

**C81C**  
**Office of the Attorney General**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 07</u> <u>Actual</u>	<u>FY 08</u> <u>Working</u>	<u>FY 09</u> <u>Allowance</u>	<u>FY 08-09</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$18,820	\$20,321	\$20,449	\$129	0.6%
Special Fund	2,322	3,273	3,798	525	16.1%
Federal Fund	1,591	2,006	1,971	-35	-1.8%
Reimbursable Fund	<u>2,522</u>	<u>2,394</u>	<u>2,489</u>	<u>95</u>	<u>4.0%</u>
<b>Total Funds</b>	<b>\$25,255</b>	<b>\$27,993</b>	<b>\$28,707</b>	<b>\$714</b>	<b>2.6%</b>

- The Office of the Attorney General’s (OAG) allowance increases by \$714,009, or 2.6%, above the fiscal 2008 working appropriation. However, when you adjust the budget to reflect changes in the allocation of health insurance and Other Post Employment Benefits (OPEB), the fiscal 2009 allowance decreases by \$490,379, or 1.9%.
- Personnel expenditures increase by \$729,604, mostly due to OPEB expenditures.
- Contractual employee expenditures increase by \$144,925, mostly due to the addition of an administrator and assistant attorney general position.
- Contractual services expenditures decrease by \$134,516, mostly due to a reduction in legal services expenditures for the Anti-trust Division.
- Special funds increase by \$525,345, or 16%, above the fiscal 2008 working appropriation. This increase is primarily due to the use of nonbudgeted security settlement fees. According to OAG, this one-time use of settlement fees is needed to backfill a portion of the general fund loss within its Securities Division.

Note: Numbers may not sum to total due to rounding.

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## ***Personnel Data***

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	<b><u>FY 07</u></b> <b><u>Actual</u></b>	<b><u>FY 08</u></b> <b><u>Working</u></b>	<b><u>FY 09</u></b> <b><u>Allowance</u></b>	<b><u>FY 08-09</u></b> <b><u>Change</u></b>
Regular Positions	240.50	249.50	248.50	-1.00
Contractual FTEs	<u>5.00</u>	<u>1.50</u>	<u>3.00</u>	<u>1.50</u>
<b>Total Personnel</b>	<b>245.50</b>	<b>251.00</b>	<b>251.50</b>	<b>0.50</b>

### ***Vacancy Data: Regular Positions***

Turnover, Excluding New Positions	9.96	4.01%
Positions Vacant as of 12/31/07	18.50	7.41%

- The allowance abolishes two administrative positions (legal secretary and assistant librarian) while restoring a gang violence administrator position previously abolished as a fiscal 2008 cost containment measure.
- The allowance includes an additional contractual full-time equivalent investigator (1.0) and attorney position (0.5) in the Firearms Trafficking and Criminal Appeals divisions, respectively.
- As of December 31, 2007, the vacancy rate for regular employees was 7.41%. Ten of these vacancies have subsequently been filled, thereby reducing the vacancy rate to 3.41%.
- Turnover expectancy for regular employees is increased from 3.41% to 4.01%.

## ***Analysis in Brief***

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### **Major Trends**

***Managing for Results Indicate Continued Success:*** OAG exceeds projected recovery amounts in its Securities and Consumer Protection Divisions.

## Issues

**Nonbudgeted Account Funds:** Recent discussions with OAG have revealed that nonbudgeted account funds are a potential source of funding in fiscal 2009. **The Department of Legislative Services (DLS) recommends a general fund reduction of \$434,936 and \$216,987 within OAG’s Consumer Protection and Securities divisions, respectively. DLS also recommends budget bill language requiring that at least 75% of OAG’s five-year average of consumer protection recoveries be budgeted as special funds going forward.**

**Proposed Relocation of the Criminal Appeals Division:** The 2007 *Joint Chairmen’s Report* directed OAG to submit a report evaluating the proposed relocation of its Criminal Appeals Division. On November 15, 2007, OAG submitted the required report to the budget committees. According to the report, OAG’s interest in establishing an office in suburban Maryland stems from the agency’s desire to reach out to citizens of Montgomery and Prince George’s counties. **DLS recommends budget bill language (1) prohibiting OAG from expending funds to move its Criminal Appeals Division to any area of the State with the exception of Annapolis, Maryland; and (2) requiring OAG to study the impact of opening a consumer protection office in suburban Maryland as well as the impact of relocating the Criminal Appeals Division to Annapolis, Maryland.**

## Recommended Actions

- |   | <u>Funds</u> |
|---|--------------|
| 1. Add budget bill language requiring the Office of the Attorney General to appropriate a certain level of nonbudgeted consumer recoveries annually.  |              |
| 2. Add budget bill language requiring the Office of the Attorney General (OAG) to study the impact of opening a consumer protection office in suburban Maryland. Also, add budget bill language prohibiting OAG from expending funds for relocating the Criminal Appeals Division to any location outside of Annapolis, Maryland. |              |
| 3. Reduce allowance for telephone expenditures based on fiscal 2007 actual expenditures plus inflation.   | \$ 12,000    |
| 4. Reduce allowance for cell phone expenditures based on fiscal 2007 actual expenditures plus inflation.  | 10,000       |
| 5. Reduce allowance for office supplies based on fiscal 2007 actual expenditures plus inflation.  | 7,000        |

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6.	Reduce general funds for turnover expectancy to better reflect historical vacancy rates.	96,500
7.	Reduce general funds within the Securities Division.	216,987
8.	Reduce general funds within the Consumer Protection Division.	434,936
9.	Adopt committee narrative requiring the submission of an annual report on nonbudgeted special account funds.	
	<b>Total Reductions</b>	<b>\$ 777,423</b>

## **Updates**

***Long-term Staffing Analysis and Plan:*** During the 2007 session, the General Assembly added budget bill language that required OAG to submit a staffing analysis and plan outlining the agency's long-term mission and strategic plan. On July 30, 2007, OAG submitted the required report to the budget committees.

***Gang Violence Unit:*** Chapter 496 of 2007 authorized the Attorney General to aid local State's Attorneys in the investigation and prosecution of criminal gang activity. OAG reports that since the unit's inception in October 2007, it has spent a considerable amount of time developing an effective strategy with the Baltimore City's State's Attorney's Office regarding the prosecution of gang activities

***Juvenile Justice Monitoring Unit:*** Chapter 499 of 2007 expanded the jurisdiction of the Juvenile Justice Monitoring Unit (JJMU) to include the monitoring of any residential facility licensed by the Department of Juvenile Services (DJS). Pursuant to the Act, two positions were transferred from DJS to JJMU in January 2008 to accommodate the increased workload.

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***Operating Budget Analysis***

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**Program Description**

The Attorney General (AG) acts as legal counsel to the Governor; General Assembly; Judiciary; and all departments, boards, and commissions (except the Commission on Human Relations, Public Service Commission, and State Ethics Commission). The Office of the Attorney General (OAG) represents the State in all matters of interest to the State, including civil litigation and criminal appeals in all State and federal courts. The office also reviews legislation passed by the General Assembly prior to consideration by the Governor. The office is currently supported by 13 divisions: Legal Counsel and Advice; Securities; Consumer Protection; Anti-trust; Medicaid Fraud Control; Civil Litigation; Criminal Appeals; Criminal Investigations; Educational Affairs; Correctional Litigation; Contract Litigation; People's Insurance Counsel; and the Juvenile Justice Monitor Unit.

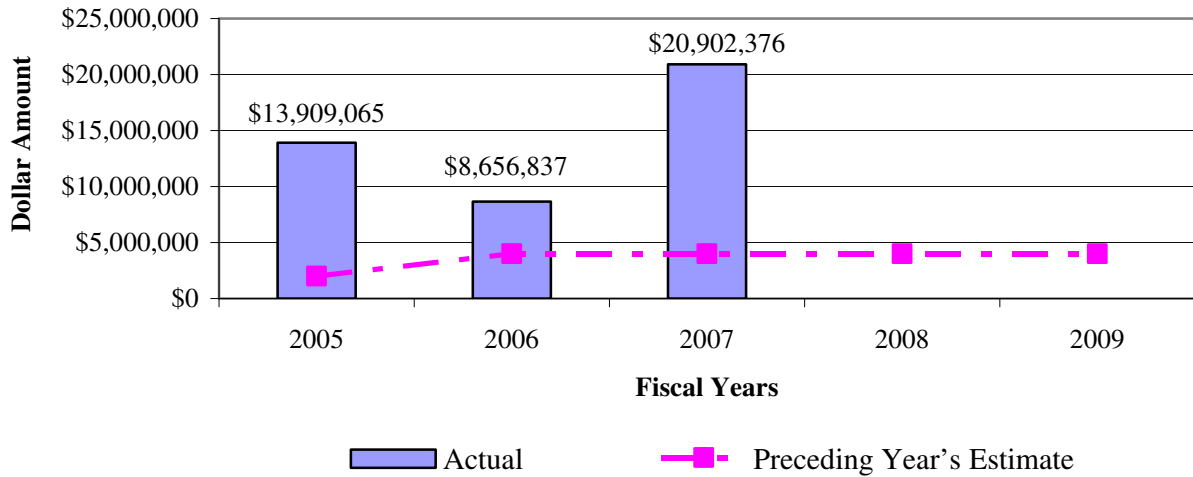
In addition to the aforementioned duties, OAG also provides assistant attorney general and staff attorneys to State agencies. These positions are located within each of the respective agencies' budgets. **Appendix 4** provides a breakdown of assistant attorney generals by agency. **Appendix 5** provides a list of significant civil litigation currently being handled by OAG.

