

REPORT
OF
THE STATE PROSECUTOR
1987 & 1988

120264

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TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION	1
<u>1988</u>	
COMPLETED INVESTIGATIONS AND JUDICIAL DISPOSITIONS	2
COMPLETED INVESTIGATIONS - NO CHARGES FILED	8
<u>1987</u>	
DISPOSITION OF CHARGES FILED IN 1986	11
COMPLETED INVESTIGATIONS AND JUDICIAL DISPOSITIONS	13
COMPLETED INVESTIGATIONS - NO CHARGES FILED	16
CASES IN THE APPELLATE COURTS	19
ADMINISTRATION	20
CONCLUSIONS	22
WORKLOAD STATISTICS	23
SUMMARY OF WORKLOAD	24
SOURCES OF COMPLAINTS	25
INVESTIGATIVE CASE HOURS BY JURISDICTION	26
TOTAL INVESTIGATIVE CASE HOURS EXPENDED IN 1987 & 1988	27
ORGANIZATION CHART	28

INTRODUCTION

This is the third report of State Prosecutor Stephen Montanarelli, who assumed his duties on May 7, 1984. It covers calendar years 1987 and 1988. In accordance with the Annotated Code of Maryland, Article 10, Section 33B(j), the report discusses those activities of the Office of the State Prosecutor which are not confidential.

The need to maintain confidentiality poses a problem in showing the volume of work of an investigative agency. Many investigations, founded on reliable and credible complaints, involve voluminous hours of work but are eventually closed without charges because of insufficient evidence or other reasons.

In past reports such investigations have been listed as to file numbers, allegation, jurisdiction, case hours expended and reason for termination. This method accounted for case hours, but gave little, if any, information. Therefore, in concluding that there is no practical way to discuss investigations which have not been made public, such investigations are summarized in this report as to their total investigative hours expended and the number of jurisdictions involved. In this way, an accounting is made to the public of how many investigative case hours did not result in either a charging document, or a report which was made public.

Statistical tables of workload and work accomplished are attached at the end of the report.

In order to follow the spirit of the expungement laws, we have omitted the names of any defendants whose records within this Office have been ordered expunged.

1988

COMPLETED INVESTIGATIONS AND JUDICIAL DISPOSITIONS

1. Delegate Nathaniel T. Oaks - Baltimore City

Delegate Oaks was indicted in June, 1988, on charges of stealing more than \$10,000 from his campaign funds, perjury, misconduct in office and failing to file a complete campaign fund report. On November 28, 1988, a Baltimore City jury found him guilty of all charges. He was sentenced by Judge Joseph I. Pines on January 30, 1989, and received a five year suspended sentence, three years probation and ordered to serve 500 hours of community service. He was also ordered to pay a \$1,000 fine for his conviction of misconduct in office. As a result Delegate Oaks lost his seat in the General Assembly. He has appealed his conviction. Charges against his campaign treasurer for failure to file and misappropriation were dismissed in return for his testimony as a State's witness.

2. Sheriff Shelton Stewart - Baltimore City

A Baltimore County grand jury indicted Sheriff Stewart on March 14, 1988, for offering a \$1,000 bribe to James I. Cabezas, Chief Investigator of the State Prosecutor's Office. At the time of the bribe offer Sheriff Stewart was under indictment in Baltimore City on charges brought by the State Prosecutor in November, 1987, for perjury, conspiracy and election violations stemming from his 1986 campaign.

In the bribery indictment Sheriff Stewart was accused of offering the money to Cabezas for the purpose of persuading him to influence the State Prosecutor to dismiss the charges in Baltimore City. The State Prosecutor asked Baltimore County State's Attorney Sandra A. O'Connor to conduct a joint investigation and to prosecute the bribery case since members of his office would be called as State witnesses.

A Baltimore County jury found Sheriff Stewart guilty of obstruction of justice, but could not reach a verdict on the bribery charge in September, 1988. He received a one year suspended sentence, three years probation and a \$1,000 fine on November 21, 1988, from Judge John Grayson Turnball. Upon sentencing, Sheriff Stewart automatically forfeited his office. The election law violations and the perjury charge were placed on the stet docket by the State Prosecutor on February 2, 1989.

The stetting (delaying prosecution) of the charges means that the State can reopen the case for good cause pending the outcome of Sheriff Stewart's appeal of his conviction for obstruction of justice.

3. District Court Judge - Montgomery County

A judge and former District Court Clerk Evelyn Maslar were indicted on December 8, 1987, by a Montgomery County grand jury. The judge was charged with misconduct in office, obstruction of justice and conspiracy in dismissing a traffic citation against a court employee. Ms. Maslar was indicted for obstruction of justice in making unauthorized computer entries concerning the same traffic charge.

The judge was acquitted of all charges on March 24, 1988, by Judge W. Albert Menchine and Ms. Maslar was acquitted on June 3, 1988, by Judge William Miller. Both cases were non-jury trials.

4. Cynthia H. Elburn, Town Clerk - Treasurer
Rock Hall - Kent County

Rock Hall's Town Treasurer pleaded guilty to misconduct in office before Judge John C. North III on January 26, 1988. She received an 18 month suspended sentence with the exception of 30 days to be served on work release at the County jail. Judge North ordered her to make restitution of \$11,000, \$8,000 to be paid within seven days of the sentencing and the remaining \$3,000 to be paid within 12 months. She was placed on probation for three years. The agreed statement of facts produced evidence that Elburn had paid herself excessive payroll and vacation checks and had withdrawn funds from town savings accounts for her personal use. She had also cashed checks made out to vendors on town accounts.

5. Officer David B. Love - Wicomico County

On November 30, 1988, Judge Dale Cathell, in a non-jury trial, found Officer Love not guilty of perjury and misconduct in office. The officer had been indicted by a Wicomico County grand jury on June 3, 1988, for allegedly committing perjury when he testified during the jury trial of William Allen of Salisbury charged with the axe handle beating of Richard Stoakley.

