

January 27, 2022

Attorney General Brian Frosh
200 St. Paul Place
Baltimore, MD 20202

Dear Attorney General Frosh:

The Montgomery County Civic Federation, Inc., and the Montgomery County Taxpayers League, Inc., in response to the November 15, 2021, report from Maryland-National Capital Park and Planning Commission (M-NCPPC) General Counsel Adrian R. Gardener (“Review of M-NCPPC Lobbying Regulations”), requests that you launch a full investigation into the M-NCPPC’s and the Montgomery County Planning Board’s non-compliance with the Maryland Public Ethics Law requiring that lobbyists register with M-NCPPC and file an annual report with the Commission (Attachment A). The report states that “no lobbying registrations had apparently been filed in recent memory.”

The OGC report recommended an immediate, substantial overhaul of M-NCPPC’s lobbying regulations by the end of 2021, and the Commission’s executive team committed to revise and adopt new clarifying regulations by that time. But the Commission removed this crucial topic from the agenda of its December meeting and to our knowledge has not yet honored that commitment.

Furthermore, on November 21, Delegate Al Carr filed a complaint to the Open Meetings Compliance Board that the Development Review Committee (DRC) of the Montgomery County Planning Board repeatedly violated the Open Meetings Act by failing to provide notice on how the public could attend its meetings (Attachment B). The Open Meetings Compliance Board agreed that DRC had not only failed to provide required public notice of its meetings but regularly provided access information for these meetings to project applicants and their teams (Attachment C). On this important issue, it took a public complaint by a member of the Maryland General Assembly to force Planning Board to comply with a specific ethics law. We request an investigation in the failure of the Commission and the Board to adhere to the requirements of the Open Meetings Act.

The Montgomery County Council is now preparing to pass a sweeping but highly controversial new land use General Plan, Thrive Montgomery 2050, which will govern billions of dollars in land use decisions over the next 30 years. We are deeply concerned that the Planning Board, headed by a member of the Bar, failed to comply with Maryland ethics laws in these (and perhaps other) matters while developing this plan.

We are also concerned that the County Council may not be inclined to conduct the kind of investigation needed under these urgent circumstances. As an example, the most

ardent County Council supporter of Thrive Montgomery 2050 last year congratulated a paid (but unregistered) lobbyist for “doing more than taking a seat at the table” but actually “chairing” discussions that led to this new general plan

(<https://www.youtube.com/watch?v=T9ibMK69wBQ>). The failure of this lobbyist, Jane Lyons, to register with the Montgomery County Ethics Commission was the subject of a recent column by American University professor of government, David Lublin, about lax enforcement of lobbying requirements by the County (Attachment D).

For these reasons, we believe a full investigation by your office is urgently needed. Please let us know if we can help provide you further information on this matter of utmost importance to our county and our state.

Thank you for your attention to this important matter.

Sincerely,

Alan Bowser, President
Montgomery County Civic Federation

Edward Amatetti, President
Montgomery County Taxpayers League

cc:

Inspector General, M-NCPPC
Montgomery County State Delegation
Montgomery County Council
Montgomery County Executive
Inspector General, Montgomery County

Attachments:

- A: "Review of M-NCPPC Lobbying Regulations," M-NCPPC General Counsel Adrian R. Gardner: [Part One](#) and [Part Two](#)
- B: [Letter of Complaint to Open Meetings Compliance Board, Delegate Al Carr](#)
- C: ["Planning Board Violated Open Meetings Act," David Lublin](#)
- D: ["Coalition for Smarter Growth Lobbyist Didn't Comply with County Ethics Law," David Lublin](#)