**Performance Analysis: Managing for Results**

Overall, OAG's Managing for Results (MFR) data shows continued success within its Security, Consumer Protection, and Medicaid divisions. **Exhibit 1** illustrates the actual amount of money collected by OAG's Securities Division as compared to the preceding year's MFR estimate. The primary mission of the Securities Division is to protect Maryland investors from investment fraud and misrepresentation. In fiscal 2007, OAG collected approximately \$20.9 million in fines and restitution, a \$16.9 million, or 423%, increase above its preceding year's estimate. OAG attributes this success to targeting fraudulent schemes perpetrated by sellers of phony investments.

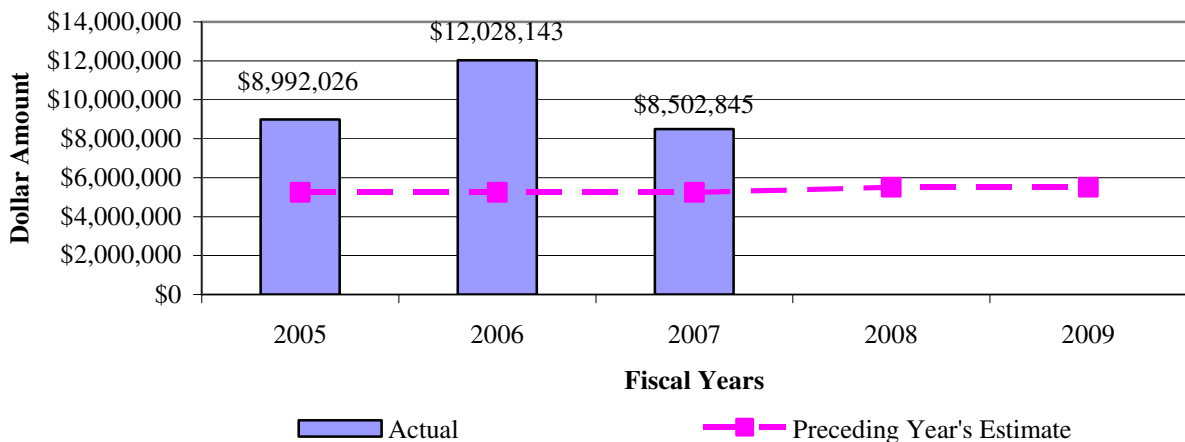
**Exhibit 2** displays the actual amount of money recovered for consumers via OAG's Consumer Protection Division as compared to the preceding year's MFR estimate. The Consumer Protection Division provides mediation and arbitration service to consumers to help resolve complaints against businesses and health insurance carriers. In fiscal 2007, OAG collected approximately \$8.5 million in consumer recoveries, a \$3.3 million, or 62%, increase above its prior year's estimate. OAG attributes this success to consumer finance and landlord tenant recoveries.

**Exhibit 1  
Securities Division Fines and Restitution Collected  
Fiscal 2005-2009**



Source: Office of the Attorney General

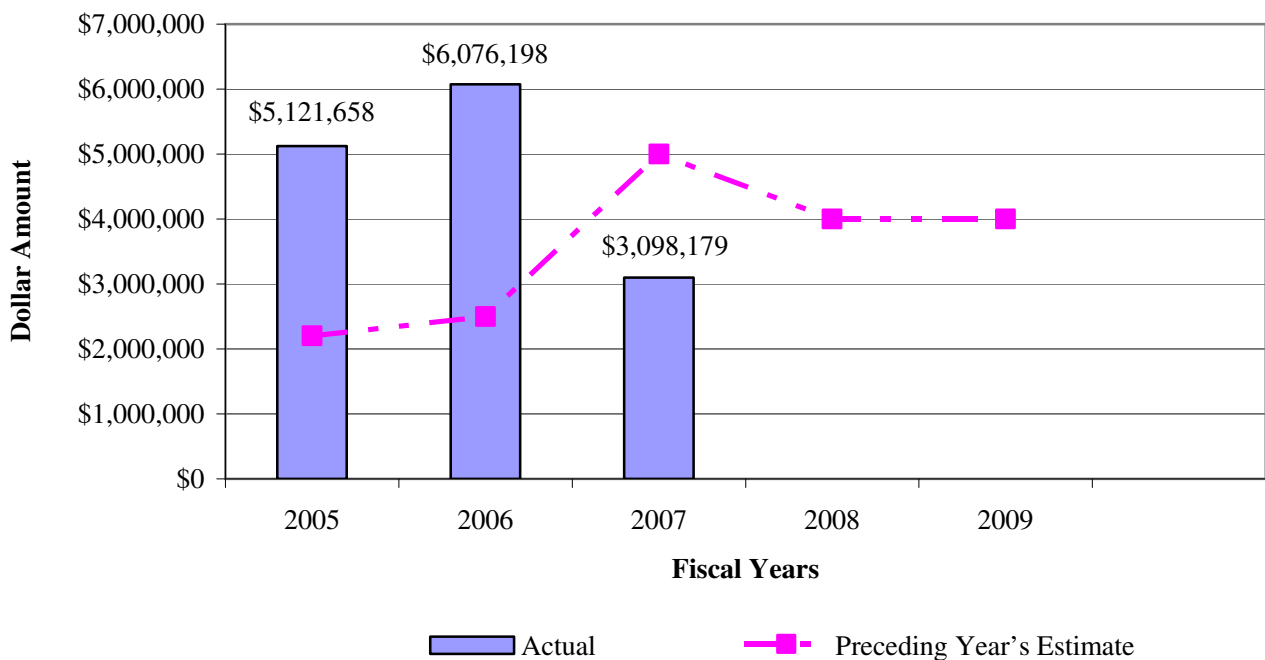
**Exhibit 2  
Consumer Protection Division Recoveries for Consumers  
Fiscal 2005-2009**



Source: Office of the Attorney General

**Exhibit 3** shows the actual amount of money collected by OAG’s Medicaid Fraud Unit as compared to the preceding year’s MFR estimate. The Medicaid Fraud program investigates and prosecutes provider fraud in statewide Medicaid programs. In fiscal 2007, this unit collected \$3.0 million in fines, a \$1.9 million, or 38%, decline from its preceding year’s estimate. OAG reports that annual collections may vary depending on the timing of case settlements.