6. Karen Tiernan, Title Examiner,
Motor Vehicle Administration - Anne Arundel County

Ms. Tiernan received a six month suspended sentence and five years probation on December 5, 1988, for accepting bribes in return for falsifying car ownership records. She pleaded guilty to the bribery charges before Judge Raymond G. Thieme, Jr. in

July, 1988. The charges resulted from an investigation conducted by county and State police of an auto theft ring which received "clean" titles to stolen vehicles from the defendant for \$300. Another defendant, James Davis, pleaded guilty to paying the bribes to Ms. Tiernan on December 5, 1988, before Judge Raymond Thieme. He received a ten year sentence to the Division of Correction to be served concurrently with an 18 year sentence which he received in Anne Arundel County for auto thefts.

7. Edrie Taylor, Parole and Probation Officer - Harford County

Mr. Taylor was prosecuted for stealing payments to the State from probationers and their families. He pleaded guilty March 17, 1988, to misconduct in office and theft. Judge William O. Carr sentenced him to 18 months in the Harford County Detention Center, suspended all but 30 days and placed him on five years probation. Taylor agreed to make restitution.

8. Rossville Vending Machine Corporation and Joseph J. Stonik, President - Baltimore County

This is the last case emanating from Quartermatch, a 1985 prosecution of video poker machines vendors for gambling and tax evasion. The case was delayed due to civil litigation concerning whether amusement taxes were payable in Baltimore County. The Tax Court had ruled in favor of the State, enabling the criminal prosecution to continue.

On December 7, 1988, both Rossville and its President, Stonik, were found guilty by Judge John Rellas of filing false tax returns. Rossville received probation before judgment and was ordered to pay \$1,500 in fines. Stonik received a twelve month suspended sentence, probation before judgment and \$5,000 payable in fines.

9. Richard Channell, Jr. et al - Multi-Jurisdictions

Richard Channell operated a burglary ring focusing on Baltimore City, Baltimore and Anne Arundel Counties. In August, 1987, the police departments and State's Attorneys of those jurisdictions requested this Office to coordinate the investigations so that the various defendants and crimes could be consolidated and effectively prosecuted. More than 300 burglaries were identified as being perpetrated by the ring.

On September 30, 1987, search warrants were executed by over 50 law enforcement officers in the three jurisdictions and, eventually, nine people were charged including Channell. On March 8, 1988, Channell was sentenced by Judge Paul Alpert to a 15 year term to be served concurrent with a federal sentence relating to the sale of firearms. He was also sentenced in Anne Arundel County by Judge H. Chester Goudy, Jr. to a concurrent 15 year sentence. Six other defendants received lesser terms.

10. Melvin Trail et al, Sheriff's Deputies -
Frederick County

As a result of an incident at the Sheraton Inn in Frederick on June 5, 1988, this Office was asked by the Sheriff of Frederick County to conduct an investigation of alleged brutality by his deputies. The investigation resulted in the indictments of deputies Melvin Trail, Mark Alexander and another deputy whose record has been expunged.

Mark Alexander pleaded guilty on September 20, 1988, and received probation before judgment and 100 hours community service.

Melvin Trail was acquitted on December 7, 1988, by a Frederick County jury after three days of testimony. Based on the results of that case, it was decided not to prosecute the remaining case.

11. Lawrence Ireland, Jr. - Carroll County

At the request of State's Attorney Thomas Hickman this Office investigated a home builder in Carroll and Baltimore Counties accused of defrauding prospective homeowners. Lawrence Ireland, Jr. was charged with theft and pleaded guilty on September 20, 1988. Judge Luke K. Burns, Jr. imposed an 18 month suspended sentence, with five years probation. Ireland was ordered to make restitution to four victims.

12. Joan Ennis - Montgomery County

Ms. Ennis was indicted by a Montgomery County grand jury on April 29, 1988. The grand jury indicted Ms. Ennis for bribery despite the advice of the State Prosecutor that the case did not merit criminal prosecution. On May 25, 1988, the State Prosecutor dismissed the charges against Ms. Ennis stating that although there may have been a technical violation of the bribery statute, the nature of the case did not require a criminal court's consideration.

This case arose from a luncheon discussion between Ms. Ennis, president of the Allied Civic Group, and Mrs. Rose Crenca, chairperson of the County Council in September, 1987. Ms. Ennis allegedly offered to pay off Mrs. Crenca's campaign debt, if she would vote against a major development in Silver Spring. Several months later the conversation was reported in a local County newspaper and State's Attorney Andrew Sonner requested an investigation by the State Prosecutor. As a result of the investigation,

the Prosecutor concluded that (1) the offer was made; (2) Ms. Ennis had no control of the funds of the Civic Group which allegedly would be used to pay the campaign debt and; (3) Ms. Ennis did not realize that the offer of something of value to a public official in order to influence that official in the performance of her duties constitutes a bribe. It was also determined that Mrs. Crenca immediately reported the conversation to her staff, that she had no further conversation with Ennis, accepted no money and voted for the development - contrary to the wishes of Ennis and the Civic Group.

13. Officer Elbert Barnes, Rock Hall Police Department - Kent County

A Kent County grand jury indicted Officer Barnes on December 9, 1988, for bribery, misconduct in office, and conspiracy to violate narcotics laws. The indictment resulted from an investigation by this Office pursuant to a request from State's Attorney Frederick Price of Kent County. The charges were dismissed on March 17, 1989, after a pre-trial hearing in which a motion to suppress evidence made by the defendant was granted.

14. Contempt Citation for Disclosure of Grand Jury Subpoena - Baltimore County

During the course of a grand jury investigation a bank outside of Baltimore County was served with subpoena for a customer's bank records. A non-disclosure order was attached to the subpoena. The president of the bank disclosed the contents of the subpoena to the customer in violation of the court order pursuant to Financial Institution Article Section 1-304(b)(2).

This Office secured a contempt citation against the bank which was heard in camera due to grand jury secrecy. The bank was found not guilty of contempt because the judge found that the bank president had not received notification of the non-disclosure order.

15. Election Law Violations

Five election law violations were prosecuted in 1988, with the following results:

Calman Zamoisky, Jr. - Baltimore County

Convicted of making an over-contribution; granted probation before judgment; \$500 fine and costs; Judge William S. Baldwin presiding November 10, 1988.

Phyllis Louise Seals - Prince George's County

Convicted of false registration; probation before judgment; \$25 and costs; Judge Thurman H. Rhoades presiding October 17, 1988.

