and election laws without regard to political affiliation.

The OSP takes its mission of serving the public very seriously and has continued to investigate and, where appropriate, to convict persons throughout the State for various offenses including misconduct in office, bribery, theft and campaign finance and other election law violations. Our primary focus has been on public corruption investigations and election law criminal violations which use an overwhelmingly large portion of the limited assets of the Office. As set forth below, successful prosecutions have included school officials, police chiefs, correctional officers, and elected officials as well as numerous campaign officers.

While the OSP continues to experiences a heavy workload, through the tireless work of its dedicated staff, it continues to pursue its goal of ferreting out those who take advantage of the public’s trust for their own personal gain, despite its limited resources. The dedicated and diligent efforts of the men and women in the Office are made out of a sense of responsibility and duty to the citizens of the State. Such efforts are to be recognized as they have led to convictions in several significant, high impact investigations over the last several years.

II. Observations of the Maryland State Prosecutor – Emmet C. Davitt

As I have throughout my tenure, I continue to meet on a regular basis with the elected State's Attorneys throughout the State and the United States Attorney for Maryland. Unfortunately, there is always more work to be done in the political corruption arena and I have continued to strive to strengthen law enforcement ties with federal, state and county agencies.

Public corruption is not limited to illegal conduct by elected officials. It reaches every level of government. Particularly troubling over the past few years has been several instances of egregious corruption by officials within school systems. As noted below, the Superintendent of Baltimore County Public Schools ("BCPS") was recently convicted of four (4) counts of perjury after lying on his financial disclosure forms to cover up income he received from a Chicago based company with which BCPS was doing business. As concerning, and also outlined below, has been the recent indictment and conviction of three (3) Baltimore City Public School System ("BCPSS") principals for, among other things, felony theft of student activity funds. Although these convictions hopefully send a message that such corruption will not be tolerated and may deter others, more needs to be done by the systems themselves to implement the check and balances and appropriate oversight to prevent further occurrences. Recognizing that agency oversight is not our prerogative, the Office has, nevertheless, reached out to victimized agencies and remains willing to provide any insight gained through our investigations.

As noted earlier, cooperation with other law enforcement and administrative agencies is essential to the efficient operation of the OSP. By sharing information and assets, law enforcement in the State is enhanced and limited resources can be used more

effectively. The Jessup Correctional Institution (“JCI”) corruption investigation and prosecution discussed below is an outstanding example of the fruits of such inter agency efforts. A joint investigation by the OSP and the Special Investigative Unit within the Department of Public Safety and Correctional Services, with the assistance of the Maryland State Police, the Anne Arundel County Police, and the Federal Bureau of Investigation, resulted in the indictment of eighteen (18) defendants, including two (2) correctional officers, with charges, including bribery, conspiracy, distribution of controlled dangerous substances, the smuggling of contraband and misconduct in office. Such cooperative efforts will hopefully continue to result in successful prosecutions.

The OSP strives to become increasingly more effective and efficient in its primary missions to detect, investigate and, where appropriate, prosecute and deter public corruption and to protect the integrity of our electoral process.

III. Review of Significant Prosecutions - July 1, 2015 to June 30, 2018

A. Public Corruption

1.) Shaun Dallas Dance - Baltimore County Public Schools Superintendent

On January 28, 2018, after a lengthy investigation, a Baltimore County Grand Jury returned an indictment charging Shaun Dallas Dance (“Dance”), the former Baltimore County Public Schools Superintendent, with four (4) counts of perjury arising from his Financial Disclosure Statements for 2012, 2013, and 2015. The charges alleged that, from July through December, 2012, Dance actively negotiated and ultimately signed, a no-bid contract between BCPS and SUPES Academy, LLC, (“SUPES”), while working for SUPES and its related company Synesi Associates, LLC. Dance, while performing consulting work for these companies, was paid through Deliberate Excellence Consulting,

LLC, an entity Dance created and which was solely owned by him. Dance stated, under oath, in his Financial Disclosure Statements, that he did not earn any income as a result of consulting work and that he earned no income from Deliberate Excellence Consulting, LLC, both of which were false.

Dance pleaded guilty to the four (4) counts of perjury on March 9, 2018 in the Circuit Court for Baltimore County. He was sentenced on April 20, 2018 to a term of five (5) years with all but six (6) months suspended, followed by a period of two (2) years of supervised probation, during which he is to complete seven hundred (700) hours of community service.

