

IN THE CIRCUIT COURT FOR Anne Arundel County  
(City or County)

**CIVIL - NON-DOMESTIC CASE INFORMATION REPORT**

**DIRECTIONS**

**Plaintiff:** This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a).

**Defendant:** You must file an Information Report as required by Rule 2-323(h).

**THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING**

FORM FILED BY:  PLAINTIFF  DEFENDANT CASE NUMBER C-02-CV-16-001615  
(Clerk to insert)

CASE NAME: William Jones, Commissioner, et. al. vs. Jamie Faloon, Chair  
Plaintiff Defendant

PARTY'S NAME: William Jones, Commissioner, School Board Nominating Committee, et. al.

PARTY'S ADDRESS: 2521 Riva Road, Suite L7, Annapolis, Maryland 21401

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Kristy K. Anderson PHONE: 443-433-3665  
(Daytime phone)

PARTY'S ATTORNEY'S ADDRESS: 140 Main Street, Annapolis, Maryland 21401

JURY DEMAND?  Yes  No

RELATED CASE PENDING?  Yes  No If yes, Case #(s), if known: C-02-CV-16-001548

**PLEADING TYPE**

New Case:  Original  Administrative Appeal  Appeal

Existing Case:  Post-Judgment  Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.

**IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)**

**TORTS**

- Asbestos
- Assault
- Battery
- Commercial
- Conspiracy
- Conversion
- Defamation
- False Arrest/Imprisonment
- Fraud
- Lead Paint - DOB of Youngest Plt: \_\_\_\_\_
- Loss of Consortium
- Malicious Prosecution
- Malpractice-Medical
- Malpractice-Professional
- Misrepresentation
- Motor Tort
- Negligence
- Nuisance
- Premises Liability
- Product Liability
- Toxic Tort
- Trespass
- Wrongful Death

**CONTRACT**

- Asbestos
- Breach
- Commercial
- Confessed Judgment (Cont'd)

- Construction
- Debt
- Fraud
- Government
- Insurance
- Product Liability

**PROPERTY**

- Adverse Possession
- Breach of Lease
- Detinue
- Distress/Distain
- Ejectment
- Forcible Entry/Detainer
- Foreclosure
  - Commercial
  - Residential
- Forfeiture
- Landlord-Tenant
- Lis Pendens
- Mechanic's Lien
- Ownership
- Partition/Sale
- Quiet Title
- Rent Escrow
- Replevin
- Return of Seized Property
- Right of Redemption
- Tenant Holding Over

**PUBLIC LAW**

- Attorney Grievance
- Bond Forfeiture Remission
- Civil Rights
- County/Mncpl Code/Ord
- Election Law
- Eminent Domain/Condemn.
- Environment
- Error Coram Nobis
- Habeas Corpus
- Mandamus
- Prisoner Rights
- Public Info. Act Records
- Quarantine/Isolation
- Writ of Certiorari
- Deposition Notice
- Dist Ct Mtn Appeal
- Financial
- Grand Jury/Petit Jury
- Miscellaneous
- Perpetuate Testimony/Evidence
- Prod. of Documents Req.
- Sentence Transfer
- Special Adm. - Atty
- Subpoena Issue/Quash
- Trustee Substitution
- Witness Appearance-Compel

**PEACE ORDER**

- Peace Order

**EMPLOYMENT**

- ADA
- Conspiracy
- EEO/HR
- FLSA
- FMLA
- Workers' Compensation
- Wrongful Termination
- Attorney Appointment
- Body Attachment Issuance
- Commission Issuance
- Contempt (Cont'd)

**OTHER**

- Friendly Suit
- Grantor in Possession
- Maryland Insurance Administration
- Miscellaneous

**IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Abatement               | <input type="checkbox"/> Earnings Withholding   | <input type="checkbox"/> Judgment-Interest          | <input type="checkbox"/> Return of Property       |
| <input type="checkbox"/> Administrative Action   | <input type="checkbox"/> Enrollment             | <input type="checkbox"/> Judgment-Summary           | <input type="checkbox"/> Sale of Property         |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement            | <input type="checkbox"/> Liability                  | <input type="checkbox"/> Specific Performance     |
| <input type="checkbox"/> Arbitration             | <input type="checkbox"/> Findings of Fact       | <input type="checkbox"/> Oral Examination           | <input type="checkbox"/> Writ-Error Coram Nobis   |
| <input type="checkbox"/> Asset Determination     | <input type="checkbox"/> Foreclosure            | <input type="checkbox"/> Order                      | <input type="checkbox"/> Writ-Execution           |
| <input type="checkbox"/> Attachment b/f Judgment | <input type="checkbox"/> Injunction             | <input type="checkbox"/> Ownership of Property      | <input type="checkbox"/> Writ-Garnish Property    |
| <input type="checkbox"/> Cease & Desist Order    | <input type="checkbox"/> Judgment-Affidavit     | <input type="checkbox"/> Partition of Property      | <input type="checkbox"/> Writ-Garnish Wages       |
| <input type="checkbox"/> Condemn Bldg            | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order                | <input type="checkbox"/> Writ-Habeas Corpus       |
| <input type="checkbox"/> Contempt                | <input type="checkbox"/> Judgment-Confessed     | <input type="checkbox"/> Possession                 | <input checked="" type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees        | <input type="checkbox"/> Judgment-Consent       | <input type="checkbox"/> Production of Records      | <input type="checkbox"/> Writ-Possession          |
| <input type="checkbox"/> Damages-Compensatory    | <input type="checkbox"/> Judgment-Declaratory   | <input type="checkbox"/> Quarantine/Isolation Order |   |
| <input type="checkbox"/> Damages-Punitive        | <input type="checkbox"/> Judgment-Default       | <input type="checkbox"/> Reinstmt of Emplmnt        |   |

If you indicated *Liability* above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.     Liability is not conceded, but is not seriously in dispute.     Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)			
<input type="checkbox"/> Under \$10,000	<input type="checkbox"/> \$10,000 - \$30,000	<input type="checkbox"/> \$30,000 - \$100,000	<input type="checkbox"/> Over \$100,000
<input type="checkbox"/> Medical Bills \$ _____	<input type="checkbox"/> Wages \$ _____	<input type="checkbox"/> Property Damages \$ _____	

ALTERNATIVE DISPUTE RESOLUTION INFORMATION			
Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)			
A. Mediation	<input type="checkbox"/> Yes <input type="checkbox"/> No	C. Settlement Conference	<input type="checkbox"/> Yes <input type="checkbox"/> No
B. Arbitration	<input type="checkbox"/> Yes <input type="checkbox"/> No	D. Neutral Evaluation	<input type="checkbox"/> Yes <input type="checkbox"/> No

SPECIAL REQUIREMENTS
<input type="checkbox"/> If a Spoken Language Interpreter is needed, check here and attach form CC-DC-041
<input type="checkbox"/> If you require an accommodation for a disability under the Americans with Disabilities Act, check here and attach form CC-DC-049

ESTIMATED LENGTH OF TRIAL	
<i>(Case will be tracked accordingly)</i>	
<input checked="" type="checkbox"/> 1/2 day of trial or less	<input type="checkbox"/> 3 days of trial time
<input type="checkbox"/> 1 day of trial time	<input type="checkbox"/> More than 3 days of trial time
<input type="checkbox"/> 2 days of trial time	

**BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM**

*For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.*

**Expected - Trial within 7 months of Defendant's response**

**Standard - Trial within 18 months of Defendant's response**

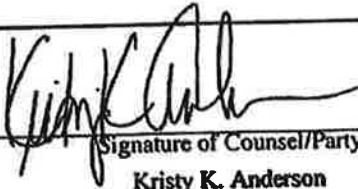
**EMERGENCY RELIEF REQUESTED**

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under Md. Rule 16-202 is requested, attach a duplicate copy of complaint and check whether assignment to an ASTAR*

**Expected - Trial within 7 months of Defendant's response**

**Standard - Trial within 18 months of Defendant's response**



Signature of Counsel/Party

Kristy K. Anderson

Print Name

140 Main Street

Street Address

Annapolis, Maryland 21401

City/State/Zip

05/12/2016

Date

WILLIAM JONES, COMMISSIONER  
SCHOOL BOARD NOMINATING  
COMMISSION  
2521 Riva Road, Suite L7  
Annapolis, Maryland 21401

PAMELA BUKOWSKI, COMMISSIONER \*  
SCHOOL BOARD NOMINATING \*  
COMMISSION \*  
114 Edgemere Drive \*  
Annapolis, Maryland 21403 \*

LINDA FERRARA, COMMISSIONER \*  
SCHOOL BOARD NOMINATING \*  
COMMISSION \*  
2521 Riva Road, Suite L2 \*  
Annapolis, Maryland 21401 \*

SARAH DAVIS, TREASURER \*  
ANNE ARUNDEL SPECIAL \*  
EDUCATION CITIZEN ADVISORY \*  
COMMITTEE, [info@aasecac.org](mailto:info@aasecac.org) \*  
3416 Blandford Way \*  
Davidsonville, Maryland 21035 \*

ELIZABETH ALEX, DIRECTOR \*  
CASA DE MARYLAND \*  
8151 15<sup>th</sup> Avenue \*  
Hyattsville, Maryland 20783 \*

REVEREND STEPHEN TILLET, \*  
PRESIDENT, ANNE ARUNDEL \*  
COUNTY BRANCH OF THE \*  
NATIONAL ASSOCIATION FOR THE \*  
ADVANCEMENT OF COLORED PEOPLE\*  
657 Broadneck Road \*  
Annapolis, Maryland 21409 \*

Petitioners

v.

