

Citizens Coordinating Committee on Friendship Heights, Inc.

January 23, 2022

Via email to: oag@oag.state.md.us
Hon. Brian E. Frosh
Attorney General of Maryland
200 St. Paul Place
Baltimore, MD 21202

Via email to: Renee.Kenney@mncppc.org
Hon. Renee M. Kenney
Inspector General of the
Maryland-National Capital Park and Planning Commission
7833 Walker Drive, Suite 425
Greenbelt, MD 20770

Re: Request for investigation of the Maryland-National Capital Park and Planning Commission, for non-compliance with its policy on disclosures by lobbyists.

Dear General Frosh and IG Kenney:

I am writing on behalf of the Citizens Coordinating Committee on Friendship Heights (CCCFH). CCCFH includes 18 communities, and over 20,000 residents in those communities. CCCFH has been involved in land use issues in Montgomery County for five decades.

First, this requests that you investigate the Maryland-National Capital Park and Planning Commission (M-NCPPC) for non-compliance with its policy on disclosures by lobbyists. M-NCPPC is an agency of the State of Maryland. American Legion v. American Humanist Ass'n, 139 S.Ct. 2067 (2019) (opinion of Justice Ginsberg).

As explained in a blog by the Seventh State, Maryland Public Ethics Law mandates the disclosure by lobbyists. See, [M-NCPPC Violating Ethics Laws and its own Lobbying Policy, The| Seventh State, January 10, 2022](http://www.theseventhstate.com/?p=15238) (<http://www.theseventhstate.com/?p=15238>)([theseventhstate.com](http://www.theseventhstate.com)). Decades ago, M-NCPPC adopted a policy requiring lobbyists to register with M-NCPPC and to file a report annually with the Commission. Paid lobbyists should report expenditures on meals, entertainment, and gifts to Commissioners or their employees in addition to their compensation and monies spent on lobbying materials and research subject to certain regulations and thresholds, as noted in the blog. The current Commission does not do this. The Seventh State blog notes a M-NCPPC Office of General Counsel recommendation that the Commission promptly complete the process for a substantial overhaul of its lobbying regulations.

In our view, when this noncompliance became apparent, M-NCCPC should have promptly required registrations and reports by lobbyists both for current activities and past activities going back three years. After all, paid lobbyists have at least some documents on what they did, billings, and expense records.

Second, we request that you investigate the apparent failure of Jane Lyons, a lobbyist for the Coalition for Smarter Growth, for failure to register as a lobbyist during 2020 despite conducting paid lobbying activities on behalf of that organization, as reported in the Seventh State blog article “Coalition For Smarter Growth Lobbyist Didn’t Comply With County Ethics Law.” [Coalition for Smarter Growth Lobbyist Didn’t Comply with County Ethics Law | Seventh State \(theseventhstate.com\)](https://www.theseventhstate.com/coalition-for-smarter-growth-lobbyist-didnt-comply-with-county-ethics-law/). This investigation would include her activities (e.g., contacts/communications with M-NCPPC, such as its Chairman, Planning Director, and Planning Department’s housing planning coordinator, Countywide Planning & Policy unit), and hours/compensation for lobbying.

Third, we request an overall assessment of M-NCPPC’s approach to enforcing the lobbying restrictions. As summarized in the latter Seventh State blog, “the Commission doesn’t even engage in public sanction for failure to comply, let alone impose a meaningful monetary penalty. If lobbyists like Lyons who clearly know better can avoid even the slightest sanction by filing whenever, it is hard to see how public interest in knowing who is being paid to lobby in a timely fashion is being served.” In our view, the current approach is a gross failure to implement a policy—reporting by paid lobbyists—that has been recognized by the United States Congress, the State of Maryland, and most other states. As explained in a House of Representatives report on the Lobbying Disclosure Act of 1995, “responsible representative government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal government.” H.R. Rep. No. 104-339, 104th Congress 1st Session at 12 (1995).

Sincerely,

David S. Forman
Chair,
Citizens Coordinating Committee on Friendship Heights

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