2.) Bribery Conspiracy at Jessup Correctional Institution

On January 11, 2018, eighteen (18) defendants were charged after a year-long, multi-agency investigation into corruption at the Jessup Correctional Facility located in Anne Arundel County, Maryland. Included among the eighteen (18) defendants were two (2) correctional officers, six (6) inmates, and ten (10) outside facilitators. Charges in the indictments included conspiracy to distribute controlled dangerous substances, conspiracy to commit bribery, bribery, and the smuggling of contraband mainly illegal narcotics and cellular phones into Maryland correctional facilities. Both of the correctional officers were additionally charged with misconduct in office. The indictments were the result of a joint investigation by the OSP, the Special Investigative Unit within the Department of Public Safety and Correctional Services and the Maryland State Police. The investigation consisted of wiretaps, pen registers, search and seizure warrants, GPS tracking devices, surveillance, and other investigative techniques. The cases are currently pending in the Circuit Court for Anne Arundel County before the Honorable Mark W. Crooks who has

been specially assigned to preside over these cases. To date fifteen (15) of the defendants have pleaded guilty.

3.) Erica Holland - Accountant Clerk for Town of Snow Hill

On February 2, 2018, Erica M. Holland (“Holland”), former account clerk for the Town of Snow Hill, pleaded guilty in the Circuit Court for Worcester County to felony theft over \$100,000.00. Investigation revealed that, between August 2014 and April 2017, Holland, while employed as an account clerk for the Town of Snow Hill, stole approximately \$169,100.00 from the town. Holland engaged in a theft scheme whereby she would steal the cash that she collected from citizens and alter sewer and leachate invoices in the accounting records to cover her theft. Her scheme resulted in two hundred and thirty-seven (237) separate thefts of cash during her employment with Snow Hill. Analysis of four (4) separate bank accounts in either her or her husband’s name revealed that she made three hundred and forty-four (344) ATM cash deposits totaling over \$114,000.00 during this period.

The Honorable W. Newton Jackson, III sentenced Holland to fifteen (15) years incarceration with all but five (5) years of that sentence suspended. Following her release from prison, Holland will be placed on probation for five (5) years. The Court also ordered Holland to pay \$169,160.00 in restitution.

4.) Rebecca Drew - Register of Wills for Allegany County

On April 6, 2018, Rebecca D. Drew (“Drew”), former Register of Wills for Allegany County, pleaded guilty in the Circuit Court for Washington County to misconduct in office. Investigation revealed that, between July 5, 2016 and December 20, 2016, Drew, while serving as the Allegany County Register of Wills, stole approximately \$4,309.00

from the State of Maryland by using the office credit card and bank account for personal expenses. Specifically, analysis of bank and credit card records indicated that Drew wrote eight (8) State account checks, totaling \$2,643.00, addressed to and signed by herself and deposited those checks into her personal account and used the State credit card to pay for personal items, totaling \$1,660.00, such as cigarettes, groceries, and Ocean City hotel bills.

The Honorable M. Kenneth Long, Jr. sentenced Drew to three (3) years incarceration, all suspended in favor of two (2) years supervised probation. The Court also ordered Drew to perform one hundred and fifty (150) hours of community service.

5.) Daniel Gosnell - Lieutenant with the Aberdeen Police Department

On November 8, 2017, Lieutenant Daniel E. Gosnell (“Gosnell”), an eighteen (18) year veteran of the Aberdeen Police Department, was charged in the Circuit Court for Harford County with misconduct in office and possession of a controlled dangerous substance. The charges allege that, between February 2016 and August 2017, Gosnell repeatedly stole and consumed various controlled dangerous substances to include oxycontin, oxycodone, heroin, fentanyl and cocaine from a citizen prescription drop box maintained by the Aberdeen Police Department and from the police department’s controlled dangerous substances evidence locker room. Gosnell subsequently pleaded guilty to both charges and was sentenced to ten (10) years’ incarceration all suspended with three (3) years supervised probation. In addition, the Court ordered Gosnell to continue drug treatment and perform two hundred (200) hours of community service.

