

State Prosecutor Selection and Disabilities Commission Meeting Minutes

Attendants

Name	Present
Brian L. DeLeonardo	In Person
Joan Carter Conway	In Person
Roger P. Manno	In Person
Doyle L. Niemann	In Person (arrived after quorum declared)
M. Christina Hamilton-Eisler	By phone
Brian E. Frosh	In Person

Meeting Location

Office of Attorney General
200 Saint Paul Place
Baltimore, Maryland

Meeting Date & Scheduled Start

September 17, 2019 at 2:00 PM

Meeting Scribe

Cara Frieman

I. Declaration of Quorum

Chairperson Brian DeLeonardo called the meeting to order and declared a quorum at 1:12 PM. Two commission members were not present when quorum was declared: Galen Clagett and Doyle Niemann.

II. Minutes

After confirming all present members had received and had an opportunity to review the proposed minutes from the August 17, 2019 meeting, at 1:16 PM, Member Joan Carter Conway moved to accept the proposed minutes. Member Roger Manno seconded the motion. All present members voted in favor of accepting the minutes, 0 members opposed, 0 members abstained.

III. Applications Received

Chairperson DeLeonardo gave an update to members regarding the status of applications. The deadline to submit applications was August 30, 2019. All applicants had until 5 PM on September 18, 2019 to complete background investigation waivers and a Special Prosecutor application, which was modeled after the judicial application.

Chairperson DeLeonardo noted that there were four applicants that voluntarily withdrew their applications from further consideration: Mark Blumberg, Benjamin Neil, Ari Plaut, and Donald Walter.

At 1:18 PM member Doyle Niemann arrived in person to the meeting.

Chairperson DeLeonardo further noted that three applicants failed to submit completed background investigation waivers and failed to submit a completed State Prosecutor application: Jon Cardin, Kenneth Haper, and Adam Sampson.

Chairperson DeLeonardo finally noted that the Maryland State Bar Association sent out the notice of vacancy for State Prosecutor to its members; however, the notice contained a spelling error in the e-mail address for the Commission, causing their applications to be returned undeliverable. Individuals who submitted timely applications to the incorrect e-mail address were permitted to forward their applications to the correct e-mail address after the deadline to still be considered.

IV. Interview Procedure

Chairperson DeLeonardo asked the commission to discuss the procedure for evaluating and interviewing applicants going forward. Member M. Christina Howard suggested that the commission discuss objective criteria to ensure uniform review of the applications. Chairperson DeLeonardo suggested that candidates have at least 10 years of prosecutorial experience, with an emphasis in investigations. Member Niemann suggested legal management experience, given the nature of the State Prosecutor's duties. Member Frosh suggested 4 criteria: 1.) management experience, 2.) investigative experience; 3.) prosecution experience; and 4.) appellate experience, due to the nature of the Office of State Prosecutor handling its own appeals. Member Frosh also noted that relevant criminal defense experience is also an acceptable criterion. Chairperson DeLeonardo suggested that the commission close the meeting to discuss the individual applicants.

Member Frosh asked that prior to the motion to close the meeting, that he noted that three applicants had worked in the Office of Attorney General, and that he confirmed with ethics that he would not need to recuse himself; he would have valuable information about their work history. However, Member Frosh did wish to recuse himself from any consideration of applicant Jon Cardin. Chairperson DeLeonardo confirmed that Member Frosh will recuse himself from any consideration of Jon Cardin's application.

V. Motion to close session to discuss individual candidates for interim State Prosecutor

At 1:37 PM at 200 Saint Paul Place, Chairperson DeLeonardo moved to close the meeting to consider the nomination of individuals for interim State Prosecutor. The statutory authority to close the session was General Provisions Article § 3-305(b)(1) "to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals," and General Provisions Article § 3-305(b)(13) "to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter." Criminal Procedure Article § 14-104(b)(2) requires that voting by the commission regarding candidates for State Prosecutor be done by secret ballot. This motion was seconded by Member Doyle Niemann. All present commission members (6) voted in favor of the motion, 0 members were opposed and 0 abstained. 1 member of the commission was absent. All commission members listed on page 1 of the minutes attended the closed session.

During the closed session, the commission discussed potential candidates for nomination as State Prosecutor and their experience and qualifications for the position. Members selected individuals to be interviewed on September 24, 2019.

At 2:35 PM, Member Niemann moved to re-open the meeting. Member Conway seconded the motion. All members voted in favor of re-opening the meeting, 0 members opposed, 0 members abstained.

VI. Next Meeting

Chairperson DeLeonardo noted that the next meeting of the commission would be on September 24, 2019. The meeting would begin at 9:00 AM and members would commence interviewing candidates for State Prosecutor in closed session at 9:30 AM.