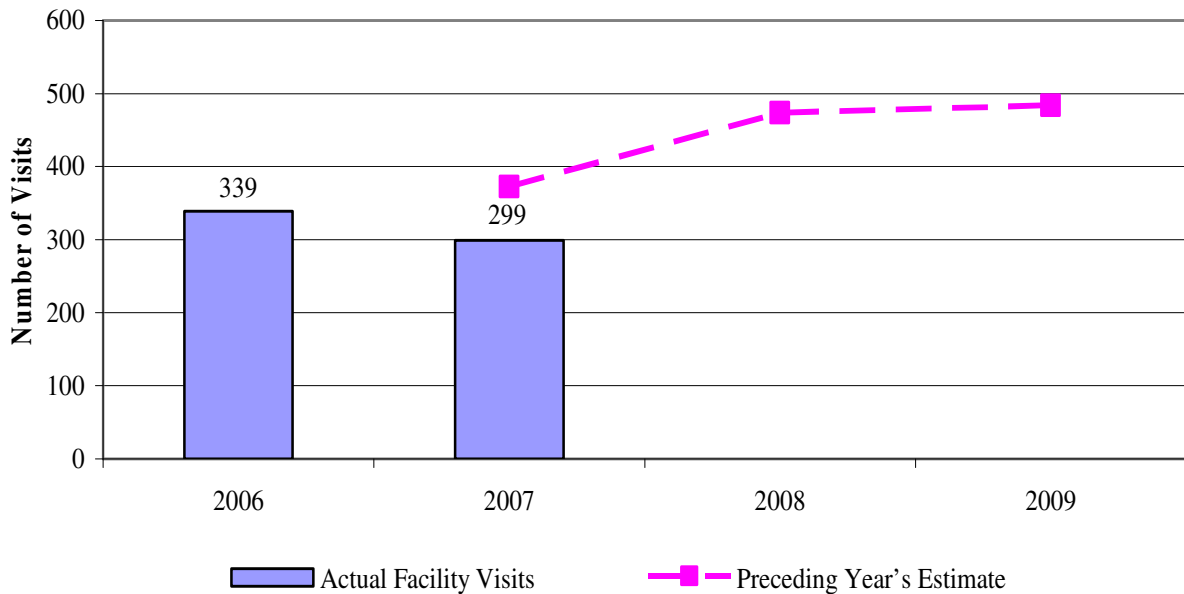
**Exhibit 3**  
**Medicaid Fraud Control Unit – Fines and Collections**  
**Fiscal 2005-2009**



Source: Office of the Attorney General

**Exhibit 4** shows the actual number of facility visits made by the Juvenile Justice Monitoring Unit (JJMU) as compared to the preceding year’s MFR estimate. JJMU made 299 facility visits in fiscal 2007, a 20% decline from its preceding year’s estimate of 373 facility visits. Chapter 499 of 2007 expanded the jurisdiction of JJMU to include the monitoring of any residential facility licensed by the Department of Juvenile Services (DJS). **OAG should comment on whether its fiscal 2008 estimate of 474 facility visits is attainable given the recent expansion of JJMU’s responsibilities and its inability to meet its prior year’s estimate of 373 facility site visits. OAG should also comment on the feasibility of including a target number of annual DJS facility visits as part of its MFR performance data.**

**Exhibit 4**  
**Juvenile Justice Monitoring Program**  
**Fiscal 2006-2009**



Source: Office of the Attorney General

**Fiscal 2008 Actions**

**Impact of Cost Containment**

OAG was required to reduce general fund expenses by \$344,846 for cost containment in fiscal 2008. This represents a 1.2% reduction in OAG's fiscal 2008 general fund legislative appropriation. To achieve this target, OAG plans to utilize additional monies from its nonbudgeted consumer recoveries account (\$300,000). According to the agency, the fiscal 2008 balance in this account is projected to total approximately \$1.7 million. The remaining \$44,846 was achieved by abolishing a gang violence administrator position.

## Governor’s Proposed Budget

As illustrated in **Exhibit 5**, OAG’s fiscal 2009 allowance increases by \$714,009, or 2.6%, above the fiscal 2008 working appropriation. This increase is primarily attributed to the following: (1) a \$729,604 increase in personnel mostly due to Other Post Employment Benefits expenditures; (2) a \$144,925 increase in contractual employee expenditures primarily due to a new investigator and attorney position in the Firearms Trafficking and Criminal Appeals divisions; and (3) a \$117,918 reduction in legal services expenditures for the Anti-trust Division.

**Exhibit 5**  
**Governor’s Proposed Budget**  
**Office of the Attorney General**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Federal Fund</b>	<b>Reimb. Fund</b>	<b>Total</b>
2008 Working Appropriation	\$20,321	\$3,273	\$2,006	\$2,394	\$27,993
2009 Governor’s Allowance	<u>20,449</u>	<u>3,798</u>	<u>1,971</u>	<u>2,489</u>	<u>28,707</u>
Amount Change	\$129	\$525	-\$35	\$95	\$714
Percent Change	0.6%	16.1%	-1.8%	4.0%	2.6%

**Where It Goes:**

**Personnel Expenses**

1 new position – restoration of gang violence administrator position .....	\$78
2 abolished positions – legal secretary and assistant librarian .....	-84
2 Juvenile Justice Monitoring Unit investigator positions transferred from the Department of Juvenile Services.....	126
Health insurance – Other Post Employment Benefits.....	873
Health insurance – ongoing costs.....	323
Increments, merit increases, and other pay adjustments .....	307
Unemployment and workers’ compensation.....	-883
Turnover adjustments.....	-129
Other .....	119

**Other Changes**

Contractual employee expenditures .....	94
Temporary clerical support.....	53
2 new vehicles for the Medicaid Control Fraud Unit.....	22
Medicaid indirect cost recoveries .....	15
Contractual expenditures for the Anti-trust division.....	-118

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**Where It Goes:**

Reduced motor vehicle expenses .....	-71
Other .....	-11
<b>Total</b>	<b>\$714</b>

Note: Numbers may not sum to total due to rounding.

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## *Issues*

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### 1. Nonbudgeted Account Funds

Recent discussions with OAG have revealed that nonbudgeted account funds are a potential source of funding in fiscal 2009.

#### **Consumer Protection Division Recoveries**

Since 2004, OAG has utilized consumer protection recoveries to finance a portion of the Consumer Protection Division’s annual expenditures. Based on recent discussions with OAG, the Department of Legislative Services (DLS) projects that OAG will have a fiscal 2009 cash balance of approximately \$1 million. (See **Exhibit 6**.)

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**Exhibit 6**  
**Fund Balance**  
**Fiscal 2003-2009**

<u>Year</u>	<u>Recoveries</u>	<u>Expenditures</u>	<u>Fund Balance</u>
2003			\$2,738,933
2004	\$873,497	\$151,608	3,460,822
2005	422,422	291,324	3,591,920
2006	601,073	1,234,271	2,958,722
2007	984,947	1,056,954	2,886,715
2008 Est.	435,000	1,602,513	1,719,202
2009 Est.	540,364 *	1,284,266	975,300
<b>Total</b>	<b>\$3,857,303</b>	<b>\$5,620,936</b>	<b>\$975,300</b>

\*The Office of the Attorney General was unable to provide a fiscal 2009 projection. The Department of Legislative Services projects that OAG will collect at least \$540,364 in consumer protection recoveries in fiscal 2009.

Source: Office of the Attorney General; Department of Legislative Services

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#### **Securities Division Recoveries**

The fiscal 2009 allowance for the Securities Division includes \$754,013 in special funds from securities fees collected by the agency. According to OAG, this one-time use of settlement fees will be used to backfill a portion of the general fund loss (\$639,770) while supplanting \$114,243 (primarily employee increments) in the fiscal 2009 allowance. According to OAG, the balance on the nonbudgeted securities account is projected to be approximately \$217,000 at the end of fiscal 2009.

Based on a conservative estimate of OAG's projected nonbudgeted account fund balance, DLS recommends a general fund reduction of \$434,936 and \$216,987 within OAG's Consumer Protection and Securities divisions, respectively. The agency should utilize the remaining balance within its nonbudgeted consumer protection and securities accounts to backfill the loss in general funds. DLS also recommends budget bill language requiring that at least 75% of OAG's five-year average of consumer protection recoveries be budgeted as special funds going forward. Lastly, DLS recommends committee narrative requiring OAG to submit an annual report outlining the balance within its nonbudgeted accounts.

## **2. Proposed Relocation of the Criminal Appeals Division**

### **Background**

In fiscal 2008, OAG requested funding to move its Criminal Appeals Division to Montgomery County. The division, which staffs 20 attorneys, is currently located in Baltimore. Attorneys within the division are responsible for handling appeals of criminal cases to the State appellate and federal courts and advising local law enforcement on legal matters.

The 2007 *Joint Chairmen's Report* directed OAG to submit a report evaluating (1) the agency's location needs; (2) the potential impact of moving the Criminal Appeals Division on staff resources and work productivity; and (3) possible alternatives, including the viability of moving the Criminal Appeals Division to Annapolis, Maryland. On November 15, 2007, OAG submitted its report to the budget committees outlining its findings, summarized below.

### **OAG Findings**

According to the report, OAG's interest in establishing an office in suburban Maryland stems from the agency's desire to not only reach out to citizens of Montgomery and Prince George's counties but to recruit talented attorneys living in that area. The report notes that although Maryland's population has shifted dramatically over the years, OAG has yet to respond to this change by establishing a presence in suburban areas of the State. Although OAG maintains central offices in Annapolis, Salisbury, Hagerstown, and Southern Maryland, its principal office is located in Baltimore City. According to the agency, being centralized in Baltimore City has at times, impeded its ability to be responsive to citizens in other areas of Maryland. For example, a citizen residing in suburban Maryland must travel to Baltimore City to file a consumer protection complaint. According to the report, this presents an unnecessary burden for individuals in need of OAG's assistance.