Johnny's Auto Sales - Baltimore City

Convicted of over-contribution; probation before judgment; six months probation; \$250 fine and costs; Judge Mary Ellen Rinehardt presiding February 17, 1988.

Dorothy Montgomery - Prince George's County

Convicted of false registration; probation before judgment; \$100 fine; Judge Sylvania Woods presiding August 15, 1988.

John W. Tower - Baltimore County

Charged with official ballot and unregistered committee violations. Unregistered committee violation was dismissed by Judge James S. Sfekas on May 19, 1988. Judge Sfekas construed election law to require more than one person to violate the unregistered committee proceedings. Official ballot violations were placed on stet docket.

1988

COMPLETED INVESTIGATIONS - NO CHARGES FILED

1. Arnold Jablon, County Attorney - Baltimore County

County Executive Dennis J. Rasmussen requested the State Prosecutor on May 14, 1988, to investigate whether County Attorney Jablon committed misconduct in Office while he was Zoning Commissioner. Jablon had accumulated funds from the sale of zoning manuals and service charges and had spent the funds for zoning department equipment instead of depositing them into general funds. The so-called "slush fund" was allegedly in violation of the County Charter and the Executive requested an investigation to determine the extent of the fund and whether or not County revenues had been directed for non-County uses.

The State Prosecutor submitted a report to the County Executive and State's Attorney Sandra A. O'Connor on July 11, 1988. The report, which was made public, stated that the withholding of approximately \$5,400, between January, 1986 and August, 1987, was improper, but that there was no corrupt intent on the part of Jablon. The report stated that Jablon decided to by-pass County purchasing procedures and used the funds to purchase supplies and equipment for the Zoning Office. Therefore, no criminal prosecution was recommended.

2. Councilman Ronald B. Hickernell - Baltimore County

On November 16, 1988, a State Prosecutor's report to State's Attorney Sandra A. O'Connor was made public at the request of Councilman Hickernell. The request to make the report public was made pursuant to the State Prosecutor's statute which states, "If the State Prosecutor finds that no violations of criminal law have occurred or he does not recommend prosecution, he shall report his findings to the person requesting the investigation. ...In addition, the report shall be made available as soon as possible to the public at the request of the person who was the subject of the investigation." Article 10, Section 33B(f), Annotated Code.

The report resulted from a nine month investigation into allegations that the Councilman's relations with developers in his district were improper. Specifically, the complainants alleged that the Councilman had solicited developers to prepare a controversial new town center plan in the Patapsco area of the County and that he had received campaign and testimonial funds in return for favorable zoning.

The Office conducted extensive interviews with public officials, property owners and developers. Land records, bank records and campaign reports were also reviewed as well as planning and zoning records of developments in the Councilman's district. Based on facts established during the investigation the State Prosecutor concluded that none of the Councilman's actions were illegal and prosecution was not recommended.

3. Friends of Ben Cardin Campaign Committee - Baltimore County

In October, 1988, Ross Z. Pierpont, a candidate for Congress against Representative Benjamin L. Cardin, requested the State Prosecutor to determine whether or not Cardin's campaign committee had violated campaign disclosure laws. The complaint alleged that the Committee had not disclosed that campaign funds were deposited in Old Court and Fairfax Savings and Loan Association and were withdrawn at the time of the "savings and loan crisis" in May, 1985. At that time Cardin was a candidate for Governor.

The State Prosecutor's Office reviewed the applicable campaign reports, Cardin's ethics disclosure statements and bank records of the Campaign Committee. Based on the findings of the investigation, the State Prosecutor determined that neither the election nor the ethics statutes were violated. The existence of the investigation was released to the media by Pierpont on October 21, 1988. On that date, Cardin's replies to Pierpont's charges and the State Prosecutor's confirmation that no violations occurred were printed in an article by The Evening Sun.

4. County's Purchase of Office Building - Montgomery County

Montgomery County purchased an office building at 401 Hungerford Drive in the center of Rockville in September, 1987. Criticism of the purchase appeared in The Montgomery County Sentinel in April, 1988, when it was learned that the County paid \$9.6 million to a company owned by a real estate developer which had acquired the building less than a month earlier for \$9.2 million. The developer was a major campaign contributor in the 1986 County executive and County council elections. State's Attorney Andrew L. Sonner requested an investigation by the State Prosecutor in May, 1988.

A detailed 20 page report was issued February 15, 1989, and was made public by County Executive Sidney Kramer. The State Prosecutor found no criminal act. The factual findings, contained in the State Prosecutor's report showed that the building was appraised at \$11 million; that it was sold at cost to the County by the developer who claimed that he did not know that the County had offered to buy the building prior to his purchase, and; that there was no attempt to conceal the seller's identity.

5. Carroll Creek Development - Frederick City

Carroll Creek, which flows through the business center of Frederick, was the object of several development proposals in 1988. A Carroll Creek Commission was appointed by the Mayor to write specifications, receive and review proposals for development along the creek, and select a developer for negotiating rights to the project. The winning proposal was submitted by a firm partially owned by the Chairman of the City's Planning Commission. The architect, who worked on the winning proposal, was also a member of the Carroll Creek Commission, but did not vote. The apparent conflicts of interest generated critical articles in a local newspaper and several complaints to this Office.

An inquiry was initiated by this Office to determine whether the firm selected by the Commission had an improper advantage in the competition. The project is estimated to cost approximately \$11.5 million and is a major program in the development of Frederick. A \$30 million flood control project, funded by federal, state and county governments is also planned for Carroll Creek.

Persons involved in the selection process agreed to be interviewed and volunteered information concerning their financial dealings which could have affected the decision on the award of negotiating rights. A number of persons having personal knowledge of the decision making process were questioned. Land and financial records as well as the architect's records were examined. None of the interviews or records examined indicated improper activity. This conclusion was set forth in a report to State's Attorney Lawrence A. Dorsey, Jr., on March 15, 1989. The report was not made public, but the fact that a report had been submitted and the conclusion that there was no criminal conduct involved was made public by the Mayor on March 16, 1989.

6. Investigations Continuing Or Closed With No Charges Filed

In addition to the above investigations which ultimately became public knowledge, there were some investigations which were continued into 1989, or were closed without charges.

