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YEAR IN REVIEW

2018

# Maryland Office of the Attorney General Year in Review 2018

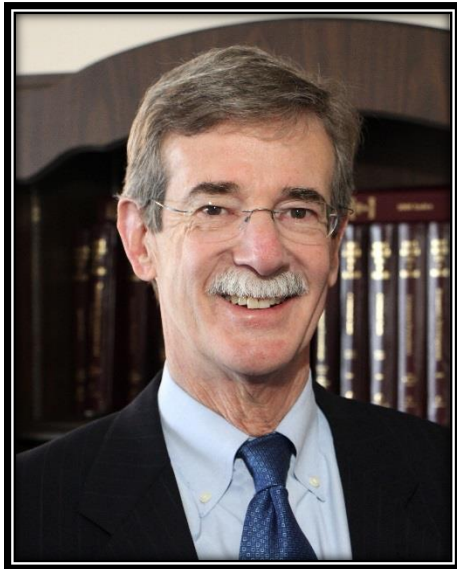
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2018 was another productive year for the Maryland Office of the Attorney General. Our office was vigilant in protecting Marylanders from fraud and abuse, and we also fought for justice and civil rights. As always, our attorneys represented a broad range of clients with professionalism and skill, working diligently on behalf of all Marylanders.

Early in 2017, and continuing into 2018, the federal government began taking steps to implement policies that threatened the health, safety, and well-being of Marylanders. Working with other states, we helped to safeguard Marylanders from these actions.

I am pleased to provide this summary of initiatives, litigation and other accomplishments that represent our most notable achievements of the past calendar year.

I remain honored to serve as Maryland's Attorney General, and am working tirelessly to uphold the fine traditions of this office.



Sincerely,

A handwritten signature in blue ink, which appears to read "Brian E. Frosh". The signature is fluid and cursive.

Brian E. Frosh

Maryland Attorney General

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# Major Initiatives

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## Fighting the Opioid Epidemic

Attorney General Frosh continues to fight against the opioid epidemic with every tool available to the office. This includes criminal prosecutions, investigation of opioid manufacturers, and working with client agencies to tear down barriers to effective treatment.

### Criminal Prosecutions

Since the creation of the Organized Crime Unit in 2015, OCU has indicted more than 200 individuals involving the distribution or conspiracy to distribute fentanyl, heroin and other opioids.

OCU has also pursued charges against pill mill operators. In August 2017, our office indicted Kofi Shaw-Taylor and nine co-conspirators, including Tormarco Harris, and Hasan H. Babaturk for the alleged unlawful distribution of controlled dangerous substances, and operating as “pill mills.” Defendant Babaturk currently faces 21 counts of drug distribution and improper dispensing charges. In August, defendant Shaw-Taylor pleaded guilty and was sentenced to five year’s incarceration. Shaw-Taylor’s plea agreement also includes more than \$118k restitution to the Maryland Medicaid Program and the forfeiture of certain seized assets. In June, defendant Harris was convicted and sentenced to 20 year’s incarceration without the possibility of parole under Maryland’s Drug Kingpin statute. The other

eight co-conspirators in Shaw-Taylor’s pill mill operation pleaded guilty.

Evidence presented at Shaw-Taylor’s trial showed that he owned and/or operated two clinics that operated as pill mills, where, in exchange for cash, patients received unlawful prescriptions for large quantities of narcotics, including oxycodone, morphine, tramadol, and benzodiazepine. Harris owned and operated one of the two pill mills along with Shaw-Taylor. A pill mill is a physician’s office, clinic, or healthcare facility that routinely engages in the practice of prescribing and dispensing controlled dangerous substances outside the scope of professional practice and without legitimate medical purpose.

### Filing Suit Against Opioid Manufacturer Insys

In September, the OAG charged Insys Therapeutics, Inc (Insys) with multiple violations of the Consumer Protection Act. Insys manufactures an extremely potent opioid, Subsys, approved by the FDA only for treating “break-through pain in adult cancer patients.” According to the charges, Insys and local health care providers circumvented the limited approval and targeted “off-label” patients without cancer—patients who never should have received the drug.

The OAG also alleged that Insys provided tens of thousands of dollars to prescribers as inducements to prescribe Subsys to their patients and created a sophisticated system where employees misrepresented diagnoses and illnesses to obtain payments from the insurance companies for inappropriate prescriptions.

## Medicaid Fraud Control Unit

The Medicaid Fraud Control Unit (MFCU) has increased efforts to address the role of Medicaid in the opioid epidemic through its reimbursements for providers, pharmacies, and laboratories who are trafficking in opioids. MFCU has strengthened and developed new partnerships for referrals (e.g., Maryland Department of Health’s Inspector General and Office of Controlled Substances, U.S. Drug Enforcement Administration (DEA), and U.S. Department of Health and Human Services’ (HHS) Inspector General). The HHS Inspector General has also agreed to provide support for the Office of the Attorney General’s (OAG) opioid investigations. MFCU has numerous active criminal and civil investigations involving providers writing excessive prescriptions with no medical basis, pharmacies filling fraudulent prescriptions, and laboratories conducting unnecessary tests related to substance abuse.