6.) George Ball – Former Police Chief for Trappe, Maryland

On October 20, 2017, George N. Ball (“Ball”), former Police Chief for Trappe, Maryland, pleaded guilty in the Circuit Court for Talbot County to one count of misconduct in office. An investigation by the Maryland State Police and the OSP revealed that Ball obstructed and failed to pursue a legitimate investigation of a reported theft of jewelry by Heather Harding with whom he had a long term personal relationship. Ball also improperly seized and held a handgun, reportedly stolen, from the apartment of Heather Harding after she was incarcerated and further failed to properly process or report the gun as evidence or recovered property. Ball was sentenced to two (2) years, all of which was suspended in favor of two (2) years of supervised probation. Ball was also ordered to perform one hundred and fifty (150) hours of community service.

7.) Deborah Rowe - Mayor of Town of Marydel in Caroline County

On February 1, 2017, Deborah Rowe (“Rowe”), former Mayor of the Town of Marydel in Caroline County, pleaded guilty to a felony theft scheme between \$10,000.00 and \$100,000.00, misconduct in office and forgery. Investigation revealed that between March 2012 and May 2016, Rowe made unauthorized transfers of lump sums of money from the Town of Marydel’s bank accounts to her own personal bank account, wrote checks to herself and to “cash” which she then deposited into her account, and obtained a debit card in the name of the Town which she used to pay personal expenses including her Sprint phone and Comcast bills, as well as a property tax payment for land she owned in North Carolina. Investigation further revealed that Rowe forged the signatures of the other town commissioners on these checks. The total theft amount was \$61,660.07.

On July 12, 2017, Rowe was sentenced to three (3) years for felony theft, three (3) years for misconduct in office and three (3) years for forgery. All sentences were consecutive to each other for a total sentence of nine (9) years.

8.) Kelvin Sewell and Lynell Green - Pocomoke City Police Chief and Lieutenant

On July 20, 2016, former Pocomoke City Police Chief Kelvin Sewell (“Sewell”) and Police Lieutenant Lynell Green (“Green”) were each charged in the Circuit Court for Worcester County with one count of conspiracy to commit misconduct in office and one count of misconduct in office. The charges allege that, in November 2014, Sewell and Green willfully interfered with the investigation of a motor vehicle accident by subordinate officers in order to benefit Douglas Matthews, a local correctional officer. Sewell and Green tried to protect Matthews from hit-and-run charges after he hit two (2) parked vehicles and fled the accident scene.

Sewell elected a jury trial and was convicted of criminal misconduct in office in the Circuit Court for Worcester County before the Honorable D. William Simpson on December 1, 2016. Judge Simpson sentenced Sewell to a term of three (3) years incarceration, which he suspended in full in favor of three (3) years of probation, and imposed a fine of \$1,000.00. Sewell appealed his conviction to the Court of Special Appeals. Oral arguments on a number of issues raised by Sewell was heard in February of 2018. The opinion is pending.

Green elected a bench trial and was convicted by the Honorable Newton Jackson of conspiracy to commit misconduct. Green received Probation Before Judgment for his conviction.

9.) Steven Wyatt - President of the North County High School Athletic Boosters Association

On October 27, 2015, Steven Wyatt (“Wyatt”), a 2014 candidate for the Maryland House of Delegates and former president of the North County High School Athletic Boosters Association (NCHSABA), pleaded guilty to one count of felony theft. Investigation revealed that, between February 2014 and August 2014, while serving as the president of the NCHSABA, Wyatt made numerous unauthorized transactions using the NCHSABA’s debit card for both personal use and his 2014 political campaign. In total, Wyatt stole \$17,560.70 from the NCHSABA.

Wyatt was sentenced to five (5) years of incarceration, with all but six (6) months suspended, which was to be served on house arrest. Upon his release from house arrest, Wyatt was placed on three (3) years of supervised probation. Wyatt was also ordered to pay restitution in the amount of \$17,560.70.

10.) Gilbert Payne - Montgomery County and former Baltimore City Police Officer

On October 16, 2014, Montgomery County Police Officer and former Baltimore City Police Officer Gilbert Payne (“Payne”) pleaded guilty to one count of perjury and one count of felony workers’ compensation fraud. Investigation revealed that Payne falsely testified under oath at a September 2008 worker’s compensation hearing that he was not employed at the time, nor had he been employed since retiring from the Baltimore City Police Department following injuries he sustained during an on-duty automobile accident. Investigation further revealed that Payne was employed full time as a sworn Towson University Police Officer at the time of his statement. As a result of this fraudulent

misrepresentation, Payne received just over \$30,000.00 in workers compensation payments to which he was not entitled.