Two investigations continued into 1989, involved 1,885 case hours and have resulted in indictments for bribery, misconduct in office and violation of the State Ethics statute. These will be included in next year's report.

Another investigation involving 400 case hours resulted in the resignation of a public official with no criminal charges. A multi-jurisdictional investigation conducted jointly with two police departments, involving 2,315 case hours was closed and referred to another agency. Six other investigations involving 2,114 case hours were closed for insufficient evidence.

1987

DISPOSITIONS OF CHARGES FILED IN 1986

1. Dwight T. Walker, et al, Department of Traffic and Transit - Baltimore City

On January 8, 1987, Walker, a supervisor in the Department of Traffic and Transit, pleaded guilty to bribery, received a four year suspended sentence, a \$10,000 fine and was ordered to make \$90,000 restitution to the City. His co-defendants, Edward Marcus and Joseph Mariella, whose companies were awarded contracts in return for payments to Walker, also pleaded guilty. Each received five year suspended sentences, \$10,000 fines and ordered to make restitution to the City of \$40,000 each.

2. Clinton Mowen, Chief, Hagerstown Police Department - Washington County

Chief Mowen pleaded guilty to misconduct in office on January 12, 1987, agreeing under what is known as an Alford plea that the State had a strong case for convicting him of illegal electronic surveillance. On April 8, 1987, he was sentenced to five years, all of which was suspended, and he was placed on five years unsupervised probation. Prior to his guilty plea, the Chief had resigned from his position with the police department.

3. Lieutenant Clyde Moser, Maryland Correctional Institution - Hagerstown, Washington County

On June 15, 1987, Lt. Moser pleaded guilty to obstruction of justice and was granted probation before judgment, a \$1,000 fine and 280 hours of community service. As part of the agreement with the State to plead guilty, Lt. Moser agreed to retire from his position at the Correctional Institution.

4. Jesse Jo Bowen, Treasurer - Calvert County

On January 28, 1987, Judge Perry Bowen, no relation, acquitted Ms. Bowen of the charge of failure to collect a property tax from one of her employees in the Treasurer's office.

5. Raymond and Norbert Paszkiewicz, Columbia Vending Company - Baltimore City

On June 30, 1987, the Paszkiewicz brothers, officers of Columbia Vending, were found to have violated their probation. In August, 1986, Judge Joseph A. Ciotola had placed the brothers on

probation before judgment on more than 100 charges of possession of illegal gambling machines, i.e., video draw poker machines, and conspiracy to violate the gambling laws. The violations were ordered after Judge Ciotola heard evidence during a modification of sentence hearing, brought by the brothers, that Columbia draw poker machines were still being used for gambling in two Baltimore County shops raided by the police. In a subsequent hearing, Judge Ciotola ruled that Raymond Paszkiewicz's admission, when being questioned by the State Prosecutor during the modification hearing, was inadmissible and reinstated probation for both brothers.

6. Clarence Merriweather, Jr., Correctional Officer,
Maryland House of Correction

Officer Merriweather was convicted on March 24, 1987 of possession of cocaine. He received a one year suspended sentence and supervised probation. As a result of his conviction he was terminated from his position. Three other correctional officers of the House of Correction, indicted in the same investigation, resigned in return for their cases being placed on the stet docket.

7. Anthony Campagna - Montgomery County

Mr. Campagna was found guilty on January 23, 1987, of failure to file a campaign committee and campaign report. He was fined \$1,000 on each count and placed on probation before judgment.

8. George J. Santoni et al - Baltimore County
(Federal Prosecution)

On August 28, 1987, Santoni was sentenced to eight years in federal prison for brokering cocaine transactions in 1985. He also agreed to plead guilty to a racketeering charge in federal court in Newark, New Jersey, for his role in an organized crime family in New Jersey, allegedly involved in narcotics trafficking, loan sharking and gambling. This concluded a joint investigation and prosecution by this Office with the United State's District Attorney's Office in Baltimore and the Federal Bureau of Investigation.

1987

COMPLETED INVESTIGATIONS AND JUDICIAL DISPOSITIONS

1. Shelton Stewart, Sheriff - Baltimore City

On November 18, 1987, Sheriff Stewart was indicted by a Baltimore City grand jury for perjury, conspiracy and election law violations. The charges resulted from an investigation of Stewart's successful campaign for election as the City's Sheriff in 1986. As stated in another section of this report, these charges were stetted after Stewart's conviction for obstruction of justice in September, 1988.

2. Mayor Wilson Alan Gott - North Beach, Calvert County

Mayor Gott was indicted in February, 1987, for bribery and misconduct in office. On July 16, 1987, he pleaded guilty to misconduct and received probation before judgment, a \$500 fine and three years unsupervised probation. The charges resulted from an investigation of the Mayor's business relations with a construction firm doing business with the Town of North Beach.

3. Leroy T. Wilson, Trooper First Class, Maryland State Police - Harford County

Wilson, a former "Trooper of the Year" in 1985, resigned from the State Police in November, 1986, after being suspended without pay. He was indicted on August 6, 1987, for theft and misconduct in office based on evidence produced by the State Police Internal Affairs Unit. On October 21, 1987, he pleaded guilty to misconduct in office for which he received a three month suspended sentence, two years supervised probation, \$250 in fines and costs, and 100 hours community service.

4. Henry Buettner, Meat Inspector, Maryland Department of Agriculture - Carroll County

Buettner was charged on April 22, 1987, under a provision of the Agricultural Article of the Annotated Code which prohibits inspectors from accepting anything of value which influences them in the performance of their duties. On May 19, 1987, he was found guilty and received probation before judgment, 18 months unsupervised probation and 150 hours community service.

5. Election Law Violations

Nine election law violations were prosecuted in 1987 with the following results:

Aris Mardirossian - Montgomery County

Convicted April 30, 1987, along with two companies under his control for over-contribution. Total fines amounted to \$3,000. Probation before judgment granted by Judge Jerry Hyatt.

Aldre, Inc. - Montgomery County

Corporation controlled by Jay Alfandre, Jr., convicted of exceeding contribution limits. Fined \$500 by Judge Stanley Klavan on February 19, 1987.