Although the agency has not identified a specific site, OAG's goal is to find an affordable location near the federal courthouse in Greenbelt (Prince George's County), which will make the agency's services accessible to both attorneys and residents residing in Prince George's and Montgomery counties. Cognizant of limited funding availability, OAG plans to reduce costs by obtaining space in a State or county-owned facility. OAG reports that the move would be accomplished over time through attrition and that no employee would be displaced or asked to relocate. The agency plans to minimize the impact of the move by staffing the new location with employees hired specifically for that location or those employees opting to relocate to improve service.

**DLS recommends budget bill language (1) prohibiting OAG from expending funds to move its Criminal Appeals Division to any area of the State with the exception of Annapolis, Maryland; and (2) requiring OAG to study the impact of opening a consumer protection office in suburban Maryland as well as the impact of relocating the Criminal Appeals Division to Annapolis, Maryland.**

## ***Recommended Actions***

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1. Add the following language:

Provided that it is the intent of the General Assembly that the budget of the Office of the Attorney General appropriate a certain amount of special funds on an annual basis. The annual special fund appropriation shall be at least seventy-five percent of the five-year average of nonbudgeted consumer protection recoveries for the five years preceding the year in which the budget is considered.

**Explanation:** This action requires the Office of the Attorney General to appropriate a certain level of nonbudgeted consumer recoveries annually.

2. Add the following language:

Further provided that it is the intent of the General Assembly to address the needs of the citizens of Maryland by studying the impact of opening a consumer protection office in suburban Maryland. The Office of the Attorney General (OAG) shall submit a report to the budget committees outlining what efforts the agency has taken to study the impact of opening an office of similar size and scope (two to three employees) to its small offices located in Western and Southern Maryland. At a minimum, the report shall provide:

- (1) the projected fiscal impact of opening a new location in suburban Maryland;
- (2) the projected number of customers that will be served by opening a new office; and
- (3) the projected number of employees required to establish the new office location.

Further provided that no funding may be expended for the purpose of moving the Criminal Appeals Division to any area of the State outside of Annapolis, Maryland. OAG shall study the viability of relocating its Criminal Appeals Division to Annapolis, Maryland. The report shall be submitted by November 1, 2008, and the budget committees shall have 45 days to review and comment following the receipt of the report.

**Explanation:** The budget committees are supportive of studying the impact of opening a consumer protection office in suburban Maryland. This language requires OAG to study the impact of opening a consumer protection office in suburban Maryland. The language also prohibits OAG from expending funds for the purpose of moving its Criminal Appeals Division to any area of the State outside of Annapolis, Maryland. OAG shall submit a report by November 1, 2008, studying the impact of opening an additional consumer protection office as well as the impact of moving its Criminal Appeals Division to Annapolis, Maryland.

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<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on opening a new consumer protection office and moving the Criminal Appeals Division	OAG	November 1, 2008

	<b><u>Amount Reduction</u></b>	
3. Reduce allowance for telephone expenditures based on fiscal 2007 actual expenditures plus inflation. This reduction will appropriate \$238,700. This reduction shall be allocated among the divisions.	\$ 12,000	GF
4. Reduce allowance for cell phone expenditures based on fiscal 2007 actual expenditures plus inflation. This reduction will appropriate \$27,131. This reduction shall be allocated among the divisions.	10,000	GF
5. Reduce allowance for office supplies based on fiscal 2007 actual expenditures plus inflation. This reduction will appropriate \$153,200. This reduction shall be allocated among the divisions.	7,000	GF
6. Reduce general funds for turnover expectancy to better reflect historical vacancy rates. This increases the turnover rate to 4.5%. The general fund reduction shall be allocated among the divisions.	96,500	GF
7. Reduce general funds within the Securities Division. OAG should utilize the remaining balance within its nonbudgeted securities account to backfill the loss in general funds.	216,987	GF
8. Reduce general funds within the Consumer Protection Division by \$434,936. OAG should utilize the remaining balance within its nonbudgeted consumer protection account to backfill the general funds loss.	434,936	GF

9. Adopt the following narrative:

**Submission of an Annual Report on Nonbudgeted Special Account Funds:** The Office of the Attorney General shall submit a report to the budget committees by November 1, 2008, and annually thereafter, detailing the fund balance within its nonbudgeted accounts. The report shall also include projected recoveries for at least three fiscal years (the current fiscal year and two subsequent fiscal years) based on a five-year historical average.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on nonbudgeted accounts	OAG	November 1, 2008, and annually thereafter
<b>Total General Fund Reductions</b>		<b>\$ 777,423</b>

## ***Updates***

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### **1. Long-term Staffing Analysis and Plan**

During the 2007 session, the General Assembly added budget bill language that required OAG to submit a staffing analysis and plan outlining the agency's long-term mission and strategic plan. On July 30, 2007, OAG submitted the required report to the committees. The report outlined the following: (1) the agency's long-term mission and strategic plan; (2) the overarching goals and functional responsibilities of each division within OAG; and (3) the duties and responsibilities of 249 regular positions, including 8 new positions appropriated in fiscal 2008. Several highlights from that report are discussed below.

#### **Background on OAG**

The Attorney General acts as legal counsel to the Governor; General Assembly; Judiciary; and all departments, boards, and commissions (except the Commission on Human Relations, Public Service Commission, and State Ethics Commission). OAG represents the State in all matters of interest to the State, including civil litigation and criminal appeals in all State and federal courts. The office also reviews legislation passed by the General Assembly prior to consideration by the Governor.

#### **OAG's Long-term Mission and Strategic Goals**

The long-term mission of OAG is to "serve and protect the citizens of Maryland." This mission is supported by the agency's five core strategic goals: (1) to provide superior legal representation for the State; (2) to educate, protect, and serve the citizens of Maryland; (3) to protect the Chesapeake Bay and the environment; (4) to deter criminal activity; and (5) to exemplify organizational excellence by adhering to principles of integrity and accountability.

#### **OAG's Strategic Direction**

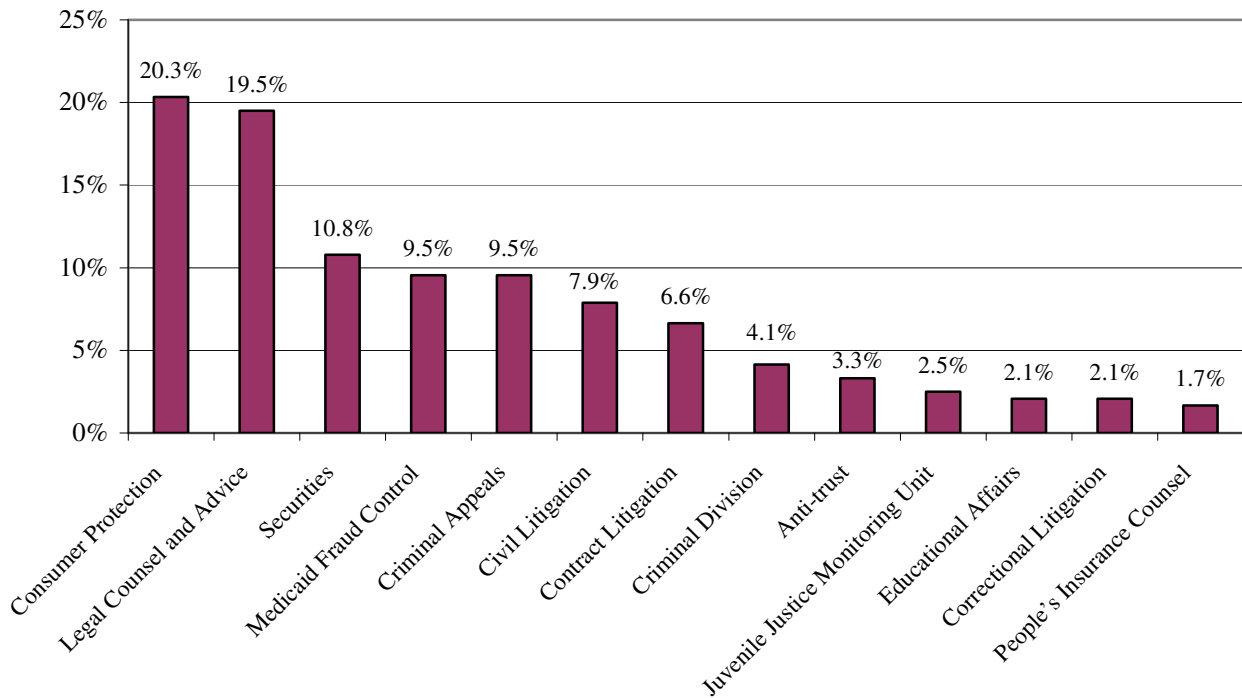
Following the 20-year administration of former Attorney General Joseph Curran, Jr., Attorney General Douglas Gansler was sworn into office on January 2, 2007. Since that time, the Attorney General and his two deputy attorney generals have met with division directors and principal counsel assigned to client agencies to review the status of existing cases, discuss challenges, and assess the administrative needs of each division and unit. According to the report, OAG's review process is fluid as the agency continues to identify and implement improved efficiencies. Working in conjunction with the Governor and members of the legislature, OAG plans to continue fulfilling its constitutional duties while supporting legislation aimed at protecting the Chesapeake Bay, thwarting criminal gang activity, protecting Maryland's homeowners from the threat of foreclosures, and preventing consumer identity theft.