Payne was sentenced to three (3) years of incarceration for each count, to be served concurrently, all of which was suspended in favor of three (3) years supervised probation. Payne was also ordered to pay \$30,009.17 in restitution and to perform three hundred (300) hours of community service.

B. Election and Campaign Finance Violations

1.) Nicole Smith

On November 7, 2017, Nicole M. Smith, a former employee of the Historic Inns of Annapolis, pleaded guilty to a felony theft scheme between \$10,000.00 and \$100,000.00, as well as one count of identity fraud. Investigation revealed that, between January 7, 2016 and October 26, 2016, Smith stole approximately \$10,806.38 from the Campaign Finance Entity known as “Friends of Sally Jameson”. Smith, a desk clerk at the Historic Inns of Annapolis, gained access to the financial account information of “Friends of Sally Jameson” during a campaign fundraising event by obtaining a copy of the checks. In addition, Smith assumed the identity of another without their consent and fraudulently opened credit accounts in their name for her own use and benefit. By fraudulently using the personal identifying information of another, Smith made approximately \$7,346.56 in personal purchases.

Smith was sentenced to a period of incarceration of ten (10) years, with all suspended in favor of five (5) years supervised probation. Smith was also ordered to pay restitution in the amount of \$10,806.38.

2.) Marta Gates-Jones

On April 19, 2017, Marta Gates-Jones (“Gates-Jones”), Campaign Administrator for the Campaign Finance Entity known as “Service Station Dealers Political Action Committee” (“SSDPAC”), pleaded guilty in the Circuit Court for Anne Arundel County to felony theft. Investigation revealed that, while serving as the Campaign Administrator for SSDPAC, Gates-Jones wrote sixty-six (66) unauthorized checks and cashed same using the campaign funds for her personal expenses. Between January 2012 and July 2015, Gates-Jones stole \$42,650.00.

At sentencing, Gates-Jones received a Probation Before Judgment and was placed on a period of two (2) years supervised probation. Gates-Jones was also ordered to perform two hundred (200) hours of community service. Prior to her plea and at sentencing, Gates-Jones had already paid back the entire theft amount of \$42,650.00.

3.) Gary Brown Jr.

On May 30, 2017, Gary Brown Jr. (“Brown”), a former legislative aide to (then) Maryland State Senator Catherine Pugh, pleaded guilty to two (2) election law violations stemming from illegal contributions to the Campaign Finance Committee known as “Committee to Elect Catherine E. Pugh”. Investigation revealed that between January 2016 and April 2016, Brown, while working for the Mayor’s election campaign, deposited cash into the bank accounts of his mother, step-father, and brother, and then immediately contributed that money in the names of his mother, step-father, and brother to the Pugh campaign. The contributions by Brown during this period totaled \$18,000.00. The maximum amount an individual is allowed to contribute under Maryland’s Election laws,

to a single candidate, is \$6,000.00. Brown received a Probation Before Judgment and was placed on one (1) year of supervised probation.

4.) Dennis Fusaro and Stephen Waters

On April 14, 2016, after an extensive investigation, Dennis Fusaro (“Fusaro”) and Stephen Waters (“Waters”) were charged with violating and conspiring to violate the authority line requirements of the Maryland Election Laws. The charges alleged that Fusaro, who was a consultant and campaign manager for the 2014 campaign of Michael Anthony Peroutka for election to the Anne Arundel County Council, and Waters were responsible for the publication and distribution of a “robo-call” to more than 5,000 households in Anne Arundel County regarding Patrick Armstrong, Peroutka’s opponent in the 2014 general election. The call in question failed to identify Fusaro and Waters as the persons responsible for the call, and failed to state whether it was authorized by any candidate. Instead, the call falsely stated that it was “paid for and authorized by Marylanders for Transgenders” and displayed the telephone number of an “untraceable” prepaid cell phone that was purchased for cash by Waters and Fusaro at a Walmart in Fredericksburg, Virginia, in an effort to conceal their identities as the persons authorizing and paying for the robo-call.

On February 22, 2017, after a week-long District Court trial before the Honorable John P. McKenna Jr., Fusaro and Waters were each convicted of causing the publication and distribution of campaign material that failed to comply with Maryland’s Election law and of conspiring to commit that offense and were sentenced to a term of one (1) year imprisonment, suspending all but thirty (30) days in favor of three (3) years unsupervised probation, and a maximum fine of \$1,000.00 was imposed.