Eugene Davis - Anne Arundel County

Convicted August 25, 1987, for failure to obey election officials. Fined \$100 by Judge Thomas Curley.

Jay Sweren - Baltimore County

Convicted and received probation before judgment on August 20, 1987, from Judge John H. Garmer, plus \$125 fine, for failure to file a complete campaign report.

Francis X. Knott, Jr. - Baltimore County

Convicted November 10, 1987, for exceeding contribution limits. Received probation before judgment and \$500 fine from Judge Alfred Brennan.

Baker Watts and Company - Baltimore County

Convicted November 10, 1987, for exceeding contribution limits. Received probation before judgment and \$500 fine from Judge Alfred Brennan.

Late Filing Fees

In addition to the above election law violations, charges were filed against three campaign chairpersons for failure to pay late filing fees on their campaign reports. Such cases are referred to the State Prosecutor by the State's Administrative Board of Election Laws (S.A.B.E.L.) only after several attempts

have been made to collect the late fees by S.A.B.E.L. The State Prosecutor files charges after several more attempts are made to collect the fees and there is evidence that the chairperson is making no attempt to respond. Usually, as in the three cases mentioned, the fees are paid after charges are filed. Upon receipt of payment by S.A.B.E.L., the charges are dismissed.

6. Other Charges Filed

In addition to the above, other charges were filed in 1987, upon conclusion of investigations in that year. These were in the cases of Eldre Taylor, Cindy Elburn, Channell, et al, Johnny's Used Cars, a district court judge and Evelyn Maslar previously discussed in this report.

1987

COMPLETED INVESTIGATIONS - NO CHARGES FILED

During calendar year 1987, several investigations were completed which did not result in criminal charges. Such investigations are not made public unless the subjects request the State Prosecutor to publish a report, or the subjects disclose publicly that they, or a particular agency are being or have been investigated. The four activities publicized in 1987 were:

1. Report of Savings and Loan Associations

Legislation was enacted in 1986, which mandated the State Prosecutor to compile a list of all depositors who withdrew \$100,000 or more in certificates of deposit between March 12, 1985 and May 4, 1985 with penalties. The legislation, effective July 1, 1986, required the State Prosecutor to conduct an investigation based on any findings derived from the list and to present the list and a report to the Attorney General.

Pursuant to the legislation, a staff of investigators from the State Police was assembled. These investigators conducted interviews of a representative number of depositors who withdrew their funds during the so-called "silent run." The object was to determine if any depositors had prior knowledge of the precarious financial situation of the associations involved and from whom they obtained such information. Anyone related to or connected with State government and the regulatory agency was interviewed. In addition, in accordance with recommendations made by the Special Counsel on the Savings and Loan Crisis, the investigation extended into the financial transactions, prior knowledge and possible misconduct of certain State officials. This was in addition to the investigation conducted by the Attorney General and focused on individuals directly connected to regulation of the savings and loan industry.

The investigation, which was completed in the summer of 1987, did not yield evidence sufficient to support criminal charges. The list compiled pursuant to the mandate of the General Assembly was presented to the Attorney General with recommendations that no criminal prosecution was warranted.

2. Report of Investigation of Grand Jury Disclosures
In the Len Bias Case

In November, 1986, the judges of the State's Seventh Judicial Circuit, comprising Calvert, Charles, St. Mary's and Prince George's Counties, requested that the State Prosecutor conduct an investigation of news leaks during the grand jury investigation of the death of University of Maryland basketball player, Len Bias. In Maryland it is a crime for grand jurors to disclose testimony from their secret hearings. Based on news media reports during the Prince George's County grand jury investigation, which gained national attention, the judges had reason to believe that a person or persons within the grand jury, or privy to their proceedings, had disclosed testimony heard by the grand jury.

The State Prosecutor's Office completed its investigation in June, 1987, and reported to the judges in July. Although the report was not made public, the circuit's chief judge stated publicly, and the State Prosecutor confirmed, that no criminal prosecutions were recommended.

3. Baltimore City's Rental of Warehouse at
2101 East Biddle Street

On June 24, 1987, City officials announced that the State Prosecutor had caused subpoenas to be issued for records concerning the lease of warehouse space at 2101 East Biddle Street. The announcement, carried by The Sunpapers stated that in April, 1982, the City had approved a 15-year lease on the property starting at \$184,000 annual rent and gradually increasing to \$199,500 per year. It was disclosed in the news article that the owners of the building had purchased it in November, 1981, for \$240,000, paying \$10,000 in cash and taking out a \$230,000 mortgage from the prior owners.

No criminal prosecutions were recommended in this matter.

4. Circuit Court Employee - Carroll County

A court employee resigned her position in August, 1987, following an investigation of the theft of sealed evidence in the court's files. The evidence pertained to the employee and had been introduced in a criminal case in which the employee was a witness. The State Prosecutor did not recommend prosecution in this case. The fact that the employee had resigned and that the State Prosecutor's Office had investigated the matter

was reported to the public by the Clerk of the Court without revealing the name of the employee.

5. Investigations Continued Or Closed With No
Charges Filed

In addition to the above cases which became public knowledge there were some investigations which were continued into 1988, or were closed without charges. One investigation involving 289 case hours resulted in the resignation of a police officer. Fourteen other investigations and preliminary inquiries accounting for 5,194 case hours were closed for insufficient evidence.

CASES IN THE APPELLATE COURTS

1. George R. Aud v. State, 72 Md. App. 508, 531 A.2d 706 (1987)

This case was argued by the State Prosecutor before the Court of Special Appeals on September 17, 1987. On October 7, 1987, Chief Judge Richard P. Gilbert, affirmed the judgments of conviction. The opinion states, for the first time in Maryland, that a State agent's illegal recording of inculpatory statements does not bar the agent's testimony of what he heard even though the recording is inadmissible. The opinion is also noteworthy in that it states that the State Prosecutor is not compelled to wait 45 days after notification to the local State's Attorney before commencing a criminal prosecution as long as the State's Attorney authorizes the prosecution. The defendant's Petition for Writ of Certiorari to the Court of Appeals was denied on February 10, 1988.

2. State v. 149 Slot Machines, 310 Md. 356, 529 A.2d 817 (1987)

On August 19, 1987, the Court of Appeals reversed the decision of the lower court in Worcester County and held that the slot machines in this case were properly seized and forfeitable to the State. This case involved seizures by the State Police which were coordinated by this Office.

