

**IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FOR THE STATE OF MARYLAND**

Brian Charles Vaeth
8225 Poplar Mill Road
Nottingham, Maryland 21236
(443) 604-0610

v.

Governor Larry Hogan
In his individual and official capacity
State of Maryland
100 State Circle
Annapolis, Maryland 21401

Attorney General Brian Frosh
In his individual and official capacity
St. Paul Place
Baltimore, Maryland 21202

COMPLAINT
(Jury Trial Demanded)

This is an action against Brian Frosh in his official capacity as Attorney General for the State of Maryland and in his individual capacity. The case involves unprecedented constitutional violations by elected and appointed public officials that have injured and threaten to cause continuing injury to the State of Maryland and its residents, including direct injury to the plaintiffs' interests in protecting his absolute right to hold his elected and appointed officials accountable for their conduct, of which involves the public trust in their elective form of representative government.

This lawsuit alleges violations by the Attorney General that involves complaints of corrupt actions to have been committed by the officials named in this complaint and by officials that are not readily known but will be disclosed as this litigation proceeds further into the discovery phase. The reason that other defendants may not be readily identified, at the present time, is due to the prevalence of the corruption that exists in both the Maryland General Assembly and in the City of Baltimore, due to the actions of officials

that seek to deceive citizens by covering up the unlawful acts that are reported and will be revealed through depositions and direct testimony offered to this Court.

As a result of illegal misconduct perpetrated by Baltimore City officials, plaintiff attempted to report violations of law he discovered to law enforcement officials in the City of Baltimore. At every turn, plaintiff was directed by public officials to file his complaint with an agency that denied having any jurisdiction over the governmental agencies involved. Plaintiff was purposely sent on a “wild goose chase” by officials when searching for the appropriate agency who would investigate these claims. Upon the abuse of discretion demonstrated by the Baltimore City State’s Attorney for Maryland, Mrs. Marilyn Mosby, in not performing the duties of her office in properly investigating the complaint and presenting any charges to a grand jury relating to the prosecution of criminal law violations whatsoever, plaintiff attempted to submit these allegations to the Maryland General Assembly. Plaintiff has been repeatedly denied access to redress this matter with the legislature. Upon being rejected by state and local officials from accessing any process wherein violations of the law committed by public officials could be reported, plaintiff attempted to gain access to the United States Department of Justice by meeting with the United States Attorney for Maryland, Mr. Rod Rosenstein, to submit these allegations for an investigation. This effort was unsuccessful. Upon exhausting all avenues of redressing the abovementioned remedies, plaintiff attempted to access the grand jury in Baltimore City to present these allegations for an investigation and was threatened with being arrested for exercising a legitimate, legal right available to citizens of Maryland by Mr. Ruebottom, Deputy Sheriff for the City of Baltimore Circuit Court. During this time, plaintiff met with other citizens who have encountered the same actions as described above.

Despite the obvious objective of these agencies to protect senior level elected and appointed officials in Baltimore City from being held accountable for their actions, their actions are harmful to the citizens of Maryland. The corrupt acts complained of in the complaint, and that of the others plaintiff have met, causes Marylanders to pay an additional tax in supplemental budget appropriations every year in an effort to mitigate the damage that ensues committing such unlawful acts. The appearance is that there is a

two-tiered justice system that protects public officials, while those same officials embark upon objectives designed to prosecute citizens who have violated no laws whatsoever.

THE ATTORNEY GENERAL OF MARYLAND

The Attorney General of the State of Maryland is the chief legal officer of the State of Maryland in the United States and is elected by the people every four years with no term limits. To run for the office a person must be a citizen of and qualified voter in Maryland and must have resided and practiced law in the state for at least ten years. The Attorney General has general charge, supervision and direction of the legal business of the State and is the legal advisor and representative of the Governor, the General Assembly, the Judiciary, and the major departments, various boards, commissions, officials and institutions of State Government. The Office further represents the State in all cases pending in the Appellate Courts of the State, and in the United States Supreme Court and lower Federal Courts.