In July 2017, Fusaro and Waters appealed their convictions to the Circuit Court for Anne Arundel County where they were tried by a jury with the Honorable Ronald A. Silkworth presiding. After a four-day jury trial, Fusaro and Waters were ultimately found not guilty of all charges.

5.) Damiana Murphy and Mary Murphy

On April 15, 2016, Mary Murphy, Chairperson of the Campaign Finance Entity known as “Friends of Michael A. Jackson” and her daughter Damiana Murphy, Treasurer of that same entity, were charged in the Circuit Court for Anne Arundel County with six (6) counts of felony theft, one count of conspiracy to commit theft, one count of misappropriation by a fiduciary and an election law violation. The charges alleged that, between April 2014 and September 2015, Mary Murphy and Damiana Murphy used the campaign funds for their personal expenses. Specifically, during the above referenced period, Mary Murphy and Damiana Murphy withdrew approximately \$5,500.00 in cash mostly by way of ATM cash transactions from the campaign account, made gasoline purchase totaling approximately \$1,312.00 for their personal vehicle, and made personal retail purchases totaling approximately \$7,396.00. Furthermore, on July 3, 2014, Damiana Murphy withdrew \$2,700.00 in cash from the campaign account for the personal use of both her and Mary Murphy and also on that same date issued a \$4,000.00 campaign account check to Mary Murphy for both their personal use and benefit.

On February 15, 2017, Mary Murphy and Damiana Murphy both pleaded guilty in the Circuit Court for Anne Arundel County to conspiracy and felony theft. Mary Murphy and Damiana Murphy received Probation Before Judgment, and were placed on probation

for a one year period. Restitution in the amount of \$22,220.00 was ordered as well as thirty (30) hours of community service within six (6) months of sentencing.

6.) Mabel Mumford

On May 27, 2015, Mabel R. Mumford-Pautz (“Mumford-Pautz”) pleaded guilty in the Circuit Court for Cecil County to felony theft. Investigation revealed that, from September 2008 through February 2014, Mumford-Pautz, a sworn member of the Chestertown Town Council, served as Treasurer for the Eastern Shore Association of Municipalities (“ESAM”). An analysis of the bank accounts for ESAM and the personal accounts of Mumford-Pautz, revealed that, during the above-referenced time period, Mumford-Pautz wrote approximately eighty-four (84) unauthorized checks from the ESAM bank account to herself and to “cash”. Mumford-Pautz then made corresponding deposits into her personal bank account and used the money for her own benefit. The total theft amounted to \$44,900.00 over the six-year period.

The Honorable Keith A. Baynes imposed a sentence of five (5) years incarceration and suspended that sentence in favor of three (3) years probation. At sentencing, Mumford-Pautz paid the entire restitution amount of \$44,900.00.

7.) Carrie Taylor

On August 18, 2015, Carrie Taylor, the former Treasurer for the Cecil County Republican Central Committee (“CCRCC”) pleaded guilty to one count of felony theft. Investigation revealed that, between December 2010 and December 2014, Taylor made numerous unauthorized purchases using the CCRCC debit card and cash from various CCRCC fundraising events. Purchases included two (2) airline tickets for personal travel,

a membership to an online dating website, and payment of parking garage fees at her place of employment. In total, Taylor stole \$8,859.69 from the CCRCC.

On November 17, 2015, Taylor was sentenced to five (5) years of incarceration, which was suspended in favor of five (5) years supervised probation. Taylor was also ordered to pay restitution in the amount of \$8,859.69 and to perform two hundred (200) hours of community service.

C. Multi-Jurisdictional Theft Investigations

1.) Leslie Lewis – Baltimore Community High School Principal

On December 5, 2017, Leslie Lewis (“Lewis”), the former Principal of Baltimore Community High School, pleaded guilty to two (2) counts of felony theft in connection with two (2) schemes to steal money and property from the school. In relation to the first scheme, investigation revealed that, while employed as the Principal of Baltimore Community High School, Lewis stole approximately \$13,409.28 from a PNC Bank account which she set up on behalf of the school. These funds were the proceeds from the sale of school uniforms, school supplies, snacks, class dues payments, and graduation fees. Lewis used a debit card associated with this PNC account to make forty-nine (49) ATM withdrawals at local casinos. In the second scheme, investigation revealed that while employed as the Principal of Baltimore Community High School, Lewis used deceptive purchase orders to steal over \$35,000.00 worth of technology from Baltimore City Public School System (“BCPSS”) through their internal purchasing system.