3. Bernard J. Goldberg, Sr. v. State, 69 Md. App. 702, 519 A.2d 779 (1987)

After the Court of Special Appeals affirmed the judgment of conviction by the Circuit Court of Howard County, Mr. Goldberg filed and was granted a Petition for a Writ of Certiorari to the Court of Appeals. On April 12, 1989, as this report was being prepared, the Court of Appeals affirmed the judgment of the Court of Special Appeals.

In doing so the Court said, in its opinion, that although the Deputy and Assistant State Prosecutors were not authorized to appear before the grand jury as Special Assistant State's Attorneys, they could do so in this case as Assistant State Prosecutors because of the multi-jurisdictional nature of the investigation. The Court also held that, "The authorization of the State Prosecutor's Office to investigate criminal conduct believed to have been committed in more than one subdivision clearly included the authorization to appear before the grand jury." Goldberg v. State, _____ Md. _____, (1989).

ADMINISTRATION

Personnel

The permanent staff of the Office has remained virtually intact since the last report except for changes in investigative personnel. One investigator was discharged for cause and another resigned for personal reasons. A retired F.B.I. agent was hired as a replacement in October, 1988, but, he resigned to take a better paying position with a former employer.

The low salaries offered for investigator positions continue to hamper the hiring of outstanding candidates seeking careers in law enforcement with this Office. It is only in the positions of Chief Investigator, Chief Auditor and Fiscal Specialist that reasonably good salaries have been attained to attract and hold career oriented professionals such as James Cabezas, Marcelino Ferrer and Sharon Allen.

Fortunately, Colonel Elmer H. Tippet, Superintendent of the State Police and Baltimore City Police Commissioner Edward J. Tilghman have continued to assign personnel from their investigative units to supplement our permanent staff. Sergeant Lee Caple and Corporal Henry Bowker are in their third year of assignment from the State Police and Detective Edward Crowder of the City Police recently replaced Sergeant Richard Barger who completed an 18 month tour with the Office. The high turnover in the investigative staff would have caused serious personnel problems during the reporting period, if these sworn officers were not available.

Scott Nevin, a Baltimore County prosecutor with five years experience, joined Mike McDonough and Bernard Penner as Assistant State Prosecutors in the summer of 1987. This gives the Office three seasoned prosecutors with years of experience in investigating official misconduct.

Sharon Allen, a former police officer in Baltimore County with a Master's degree in accounting and a certified public accountant, joined Chief Auditor Marcelino Ferrer in the summer of 1987, as a fiscal specialist. This gives the Office two experienced investigative auditors who have worked in law enforcement agencies. Both are qualified to give expert testimony in criminal cases.

Dolores Ridgell and Tracy Gilmore, worked as legal interns during the last two years of their legal studies at the University of Baltimore School of Law. Ms. Ridgell recently passed the February 1989 bar examination. Ms. Gilmore is preparing for the July bar examination. We will be saddened to see them leave as they pursue their legal careers.

Deborah Constable, Deborah Amig and Jane Short continue to render dedicated service, along with para-legal Maryanne Donoghue, as the support staff.

Office Space

During the latter part of 1988, the opportunity arose to consolidate the leased space in the Investment Building in Towson. This was accomplished under the direction of the Office of Real Estate, Department of General Services, and a new five year lease was negotiated. The renovated office layout, designed by Administrative Aide Deborah Constable, was available on March 1, 1989. It allows all personnel to work in one area, in close proximity, and provides increased security for records and safety for personnel. It is much more efficient than the separate facilities on different floors of the building provided by the prior lease. Two innovations are a secure evidence room and a sliding partition that enables the library and conference room to be converted into a large room for meetings of the entire staff.

Automation

The manual systems of accounting for work performed, tracking cases, evidence control and office management were refined during the reporting period. They work well and they are ready for computerization. During the 1988 - 89 Legislative Session the Governor and Legislature approved \$40,000 for the purchase and installation of an office information system. These funds are available for expenditure as of July 1, 1989.

CONCLUSIONS

During the reporting period the Office engaged in a number of sensitive investigations, some of which became public knowledge even though criminal charges were not filed. For the first time in the history of the Office persons investigated, who were not charged with criminal conduct, invoked the provisions of the law requiring the State Prosecutor to make public his report of his findings, if he finds that no violation of criminal law have occurred or he does not recommend prosecution. Such requests occurred at the conclusions of three investigations and the respective reports were made available to the public press. The general reaction seemed to be that the findings and conclusions contained in the reports were justified and supported by evidence. None of the complainants questioned the decisions not to recommend prosecution.

The Office continued to expand its operations throughout the State. It can be seen by the statistical charts which follow that only two out of the twenty-four jurisdictions had no complaints referred to the Office. The charts also show that a significant amount of investigative case hours were devoted to jurisdictions outside of the Baltimore metropolitan area. Also the number of complaints referred by State's Attorneys and other public officials attests to the quality and reliability of information received by the Office.

Election law complaints decreased as expected after the general elections of 1986. However, a rapport has developed between the Office, the Attorney General's Office, the Board of Election Laws and the Supervisors of Elections which has enhanced the enforcement of election laws.

A close working relationship has also been maintained with the staff of the State Ethics Commission, particularly regarding the disclosure statements of public officials.

In cases which went to trial we have suffered some set backs. This is to be expected in the types of cases prosecuted by the Office. The cases in which there were acquittals were difficult prosecutions. In none of them did a judge express the opinion that the prosecution should not have been undertaken.

WORKLOAD STATISTICS

A Summary of Workload follows which briefly shows the units of work carried over from each year, new work initiated and work completed. The terms used in the Summary are defined as follows:

Initial Complaint Disposed with No Inquiry - The complaint did not amount to a crime or matter within the jurisdiction of the Office. In some cases a complaint is rejected because there is insufficient evidence to justify a preliminary inquiry.

Preliminary Inquiry - The allegation is sufficient to require inquiries, interviews and/or the research of records to determine whether or not a full investigation is warranted. A preliminary inquiry usually takes 30 to 90 days to complete.