The Attorney General's Office of Civil Rights works to advance the people of Maryland's civil rights and combat discrimination. In furtherance of this goal, the Office develops policies and legislative initiatives to strengthen Maryland civil rights laws and works with civil rights organizations and other stakeholders to engage and educate the community on important civil rights matters. The Office of Civil Rights also serves as an advocate for individuals who allege that violations of civil rights or other discriminatory acts have been committed against them in the State of Maryland. Specifically, the Office reviews and mediates complaints regarding civil rights violations and alleged discriminatory acts, advising complainants as to the applicable law. Recent efforts by the Civil Rights Office include the Attorney General's Guidance Memorandum on Ending Discriminatory Profiling in Maryland. The guidance states that law enforcement activities must be neutral with respect to race, ethnicity, national origin, gender, gender identity, sexual orientation and religion – except in certain instances where information about those characteristics is a legitimate component in investigating crime. This guidance is based on the state and federal constitutions and anti-discriminatory laws and follows guidance issued by the U.S. Department of

Justice in 2014, calling upon states to do the same. Maryland was the first state to adapt the federal guidance for its own use.¹

The Office is comprised of several divisions to best serve the State and its citizens. The Civil Rights Division reviews and responds to constituent complaints directed to the Attorney General involving civil rights issues, engages in community outreach activities to educate the public about civil rights, reviews and evaluates possible civil rights violations based upon patterns or practices that have a significant impact in Maryland and partners with the Maryland Commission on Civil Rights and other organizations or government agencies on matters related to discrimination, injustice, etc., and monitors legislation and administrative rules that involve civil rights with a view toward making recommendations.

ARGUMENT

Vested by the Constitution with extraordinary power, the Attorney General of Maryland is bound by oath “to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Attorney General for the State of Maryland and according to the Constitution and Laws of this State.” Under Maryland Law, as found in State Government Article §16-102, it states:

(a) The oath prescribed by Article I, § 9 of the Maryland Constitution shall be taken and subscribed before the Governor by:

- (1) the Adjutant General;
- (2) ***the Attorney General***;
- (3) the Comptroller;
- (4) the judges of the Court of Appeals and their clerks;
- (5) the judges of the Court of Special Appeals and their clerks;
- (6) the Secretary of State;
- (7) the State Reporter; and
- (8) the Treasurer.

At many different times, citizens have filed complaints with the Maryland Attorney General’s Office that detailed criminal allegations of misconduct to have been perpetrated by elected and appointed public officials in the City of Baltimore. At all times relevant in this complaint, Mr. Brian Frosh has been the Maryland Attorney General.

¹ <http://www.marylandattorneygeneral.gov/>

Mr. Frosh was elected to the office of the Maryland Attorney General in 2014 and assumed the office in January of 2015. It should not come to the Court's surprise that Baltimore City suffers from an inordinate amount of corruption, as demonstrated in the high-profile prosecutions of Baltimore Police officers who were involved in the department's Gun Trace Task Force. The police officers were indicted for allegations of corrupt practices that resulted in convictions of those officers and were part of the findings of the United States Department of Justice's investigation into civil rights violations committed by the Baltimore Police Department. The actions demonstrated in that investigation were regarded as a "culture of corruption" and not merely just a "pattern or practice" by the United States Department of Justice.

Since 1777, each Attorney General for Maryland regardless of temperament or ideology, has sought, in his own way, to honor that solemn vow. Yet fundamental to an Attorney General's fidelity to that oath is to represent the interests of the State of Maryland without regard to political affiliation or motivation. Instead, Mr. Frosh, acting as Maryland Attorney General, has sought to promote the political agenda of the Democratic Party by filing lawsuits that allege corruption against the President of the United States of America, while disregarding the complaints of Maryland citizens who are trying in earnest to report their complaints of corruption against public officials in Baltimore City and are being rejected by the Maryland Attorney General's Office. These corrupt acts serve to cause even more injury to the citizens of Maryland than Mr. Frosh's interest in protecting the State from the alleged unlawful acts of the President, for which Mr. Frosh has filed over twenty lawsuits thus far. Mr. Frosh has full knowledge of the allegations that are part of this complaint, as plaintiff was a candidate for Governor for Maryland in 2014 and participated in public forums wherein Mr. Frosh, as part of his campaign for Attorney General for Maryland, participated, as well. At a forum hosted by the NAACP of Baltimore City, plaintiff discussed these allegations with Mr. Frosh and filed copies of those complaints with his office upon his election. To be sure, plaintiff has been involved with several matters that involved the Maryland Attorney General's Office. The Maryland Attorney General was legal counsel for the Governor of Maryland in a lawsuit plaintiff filed

against the State of Maryland related to the removal of confederate monuments.² Mr. Frosh should not be permitted to claim that he had no knowledge of these complaints, as evidence will show the efforts citizens have undertaken in relation to informing Mr. Frosh of them. These present and continuing violations of the Constitution’s anti-corruption protections threaten the free and independent self-governance at the core of our democracy.