On February 2, 2018, Lewis was sentenced to a period of incarceration of five (5) years, with all but ninety (90) days suspended, for her role in the first theft scheme. Lewis was also sentenced to a period of incarceration of five (5) years, with all but ninety (90)

days suspended, for her role in the second theft scheme. Both sentences were to be served concurrent to one another. Additionally, Lewis was ordered to pay restitution to the Baltimore City Board of Education in the amount of \$58,689.34. Lewis has appealed the Order of Restitution to the Court of Special Appeals and that matter is currently pending.

It is noteworthy that Lewis is the third BCPSS principal to be charged by the Office since 2014.

2.) Alisha Trusty – Western High Principal

On June 23, 2015, former Western High School Principal Alisha Trusty (“Trusty”), pleaded guilty in the Circuit Court for Baltimore City to felony theft. The total amount of the theft was \$53,912.94. Investigation and analysis of subpoenaed bank records and the transaction description and history of numerous merchants revealed that from February 2011 through January 2014, Trusty used the Western High School Student Activity Fund’s debit card and checks on numerous occasions to purchase personal items and pay for her personal bills to include legal fees and BGE bills.

On October 22, 2015, Trusty was sentenced to five (5) years incarceration which was suspended in favor of five (5) years supervised probation. Trusty paid \$15,000.00 in restitution and was ordered to pay \$38,912.94 in additional restitution during her period of probation.

3.) Roger Harris – former Maryland attorney

On April 19, 2018, Roger L. Harris, Jr., former attorney, was charged with theft of approximately \$74,795.23 from clients of his law practice. The charges allege that, between July 2014 and August 2016, Harris, while acting in his capacity as an attorney, misappropriated client funds to his own personal use and benefit. This matter was referred

to the OSP by both the Baltimore County State’s Attorney’s Office as well as the Attorney Grievance Commission of Maryland. Harris was disbarred from practicing law in the State of Maryland on May 25, 2017. This case is still pending in the Circuit Court for Baltimore County.

IV. Election Law Violations

The OSP is also responsible for the investigation and enforcement of numerous election laws including, but not limited to, failure to file reports, collection of outstanding fees, authority line violations, double voting, voting by non-citizens, and over contributions. The vast majority of referrals come from the State Board of Elections (“SBE”). The Office works closely with SBE to ensure fairness and consistency in the enforcement of all elements of the Election Law Article of the Maryland Annotated Code. Through the investigative process, many cases are resolved without citations being issued. Responsible officers of the campaign finance entity are presented with the opportunity to file reports and pay outstanding late fees before legal action is taken. However, there are cases where citations are issued. What follows are examples of a few of these cases investigated by the OSP.

1.) Failure to File Campaign Finance Reports

Campaign finance entities are required to file reports in a timely and accurate fashion. If, after working through the *show cause* process with SBE, a committee fails to file a report or reports, they are referred to the OSP for enforcement. The vast majority of cases, as previously stated, are resolved without citations being issued. However, there are times, for a variety of reasons, that committees do not come into compliance without being served a citation. Examples are provided below:

January 19, 2018	Judgment on Affidavit against Kenneth Ebron Community Run, \$1,490
February 7, 2017	Friends of Rhonda Wimbish, Settlement with Attorney, late fees \$1,270 Fine \$500
September 16, 2016	Judgment on Affidavit against Friends of Robert Porter, \$1,450
March 3, 2016	Judgment on Affidavit against Friends for Monika Greene-Wilson, \$500
December 15, 2015	Judgment on Affidavit against Friends of Will Hanna, \$1,020
March 20, 2015	Judgment on Affidavit against Friends of Joshua Kiracofe, \$250

2.) Authority Line Violations

Election Law Article § 13-401 of the Maryland Annotated Code requires all campaign material to contain an authority line which names the treasurer of the campaign finance entity responsible for the campaign material ranging from signs and fliers to social media pages. Enforcement options range from criminal charges to the issuance of a civil citation depending on whether or not the act or omission was willful (see previously referenced Fusaro/Waters criminal prosecution). Examples of a recent issuance of civil citations include the following:

In May 2016, the SBE referred “Friends of Rodney C. Burris” for lack of an authority line on a website where raffle tickets were being sold. A civil citation was issued and the campaign finance entity paid a civil penalty of \$500.00 for the failure to include an authority line.

