

NEWS FROM RALE, Inc.

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FOR IMMEDIATE RELEASE

RALE SUBPOENAS FORMER COUNTY COMMISSIONER PAUL SMITH AND TWO OTHERS IN CONNECTION WITH UNAUTHORIZED “FACT” LETTER FILED IN MONROVIA TOWN CENTER HEARINGS

FREDERICK COUNTY, MD -- RALE has served subpoenas calling on former Frederick County Commissioner Paul Smith, Frederick Area Committee on Transportation (FACT) Secretary Michael Proffitt and Frederick County staff transportation expert Ron Burns to appear and testify in the upcoming Circuit Court hearing on the Monrovia Town Center (MTC) appeal. The subpoenas were served on Thursday, January 15.

“RALE has taken the extraordinary step of seeking sworn testimony to uncover the truth surrounding the last-minute production of a letter submitted on FACT letterhead during the MTC hearings. Information not disclosed at the hearings has since come to light raising serious questions about the legitimacy of the letter and the manipulation of evidence,” said RALE President Steve McKay. “Mr. Smith and all of the commissioners had a duty to impartially consider the evidence. With these subpoenas, RALE seeks to

uncover the truth about the letter, how it was produced, who knew about it, and how it was used to influence the commissioners' decision.”

On April 23, 2014, the Board of County Commissioners (BOCC) voted to rezone the MTC property to allow 1,250 new homes, as well as approve a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU). After all public testimony was over and shortly before the BOCC voted, then-BOCC President Blaine Young read aloud a letter received that same day -- purportedly from FACT and signed by FACT Secretary Michael Proffitt -- urging approval of the MTC project. When asked whether FACT board members had signed the letter Mr. Young stated “No, they gave authority for this letter to be signed.” But a June 3, 2014, *Frederick News-Post* article states that FACT “didn’t vote on the correspondence and didn’t discuss its contents as a group.” Instead, according to the same article, the letter was crafted “at the request of Commissioner Paul Smith, a liaison to the [FACT] group.”

“How could Mr. Smith be impartial with respect to evidence that he helped create?” asked RALE Vice President Matt Seubert. “Did he influence any other BOCC members with it?”

The *News-Post* also reported the reaction of FACT President Carol Krimm, who said “I was really baffled by why [the letter] was given so much weight, and when it came to light that it was considered evidence, I was like, ‘Oh, no, no, that is not our role in this discussion.’ ”

At the MTC hearing Mr. Smith did not disclose his role in producing the letter. Mr. Smith also did not disclose that he reviewed at least one draft of the FACT letter before it was sent to the BOCC, and he did not disclose who wrote the letter: Michael Proffitt, vice-president of FACT, and Michael Smariga, cofounder of the landscape design firm Harris, Smariga & Associates (HSA), whose son Chris Smariga works for HSA and was a witness on behalf of MTC during the BOCC hearings. At the close of the MTC hearing, Mr. Smith voted to approve each of the three actions (the rezoning, the DRRA, and the APFO LOU). The following day the *News-Post* reported that MTC attorney Rand Weinberg called the FACT letter “a significant piece of evidence” in the case.

Craig Hicks, a RALE board member and founder of Republicans for Jan Gardner, said “I testified during the MTC hearings that public trust is the cornerstone of effective government and that the people have a right to be assured of the impartiality and independent judgment of their public officials. We now must rely on the courts to judge the impartiality of the public officials involved in the MTC case.”

RALE is a coalition of residents in and around Monrovia, Maryland, that supports responsible growth and responsible fiscal management of growth by the Frederick County government.

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