## Staffing Levels and Divisions

As previously mentioned, the report outlined the duties and responsibilities of 249 regular positions. In general, the responsibilities of every employee can be classified into one of four categories: attorney, staff/clerical, managerial/directors, and other (e.g., fiscal and data processing) positions. The job duties and responsibilities of OAG employees vary significantly across all job functions and may range anywhere from reviewing regulatory filings for compliance with securities registration laws to consumer outreach and education.

**Exhibit 7** depicts the percentage of OAG personnel assigned to each of its 13 divisions. Approximately 51%, or 122, of OAG’s 241 employees are assigned to the Consumer Protection, Legal Counsel and Advice, and Securities Divisions. The remaining 49%, or 119, employees are assigned throughout the agency’s 10 remaining divisions. **Appendix 6** provides a brief description of the various types of activities performed by each division.

**Exhibit 7**  
**OAG Position Distribution by Division**  
**November 2007**



Source: Office of the Attorney General

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In addition to its regular positions, OAG has 338 attorney positions funded in client agency budgets. These positions provide legal advice; review contracts and other legal documents; defend the client litigation; pursue enforcement actions; develop regulations at the direction of the client; and engage in preventative measures to assure compliance with existing State, federal, and local laws. (See **Appendix 4** for a breakdown of assistant attorney generals by agency).

### **New Positions**

OAG received eight new positions, including three contractual conversions in fiscal 2008. Approximately 75%, or six, of the new positions will be assigned to the agency’s Criminal Division. The remaining two positions will be assigned to the Consumer Protection and Criminal Appeals divisions. **Exhibit 8** provides a description of each new position and outlines the duties and responsibilities of each employee as they pertain to the agency’s overall mission and strategic goals.

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### **Exhibit 8 Description of New Positions Appropriated in Fiscal 2008**

<u>Position</u>	<u>Division</u>	<u>Unit</u>	<u>Job Description</u>
Assistant Attorney General (AAG) VI	Criminal	Gang Prosecution	Works with local and federal prosecutors and law enforcement agencies to target and prosecute gang-related activities.
AAG VI	Criminal	Gang Prosecution	Works with local and federal prosecutors and law enforcement agencies to target and prosecute gang-related activities.
Administrator I*	Criminal	Gang Prosecution	Conducts investigations of gang activities.
<b>Strategic Goal:</b>	The new administrator and AAG positions will assist the agency with continuing its mission to protect the citizens of Maryland. The Gang Prosecution Unit will collect statewide data on gang membership and serve as a central repository for gang violence information that will be accessible to local, State, and federal law enforcement agencies. The unit will also work with local law enforcement educators and neighborhoods to ensure that gang activity is identified and that preventive programs and educational activities are in place to deter the spread of gangs.		
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AAG VII	Criminal	Firearms Trafficking Unit	Manages the Firearms Trafficking Unit; investigates and prosecutes persons engaged in illegal firearms activities; and screens referrals from law enforcement agencies.
Administrator III	Criminal	Firearms Trafficking Unit	Functions as the unit’s lead investigator; conducts investigations in conjunction with the Maryland State Police and other law enforcement agencies; gathers trial evidence; and testifies in trials and grand jury proceedings.

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<u>Position</u>	<u>Division</u>	<u>Unit</u>	<u>Job Description</u>
Fraud Investigator	Criminal	Firearms Trafficking Unit	Conducts investigations in conjunction with the Maryland State Police and other law enforcement agencies; gathers trial evidence; and testifies in trials and grand jury proceedings.
<b>Strategic Goal:</b>	The contractual conversion of the AAG, administrator, and fraud investigator positions will assist the agency with continuing its mission to protect the citizens of Maryland by investigating and prosecuting people who illegally sell, transfer, purchase, or possess firearms.		
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Administrator III	Consumer Protection	Identity Passport	Works with law enforcement agencies to issue passports to victims of identity theft.
<b>Strategic Goal:</b>	The administrator position will assist the Office of the Attorney General (OAG) with continuing its mission to protect the citizens of Maryland by establishing an identity passport program that will provide a card or certificate verifying the identity of a person who is a victim of identity fraud.		
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AAG VI	Criminal Appeals	n/a	Prepares appellate briefs; prepares motions and certiorari petitions; and presents oral arguments.
<b>Strategic Goal:</b>	The AAG position will assist OAG with fulfilling its responsibility to faithfully and competently represent the State of Maryland in all criminal matters in the appellate courts of the State and in federal courts at all levels.		

\* This position was abolished as a fiscal 2008 cost containment measure. The fiscal 2009 allowance restores this position.

Source: Office of the Attorney General

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## 2. Gang Violence Unit

Chapter 496 of 2007 authorized the AG to aid local State's Attorneys in the investigation and prosecution of criminal gang activity. In an effort to assist with this effort the General Assembly appropriated \$279,295 in fiscal 2008 to establish a Gang Prosecution Unit within OAG. OAG reports that since the unit's inception in October 2007, it has spent a considerable amount of time developing an effective strategy with the Baltimore City's State's Attorney's Office regarding the prosecution of gang activities. OAG plans to build similar relationships with other State's Attorneys offices within the coming months.

### **3. Juvenile Justice Monitoring Unit**

Chapter 499 of 2007 expanded the jurisdiction of JJMU to include the monitoring of any residential facility licensed by DJS. Pursuant to the Act, two positions were transferred from DJS to JJMU in January 2008 to accommodate the increased workload. According to OAG, the expansion of JJMU's responsibilities will add 14 additional facilities to the unit's inspection and reporting authority. During fiscal 2007, JJMU made 299 visits to 20 facilities. The agency's MFR data projects the number of facility visits to increase by 59%, to 474 visits, in fiscal 2008.

## ***Current and Prior Year Budgets***

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### **Current and Prior Year Budgets Office of the Attorney General (\$ in Thousands)**

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2007</b>					
Legislative Appropriation	\$18,909	\$2,887	\$1,875	\$2,558	\$26,229
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	-69	12	0	250	193
Reversions and Cancellations	-21	-576	-284	-286	-1,167
<b>Actual Expenditures</b>	<b>\$18,819</b>	<b>\$2,323</b>	<b>\$1,591</b>	<b>\$2,522</b>	<b>\$25,255</b>
<b>Fiscal 2008</b>					
Legislative Appropriation	\$20,397	\$3,226	\$2,006	\$2,303	\$27,932
Cost Containment	-345	0	0	0	-345
Budget Amendments	269	47	0	91	407
<b>Working Appropriation</b>	<b>\$20,321</b>	<b>\$3,273</b>	<b>\$2,006</b>	<b>\$2,394</b>	<b>\$27,994</b>

Note: Numbers may not sum to total due to rounding.

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## **Fiscal 2007**

In fiscal 2007, the total budget for OAG decreased by \$974,510. The general fund appropriation decreased by \$68,505 due to the following: (1) a \$275,620 reduction in health insurance pursuant to Section 40 of the fiscal 2007 budget bill; (2) a \$209,999 cost-of-living adjustment (COLA) that was centrally budgeted in the Department of Budget and Management (DBM); and (3) a \$2,884 reallocation to DBM to conduct a salary study pursuant to Section 40 of the fiscal 2007 budget bill. Additionally, OAG had a general fund reversion of \$21,404. The reversion was primarily due to unrealized tobacco litigation expenditures.

The special fund appropriation increased by \$11,745. The increase was due to a COLA within OAG's Consumer Protection Division. Additionally, there was a special fund cancellation of \$576,200. The cancellation was primarily due to unrealized litigation expenditures related to the failed merger of Florida Power & Light Company and Constellation Energy Group.