In March 2018, “Committee to Elect Aaron Penman” was referred for lack of an authority line on their campaign Facebook page as well as other possible violations in regard to fundraising. Investigation revealed that, while the other allegations were unfounded, the Facebook page did lack an authority line. The campaign finance entity immediately remedied the situation and was issued a \$250.00 civil citation.

3.) Double Voting Cases

Election Law Article § 16-201 of the Maryland Annotated Code states that a person may not willfully and knowingly vote or attempt to vote more than once in the same election. These violations can occur when an individual votes more than once in the same district or when an individual votes in two districts, which is usually by absentee ballot. The SBE refers voters who are believed to have “double voted”. Often, they are also identified through a national data base that compares voter data across state lines.

In 2014, the OSP investigated allegations against more than five hundred (500) individuals who were thought to have cast votes both in Maryland as well as in other states, to include Virginia, Delaware and Washington, D.C., during the 2012 General Election. Investigation revealed, however, that the majority of these instances were not double votes, but rather were different individuals with the same personal identifying information such as names and dates of birth. Investigation also revealed that, in many of these cases, individuals appeared to have unintentionally signed on the wrong line (usually the line directly above or below their own name) on log books. Of the more than five hundred (500) initial referrals, there were numerous cases where double votes were determined to have been cast illegally in another state and as such this Office made a referral to the appropriate state. These referrals included twenty-nine (29) cases where

Maryland residents appear to have voted in Maryland and, then inappropriately, in Washington, D.C. Those cases were then referred to the Department of Justice for further investigation and potential prosecution.

More recently, the Office charged Deborah (Debra) Iglesias with registering to vote in Maryland more than once, under two different spellings of her first name and for voting twice or attempting to vote twice in the 2016 Presidential Election; once during early voting and then again on Election Day. This case is pending in the Circuit Court for Anne Arundel County.

4.) Non-Citizen Voting Cases

Only citizens of the United States are allowed to vote in elections. Many of the referrals that are brought to the attention of the OSP are a result of individuals who have registered through the Electronic Voter Registration Application process. On this application, individuals often mistakenly answer “yes” to the question about citizenship. However, when called for jury duty in their home county, they state that they are not a citizen. Most of these individuals never actually voted. The OSP currently has two (2) pending cases against non-citizens who were found to have voted. Bessem Mabrouk is a Tunisian national who allegedly voted in both the 2016 Presidential Primary and General Elections. Kerra Hayes is a citizen of Trinidad who allegedly voted in the 2016 Presidential General Election. These cases are pending in Circuit Court for Queen Anne’s County and Prince George’s County, respectively.

5.) Independent Expenditure Cases

According to Election Law Article §13-306 and §13-307 of the Maryland Annotated Code, any person who makes aggregate independent expenditures of

\$5,000.00 or more in an election cycle on campaign material must register with the SBE. Independent expenditure entities are required to file a registration form with the State Board of Elections within forty-eight (48) hours of making aggregate independent expenditures of \$5,000.00 or more for campaign material that is a public communication. For the purposes of filing independent expenditure reports, an independent expenditure entity is considered to have made an independent expenditure if the entity has executed a contract.

The independent expenditure entity known as “Clean Slate Baltimore PAC” made aggregate expenditures of \$554,541.84. Under the direction of Walter Ludwig (“Ludwig”), Clean Slate Baltimore PAC failed to file a registration form with the SBE within forty-eight (48) hours of making aggregate independent expenditures. After an extensive investigation by the Office and in cooperation with SBE, Ludwig paid a \$12,600 civil penalty.

6.) Over-Contribution Cases

According to Election Law Article § 13-218 of the Maryland Annotated Code, a campaign finance entity may disburse campaign funds only if in accordance with the purpose of that specific committee. On April 20, 2016, the Baltimore County Victory Slate provided a loan of \$100,000 to the Committee to Elect Catherine E. Pugh. SBE records show that Pugh was not a member of the slate and that no slate member was an active candidate on the Baltimore City ballot. Therefore, the transfer of funds was not permitted. The committee was issued and paid a citation on January 12, 2017 for \$3,000.00.