JAMIE FALCON, CHAIR \*  
SCHOOL BOARD NOMINATING \*  
COMMISSION \*  
1422 Anna Marie Court \*  
Annapolis, Maryland 21409 \*

IN THE  
CIRCUIT COURT  
FOR

ANNE ARUNDEL COUNTY

Case No. C-02-CV-16-001615

LAWRENCE J HOGAN, JR., \*  
GOVERNOR OF MARYLAND \*  
Chief Executive Officer \*  
c/o Office of the Attorney General \*  
Civil Division \*  
200 Saint Paul Place, 20<sup>th</sup> Floor \*  
Baltimore, Maryland 21202 \*

Respondents \*

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**VERIFIED PETITION FOR EXTRAORDINARY  
RELIEF IN THE NATURE OF A WRIT OF PROHIBITION**

Pursuant to Maryland Rule 15-701, Petitioners, William Jones, Pamela Bukowski, and Linda Ferrara, Commissioners on the School Board Nominating Commission for Anne Arundel County (hereinafter "SBNC"), as well as Sarah Davis, Treasurer for Anne Arundel Special Education Citizen Advisory Committee (hereinafter "SECAC"), Elizabeth Alex, Central Maryland Director for CASA de Maryland, and Reverend Stephen Tillett, President of the Anne Arundel County Branch of the National Association for the Advancement of Colored People (hereinafter "Anne Arundel County Branch NAACP") (collectively "Petitioners"), by and through the undersigned attorney, hereby petitions this Court for extraordinary relief in the nature of a writ of prohibition directed to Respondent, Jamie Falcon, Chair of the SBNC, and Lawrence J. Hogan, Jr., Governor of the State of Maryland. This action seeks not only to prohibit Jamie Falcon from seeking applications, interviewing applicants, and nominating candidates but also to prohibit Governor Hogan from appointing any nominated candidates put forward by the presently constituted SBNC for vacant seats that will occur on the Board of Education of Anne Arundel County on July 1, 2017. In support of this verified petition, Petitioners state as follows:

## **THE PARTIES**

1. Petitioner William Jones is the Commissioner appointed by the Teachers Association of Anne Arundel County (“TAAAC”) to the SBNC per §3-110 of the Education Article<sup>1</sup> and is petitioning in his official capacity. Petitioner Jones serves as Executive Director of TAAAC, a Maryland corporation with its principle office located in Annapolis, Maryland. TAAAC is the exclusive bargaining representative pursuant to Title 6, Subtitle 4 of the Education Article representing certain certificated employees, including teachers, employed by the Anne Arundel County Public School System (AACPS).
2. Petitioner Pamela Bukowski is the Commissioner appointed by the Anne Arundel County Council of Parent Teachers Associations (“PTA”) to the SBNC per §3-110 and is petitioning in her official capacity. Petitioner Bukowski serves as the President of the Anne Arundel County Council of PTAs, an organization with its principle office located in Annapolis, Maryland.
3. Petitioner Linda Ferrara is the Commissioner appointed by the Association of Educational Leaders (“AEL”) to the SBNC per §3-110 and is petitioning in her official capacity. Petitioner Ferrara is a retired member of AEL, an organization with its principal office located in Annapolis, Maryland. AEL is the exclusive bargaining representative pursuant to Title 6, Subtitle 4 of the Education Article for certain certificated employees, including administrators, employed by AACPS.
4. Petitioner Sarah Davis is the Treasurer of Anne Arundel SECAC, a committee that effective June 1, 2016 is vested with authority to appoint a Commissioner to the

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<sup>1</sup> All references are to the Education Article unless otherwise specified.

SBNC per House Bill 172 (Chapter 35). Ms. Davis is petitioning in her official capacity as Treasurer for SECAC.

5. Petitioner Elizabeth Alex, Central Maryland Director for CASA de Maryland, an organization that effective June 1, 2016 is vested with authority to appoint a Commissioner to the SBNC per House Bill 172 (Chapter 35). Ms. Alex is petitioning in her official capacity as Central Maryland Director for CASA de Maryland.
6. Petitioner Stephen A. Tillett is the President of the Anne Arundel County Branch NAACP, an organization that effective June 1, 2016 is vested with authority to appoint a Commissioner to the SBNC per House Bill 172 (Chapter 35). Reverend Tillett is petitioning in his official capacity as President for Anne Arundel County Branch NAACP.
7. Respondent Jamie Falcon is the Chair of the SBNC appointed by Governor Hogan per §3-110(b)(3) and is named herein solely in his official capacity.
8. Respondent Lawrence J. Hogan, Jr., Governor of Maryland, Chief Executive Officer of the State of Maryland, and is named herein solely in his official capacity.

#### **JURISDICTION**

9. This Court has jurisdiction over the subject matter of this action pursuant to Maryland Rule 15-701; and §3-8B-01 of the Courts and Judicial Proceedings Article.

#### **FACTS**

10. The purpose of the SBNC is to “impartially and appropriately select qualified candidates to serve on the Anne Arundel County School Board and to submit their names, as provided for in the Code, to the Governor of the State of Maryland for appointment.” (Exhibit 1, Bylaws of SBNC); *see also* §3-110.

11. By statute, the SBNC “shall submit to the Governor a list of nominees that contains:  
  - (i) At least two names for each vacancy; or
  - (ii) If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy.” §3-110(b)(5). The Governor is limited to appointing a person to a vacancy on the school board from the list submitted to him from the SBNC. §3-110(a)(2).
12. Currently, the SBNC is comprised of eleven (11) members. Per §3-110(b)(2), the members are appointed as follows: 5 gubernatorial appointees, representing each of the Anne Arundel County legislative districts; 1 appointed by the Anne Arundel County Executive; 1 appointed by the Anne Arundel County Community College (“AACC”) Board of Trustees; 1 appointed by the Council of PTAs; 1 appointed by TAAAC; 1 appointed by Annapolis and Anne Arundel County Chamber of Commerce; and 1 appointed by AEL.
13. House Bill 172 (Chapter 35), which was enacted by a veto override on April 8, 2016 significantly changed the composition of the SBNC and terminated the current gubernatorial appointees’ terms on June 1, 2016. Effective June 1, 2016, the SBNC will be composed of the following thirteen (13) members: 3 appointed by the County Executive; 1 appointed by TAAAC; 1 appointed by the Annapolis and Anne Arundel County Chamber of Commerce; 1 appointed by the AACC Board of Trustees; 1 appointed by AEL; 2 appointed by the Council of PTAs; 1 appointed by the National Association for the Advancement of Colored People (“NAACP”); 1 appointed by Casa de Maryland; 1 appointed by the Anne Arundel SECAC; and 1 rotating member appointed by other local chamber organizations (for 2 year terms). (Exhibit 2,



HB172). Accordingly, seven (7) members, or half of the Commissioners, will be new to the SBNC on June 1, 2016.

14. On April 15, 2016, the Capital newspaper reported as follows:

*Annapolis, MD (April 15, 2016) – The School Board Nominating Commission today urged residents to submit applications for an appointment to the Anne Arundel County Board of Education District 21 seat and the at-large seat opening July 1, 2017.*

(Exhibit 3, Full Release).

15. When Petitioner Jones questioned Mr. Falcon about the authorization for the April 15, 2016 release, Mr. Falcon failed to respond directly to the question. Mr. Jones, Ms. Ferrara, and Ms. Bukowski are all Commissioners of the SBNC and all attended both the March 14, 2016 meeting as well as the March 28, 2016 meeting wherein there was no discussion and no authorization by the Commissioners to call for applications for appointment to the Anne Arundel County Board of Education as there is no immediate vacancy. (Exhibit 4, Meeting Minutes). The Chairperson is subject to the control of the Commissioners per the Bylaws (Article V); and all matters to be voted upon require a majority vote for passage. (Exhibit 1, Article IV, §4, Article VI). There was no vote authorizing the press release calling for applications for appointment. Mr. Falcon, Chairperson, acted beyond the scope of his authority and in violation of the SBNC Bylaws in calling for and publishing a request for applications.

16. In light of the actions of the General Assembly to significantly change the composition of the SBNC effective June 1, 2016, and Mr. Falcon's unilateral decision to seek applications without authorization of the SBNC, The Honorable Pamela G. Beidle sought an opinion from the Attorney General of Maryland. Specifically, Delegate Beidle asked whether the current members of the SBNC could nominate

individuals for a vacancy that will not occur on the school board until July 1, 2017. Sandra Benson Brantley, Assistant Attorney General, responded in the negative due to the simple fact that “when the vacancy occurs [on the school board], a majority of the members of the SBNC will be new members.” (Exhibit 5, Brantley opinion letter). She concluded that for the current members to attempt to nominate for a vacancy that occurs after the majority of the members would no longer be serving would be “an invalid prospective appointment.” *Id.* This Opinion was issued on April 26, 2016.

