

# FOP seeking federal probe into Question B

## County: Attorney is 'grandstanding'

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by [Kate S. Alexander](#) Staff writer

A week after the Maryland State Prosecutor dropped his criminal investigation of Montgomery County officials for spending tax dollars advocating for a ballot question, the Fraternal Order of Police is pursuing federal scrutiny.

It is also pushing the state to reopen its investigation.

FOP attorney Lanny J. Davis said Thursday that he was now writing Rod J. Rosenstein, U.S. Attorney for the District of Maryland, asking for him to investigate into the county's possible use of federal money for "political activity" to advocate for ballot Question B, including through a countywide mailer.

Also, he is asking Maryland Prosecutor Emmet C. Davitt to reopen his criminal investigation. Davitt dropped his investigation after about a week, asking Attorney General Douglas F. Gansler to offer his opinion the matter.

Davis argued that the County Attorney Marc P. Hansen's advice did not "directly address" spending county money on political activity, but rather only speech. The prosecutor closed his investigation on the grounds that the county acted on the advice of Hansen and not with criminal intent.

Initially the FOP requested Davitt investigate whether the county was violating state law by spending public dollars to advocate for Question B.

Question B asks voters if they affirm a County Council law that takes away the police union's right to bargain the effects of management decisions. FOP Lodge 35 is asking voters to vote "against" Question B.

Led by the county Office of Public Information, the county is advocating support for Question B through a campaign of advertisements, banners, posters, fliers, websites and bumper stickers. The campaign is paid for by public money and produced by county employees.

"Have you no shame?" Davis asked county leaders Friday during a press conference.

"Have you no shame to use taxpayer dollars to spread falsehoods to overturn a 30-year law that has allowed our police officers the dignity of the right to talk and while we sleep at night they're out answering our 911 calls and when there is a hurricane they're out on our street corners," he said.

Davis called the prosecutor's dropping of the case "political" and alleged that County Executive Isiah Leggett (D) pressured Davitt into backing down.

Patrick Lacefield, county director of the Office of Public Information, said Leggett has never spoken to nor met Davitt and called the FOP's latest action unbelievable.

"This is nothing but a kind of grandstanding and hyperbole by a Washington lobbyist who has tied his ship to a failed initiative," Lacefield said.

Lacefield said Thursday the county has hired workers to work the polls during early voting and on election day, Nov. 6, to pass out material urging votes "for" Question B. It's a move, he said, most campaigns make.

The county hired about a couple dozen poll workers at \$12 an hour, a total expenditure of about \$4,000 to \$5,000, he said.

Because the campaign was ongoing, Lacefield said previously that the county does not have a total of how much it has spent advocating "for" Question B.

Because Question B asks voters if they want a county bill to become law, Hansen had advised the county that advocacy of its own legislation and policy was both legal and appropriate.

The issue came up in 2010 when the county engaged in advocating for a referendum on a bill to establish an ambulance fee. Ultimately, the voters overturned the fee.

Seeking confirmation of the advice he was providing the county at the time, Hansen said he sought an informal opinion from Jeffrey Darsie, assistant attorney general for the Maryland Board of Elections, on whether the county's actions fell under state campaign finance law.

"[Darsie] confirmed the opinion I had already reached," Hansen said.

David Paulson, spokesman for the Office of the Attorney General, said no formal opinion by Gansler was ever offered.

It was the FOP that requested Davitt investigate the county's advocacy.

kalexander@gazette.net