In 2015, the OSP investigated campaign over-contributions by Retail Services and Systems, Inc. (“RSSI”), which is headquartered in Montgomery County. Investigation

revealed that RSSI, through its wholly-owned subsidiaries, made multiple over-contributions during the 2010 to 2014 election cycle to the following campaign finance entities: the Friends of Anthony Brown (\$124,000 in over-contributions), Friends of Ken Ulman (\$82,000.00 in over-contributions) and Friends of Peter Franchot (\$62,000.00 in over-contributions). In September of 2015, RSSI was issued twelve (12) citations, each with a fine of \$5,000.00 for a total civil penalty of \$60,000.00. RSSI further agreed to make an additional charitable contribution in the amount of \$90,000.00 to the Maryland Fair Campaign Financing Fund.

7.) Title 14-Disclosures by Persons Doing Public Business with the State

In the fall of 2016, the OSP began enforcement of Election Law Article § 14-107 of the Maryland Annotated Code which addresses business entities doing public business by holding contracts of \$200,000 or more with a government entity. Title 14 also addresses companies who employ a lobbyist for \$500 or more in compensation. These entities must file Business Contribution Disclosure Statements with the SBE twice a year. Businesses that do not comply with filing requirements after a length of time specified by the SBE are referred to this Office for investigation and enforcement action.

Since the first referrals for the Fall 2015 Report, this Office has confronted one hundred and nine (109) business entities that were not in compliance. All identified businesses have since come into compliance through this process. The following is a breakdown of referrals of those persons doing public business with the State who did not file their Title 14 report by the reporting period:

Fall 2015	20
Spring 2016	29
Fall 2016	21
Spring 2017	21
Fall 2017	18

V. Investigations Not Resulting In Charges

One of the fundamental missions of the OSP is to prosecute, either civilly or criminally, persons who have committed offenses coming within the jurisdiction of the Office. The Office strives to assure equal, just treatment of all persons. Allegations are easy to make, but difficult to prove. When the Office receives an allegation, it is imperative that the facts be analyzed without any preconception. Often, it is determined that the allegations are unfounded or simply cannot be proven. In those instances, it is vital that the reputations of those persons who have not been charged publicly be protected from harm. In other instances, such as in those cases noted above, where there has been a failure to file reports with SBE, efforts are made to have the responsible persons file the necessary reports before prosecution is undertaken. When first time offenders come into compliance before a prosecution commences, the OSP takes no further action and the case does not become a matter of public record.

Furthermore, because one of the mandates of this Office is to pursue allegations of possible corrupt relationships, which are, by definition, surreptitious and complex, the Office should not be judged on case numbers alone. Nevertheless, some statistics should

be provided to reassure the public that its law enforcement officials are working diligently to successfully accomplish its mission. Our statistics are summarized as follows:

CASELOAD STATISTICS
Fiscal Year 2015

Number of complaints received	383
Number of election law complaints	297
Number of corruption complaints	77
Number of other complaints (Multi-jurisdictional theft and other financial complaints)	9

Fiscal Year 2016

Number of complaints received	416
Number of election law complaints	359
Number of corruption complaints	49
Number of other complaints (Multi-jurisdictional theft and other financial complaints)	8

Fiscal Year 2017

Number of complaints received	376
Number of election law complaints	286
Number of corruption complaints	82
Number of other complaints (Multi-jurisdictional theft and other financial complaints)	8

Fiscal Year 2018

Number of complaints received	380
Number of election law complaints	216
Number of corruption complaints	102
Number of other complaints (Multi-jurisdictional theft and other financial complaints)	62

VI. Conclusion

As the State Prosecutor, I am fortunate to have an impressive, albeit small, group of dedicated and industrious lawyers, investigators and support staff. Over the last year, however, Deputy State Prosecutor Thomas “Mike” McDonough and Chief Investigator James Cabezas, each with over thirty (30) years of dedicated service to the OSP, retired. Although they and their vast store of institutional knowledge are greatly missed, they have been ably replaced by two outstanding individuals: Kelly Madigan, an accomplished and experienced litigator and supervisor now serves as Deputy State Prosecutor and Timothy J. Frye, an outstanding investigator and twenty-seven (27) year veteran of the Maryland State Police, now serves as Chief Investigator. Other recent hires have also further strengthened our team. I look forward to working with these men and women over the next year and the entire team looks forward to continuing its important mission.

Respectfully submitted,

EMMET C. DAVITT
State Prosecutor