OAG had a federal fund cancellation of \$284,177. The cancellation was primarily due to employee vacancies within OAG's Medicaid Division.

OAG's reimbursable fund appropriation increased by \$250,000. OAG received funding from the Maryland State Police for costs associated with State representation in the I-95 Race Based Traffic Stop litigation. Additionally, there was a reimbursable fund cancellation of \$285,970 due to the following: (1) \$130,695 in unrealized expert witness expenditures within OAG's Contract Litigation Division; (2) \$69,521 in unrealized personnel expenditures within OAG's Consumer Protection Division due to employee vacancies; (3) \$53,130 in unrealized expenditures for the I-95 Race Based Traffic Stop litigation; and (4) \$32,624 in unrealized Firearms Trafficking Unit expenditures due to differences in the timing of grant cycles.

## **Fiscal 2008**

In fiscal 2008, the budget for OAG increased by \$61,420 due to the following: (1) a net general fund decrease of \$76,100 due to a \$344,846 cost containment reduction offset by a \$268,746 COLA increase for the 2% COLA that was centrally budgeted in DBM; (2) a \$46,684 special fund COLA; and (3) a reimbursable fund increase of \$90,836 due to funding received from the Governor's Office of Crime Control and Prevention for OAG's Firearms Trafficking Unit.

**Object/Fund Difference Report  
Office of the Attorney General**

<u>Object/Fund</u>	<u>FY07 Actual</u>	<u>FY08 Working Appropriation</u>	<u>FY09 Allowance</u>	<u>FY08-FY09 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	240.50	249.50	248.50	-1.00	-0.4%
02 Contractual	5.00	1.50	3.00	1.50	100.0%
<b>Total Positions</b>	<b>245.50</b>	<b>251.00</b>	<b>251.50</b>	<b>0.50</b>	<b>0.2%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 19,234,837	\$ 22,107,752	\$ 22,837,356	\$ 729,604	3.3%
02 Technical and Spec. Fees	509,557	154,108	299,033	144,925	94.0%
03 Communication	241,231	419,319	433,250	13,931	3.3%
04 Travel	159,795	138,000	132,200	-5,800	-4.2%
07 Motor Vehicles	206,683	284,141	234,917	-49,224	-17.3%
08 Contractual Services	1,447,618	1,671,407	1,536,891	-134,516	-8.0%
09 Supplies and Materials	396,071	371,900	373,000	1,100	0.3%
11 Equipment – Additional	236,359	81,700	73,900	-7,800	-9.5%
12 Grants, Subsidies, and Contributions	461,665	367,911	383,744	15,833	4.3%
13 Fixed Charges	2,360,778	2,397,247	2,403,203	5,956	0.2%
<b>Total Objects</b>	<b>\$ 25,254,594</b>	<b>\$ 27,993,485</b>	<b>\$ 28,707,494</b>	<b>\$ 714,009</b>	<b>2.6%</b>
<b>Funds</b>					
01 General Fund	\$ 18,819,539	\$ 20,320,714	\$ 20,449,435	\$ 128,721	0.6%
03 Special Fund	2,322,074	3,272,871	3,798,216	525,345	16.1%
05 Federal Fund	1,591,048	2,006,363	1,970,985	-35,378	-1.8%
09 Reimbursable Fund	2,521,933	2,393,537	2,488,858	95,321	4.0%
<b>Total Funds</b>	<b>\$ 25,254,594</b>	<b>\$ 27,993,485</b>	<b>\$ 28,707,494</b>	<b>\$ 714,009</b>	<b>2.6%</b>

Note: The fiscal 2008 appropriation does not include deficiencies.

**Fiscal Summary  
Office of the Attorney General**

<u>Program/Unit</u>	<u>FY07 Actual</u>	<u>FY08 Wrk Approp</u>	<u>FY09 Allowance</u>	<u>Change</u>	<u>FY08-FY09 % Change</u>
01 Legal Counsel and Advice	\$ 6,649,997	\$ 6,633,339	\$ 6,971,766	\$ 338,427	5.1%
04 Division of Securities	2,331,116	2,552,044	2,666,287	114,243	4.5%
05 Division of Consumer Protection	3,861,456	4,581,808	4,658,588	76,780	1.7%
06 Anti-trust Division	907,791	1,061,105	967,796	-93,309	-8.8%
09 Medicaid Fraud Control Unit	2,139,750	2,643,083	2,627,978	-15,105	-0.6%
10 Peoples Insurance Counsel	408,842	492,351	522,309	29,958	6.1%
12 Juvenile Justice Monitoring Program	377,789	516,645	767,351	250,706	48.5%
14 Civil Litigation Division	2,618,565	2,883,698	2,938,482	54,784	1.9%
15 Criminal Appeals Division	2,257,105	2,468,968	2,495,928	26,960	1.1%
16 Criminal Investigation Division	1,241,130	1,485,581	1,390,002	-95,579	-6.4%
17 Educational Affairs Division	451,626	553,765	545,934	-7,831	-1.4%
18 Correctional Litigation Division	319,086	349,147	288,277	-60,870	-17.4%
20 Contract Litigation Division	1,690,341	1,771,951	1,866,796	94,845	5.4%
<b>Total Expenditures</b>	<b>\$ 25,254,594</b>	<b>\$ 27,993,485</b>	<b>\$ 28,707,494</b>	<b>\$ 714,009</b>	<b>2.6%</b>
General Fund	\$ 18,819,539	\$ 20,320,714	\$ 20,449,435	\$ 128,721	0.6%
Special Fund	2,322,074	3,272,871	3,798,216	525,345	16.1%
Federal Fund	1,591,048	2,006,363	1,970,985	-35,378	-1.8%
<b>Total Appropriations</b>	<b>\$ 22,732,661</b>	<b>\$ 25,599,948</b>	<b>\$ 26,218,636</b>	<b>\$ 618,688</b>	<b>2.4%</b>
Reimbursable Fund	\$ 2,521,933	\$ 2,393,537	\$ 2,488,858	\$ 95,321	4.0%
<b>Total Funds</b>	<b>\$ 25,254,594</b>	<b>\$ 27,993,485</b>	<b>\$ 28,707,494</b>	<b>\$ 714,009</b>	<b>2.6%</b>

Note: The fiscal 2008 appropriation does not include deficiencies.

**Assistant Attorney General Distribution by Agency**

<u>Agency</u>	<u>Assistant Attorney Generals</u>	<u>Staff Attorneys</u>
Aging	2	
Agriculture	3	
Assessments and Taxations	3	
Automobile Insurance Fund, Maryland (MAIF)	2	
Budget and Management	8	4
Business and Economic Development	9	
Comptroller	5	
Contract Litigation, Morgan State University	1	
University of Maryland, Maryland Institute for Emergency Medical Services Systems, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College	16	
Maryland State Higher Education	2	
Maryland Public Television	2	
Maryland State Department of Education	10	
Environment	24	
Energy Administration	2	
Environmental Services	3	
General Assembly	1	
General Services	7	
Governor’s Office for Children	1	
Health and Mental Hygiene	44	7
Housing and Community Development	11	
Human Resources	17	
Insurance Administration	14	
Juvenile Services	4	
Labor and Higher Education Board	1	
Labor, Licensing, and Regulation	23	
Lottery Agency	4	
Natural Resources	9	1
Planning	3	
Public Safety and Correctional Services	16	
Retirement Systems	5	
Stadium Authority	1	
State Police	5	
Subsequent Injury Fund	6	

*C81C – Office of the Attorney General*

Appendix 4 (Cont.)