Mr. Frosh’s failure to act on these complaints undermines the trust the American people are entitled to have in their government. It is fundamental to our system of self-governance that our duly elected officials and the governments over which they preside will always act in singular pursuit of our liberty, security, health, and well-being. Mr. Frosh asserts that, “President Trump’s myriad international and domestic business entanglements make him vulnerable to corrupt influence and deprive the American people of trust in their chief executive’s undivided loyalty.” Likewise, the allegations contained in the many complaints citizens have filed, which have been ignored by the Attorney General’s Office relating to the corrupt practices perpetrated by public officials in the State of Maryland, deprives the citizens of trust in our public official’s loyalty, as well.

THE GRAND JURY IN MARYLAND

Plaintiff’s complaint is focused on a particular “species of fraud” perpetrated upon the court, in an effort by Maryland State and Baltimore City to prevent the judicial process from functioning “in its usual manner” and that involved perjury or a nondisclosure so fundamental that it undermined the workings of the adversary process itself. Importantly, this complaint is about far more than an injury to a single plaintiff. It is about a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society.

In a matter involving plaintiff, the Baltimore City Solicitor committed the aforementioned fraud on the court. Plaintiff attempted to report the evidence of this fraud to law enforcement officials, as it involved perjury committed by the Baltimore City Solicitor in the United States District Court, which is a criminal

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offense. As plaintiff alleged that the State's Attorney for Baltimore City Mrs. Marilyn Mosby, also elected at the same time as Mr. Frosh, both of whom are members of the same political party, abused the discretion of her office by not performing any investigation into these very serious allegations.

The grand jury has been described as the greatest instrument of freedom known to our form of government and as a bulwark against oppression. It is the last effective tool that the citizen has to hold their government officials accountable for corrupt actions undertaken in the performance of their duties. "The grand jury is an accusing body, and not a judicial tribunal; and it acts upon knowledge possessed by its members from any source, whether from witnesses brought before it, or from information gained before its sessions. In this state they have plenary inquisitorial powers, and may lawfully themselves, and upon their own motion, originate charges against offenders, though no preliminary proceedings have been had before a magistrate, and though neither the court nor the state's attorney has laid the matter before them.' *Blaney v. State*, 74 Md. 153, 21 A. 547, 548; *In re Grand Jury Report*, 152 Md. 616, 137 A. 370. And their oath requires them to present all things truly as they come to their knowledge, according to the best of their understanding." *Id.* at 566.

In Maryland, the State's Attorney has full discretion over the cases that are presented to the grand jury but that does not mean that is the last word on it. The people can bring charges to the grand jury by simply knocking on the door and requesting the foreperson for permission to present a matter before the entire panel. The Maryland General Assembly has perpetrated a fraud on the people of Baltimore City by denying residents access to the grand jury. Senate Bill 374, introduced by Senator Lisa Gladden in 2011, has effectively been the tool that they use to accomplish this illegal scheme and it is a law that passed without opposition from any other representative in the State. When the State's Attorney refuses to bring charges against corrupt officials and the City Police Department refuses to perform their duties and arrest violators of the law, where else can the people turn? Not to the grand jury in Baltimore City anymore. Senate Bill 374 (2011) in the General Assembly eliminated access to the grand jury in just Baltimore City. A provision in the law, for Baltimore City only, had one additional requirement of the grand jury. That was to do an investigation that no other jurisdiction required them to do, a separate investigation into anything

the judge wanted them to. Maryland lawmakers used that legislation to unlawfully ban the people from total access whatsoever to the grand jury.

As the Supreme Court commanded in *Hazel v. Atlas*, “the public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud.”

The assessment of this complaint should include the conduct addressed in this complaint that is focused on governmental actors, who are required to operate under a higher standard of care in light of the power they hold in our society. When they fail to do so, it puts everyone at risk. Here, the Baltimore City State’s Attorney abandoned this fundamental objective, and any legitimate effort to seek fair justice. Instead, they went “all in” to win at any cost. The fraud upon the Court therefore threatens not only the judicial process but also all citizens who are exposed to being charged criminally by the Baltimore City State’s Attorney.