Full Investigation - There is sufficient evidence to require an investigative team of at least one prosecutor, an investigator and, when necessary, an auditor to determine whether or not criminal charges can be sustained. Full investigations generally last between 6 and 18 months depending upon the complexity of the case and the need to obtain and examine financial data by court authorization.

It should be noted that the State Prosecutor may only investigate on his own initiative four crimes; bribery, misconduct in office, violations of State election laws, and violations of State ethics laws. If he discovers perjury, obstruction of justice or extortion during the course of such investigation, he may also investigate those offenses. In addition, at the request of the Governor, the Attorney General, the General Assembly, or a State's Attorney in an applicable jurisdiction, the State Prosecutor may investigate any criminal activity occurring in more than one jurisdiction or partly in Maryland and partly in another jurisdiction.

SUMMARY OF WORKLOAD

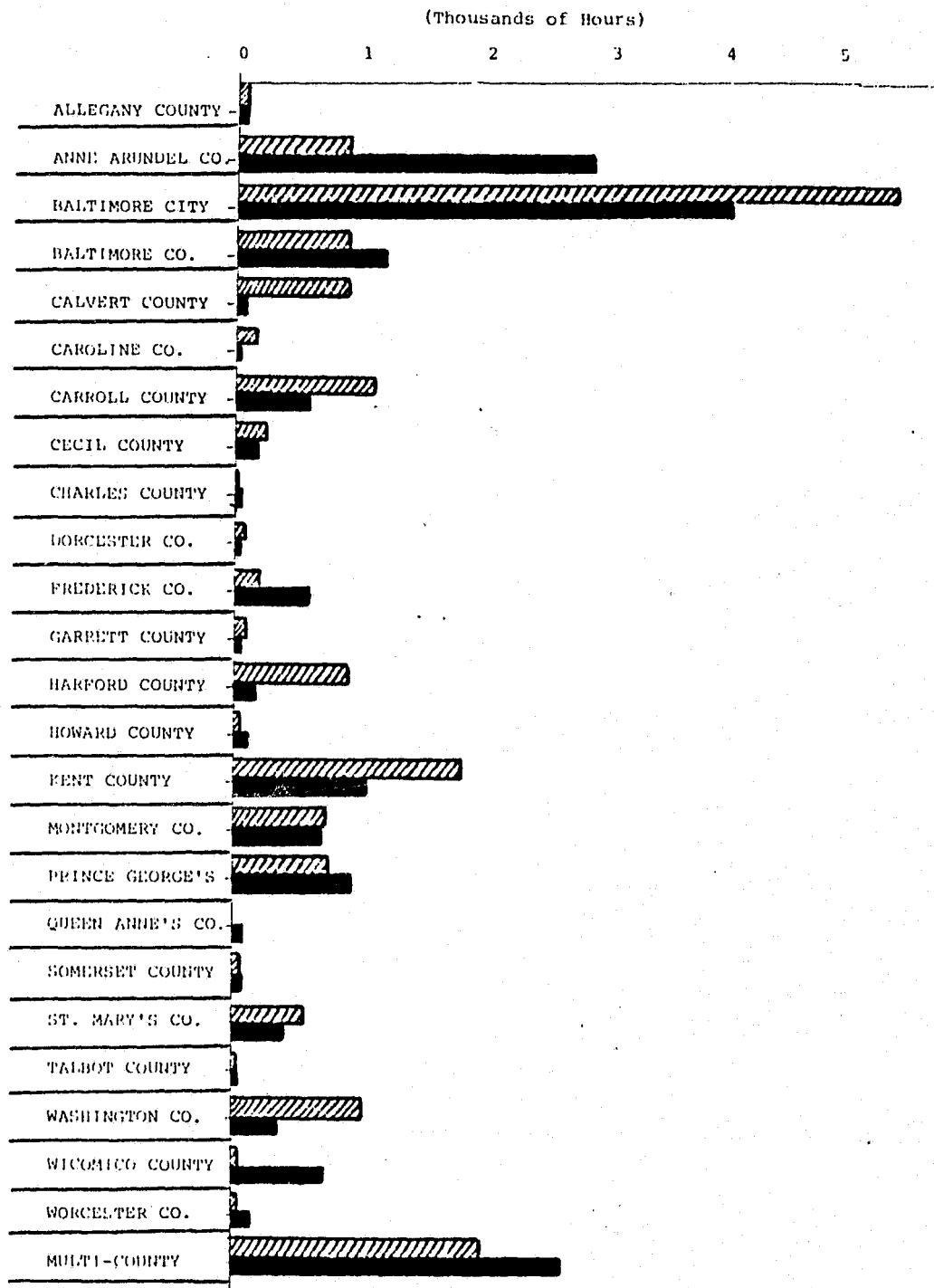
	<u>1987</u>	<u>1988</u>
<u>Carry-Over from Preceding Year:</u>		
Full Investigations	18	12
Preliminary Inquiries	<u>24</u>	<u>27</u>
Total Files Carried-Over	42	39
<u>New Work:</u>		
Full Investigations Initiated	15	14
Preliminary Inquiries	96	71
Initial Complaints	<u>56</u>	<u>54</u>
Total New Files Opened	167	139
TOTAL ACTIVE FILES	<u>209</u>	<u>178</u>
<u>Work Completed:</u>		
Full Investigations Completed	20	21
Preliminary Inquiries Completed	94	78
Initial Complaints Closed	<u>56</u>	<u>54</u>
Total Work Completed (Files Closed)	<u>170</u>	<u>153</u>
TOTAL FILES CARRIED-OVER	<u>39</u>	<u>25</u>
<u>Classification of Carry-Over</u>		
Full Investigations	12	7
Preliminary Inquiries	<u>27</u>	<u>18</u>
	39	25



SOURCES OF COMPLAINTS

<u>SOURCE</u>	<u>1987</u>	<u>1988</u>
Citizens not associated with governmental agencies	94	91
State Prosecutor Initiated	19	4
Law Enforcement Officer	16	11
State's Attorneys	13	13
Election Law Agencies	11	2
Ethics Commission	3	1
Elected Officials	1	10
*Anonymous	10	7
Totals	167	139

*Indicates that complainant desires to remain anonymous or that original complaint was anonymous and complainant later disclosed his/her identity.