17. Mr. Falcon having had an opportunity to review the Opinion of the Assistant Attorney General confirmed to Petitioner Jones on May 3, 2016 that he intends to proceed with the process of collecting applications, interviewing applicants and sending nominees to the Governor for a vacancy on the Board of Education of Anne Arundel County occurring on July 1, 2017. (Exhibit 6, email exchange and release announcing meeting dates). Said acts may be carried out by a majority of the SBNC; and presently, Mr. Falcon may muster a majority vote of the current SBNC with the 5 gubernatorial appointees and 1 appointee of the Anne Arundel County Executive despite such an act to be a clear violation of the law.

## **ARGUMENT**

The appropriateness of the court to grant an extraordinary writ of mandamus or prohibition requires consideration of the interests of justice and public policy, the protection of the integrity of the judicial system, and the adequacy of other available relief. *Phillip Morris, Inc. v. Angeletti*, 358 Md. 689, 714 (2000). The common law writ of mandamus is an original action, not an appeal. *See Goodwich v. Nolan*, 343 Md. 130, 145, 680 A.2d 1040, 1047 (1996). Historically, this extraordinary writ has been defined, in general, to be a prerogative writ,

containing a command in the King's name, issuing from the Court of King's Bench, directed to persons, corporations or inferior courts of judicature within the King's dominions, requiring them to do a certain specific act, as being the duty of their office, agreeably to right and justice.

2 John Prentiss Poe, *Pleading and Practice in Courts of Common Law* § 708, at 664 (5th ed. Tiffany 1925) [hereinafter Poe]. It “is a summary remedy, for the want of a specific one, where there would otherwise be a failure of justice. It is based upon reasons of justice and public policy, to preserve peace, order and good government.” *State v. Graves*, 19 Md. 351, 374 (1863) (citations omitted). See also *Ipes v. Board of Fire Com'rs of Baltimore*, 224 Md. 180, 183, 167 A.2d 337, 339 (1961); *Upshur v. Baltimore City*, 94 Md. 743, 746, 51 A. 953, 954 (1902); Poe, *supra*, § 709, at 664.

In Maryland common law, mandamus has been described as a prerogative writ “grantable where the public justice of the State is concerned.” *Runkel v. Winemiller*, 4 H. & McH. [429,] 449 [ (Gen. Ct. Oct. Term 1799) ]. It is a writ “to prevent disorder, from a failure of justice, where the law has established no specific remedy, and where in justice and good government there ought to be one....” *Id.* at 449. See *In re Writ of Prohibition*, 312 Md. at 307, 539 A.2d at 677.

In such an action, the Court of Appeals held in *Lamb v. Hammond*, 308 Md. 286, 292, 518 A.2d 1057,1060 (1987), quoting from *Hammond v. Love*, 187 Md. 138, 144, 49 A.2d 75, 77 (1946):

“In *Hecht v. Crook*, 184 Md. [271], [280–81], 40 A.2d [673], 677 [1945] this Court, by Judge Henderson, said: ‘Courts have the inherent power, through the writ of mandamus, by injunction, or otherwise, to correct abuses of discretion and arbitrary, illegal, capricious, or unreasonable acts; but in exercising that power care must be taken not to interfere with the legislative prerogative, or with the exercise of sound administrative discretion, where discretion is clearly conferred.’”

*Id. See also Brack v. Wells*, 184 Md. 86, 90 (1944); *see also* 43A C.J.S. Injunctions §224.

Further,

“This Court has stated that judicial review is properly sought through a writ of mandamus ‘where there [is] no statutory provision for hearing or review and where public officials [are] alleged to have abused the discretionary powers reposed in them.’ *State Department of Health v. Walker*, 238 Md. 512, 522–23, 209 A.2d 555, 561 (1965). *See also State Department of Assessments and Taxation v. Clark*, 281 Md. 385, 399, 380 A.2d 28, 36–37 (1977); *Gould*, [ ], 273 Md. at 502, 331 A.2d at 65; *State Insurance Commissioner v. National Bureau of Casualty Underwriters*, 248 Md. 292, 300, 236 A.2d 282, 286 (1967); *Heaps v. Cobb*, 185 Md. 372, 380, 45 A.2d 73, 76 (1945). Thus, prior to granting a writ of mandamus to review discretionary acts, there must be both a lack of an available procedure for obtaining review and an allegation that the action complained of is illegal, arbitrary, capricious or unreasonable.”

*Id.* at 146, 680 A.2d at 1048. *See also City of Seat Pleasant v. Jones*, 364 Md. 663 (2001).

In the underlying matter, the call for applications and the conduct of interviews by the Chair of the SBNC without the express authorization of a majority of the Commission as required by its Bylaws is an act beyond the scope of his prescribed authority, and therefore, illegal. Furthermore, any act to nominate a candidate to the Governor for appointment to a school board seat that will not be vacant until July 1, 2017 is not only an abuse of discretionary powers, but also constitutes an illegal prospective appointment.

The Petitioners are deprived of any adjudicative process by which to prohibit the actions of the Governor’s appointed Chairperson, Mr. Falcon. Presently, the six (6) political appointments (five gubernatorial appointees and the one appointee by the Anne Arundel County Executive) constitute the majority of the SBNC enabling it to move forward with the collection of applications, interview of candidates, and selection of nominees prior to June 1, 2016. Such an action, however, is clearly an invalid prospective appointment and must be stopped through a writ of prohibition.

There is a strong public interest in granting the requested writ of prohibition to preclude Mr. Falcon from calling for or interviewing applicants for a prospective appointment to the Board of Education of Anne Arundel County beginning July 1, 2017, which was clearly laid out in the opinion of Assistant Attorney General Sandra Benson Brantley. Specifically, she concluded that because the SBNC's role in the appointment process is not purely advisory, the law governing prospective appointments applies to it. That law, announced by the Court of Appeals in *Bryan v. Makosky*, 380 Md. 603, 610-611 (2004), specified (1) "an appointment cannot be made to a public office unless, at the time the appointment is to become effective, there is, or will be, a vacancy in that office" and (2) "absent some supervening Constitutional or statutory provision to the contrary, an appointment authority cannot validly make an appointment to a public office unless the vacancy to be filled by that appointment will, with certainty, occur at a time when the appointing authority retains power to make the appointment." *Id.* In other words, "a body or officer clothed with power of appointment to a public office has no right to forestall the rights and prerogatives of a successor by making a prospective appointment to fill an office, the term of which is not to begin until the appointer's term and power to appoint have expired." 63 C.J.S. Officers §60 (April 2016 Update). (Exhibit 5).

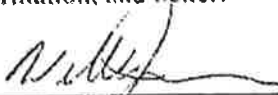
Mr. Falcon has clearly stated his intent to usurp the power of the new Commission to be seated on June 1, 2016 with seven (7) new appointees of its authority to make appointments to the County Board of Education that will occur during the successors term. This is a blatant, partisan act in defiance of the actions of the General Assembly. To permit Mr. Falcon to proceed with the collection and review of applications as well as nominations would be a violation of the law, and therefore, demands that a writ of prohibition be issued. Without such writ, there will be no remedy once nominations for appointment are made to the Governor.


**CONCLUSION**


WHEREFORE, Petitioners respectfully request that this Court not only prohibit Jamie Falcon, Chair of the SBNC, from seeking applications, conducting interviews, or nominating candidates but also prohibit Governor Hogan from appointing any nominated candidates put forward by the presently constituted SBNC for vacant seats that will occur on the Board of Education of Anne Arundel County on July 1, 2017.


**VERIFICATION**

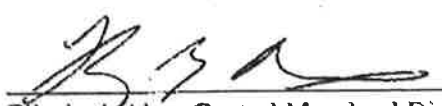
I SOLEMNLY DECLARE under the penalties of perjury that I am over the age of 18 and competent to testify to the matters herein and state that I am serving in my official capacity for my respective organization, and am authorized to execute this Verification on its behalf; and that the contents of the foregoing Verified Petition are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
William Jones, Executive Director  
TAAAC

  
\_\_\_\_\_  
Pamela Bukowski, President  
PTA

  
\_\_\_\_\_  
Linda Ferrara,  
AEL

  
\_\_\_\_\_  
Sarah Davis, Treasurer  
Anne Arundel Special Education Citizen Advisory  
Committee, [info@aasecac.org](mailto:info@aasecac.org)

  
\_\_\_\_\_  
Elizabeth Alex, Central Maryland Director  
CASA de Maryland

  
\_\_\_\_\_  
Reverend Stephen Tillett, President  
Anne Arundel County Branch NAACP

Respectfully submitted,



Kristy K. Anderson  
Maryland State Education Association  
140 Main Street  
Annapolis, MD 21401  
(443) 433-3665  
E-mail: kanderson@mseanea.org

Attorney for Petitioners

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of May 2016, a copy of the foregoing was emailed to the following:

Jamie Falcon  
1422 Anna Marie Court  
Annapolis, Maryland 21409

Office of the Attorney General  
Civil Division  
200 Saint Paul Place, 20<sup>th</sup> Floor  
Baltimore, Maryland 21202



Kristy K. Anderson

**BYLAWS  
OF  
SCHOOL BOARD NOMINATING COMMISSION  
FOR  
ANNE ARUNDEL COUNTY, MARYLAND**

**ARTICLE I: NAME**

This Commission shall be known as the School Board Nominating Commission For Anne Arundel County, Maryland and hereinafter referred to as "Commission".

**ARTICLE II: PURPOSES**

The Commission shall have all the enumerated general and specific powers as set forth in Section 3-110 (b) of the Education Article of the Annotated Code of Maryland whether now in effect or hereinafter amended ("Code"). A copy of the Code is appended hereto and incorporated herein by reference.