<u>Agency</u>	<u>Assistant Attorney Generals</u>	<u>Staff Attorneys</u>
Transportation	52	1
Treasurer's Office	5	
Uninsured Employers' Fund	3	
Workers' Compensation Commission	1	
<b>Total</b>	<b>325</b>	<b>13</b>

Source: Office of the Attorney General

**Office of the Attorney General**  
**Significant Litigation – Fiscal 2007 and 2008**  
**Civil Litigation: Claims of \$1 Million or More**

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<p><b><i>Allen v. Maryland Transit Administration (MTA) and Nickia Nicholson (Maryland Department of Transportation (MDOT)/MTA)</i></b>  <i>Pro se</i> plaintiff was passenger on the MTA bus which was making a left turn and collided with another vehicle operated by co-defendant.</p>	\$1.00
<p><b><i>Alston v. Department of Health and Mental Hygiene (DHMH)/Eastern Shore Hospital Center (DHMH)</i></b>  Employee of Maryland Sheltered Workshop claims sexual harassment, Americans with Disabilities Act (ADA), and Rehabilitation Act violation.</p>	1.20
<p><b><i>Amtrak Insurance Liability Arbitration (MDOT/MTA)</i></b>  Two conflicting arbitration awards.</p>	1.20
<p><b><i>Estate of Appiah v. State, et al. (MDOT/Helen Delich Bentley Port of Baltimore (Port))</i></b>  Employee of Marine Repair Services was working on the Maryland Port Administration’s (MPA) Seagirt Marine Terminal struck by a truck and killed. Plaintiffs fault MPA for failing to require that safe backing procedures were followed by the trucker and failure to require that the truck that killed Appiah be fitted with an audible back up alarm.</p>	4.50
<p><b><i>Mayor and City Counsel of Baltimore (MDOT/MTA)</i></b>  Fire hydrant explosion; extensive water damage to building and equipment.</p>	23.00
<p><b><i>Baltimore Gas &amp; Electric Company (BGE) v. State Department of Assessments and Taxation (SDAT)</i></b>  Franchise tax is imposed on gross receipts using accrual basis regulatory accounting. BGE allows a credit against current electricity charges and will impose a surcharge in the future to recapture the credit. Issue is whether the franchise tax is imposed on the full charge for electricity before the rate stabilization credit but not on the future collection of the surcharge, or is the tax imposed on the current net revenues after a deduction of the credit and then on the future collection of the rate stabilization surcharge.</p>	6.40
<p><b><i>Bluestein v. University of Maryland Baltimore County (UMBC) (Educational Affairs)</i></b>  ADA and tort claims brought by student seeking accommodation.</p>	1.75

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<b><i>Bradford v. Maryland State Department of Education (MSDE) (MSDE/Civil)</i></b> Complaint filed by the American Civil Liberties Union challenging the adequacy of education provided to students in Baltimore City schools.	1.00
<b><i>Butler v. Pullen, et al. (Educational Affairs)</i></b> Multi-count complaint alleging abuse of process and malicious prosecution, etc.	9.10
<b><i>Canal Place Preservation v. Trestle Development (Planning)</i></b> Declaratory relief action to interpret option to lease State-owned property next to Canal Place in Cumberland.	1.00
<b><i>Carroll County Commissioners v. Maryland State Retirement Pension System (MSRPS)</i></b> “Withdrawal liability” of Carroll County for members who remained in the system after the county’s withdrawal in 1985.	12.00
<b><i>Carrollton Bank v. Maryland State Lottery Commission (Lottery)</i></b> Bank contending it holds lien against assets of advertiser claims Commission breached contract with advertiser when Commission terminated contract for default. Related to a Morgan State University case with same contractor/advertiser.	2.10
<b><i>Chase Brexton Health Services v. DHMH (DHMH)</i></b> Challenge to DHMH calculation of prospective payment rate applicable to Federally Qualified Health Centers.	7.00
<b><i>Cleary v. Green (Maryland State Police (MSP))</i></b> 1983 and constitutional torts relating to an alleged false arrest.	1.00
<b><i>Community Development Ventures, et al. v. Department of Business and Economic Development (DBED)</i></b> State sued in third party capacity for reach of fiduciary duties and good faith/fair dealing, civil conspiracy in business financing case.	338.00
<b><i>Crowe v. MTA (MDOT/MTA)</i></b> Survival action by person struck by MTA bus.	5.00
<b><i>Davis v. Kellet, et al. (MSP)</i></b> Claims of violation of constitutional rights arising out of arrest and detention.	1.00
<b><i>Days Cove Reclamation v. State (General Assembly)</i></b> Alleging that Chapter 161 of 2007 Laws, which prohibits landfills in certain locations, is a special law in violation of the Maryland Constitution and a taking under the 5 <sup>th</sup> Amendment.	25.00

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<b><i>Demby v. DHMH (DHMH)</i></b> Alleged sexual assaults against shelter/workshop employees. 1983 and tort claims.	26.30
<b><i>Deneselya v. Kazlo (Department of Labor, Licensing, and Regulation (DLLR))</i></b> Real Estate Commissioner's denial of license.	3.00
<b><i>Department of Human Resources (DHR) v. USHHS (DHR)</i></b> U. S. Department of Health and Human Services (HHS) assessed a penalty for failure to meet certain program performance requirements. DHR appealed to HHS Appeals Board.	1.50
<b><i>Duncan v. State (Department of Public Safety and Correctional Services (DPSCS))</i></b> Arises from parole retake warrant, where parole retake agent forced entry into Plaintiff's home through locked window.	50.00
<b><i>(Environmental Protection Agency (EPA)) In re Maryland (MDOT/MTA)</i></b> EPA enforcement action against State for Clean Water Act violations.	1.00
<b><i>Roy Expectacion, et al. v. MTA (MDOT/MTA)</i></b> MTA bus was turning left when bus collided with the front end of oncoming vehicle driven by plaintiff.	1.50
<b><i>Faulcon v. MTA (MDOT/MTA)</i></b> Pedestrian dart-out case.	1.00
<b><i>Fisher v. State of Maryland (DHR)</i></b> Failure of the Department of Social Services (DSS) to intervene to stop child abuse.	15.00
<b><i>Ford/Williams v. Baltimore City DSS (DHR)</i></b> Complaint for negligence due to DSS foster family abuse.	32.20
<b><i>General Electric Transportation System (Contract Litigation)</i></b> Contract claim arising out of MTA Light Rail double tracking.	1.30
<b><i>Griffin v. MTA (MDOT/MTA)</i></b> Claims to have been hit by falling plywood at Metro Station.	4.00
<b><i>Hawkins v. CSX (MDOT/MTA)</i></b> Slip and fall at the Maryland Rail Commuter station.	2.00
<b><i>Hayes v. Smith (MDOT/MTA)</i></b> MTA contractor Yellow involved in accident where plaintiff was killed.	8.00

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<p><b><i>Henry v. Purnell (Courts/Sheriff)</i></b>                      Maryland constitution and tort claims alleging malice for bench warrant Arrest by Montgomery County Sheriff’s Office.</p>	1.20
<p><b><i>In the Appeal of Hess Construction (Contract Litigation)</i></b>                      Defective steel design specifications caused delay and increased steel costs and extended overhead.</p>	1.70
<p><b><i>Hill/Adams v. Mayor of Baltimore, et al. (Department of General Services)</i></b>                      10 plaintiffs suing in tort for wrongful death due to mold in building. State not listed as a defendant, but State leases the building and lease states State will indemnify.</p>	600.00
<p><b><i>Iko v. Galley (Correctional Litigation)</i></b>                      Family of inmate claims decedent was subject to excessive force in cell extraction and subsequently denied medical care.</p>	2.80
<p><b><i>Jones v. Marks (MDOT)</i></b>                      African American plaintiff charges harassment and hostile work environment.</p>	16.00
<p><b><i>Jones v. MTA (MDOT/MTA)</i></b>                      Former employee alleging breach of contract, negligence, negligent misrepresentation and loss of consortium.</p>	1.50
<p><b><i>Kelly v. Colmers (DHMH)</i></b>                      Two cases: Inmate at Perkins defamation by Perkins staff in pre-trial evaluation.</p>	10.00
<p><b><i>Kelly v. Woods (DPSCS)</i></b>                      Claims arising from death of detainee at Baltimore City Detention Center (BCDC).</p>	30.00
<p><b><i>Kent v. MDTA (MDTA)</i></b>                      Constitutional and tort claims relating to retaliation for filing discrimination complaints.</p>	4.00
<p><b><i>Leech v. MSP (MSP)</i></b>                      Wrongful death.</p>	2.00
<p><b><i>Claim of LGS (Contract Litigation)</i></b>                      Claim for accelerated damages as a result of weather delays on Metro Blue Line extension and failure to provide site access.</p>	28.10