INVESTIGATIVE CASE HOURS BY JURISDICTION



NOTE:  1987 Case Hours by County
 1988 Case Hours by County

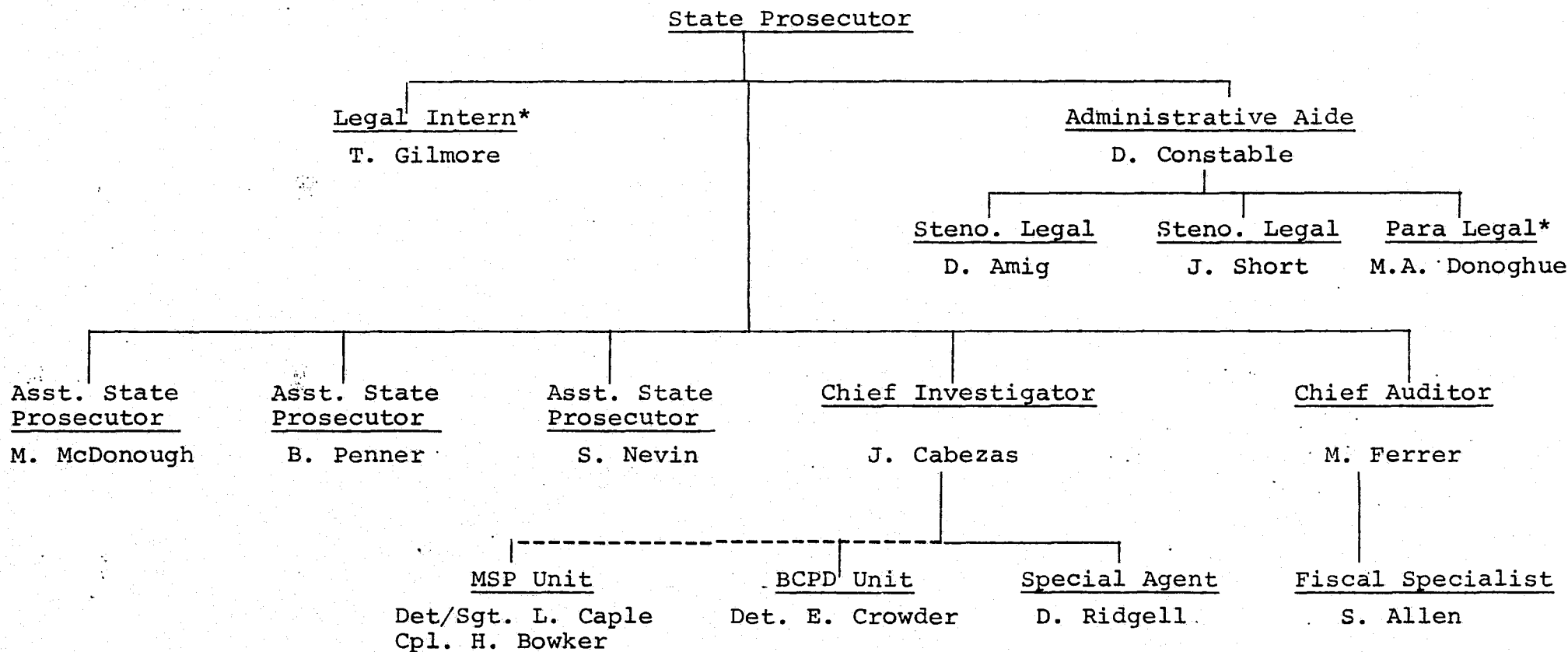
TOTAL INVESTIGATIVE CASE HOURS EXPENDED IN 1987 & 1988

JURISDICTION	NUMBER OF COMPLAINTS		TOTAL INVESTIGATIVE HOURS OF PROSECUTORS INVESTIGATORS & AUDITORS		PERCENTAGE OF TOTAL CASE HOURS	
	1987	1988	1987	1988	1987	1988
ALLEGANY COUNTY	2	2	52.0	3.0	.3	.0
ANNE ARUNDEL CO.	23	25	802.0	2779.1	4.5	16.5
BALTIMORE CITY	32	34	5569.0	4076.5	31.3	24.1
BALTIMORE CO.	8	29	824.0	1162.9	4.6	6.9
CALVERT COUNTY	4	4	829.0	132.0	4.7	.8
CAROLINE CO.	1	1	185.0	13.0	1.0	.0
CARROLL COUNTY	7	10	1065.0	519.9	6.0	3.1
CECIL COUNTY	4	1	148.0	72.0	.8	.4
CHARLES COUNTY	2	3	14.0	4.0	.0	.0
DORCESTER CO.	2	2	66.0	6.0	.4	.0
FREDERICK CO.	5	10	233.0	650.4	1.3	3.9
GARRETT COUNTY	1	1	73.0	2.0	.4	.0
HARFORD COUNTY	8	4	824.0	205.8	4.6	1.2
HOWARD COUNTY	1	4	30.0	59.1	.2	.0
KENT COUNTY	3	8	1637.0	1153.4	9.2	6.8
MONTGOMERY CO.	8	7	645.0	670.0	3.6	4.0
PRINCE GEORGE'S	8	13	667.0	857.0	3.8	5.1
QUEEN ANNE'S CO.	0	1	.0	4.0	.0	.0
SOMERSET COUNTY	1	1	48.0	60.0	.3	.0
ST. MARY'S CO.	5	5	501.0	331.0	2.8	2.0
TALBOT COUNTY	3	2	42.0	34.5	.2	.0
WASHINGTON CO.	15	11	1195.0	275.2	6.7	1.6
WICOMICO COUNTY	2	4	30.0	708.5	.2	4.2
WORCESTER CO.	2	8	11.0	205.0	.0	1.2
MULTI-COUNTY	7	5	2292.0	2901.3	12.9	17.2
TOTAL	<u>154*</u>	<u>195*</u>	<u>17782.0</u>	<u>16885.6</u>		

*NOTE: Complaints include files from prior years which were reopened for administrative purposes.

OFFICE OF THE STATE PROSECUTOR

As of May 1, 1989



* Contractual Personnel

NOTE: Dotted line indicates
Personnel assigned from other agencies