Without limiting the generality of the foregoing, the Commission's purposes and goals are to timely, impartially and appropriately select qualified candidates to serve on the Anne Arundel County School Board and to submit their names, as provided for in the Code, to the Governor of the State of Maryland for appointment. In the performance of its duties the Commission shall act in accordance with the Code and:

1. Perform these tasks in a fair, impartial, and equitable manner;
2. Encourage and provide for reasonable and appropriate public participation;
3. Develop and provide an appropriate application process for candidates;
4. Develop and maintain a fair and appropriate process in which to encourage individuals to apply as candidates for membership on the Anne Arundel County School Board;
5. Continue to educate itself as to the needs of the Anne Arundel County Public School System so that Commission members can carry out their tasks and be able to evaluate and recommend individuals for membership on the School Board; and

**EXHIBIT**

1



6. Engage in such other and further activities and undertakings as may be necessary and required to carry out its statutory responsibilities, as well as meet its goals, purposes, and duties as provided for herein.

### **ARTICLE III: OFFICES**

The Commission shall have such offices or conduct its business within Anne Arundel County, Maryland as may be approved and thereafter designated by the Commissioners.

### **ARTICLE IV: MEMBERSHIP**

Membership in the Commission shall consist of eleven (11) individuals who are appointed by the Governor, the County Executive, and certain designated organizations as provided for in the Code. Upon appointment, these individuals shall be designated as "Commissioners". These appointments shall be as follows:

1. Five (5) individuals, one from each legislative district that lies in whole or in part in Anne Arundel County appointed by the Governor, and,
2. One (1) individual appointed from the County at large by the County Executive; and
3. The Teachers Association of Anne Arundel County, The Annapolis and Anne Arundel County Chambers of Commerce, The Anne Arundel County Council of Parent Teacher Associations, The Anne Arundel County Community College Board of Trustees, and the Association of Educational Leaders (collectively referred to as "Organizations") shall each appoint one (1) member. Said appointments shall be in accordance with the respective Organization's process and upon such terms and conditions that the Organization may elect.

Any subsequent Commission vacancy shall be filled by the individual or Organization that had previously made the appointment. Any individual so appointed shall serve for the balance of the predecessor's term of office or until his/her successor is appointed.

#### **Section 1 Duties and Powers of the Commissioners**

The Commissioners shall manage the affairs of the Commission. Without limiting the generality of the foregoing, it shall be the duty of the Commissioners to:

- a. Carry out the requirements of the Code as it relates to the selection of candidates for the school board;
- b. Conduct public meetings as required to meet its goals and purposes;
- c. Adopt appropriate procedures for carrying out the Commission's purpose and goals;

- d. Where required, but without delegating its duties, call for the appointment of special committees;
- e. Supervise all officers or agents to ensure that their duties are properly performed; and
- f. Meet when required or when necessary to fulfill its Code requirements, goals and purposes.

#### **Section 2 Termination of Membership**

The Commissioner's term of office shall be for a period of four (4) years which shall commence on his/her date of appointment by the appointing authority and terminate four (4) years thereafter.

A Commissioner's rights and responsibilities shall cease upon the end of his/her term and the appointment of his/her successor, death, written resignation or removal from the Commission either by his/her appointing authority or by law.

#### **Section 3 Transfer of Membership**

A Commissioner may not transfer his/her Commission membership or any right or privilege arising therefrom.

#### **Section 4 Voting Rights**

Each Commissioner shall have one vote upon each matter submitted to a vote by this Commission. The vote shall be exercised in person and not by proxy. All matters to be voted upon shall require a majority vote for passage except as otherwise provided for herein regarding the amendment of these Bylaws or except as otherwise adopted by the Commissioners with respect to the selection of candidates for recommendation as members of the School Board.

#### **Section 5 Conflict of Interest**

Each Commissioner shall disclose to the Commission any duality of interest or possible conflict of interest whenever the duality or conflict pertains to a matter or applicant/candidate being considered by the Commission.

Any Commissioner having a duality of interest or conflict of interest on any matter shall abstain from voting on the matter, but shall still be counted for the purpose of determining a quorum so that the meeting can proceed. In addition, he or she shall not use his or her personal influence on the matter before the remaining Commissioners. The minutes of the meeting shall reflect that a disclosure was made and that the individual abstained from voting.

If a Commissioner is uncertain as to whether a duality or conflict of interest exists and therefore requires abstention, or if a voting Commissioner asserts that another Commissioner has such a duality or conflict of interest, the remaining voting Commissioners, excluding the Commissioner who asserted the potential duality or conflict and the Commissioner alleged to have the duality or conflict, by majority vote shall decide if abstention is required. If so, the Commissioner with the duality of interest or conflict of interest shall be deemed to have abstained.

## **ARTICLE V: COMMISSION OFFICERS**

The Governor shall designate an individual to serve as a Commission Chairperson from one of the Governor's five appointees as set forth in the Code. This individual shall serve a term of four (4) years and may be reappointed for a second term. To the extent the Chairperson can no longer serve as provided for herein in Article IV, Section 2, the Governor shall select another individual to serve as a new chairperson to fill the unexpired term.

The Commission shall, as soon as practicable, elect from the remaining Commissioners individuals to serve as Vice Chairperson and Secretary. The individuals so elected shall serve a term of at least one (1) year or until their successors are duly elected and qualified. Should the Vice Chairperson, Secretary or any Assistant Officer as provided for herein dies, resigns or is no longer serving as a Commissioner, a special election shall be held as soon as practicable to elect a successor to serve in the office for the unexpired term.

The duties and responsibilities of the individuals serving in these offices are as follows:

**Chairperson:** The Chairperson shall be the principal executive officer of the Commission and, except as to appointment, be subject to the control of the Commissioners. The Chairperson shall, in general, supervise and control all the business and affairs of the Commission and shall, when present, preside at all meetings of the Commission. The Chairperson shall have authority, subject to the advice and consent of the Commissioners, to appoint members of committees as authorized by the Commissioners. The Chairperson will keep the Commissioners informed of all meetings of the Commission. In general, the Chairperson shall perform all duties incident to that office and such other duties as may be prescribed by the Commissioners from time to time. The Chairman shall be the official spokesperson for the Commission.

**Vice Chairperson:** In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson.

**Secretary:** The Secretary shall: a) Keep the minutes of the Commission meetings; b) See that all notices are duly given in accordance with the provisions of these Bylaws required by the Commission, or as required by the Code; c) Be custodian of the

Commission's records; and d) In general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Chairperson or by the Commissioners.

The Commissioners have the power to elect, by majority vote, from among themselves any person to act as assistant to any officer, or to perform the duties of such officer whenever for any reason it is impracticable for such officer to act personally. Any person so elected shall have the power to perform all the duties of the office to which such person is elected to be the assistant.

Commissioners and officers shall not receive compensation for serving on the Commission unless authorized by law.

## **ARTICLE VI: MEETINGS**

The Commission shall have regularly scheduled meetings as required to conduct the affairs of the Commission. These meetings shall be in addition to and not in lieu of the public meetings as required by the Code. The time and place of these meetings shall be determined by the Commissioners and notice thereof shall be given at least ten (10) days prior thereto to the Commissioners and the Public by a means that will provide the greatest opportunity for the Public to attend and where appropriate, participate in the same.

All meetings shall be in accordance with the requirements of the "Maryland Open Meeting Act" as it now exists or as may be amended. The meetings shall provide for public participation; however, the Commissioners may establish reasonable rules and regulations regarding the length of public comments to be made by individuals and groups, so as to allow for the best use of the Commission's time and for the maximized amount of public participation.

Except as otherwise provided for herein, as required by the Code or as may be adopted by the Commissioners, all meetings shall be conducted in accordance with Roberts Rules of Order as then currently revised.

The attendance of a Commissioner at a meeting shall constitute a waiver of notice of such meeting except where a Commissioner attends the meeting for the express purpose of objecting to the transaction of business because the meeting was not lawfully called or convened.

A majority of the number of Commissioners then in office shall constitute a quorum for the transaction of business at any meeting of the Commission, but if less than a majority is present at a meeting, a majority of the Commissioners present may adjourn the meeting without further notice.

Except as to any voting requirements adopted for the selection of candidates for the School Board or as otherwise provided for herein, the act of a majority of the voting Commissioners present at a meeting at which a quorum is present shall be the act of the Commission.

Action by written consent, except as it pertains to the selection of candidates for recommendation for appointment to the School Board may be taken without a meeting if a consent in writing setting forth the action to be taken shall be signed by all Commissioners entitled to vote with respect to the subject matter thereof and said vote shall thereafter be deemed unanimous.

## **ARTICLE VII: METHODS OF GIVING NOTICE**

Any notice required to be given in writing under these Bylaws to the Commissioners may be communicated by facsimile, email, registered or certified mail, return receipt by the recipient required, or private carrier. All notices as provided for herein shall be deemed effective at the earliest of the following:

- a. When received.
- b. On the date shown on the return receipt, if sent by registered or certified mail, and the receipt is signed by the restricted recipient.