<b><u>Case and Nature of Claim Alleged</u></b>	<b><u>Amount Claimed (\$ in Millions)</u></b>
<b><i>Lievers v. MTA (MDOT/MTA)</i></b> Plaintiff standing outside of his vehicle when the MTA bus pinned him between the bus and vehicle, causing the plaintiff to become airborne and land on the hood of his vehicle before landing on the pavement.	1.50
<b><i>McLain-Lewis v. National Railroad Passenger Corporation (MDOT/MTA)</i></b> Slip and fall in an attempt to detrain; plaintiff claims train lurched forward.	5.00
<b><i>Marine v. MTA (MDOT/MTA)</i></b> MTA bus collided with Plaintiff's auto. Liability conceded; damages issues remain contested.	1.50
<b><i>Maryland v. Centers for Medicare &amp; Medicaid (MSDE)</i></b> Disallowance of Medicaid Federal Financial Participation for Medicaid school based services claim.	20.00
<b><i>National Association for the Advancement of Colored People (NAACP) v. Baltimore City Police Department</i></b> 1983, Art. 24 &26, and tort claims based on warrantless strip searches of inmates at central booking.	1.00
<b><i>NAACP v. MSP (MSP/Civil)</i></b> Allegations that MSP officers used race-based profiles to stop and search motorists on I-95; damages claims pending.	2.50
<b><i>Nofi v. Cornell (Educational Affairs)</i></b> Negligence/strict liability, distribution of defective Human Growth Hormone.	3.00
<b><i>Owings v. MTA (MDOT/MTA)</i></b> Slip and fall on MTA subway.	1.00
<b><i>Park v. Springfield Hospital Ctr. (DHMH)</i></b> Defamation and violation of rights of psychiatrist/employee.	1.40
<b><i>Parker v. McCullough, et al. (MDOT/MTA)</i></b> Alleged false arrest/false imprisonment; case of mistaken identity and sexual assault while incarcerated.	1.00
<b><i>Porter v. Springfield (DHMH)</i></b> Employment discrimination (age, race, and gender).	1.50
<b><i>Potomac Riverkeepers v. National Capital Skeet &amp; Trap Club, et al. (Department of Natural Resources (DNR))</i></b> Plaintiff alleges that State is liable under Clean Water Act for permitting lead from artillery range to enter waters of the United States.	5.00

<b><u>Case and Nature of Claim Alleged</u></b>	<b><u>Amount Claimed (\$ in Millions)</u></b>
<b><i>Rodriguez v. State (Correctional Litigation)</i></b> Inmate was murdered on bus while traveling from Baltimore City Circuit Court.	51.00
<b><i>Roy v. MTA (MDOT/MTA)</i></b> Slip and fall during inclement weather. Plaintiff alleges preexisting back problems were exacerbated.	1.00
<b><i>Ryan v. Maryland Transportation Authority (MDOT/MdTA)</i></b> Tort claim. Wrongful death claim pertaining to auto accident where road design defects were the cause.	10.00
<b><i>Sawiki v. Morgan State University (Educational Affairs)</i></b> Lawsuit by professor alleging breach of contract, race, gender, religious, age, and disability discrimination.	11.00
<b><i>Schade v. Board of Elections (Civil)</i></b> Injunctive suit to prohibit use of new voting machines and reverting to old machines.	9.00
<b><i>Science Application International Corp. v. Comptroller</i></b> Income tax refund claim in Maryland Tax Court.	4.00
<b><i>SDAT v. General Motors Acceptance Corp. (SDAT)</i></b> Dispute over applicability of federal tax credit.	1.10
<b><i>Self Pride v. Kronmiller, et al. (DHMH)</i></b> Claims that the department treated licensee in discriminatory fashion.	12.00
<b><i>Seyoum v. Meyer (MdTA)</i></b> Tort claims relating to arrest at the Baltimore/Washington International Thurgood Marshall Airport.	12.50
<b><i>Estate of Sherwood v. State (DNR)</i></b> 1983 and constitutional torts claimed in U.S. District Court for DNR police excessive force when they shot Sherwood while taking him into custody.	30.00
<b><i>Shorb v. Hoffmaster (DNR)</i></b> False imprisonment, excessive force, malicious prosecution, assault and battery, and trespass, due to arrest for hunting without a license and assault.	2.00
<b><i>Smith v. McCann and DHMH (DHMH)</i></b> Class action challenging DHMH policies regarding Medicaid deductions for nursing home cost incurred prior to eligibility.	21.00

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<b><i>Stearer v. MTA</i></b> MTA bus accident involving a two-year-old child.	22.00
<b><i>Trigen Cinergy Sys. v. MD Economic Development Corp. (Contract Litigation)</i></b> Contract claim arising out of UMCP power plant construction based on delay in issuance of notice to proceed.	9.30
<b><i>Turner v. Knight (Courts/Sheriffs)</i></b> Claims, arising from arrest, of violation of Maryland Declaration of Rights, intentional infliction of emotional distress, and negligence.	15.00
<b><i>USF&amp;G v. Comptroller</i></b> Request for refund of sales tax.	1.90
<b><i>Veney v. Porter (MDOT/MTA)</i></b> Teenagers and father arrested for trespassing on MTA property.	3.10
<b><i>Victors, et al. v. Kronmiller, et al. (DHMH)</i></b> Claims that Dept. treated licensee in discriminatory fashion.	13.00
<b><i>Walker v. MTA</i></b> Declaratory negligence and fraud.	3.10
<b><i>Warfle, Merle v. DHMH</i></b> Suit filed pursuant to Title II of ADA; and Title VII of the Civil Rights Act.	3.40
<b><i>Washington County Board of Commissioners v. MES</i></b> County claims MES breached agreement to properly design a landfill closure cap; as well as allegations of tortuous interference.	7.70
<b><i>Webb v. Truehart v. MTA (MDOT/MTA)</i></b> MTA bus collision with American Red Cross vehicle.	20.00
<b><i>Wilder Bldg. Corp. v. Melvin Benhoff, Inc., et al. (MDOT/SHA)</i></b> State contractor dumped a load of stones on plaintiff's property causing Health Dept. violations. Plaintiff claims property is now worthless.	1.00
<b><i>Williams v. PG County (Courts/Sheriff)</i></b> Tort claims alleging malice for excessive force in arrest.	7.00
<b><i>Williams v. Grant (MDTA)</i></b> Complaint for wrongful death alleging DSS failure to investigate report of abuse prior to death.	3.70

<u>Case and Nature of Claim Alleged</u>	<u>Amount Claimed (\$ in Millions)</u>
<p><b><i>Svehla, Michelle Ann v. MTA and Maryland Automobile Insurance Fund (MDOT/MTA)</i></b>                      Personal injury involving MTA bus, car, and utility pole.</p>	1.00
<p><b><i>Taylor v. MTA (MDOT/MTA)</i></b>                      Plaintiff alleges hip injuries in bus accident.</p>	1.00
<p><b><i>Tollenger, et al. v. Connor, et al. (Civil)</i></b>                      Survivor action and wrongful death claim arising out of collision on Maryland bridge.</p>	3.00
<p><b><i>Tolliver v. Brandenburg (MDOT/MTA)</i></b>                      False arrest case. Plaintiff claims MTA officer arrested him for illegal parking of broken down car, beat him, and stole \$300.</p>	23.00

## Office of the Attorney General Division Descriptions

<u>Division</u>	<u>Description</u>
Anti-trust	The Anti-trust Division protects citizens of Maryland by enforcing the anti-trust laws of the State of Maryland and the United States fairly and consistently; and by advising and educating Maryland’s agencies, political subdivisions, and business enterprises regarding laws protecting competition for the purpose of promoting effective operations and compliance with anti-trust laws.
Civil Litigation	The Civil Litigation Division handles or supervises statewide civil litigation. This involves litigating those cases most important to the core functions and governmental policies of the State of Maryland and to the rights and interests of citizens. Attorneys provide legal counsel to the Judiciary and enforce the economic provisions of the Master Settlement Agreement and related Maryland statutes.
Consumer Protection	The Consumer Protection Division protects the citizens of Maryland by resolving consumer complaints through both mediation and arbitration; registering health clubs and home builders; educating the public by developing and disseminating consumer education materials; and by enforcing consumer laws against businesses engaging unfair or deceptive trade practices.
Contract Litigation	The Contract Litigation Division represents the Departments of General Services and Transportation and the University System of Maryland before the Maryland State Board of Contract Appeals and in the courts of the State of Maryland in litigation arising out of the contract formation disputes as well as general contract disputes. The division also provides advice to other State agencies regarding a variety of procurement and contract issues such as structuring procurement solicitations, drafting contract provisions and procurement regulations, administering contracts, and properly formulating State claims and responses to contractor claims.
Correctional Litigation	The Correctional Litigation Division provides legal representation to eligible State correctional institutions and officials and personnel in defense of civil actions brought by inmates for alleged violations of civil constitutional rights or claims arising out of their incarcerations. The division also provides advice, information, and training to State corrections officials and personnel relating to the avoidance and defense of inmate litigation; minimizes the liability of State corrections officials and personnel in inmate litigation; and reduces the volume of inmate litigation.