## **ARTICLE VIII: CONFIDENTIALITY**

Except as may be required by law, all information received by the Commission, including, but not limited to, applications, communications, correspondence, and notes received in a written, oral, or electronic manner shall be held in the strictest of confidence and shall only be discussed or disseminated among Commissioners to be used in the performance of their tasks and undertakings as provided for in these Bylaws. Any requests for the disclosure of Commission information and materials shall be reported to the Chairperson as soon as practicable.

## **ARTICLE IX: INDEMNIFICATION**

To the fullest extent permissible by Maryland law, the Commissioners shall be fully indemnified for all damages arising out of their action or actions, omission or omissions undertaken by them in the performance of their duties and responsibilities as provided for herein. This indemnity shall include, but not be limited to, all legal fees, costs and expenses incurred by any Commissioner in any legal proceeding to which said Commissioner is a party resulting from any act or omission undertaken by the Commissioner in the performance of his/her duties and responsibilities.



Chapter 35

(House Bill 172)

AN ACT concerning

**Anne Arundel County—County Board of Education and School Board  
Nominating Commission—Membership**

FOR the purpose of altering the membership of the School Board Nominating Commission of Anne Arundel County ~~to provide that, beginning on a certain date and every certain number of years thereafter, one member shall be appointed by certain chambers of commerce on a rotating basis in a specified order, altering the term of the member appointed by a chamber of commerce;~~ requiring each member of the Commission to be a resident of Anne Arundel County; prohibiting, with a certain exception, a member of the Commission from being an employee of a county school board; altering the method of selecting and the term of the chair of the Commission; authorizing the reappointment of a member of the Commission; specifying the terms of certain members of the Commission; prohibiting a member of the Commission from serving more than a certain number of years; altering the entity required to provide staff for the Commission; requiring the affirmative vote of a certain number of members of the Commission for the approval of any action; prohibiting a member of the Commission from voting by proxy; requiring the Commission to require each applicant for a certain nomination to complete an application that includes certain information and a certain declaration; requiring the Commission to consult the Maryland Judiciary Case Search to verify certain statements; requiring a certain member of the Anne Arundel County Board of Education to resign effective a certain number of days after certification of certain election results; prohibiting a certain member of the Board from continuing to serve under certain circumstances; providing for the termination of the ~~term of a certain member~~ terms of certain members of the Commission; and generally relating to the ~~membership of the Anne Arundel County Board of Education and the~~ membership of the Anne Arundel County Board of Education and the School Board Nominating Commission of Anne Arundel County.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3–110(b) and (c)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education**

3–110.

**EXHIBIT**

(b) (1) (i) There is a School Board Nominating Commission of Anne Arundel County.

(ii) The purpose of the Commission is to select nominees to be recommended to the Governor as qualified candidates for appointment to the Anne Arundel County Board of Education.

(iii) The Commission shall hold at least two public hearings on the selection of nominees before recommending to the Governor nominees for appointment to the county board.

(2) ~~(i)~~ The Commission consists of ~~11~~ **THE FOLLOWING 13** members who shall be appointed in accordance with this paragraph:

~~(ii) The Governor shall appoint five members, one from each legislative district that lies in whole or in part in Anne Arundel County.~~

~~(iii) The County Executive of Anne Arundel County shall appoint one member from the county at large.~~

~~(iv) The following organizations shall each appoint one member:~~

~~1. The Teachers Association of Anne Arundel County;~~

~~2. [The Annapolis and Anne Arundel County Chamber of Commerce;~~

~~3.] The Anne Arundel County Council of Parent Teacher Associations;~~

~~{4.} 3. The Anne Arundel County Community College Board of Trustees; and~~

~~{5.} 4. The Association of Educational Leaders (AEL);~~

**(1) THREE MEMBERS APPOINTED BY THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY FROM THE COUNTY AT LARGE:**

**1. ONE OF WHOM SHALL BE A PARENT OF A CHILD ENROLLED IN THE ANNE ARUNDEL COUNTY PUBLIC SCHOOL SYSTEM; AND**

**2. NO MORE THAN ONE OF WHOM MAY BE A CURRENT EMPLOYEE OF ANNE ARUNDEL COUNTY;**



(II) ONE MEMBER APPOINTED BY THE TEACHERS ASSOCIATION OF ANNE ARUNDEL COUNTY;

(III) ONE MEMBER APPOINTED BY THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CHAMBER OF COMMERCE;

(IV) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES;

(V) ONE MEMBER APPOINTED BY THE ASSOCIATION OF EDUCATIONAL LEADERS (AEL);

(VI) TWO MEMBERS APPOINTED BY THE ANNE ARUNDEL COUNTY COUNCIL OF PARENT TEACHER ASSOCIATIONS WHO MAY NOT:

1. BE AFFILIATED WITH A TEACHERS' UNION OR ASSOCIATION; OR

2. BE A CURRENT EMPLOYEE OF ANNE ARUNDEL COUNTY;

(VII) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP);

(VIII) ONE MEMBER APPOINTED BY CASA DE MARYLAND;

(IX) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL SPECIAL EDUCATION CITIZENS' ADVISORY COMMITTEE WHO IS A PARENT OF A CHILD WITH SPECIAL NEEDS IN THE ANNE ARUNDEL COUNTY PUBLIC SCHOOL SYSTEM; AND

~~(v)~~ (X) BEGINNING ~~JULY~~ JUNE 1, 2016, AND EVERY 2 YEARS THEREAFTER, ONE MEMBER ~~SHALL BE~~ APPOINTED BY A CHAMBER OF COMMERCE BASED IN ANNE ARUNDEL COUNTY ON A ROTATING BASIS IN THE FOLLOWING ORDER:

1. THE WEST ANNE ARUNDEL COUNTY CHAMBER OF COMMERCE;

2. THE NORTHERN ANNE ARUNDEL COUNTY CHAMBER OF COMMERCE;

3. THE SOUTHERN ANNE ARUNDEL CHAMBER OF COMMERCE;

4. THE GREATER CROFTON CHAMBER OF COMMERCE;  
AND

5. THE GREATER SEVERNA PARK AND ARNOLD  
CHAMBER OF COMMERCE;~~AND~~

~~6. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY  
CHAMBER OF COMMERCE.~~

(3) (I) EACH MEMBER OF THE COMMISSION MUST BE A RESIDENT  
OF ANNE ARUNDEL COUNTY.

(II) EXCEPT FOR THE MEMBERS APPOINTED UNDER  
PARAGRAPH (2)(II) AND (V) OF THIS SUBSECTION, A MEMBER OF THE COMMISSION  
MAY NOT BE A CURRENT EMPLOYEE OF A COUNTY SCHOOL BOARD.

~~(4) (i) The Governor shall designate as chair of the Commission one of  
the five members appointed by the Governor under paragraph (2)(ii) of this subsection~~  
COMMISSION SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS.

(ii) The term of the chair of the Commission is ~~4~~ 2 years.

~~(iii) The Governor may reappoint the chair of the Commission for a  
second term.~~

~~(iv) (5) 4. (I) [The] EXCEPT AS PROVIDED IN  
SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH~~ SUBPARAGRAPH (II) OF THIS  
PARAGRAPH, THE term of a member of the Commission is 4 years.

~~2. (II) THE TERM OF A MEMBER APPOINTED BY A CHAMBER  
OF COMMERCE UNDER PARAGRAPH (2)(X) OF THIS SUBSECTION IS 2 YEARS.~~

(III) A MEMBER MAY BE REAPPOINTED BUT MAY NOT SERVE  
MORE THAN 8 YEARS.

~~(4) (6) The Department of Legislative Services~~ ANNE ARUNDEL COUNTY  
BOARD OF EDUCATION shall provide staff for the Commission.

(7) (I) THE AFFIRMATIVE VOTE OF AT LEAST EIGHT MEMBERS OF  
THE COMMISSION IS REQUIRED FOR THE APPROVAL OF ANY ACTION.

(II) A MEMBER OF THE COMMISSION MAY NOT VOTE BY PROXY.

(8) (i) THE COMMISSION SHALL REQUIRE EACH APPLICANT FOR NOMINATION TO COMPLETE AN APPLICATION THAT INCLUDES:

1. THE FULL NAME AND ADDRESS OF THE INDIVIDUAL;
2. ANY FORMER NAME USED BY THE INDIVIDUAL;
3. A STATEMENT AS TO WHETHER THE INDIVIDUAL HAS ANY CONVICTION FOR A CRIME THAT:
  - A. RELATES TO THE RESPONSIBILITIES OF A MEMBER OF THE COUNTY BOARD; AND
  - B. HAS NOT BEEN EXPUNGED OR OTHERWISE SHIELDED;
4. A STATEMENT AS TO WHETHER THE INDIVIDUAL HAS BEEN ADJUDGED BANKRUPT OR INSOLVENT; AND
5. A DECLARATION THAT THE STATEMENTS MADE IN THE APPLICATION ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE AND BELIEF.

(ii) THE COMMISSION SHALL CONSULT THE MARYLAND JUDICIARY CASE SEARCH TO VERIFY THE STATEMENTS MADE BY THE APPLICANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~(5)~~ (9) Beginning January 1, 2008, for each nomination to the county board, the Commission shall submit to the Governor a list of nominees that contains:

- (i) At least two names for each vacancy; or
- (ii) If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy.

(c) (1) Following the appointment of a member of the Anne Arundel County Board of Education by the Governor, a member may serve for the remainder of the member's term, as provided in § 3-108(c) of this subtitle, subject to the approval or rejection of the registered voters of the county at the next general election.

(2) A member of the county board is eligible for nomination and reappointment for a second consecutive term in accordance with the provisions of subsections (a) and (b) of this section.

(3) (i) The approval or rejection of a member of the county board by the registered voters of the county provided for in subparagraph (ii) of this paragraph shall be a vote for the member's retention or removal.

(ii) On receipt of the notice required under § 5-301(h) of the Election Law Article, the name of the member of the county board shall be placed on the appropriate ballot and shown, without opposition, and the voters shall vote for or against the member's retention as a member of the county board.

(4) If the voters reject the retention of the member, or the vote is tied:

(i) The position shall become vacant 10 days after certification of the election returns; [and]

(ii) The member [serves until a successor is appointed and qualifies] SHALL RESIGN FROM THE COUNTY BOARD EFFECTIVE 10 DAYS AFTER CERTIFICATION OF THE ELECTION RETURNS; AND

(iii) THE MEMBER MAY NOT CONTINUE TO SERVE ON THE COUNTY BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That the ~~term of the member~~ terms of the ~~members~~ members of the School Board Nominating Commission of Anne Arundel County who ~~was~~ were appointed by the ~~Annapolis and Anne Arundel County Chamber of Commerce and is Governor~~ and are in office on the effective date of this Act shall terminate ~~at the end of June 30~~ on June 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Gubernatorial Veto Override, April 8, 2016.**

- AACPS News Releases - <http://www.aacpsnews.org/pressr> -

## **SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY SEEKS NOMINATIONS**

Posted By AACPS Communications Office On April 15, 2016 @ 5:10 pm In News Releases |

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Annapolis, MD (April 15, 2016) – The School Board Nominating Commission today urged residents to submit applications for an appointment to the Anne Arundel County Board of Education District 21 seat and the at-large seat opening July 1, 2017.

The School Board Nominating Commission is body that recommends county Board of Education appointments to the Governor. According to Maryland law, the Commission is to nominate, to the Governor, a minimum of two people per Board of Education seat. The General Assembly altered the composition of the School Board Nominating Commission, terminating the terms of the Governor's members effective May 31, 2016.

Chairman Jamie Falcon stated "Anne Arundel County overwhelmingly, at a ratio of two to one, supported Governor Hogan in the recent election. I believe it is imperative that we continue to nominate qualified, diverse and representative candidates to fulfill our obligation to the Governor and citizens of Anne Arundel County."

Applications will be posted on the SBNC website and will be accepted April 18 through May 10, 2016. Applications can be mailed to SBNCAAC, 1422 Anna Marie Ct., Annapolis, MD 21409 or emailed to [sbncaac@icloud.com](mailto:sbncaac@icloud.com).

All questions should be directed to the School Board Nominating Commission.

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Article printed from AACPS News Releases: <http://www.aacpsnews.org/pressr>

URL to article: <http://www.aacpsnews.org/pressr/?p=2991>

2015 AACPS News Releases

EXHIBIT

3

5/10/2016

Jamie Falcon, Chairman  
Bob Burdon  
Kam Gast  
Susannah Kipke

Amalie Brandenburg  
Diane Dixon-Proctor  
Kemp Hammond  
Joan Maynard

Pam Bukowski  
Dr. Linda Ferrara  
Bill Jones

## Meeting Minutes – March 14, 2016

Members Present: Jamie Falcon, Amalie Brandenburg, Pam Bukowski, David McClatchy (Proxy for Bob Burdon), Diane Dixon-Proctor, Dr. Linda Ferrara, Chike Anyanwu (Proxy for Kam Gast), Kemp Hammond, Bill Jones, Susannah Kipke, and Joan Maynard.

### I. Call to Order:

Chairman Jamie Falcon called to order a regular meeting of the School Board Nominating Commission of Anne Arundel County (the "Commission") at 7:02 p.m. on March 14, 2016 in Room M3 at the Severna Park Community Center located at 623 Baltimore and Annapolis Blvd., Maryland 21146.

### II. Approval of Minutes:

Without objection, the Minutes of the February 1, 2016 Meeting were approved with the following Amendment: change "City Hall" in Section V(iii)(b) to "the Arundel Center."

### III. Chairman's Announcements:

- a. Thank you to the applicants and the public for coming this evening;
- b. For those applicants not selected, do not take offense;
- c. Next hearing will be March 28, 2016; vote will be at that meeting;
- d. The plan is to conduct remaining interviews, make further decisions on District 33, make Bylaws in line with the Code, and potentially recommendations from Jim Snyder;
- e. Chairman Falcon is interested in the following Bylaw changes, which are in the Code, but not in the Bylaws:
  1. Commission shall hold at least two meetings;
  2. For each nomination, the commissioner shall submit to the Governor at least two names for the vacancy; and
  3. Two corrections that do not require a vote because we already voted on them.
- f. The Chair is interested in setting up regular meetings; use scheduling tool to do that; aim to have the next Regular Meeting in May; would like to have Regular Meetings in May and December and have reporter from *The Capital* to be at those regular meetings.
- g. Candidates no longer proceed in alphabetical order;
- h. Current SBNC has improved the application process:
  1. Making the material open to the public;
  2. Candidates are allowed to request that their applications be made public;
  3. Prior to this SBNC, application material was removed from the website;
  4. Candidates who receive a majority vote are nominated;
  5. Email address for application submittal no longer has a typing error (it was Sbnacc@, but should have been Sbnacc);
  6. Time limits for comments and discussion are to keep such process concise;
  7. We made sure to have a Secretary;

Jamie Falcon, Chairman  
Bob Burdon  
Kam Gast  
Susannah Kipke

Amalie Brandenburg  
Diane Dixon-Proctor  
Kemp Hammond  
Joan Maynard

Pam Bukowski  
Dr. Linda Ferrara  
Bill Jones

8. We have adopted consistent voting rules;
9. Working on a fairly substantive typing error: one of the positions in the Bylaws has plural Chambers of Commerce when Code has it as singular

#### IV. Unfinished Business

- a. 10 minutes presentation regarding SBNC administration by Jim Snider

Mr. Snider presented recommendations to improve the administration of the SBNC in addition to those recommendations he made at the last meeting.

- b. Public Testimony

1. Cynthia Robichaut, 100 Skyway Drive, Annapolis, MD
  - i. Concerns: voting/discussions behind closed doors
  - ii. Meetings: last meeting was night School Board presented budget, next meeting is part of schools' Spring Break
  - iii. Concerned the County Executive has been too involved in the process
2. Amy Leahy, 712 Monmouth Avenue, Severna Park, MD 21146
  - i. Appreciative of new SBNC
  - ii. This has always been a partisan issue; need an elected School Board

- c. Interviews of Candidates

1. Allison Pickard
  - i. Statement by Candidate
  - ii. Questions/comments from Commissioners or Acting Commissioners: McClatchy, Dixon-Proctor, Bukowski, Kipke, Hammond, Maynard, Brandenburg, Ferrara, Jones, Anyanwu, and Falcon.
2. William Fromme
  - i. Statement by Candidate
  - ii. Questions/comments from Commissioners or Acting Commissioners: Anyanwu, Jones, Ferrara, Brandenburg, Maynard, Hammond, Kipke, Bukowski, Dixon-Proctor, McClatchy, and Falcon.

BREAK FROM 9:20 TO 9:30 P.M.

3. Jill Whitley
  - i. Statement by Candidate
  - ii. Questions/comments from Commissioners or Acting Commissioners: McClatchy, Dixon-Proctor, Bukowski, Kipke, Hammond, Maynard, Brandenburg, Ferrara, Jones, Anyanwu, and Falcon.

Jamie Falcon, Chairman  
Bob Burdon  
Kam Gast  
Susannah Kipke

Amalie Brandenburg  
Diane Dixon-Proctor  
Kemp Hammond  
Joan Maynard

Pam Bukowski  
Dr. Linda Ferrara  
Bill Jones

4. Kerry Petz

- i. Statement by Candidate
- ii. Questions/comments from Commissioners or Acting Commissioners:  
Anyanwu, Jones, Ferrara, Brandenburg, Maynard, Hammond, Kipke,  
Bukowski, Dixon-Proctor, McClatchy, and Falcon.

5. Diana Peckham

- i. Statement by Candidate
- ii. Questions/comments from Commissioners or Acting Commissioners:  
McClatchy, Dixon-Proctor, Bukowski, Kipke, Hammond, Maynard,  
Brandenburg, Ferrara, Jones, Anyanwu, and Falcon.

**V. New Business**

Commissioner Jones: mentioned having a second look at our voting procedure

**VI. Adjournment**

Acting Commissioner Klatchy moved to adjourn, seconded by Hammond.

Adjourned at 11:26 p.m.



BRIAN E. FROSH  
ATTORNEY GENERAL

ELIZABETH F. HARRIS  
CHIEF DEPUTY ATTORNEY GENERAL

THIRUVENDRAN VIGNARAJAH  
DEPUTY ATTORNEY GENERAL



THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

SANDRA BENSON BRANTLEY  
COUNSEL TO THE GENERAL ASSEMBLY

KATHRYN M. ROWE  
DEPUTY COUNSEL

JEREMY M. MCCOY  
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER  
ASSISTANT ATTORNEY GENERAL

April 26, 2016

The Honorable Pamela G. Beidle  
Maryland General Assembly  
165 House Office Bldg.  
Annapolis, Maryland 21401

Dear Delegate Beidle:

You asked for advice about the Anne Arundel County School Board Nominating Commission ("SBNC"). In particular, you asked whether the current members of the SBNC may nominate individuals for a vacancy that will occur on the school board on July 1, 2017. As explained below, in my view the answer is no because when the vacancy occurs, a majority of the members of the SBNC will be new members. As a result, an attempt to nominate names for a vacancy that will occur long after several current members are no longer serving in their positions would be an invalid prospective appointment.

The General Assembly established the SBNC to select individuals for nomination to the Anne Arundel County school board. Education Article ("ED"), § 3-110. The SBNC "shall submit to the Governor a list of nominees that contains:

- i. At least two names for each vacancy; or
- ii. If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy."

ED § 3-110(b)(5). The Governor is limited to appointing a person to a vacancy on the school board from the list submitted to him from the SBNC. ED § 3-110(a)(2).

The current SBNC is comprised of 11 members:

- 5 gubernatorial appointees, representing one each from the Anne Arundel County legislative districts.
- 1 appointed by the Anne Arundel County Executive.
- 1 appointed by the Anne Arundel County Community College ("AACC") Board of Trustees.
- 1 appointed by the Anne Arundel Council of Parent Teachers Associations ("PTA").
- 1 appointed by the Teachers Association of Anne Arundel County.

- 1 appointed by Annapolis and Anne Arundel County Chamber of Commerce.
- 1 appointed by the Association of Educational Leaders ("AEL").

ED § 3-110(b)(2). The terms are for 4 years.

House Bill 172 (Chapter 35) was enacted by a veto override on April 8, 2016. The bill's effective date is June 1, 2016. The bill changes the configuration of the SBNC by expanding membership and changing the appointing authority for several slots. The new 13 member commission consists of the following:

- 3 appointed by the County Executive.
- 1 appointed by the Teachers Association.
- 1 appointed by the Annapolis and Anne Arundel County Chamber of Commerce.
- 1 appointed by the AACC Board of Trustees.
- 1 appointed by the AEL.
- 2 appointed by the PTA.
- 1 appointed by the NAACP.
- 1 appointed by Casa de Maryland.
- 1 appointed by the Anne Arundel Special Education Citizens' Advisory Committee.
- 1 rotating member appointed by other local chamber organizations (for 2 year terms).

The bill also provides that the current gubernatorial appointees' terms end on June 1, 2016. As a result, there will be 7 new members starting on June 1, 2016 on the new 13 member SBNC.

The Court of Appeals has announced the following principles: (1) "an appointment cannot be made to a public office unless, at the time the appointment is to become effective, there is, or will be, a vacancy in that office" and (2) "absent some supervening Constitutional or statutory provision to the contrary, an appointing authority cannot validly make an appointment to a public office unless the vacancy to be filled by that appointment will, with certainty, occur at a time when the appointing authority retains power to make the appointment." *Bryan v. Makosky*, 380 Md. 603, 610-611 (2004).

Courts have recognized, as a general rule, that it is permissible for an appointing authority to make appointments prospectively, *i.e.*, to announce and put in motion the appointment of a person to fill a prospective vacancy before the vacancy actually occurs, so long as the vacancy will, in fact, exist when the new appointment becomes effective. The relevant caveat to that general rule which, with certain limited exceptions, is equally well-recognized, is that the vacancy to be filled by the prospective appointment must be certain to exist while the appointing authority is still empowered to fill the vacancy, *i.e.*, a prospective appointment may not be made to fill a vacancy that is not certain to occur during the term of office of the appointing authority. The rationale most often expressed for that caveat is that an appointing authority may not usurp the prerogative of its successor by filling a vacancy that will not occur until the successor has taken office and, by virtue of that succession, has itself become vested with the power to make the appointment.

*Id.* at 611-612. See also 63 C.J.S. Officers § 60 (April 2016 Update) ("A body or officer clothed with power of appointment to a public office has no right to forestall the rights and prerogatives of a successor by making a prospective appointment to fill an office, the term of which is not to begin until the appointer's term and power to appoint have expired.").

No Maryland court has specifically addressed whether boards with staggered terms are deprived of the power to make prospective appointments.<sup>1</sup> More than 25 years ago, this Office issued advice on the issue of the prospective appointment of a superintendent in Prince George's County. In that letter, Assistant Attorney General Richard E. Israel concluded that an appointing authority comprised of multiple members with staggered terms may make a prospective appointment if a majority of the members who favor the appointment will still be in office when the vacancy is to occur. Letter of Advice to the Honorable Sylvania W. Woods, Jr. from Asst. Att'y Gen. Richard E. Israel, dated May 25, 1990 (citing *Koch v. Lexcen*, 308 P.2d 974, 795 (Mont. 1957)). The court in *Koch* upheld a board's prospective appointment for a term commencing after the expiration of the term of a minority of its members. That court reasoned that the board functioned as a continuous body because a majority of the board were in office both prior and subsequent to the term of the appointment. *Id.* at 976. Other courts have held that a board constituted after the expiration of a staggered term or terms is a new board with the sole power to appoint an officer to a term that begins on or after the new board is constituted. 75 ALR 2d at 1287-1289, citing cases such as, *Maynard v. Gilbert*, 140 S.W. 2d 1064, 1067 (Ky. 1940); *Harrod v. Hoover*, 272 S.W. 400, 402 (Ky. 1925).<sup>2</sup>

Although the Governor makes the actual appointment to the school board, the SBNC plays a substantive role in the decision-making process. The SBNC submits the list of nominees from which the Governor makes the appointment. In essence, the SBNC's gatekeeper role makes the SBNC a key part of the appointment process. The SBNC's role is not purely advisory. Thus, the law governing prospective appointments applies to the SBNC's nomination powers. As a result, it is my view that the "new" SBNC would be the one with valid authority to submit names for the vacancy with the term beginning on July 1, 2017. By that time, a majority of the membership will have changed, which the law indicates would make it an entirely "new" board even if a more modest turnover would not have that same effect.

In addition, although it is not entirely clear, there is an argument that the new SBNC would also be the appropriate body to make the nominations for the vacancy occurring on July 1, 2016. The cases seem to rely on how far in advance the previous board acted and whether there is evidence it did so for the purpose of forestalling a future board. On March 28, the current SBNC submitted names to the Governor to fill a vacancy for a term beginning on July 1, 2016. The March submission seems to be earlier than typical practice as there is an indication that the previous practice was to submit names in May. Moreover, it is possible that the current

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<sup>1</sup> House Bill 172 did not indicate that the terms of the current six other non-gubernatorial appointments end, thus it appears that those SBNC members continue service on the board until the end of their terms. As a result, the board members serve staggered terms.

<sup>2</sup> Two cases from Louisiana considered a school board to be a "continuous body" finding it was the intent of the legislature that a school superintendent be appointed at some reasonable time before the beginning of his term of office, even if the board would change membership shortly thereafter. See *Russell v. Richardson*, 152 So. 748, 751 (La. 1934); *Funchess v. Lindsey*, 133 So 2d. 357, 362 (La. 1961).

The Honorable Pamela G. Beidle  
April 26, 2016  
Page 4

SBNC had been trying to forestall the soon-to-be-reconstituted SBNC.<sup>3</sup> Both of these factors weigh in favor of the new SBNC having the appointment authority. Moreover, the legislative purpose of the new law was to reconfigure the SBNC, thus it is arguably more consistent with legislative intent to have the new SBNC make the appointment. Nevertheless, while there is little doubt that a court would determine that the current SBNC is without authority to submit names for appointment more than a year before a vacancy is to occur where a majority of the SBNC members will be different by that time, the conclusion is not as clear with the July 1, 2016 vacancy.

In summary, because a majority of the members of the SBNC will be new members as of June 1, 2016, an attempt to nominate names for a vacancy that will occur long after several current members are no longer serving in their positions would be an invalid prospective appointment.

Sincerely,



Sandra Benson Brantley  
Assistant Attorney General

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<sup>3</sup> On March 28, however, the legislation had yet to be passed by the Senate. It had been passed by the House of Delegates.

**Anderson, Kristy [MD]**

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**From:** Jones, Bill [MD]  
**Sent:** Wednesday, May 04, 2016 11:32 AM  
**To:** Anderson, Kristy [MD]; Benfer, Richard [MD]  
**Subject:** Fwd: New applications?

See the response from the SSBC Chair, Jamie Falcon.

Per previous conversations with you, I am guessing that his answer is sufficient to file.

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Jamie Falcon <sbncaac@icloud.com>  
**Date:** 5/3/2016 7:45 PM (GMT-05:00)  
**To:** "Jones, Bill [MD]" <bjones@mseanea.org>  
**Cc:** amalie.brandenburg@aacounty.org  
**Subject:** Re: New applications?

Hi Bill.

Yes, we plan to proceed.

-Jamie

On May 02, 2016, at 06:07 PM, "Jones, Bill [MD]" <bjones@mseanea.org> wrote:

Jamie:

What you were intending is pretty clear. You were going to have the current Commission accept applications, interview and choose nominees, and get them to the governor before the new commission is seated.

You haven't answered my questions yet about when, where, and by whom was this decision made. Will you answer this one:

Do you intend to have the Commission conduct interviews of candidates and proceed in sending nominees to the Governor before June 1 in light of the AG's opinion?

**EXHIBIT**

Bill

**From:** Jamie Falcon [mailto:sbncaac@icloud.com]  
**Sent:** Saturday, April 23, 2016 9:55 AM  
**To:** Jones, Bill [MD] <bjones@mseanea.org>  
**Cc:** Amalie Brandenburg <exbran22@aacounty.org>  
**Subject:** Re: New applications?

Good morning Bill.

"Tie the hands?" I don't understand that.

I've attached the full release.

Please continue to have a great weekend.

-Jamie

On Apr 22, 2016, at 01:41 PM, "Jones, Bill [MD]" <[bjones@mseanea.org](mailto:bjones@mseanea.org)> wrote:

I am suggesting that the Commission made no decision. Rather, one or more members of members made the unprecedented decision to tie the hands of an incoming commission by reaching to fill vacancies that will not occur for fourteen months and announced as a decision made by the commission. I believe it to be unethical at best, and the fact that you can't tell me when, where, and by whom the decision was made confirms my opinion.

**From:** Jamie Falcon [<mailto:sbncaac@icloud.com>]  
**Sent:** Friday, April 22, 2016 12:15 PM  
**To:** Jones, Bill [MD] <[bjones@mseanea.org](mailto:bjones@mseanea.org)>  
**Cc:** Amalie Brandenburg <[exbran22@aacounty.org](mailto:exbran22@aacounty.org)>  
**Subject:** Re: New applications?

Hi Bill.

I don't think I understand. Are you suggesting the release should have specified that?

Have a great weekend!

-Jamie

On Apr 21, 2016, at 04:21 PM, "Jones, Bill [MD]" <[bjones@mseanea.org](mailto:bjones@mseanea.org)> wrote:

No vote count? Then it must not have been the School Board Nominating Commission that took action as stated in the press release. What members of the commission made the decision?

**From:** Jamie Falcon [<mailto:sbncaac@icloud.com>]  
**Sent:** Thursday, April 21, 2016 3:33 PM  
**To:** Jones, Bill [MD] <[bjones@mseanea.org](mailto:bjones@mseanea.org)>  
**Subject:** Re: New applications?

Good afternoon Bill.

We can continue to address administrative matters too.

There was no vote count.

Thanks!

-Jamie

On Apr 20, 2016, at 04:48 PM, "Jones, Bill [MD]"  
<[bjones@mseanea.org](mailto:bjones@mseanea.org)> wrote:

*Annapolis, MD (April 15, 2016) – The School Board Nominating Commission today urged residents to submit applications for an appointment to the Anne Arundel County Board of Education District 21 seat and the at-large seat opening July 1, 2017.*

**Jamie:**

**As far as I am aware, it was determined at the last meeting of the SBNC that the next meeting would be in late May or Early June to address administrative matters. Please tell me at what time and place did the SBNC decide to seek applications from candidates who will not be seated until July 1 of 2017?**

**I would also like to know the vote count and the names of the commissioners present.**



**Bill Jones**

**TAAAC's Appointee to the SBNC**

<http://www.aacpsnews.org/pressr/?p=2991>

**Bill Jones MBA, *Fellow* ISCEBS**

**Executive Director**

**Teachers Association of Anne Arundel County**

**2521 Riva Road, Suite L-7**

**Annapolis, Maryland 21401**

**410-224-3330, 410-841-6022, 301-261-8309**

**Fax 410-841-5117**

**SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY ANNOUNCES FINAL CANDIDATE LIST FOR 2017 DISTRICT 21 AND AT-LARGE SEATS ON THE BOARD OF EDUCATION**

The School Board Nominating Commission of Anne Arundel County today announced its final candidate list for Anne Arundel County Board of Education seat representing District 21 and the at-large seat to be vacated in June, 2017. The Commission received seven applications before last night's midnight deadline. The applicants are:

- Janet Norman of Annapolis (at-large)
- Claudia O'Keefe of Crownsville (at-large)
- Stacy Korbela of Odenton (21 and at-large)
- Tracey Parker-Warren of Odenton (21 and at-large)
- Kerry Petz of Arnold (at-large)
- Sandy Smolnicky of Annapolis (at-large)
- Stephanie Tumbach of Severna Park (at-large)

Copies of all candidate applications will be posted on the SBNC website, [www.aacps.org/sbnc](http://www.aacps.org/sbnc).

**Upcoming Candidate and Public Hearings**

**Sunday, May 22, 1:30 PM, Maryland City Public Library**

**Monday, May 23, 6:30 PM 3rd Floor Conference Room, Arundel Center**

**Wednesday, May 25, 6:30 PM 3rd Floor Conference Room, Arundel Center (this hearing will not occur if SBNC makes nominations during prior meeting)**

Meetings can be seen live on Livestream by searching for "annearundelty."

Please check the [SBNC website](http://www.aacps.org/sbnc) for other information.

*Information supplied by the School Board Nominating Commission. Please contact the Commission with any questions.*

WILLIAM JONES, COMMISSIONER  
SCHOOL BOARD NOMINATING  
COMMISSION  
2521 Riva Road, Suite L7  
Annapolis, Maryland 21401

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\*  
\*

IN THE  
CIRCUIT COURT  
FOR

PAMELA BUKOWSKI, COMMISSIONER  
SCHOOL BOARD NOMINATING  
COMMISSION  
114 Edgemere Drive  
Annapolis, Maryland 21403

\*  
\*  
\*

ANNE ARUNDEL COUNTY

LINDA FERRARA, COMMISSIONER  
SCHOOL BOARD NOMINATING  
COMMISSION  
2521 Riva Road, Suite L2  
Annapolis, Maryland 21401

\*  
\*  
\*

SARAH DAVIS, TREASURER  
ANNE ARUNDEL SPECIAL  
EDUCATION CITIZEN ADVISORY  
COMMITTEE, [info@aasecac.org](mailto:info@aasecac.org)  
3416 Blandford Way  
Davidsonville, Maryland 21035

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\*  
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\*

Case No. C-02-CV-16-001615

ELIZABETH ALEX, DIRECTOR  
CASA DE MARYLAND  
8151 15<sup>th</sup> Avenue  
Hyattsville, Maryland 20783

\*  
\*  
\*

REVEREND STEPHEN TILLET, PRESIDENT,  
ANNE ARUNDEL COUNTY BRANCH OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
657 Broadneck Road  
Annapolis, Maryland 21409

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\*  
\*  
\*

Petitioners

v.

\*

JAMIE FALCON, CHAIR  
SCHOOL BOARD NOMINATING  
COMMISSION  
1422 Anna Marie Court  
Annapolis, Maryland 21409

\*  
\*  
\*

LAWRENCE J HOGAN, JR., \*  
GOVERNOR OF MARYLAND \*  
Chief Executive Officer \*  
c/o Office of the Attorney General \*  
Civil Division \*  
200 Saint Paul Place, 20<sup>th</sup> Floor \*  
Baltimore, Maryland 21202 \*

Respondents \*

\*\*\*\*\*

**WRIT OF PROHIBITION**

The Petitioners, William Jones, Pamela Bukowski, Linda Ferrara, Sarah Davis, Elizabeth Alex, Reverend Stephen Tillett, to Respondents Jamie Falcon and Governor Hogan:

It appears from the verified petition of above named Petitioners presented to this court and filed in the above-entitled proceeding that you intend to act in excess of your authority and jurisdiction in seeking applications, interviewing applicants, and making nominations to the Board of Education of Anne Arundel County for a seat that will not be vacant until July 1, 2017, which constitutes an illegal prospective appointment; and that Petitioners have no plain, adequate, or speedy remedy in the ordinary course of law, as a party beneficially interested.

Therefore, you are commanded, immediately on service of this Writ on you, to desist and refrain from taking any further action to interview or make nominations to the Board of Education of Anne Arundel County until further order of this court.

You are further commanded to show cause before this court at \_\_\_\_\_, or as soon after that as the matter may be heard, in the Circuit Court for Anne Arundel County at the courthouse at 8 Church Circle, Annapolis, Maryland, Anne Arundel County, why you should not be permanently and absolutely restrained and prohibited from any further proceedings in this matter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

**SERVE ON:**

**Jamie Falcon  
1422 Anna Marie Court  
Annapolis, Maryland 21409**

**Governor Lawrence J. Hogan, Jr.  
c/o Office of the Attorney General  
Civil Division  
200 Saint Paul Place, 20<sup>th</sup> Floor  
Baltimore, Maryland 21202**

**c: Kristy K. Anderson  
Maryland State Education Association  
140 Main Street  
Annapolis, Maryland 21401**



maryland state education association

140 Main Street Annapolis, MD 21401-2003

t 800-448-6782 f 410-263-5730 marylandeducators.org



E-FILED

Anne Arundel Circuit Court

5/12/2016 9:56:03 PM

BETTY H. WELLES  
President

CHERYL BOST  
Vice President

DAVID E. HELFMAN  
Executive Director

Center For Legal Affairs

KRISTY K. ANDERSON  
General Counsel

DAMON R. FELTON  
SAURABH GUPTA

May 12, 2016

To: Clerk of Circuit Court

From: Kristy K. Anderson

RE: Request for Summons – *William Jones, School Board Nominating Commission, et. al. v. Jamie Falcon, School Board Nominating Commission, et. al.*

Pursuant to Maryland Rule 20-204.1, I am requesting that you issue the requested summons to me electronically for appropriate service to Respondents.