In April, pharmacist Susan Iwunze Nwoga, owner and operator of Poplar Grove Pharmacy in Baltimore, was charged with conspiracy to defraud a State Health Plan Medicaid, defrauding a State Health Plan, felony theft, and more than 300 counts of distribution of a controlled dangerous substance. Co-conspirator, Darnella Carter, was charged with conspiracy to defraud a State Health Plan, defrauding a State Health Plan, and obtaining a benefit by fraud.

According to the indictment, beginning in 2013, Poplar Grove customers presented Nwoga with prescriptions that were patently fraudulent. Nwoga filled the prescriptions and

dispensed controlled dangerous substances, including Oxycodone, alprazolam clonazepam, and promethazine to customers, knowing that the prescriptions were fraudulent, in exchange for cash or submitting claims for payment to Medicaid and other health benefit programs. Carter was charged with presenting fraudulent prescriptions to Nwoga, sometimes filled out with Nwoga’s assistance, and then selling the drugs to others.

## Health Occupations Prosecution and Litigation

The Health Occupations Prosecution and Litigation Unit (HOPL) prosecutors are investigating and prosecuting on an ongoing basis health occupation licensees—including physicians, physician assistants, dentists, pharmacists, podiatrists, and nurses—who prescribe or divert opioids for illegitimate reasons. These prosecutions have included pain management clinics in which prescribers’ licenses have been revoked or suspended. HOPL prosecutors also work with the boards to support the rehabilitation of licensees who themselves abuse opioid medications, and they are involved in the efforts of the OAG’s Task Force on Crimes of Exploitation to prosecute providers exploiting patients through inappropriate prescribing.

## Agency Support

Many Assistant Attorneys General are working to address the opioid crisis through their advice and support of their clients’ efforts. The assistant attorneys general at the Department of Health play a lead role in advising the Opioid Operations Command Center (OOCC), which is coordinating the opioid-related work of all

executive branch agencies. They provide legal advice regarding the sharing of data related to opioid patients, overdoses, and other aspects of the epidemic. They also advise Maryland's Prescription Drug Monitoring Program, as well as the Board of Pharmacy, the Office of Controlled Substance Administration, the Behavioral Health Administration, Medicaid, and a host of other offices that work on advice relating to substance abuse. Some of the legal issues include Medicaid's coverage of opioid addiction medications and treatment services, the defense of Medicaid payment suspensions for fraud relating to opioid use and prescribing, and accreditation of treatment programs.

The OAG's advice on opioid-related issues involves all or almost all of our client agencies. For example, the Educational Affairs Division provides legal advice on widespread activity on each of the University System of Maryland's campuses, which includes: 1) information and outreach; 2) intervention and support for students' immediate, short-term needs; and 3) screenings and referrals for long-term addiction assistance. OAG attorneys also advise the Maryland State Department of Education on a variety of public awareness, education, intervention, and prevention programs. Our office also advises the Department of Human Services and local agencies on a variety of responsibilities related to opioids' effects on the populations they serve.

### OAG Professional Development

In support of all of these efforts, we have created an Opioid Work Group to provide training for our lawyers on opioid-related issues and

to provide a forum for our lawyers to share information about the issues they are confronting. Many of our attorneys also have participated in multi-day opioid training seminars sponsored by the National Association of Attorneys General.

### Legislative Efforts

Attorney General Frosh joined three other attorneys general to lead a bipartisan national effort of 44 attorneys general to repeal the "Ensuring Patient Access and Effective Law Enforcement," a law that makes it harder for the DEA to stop suspicious orders and prevent the unlawful distribution and diversion of opioids. Specifically, the law stripped DEA of the ability to issue an immediate suspension order against a drug manufacturer or distributor whose unlawful conduct poses an imminent danger to public health or safety.

As of 2018, the law remains in effect, but the OAG will continue to urge Congress to act to remove any impediments to DEA's work.

### Fighting for Victims of Sexual Assault

In January 2017, Attorney General Frosh released the "Statewide Accounting of Untested Sexual Assault Evidence Kits" report. That report detailed the results of an audit of the untested kits of over 100 law enforcement agencies in Maryland. As a result of that audit and after a review of national best practices, the office recommended presumptive testing of all sexual assault kits, victim notification of test results, and retention of kits until the statute of



limitations has run. The General Assembly enacted legislation to carry out the recommendations of the report and to formalize the Attorney General's role as the chair of the Sexual Assault Evidence Kit (SAEK) Policy and Funding Committee.

This year, the SAEK committee, along with the Governor's Office of Crime Control and Prevention applied for, and received, a U.S. Department of Justice Sexual Assault Kit Initiative (SAKI) grant to help fund the testing of untested or unsubmitted sexual assault evidence kits. Maryland was awarded a \$2.6 million grant for: (1) conducting a statewide inventory of untested kits, (2) testing unsubmitted kits, (3) establishing a statewide tracking system, and (4) providing victim services.

The SAEK committee will continue to make legislative recommendations, review the work of law enforcement agencies throughout Maryland, and recommend best practices for testing sexual assault evidence kits.

## Legislative Victories

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### Reporting Suspicious Opioid Drug Orders

Introduced at the request of the Attorney General, a law was passed in 2018 that provides an important tool to law enforcement and public health officials to address the opioid crisis. This law requires drug distributors—the businesses responsible for shipping these drugs from factories to pharmacies—to report suspicious orders for controlled dangerous substances to the OAG and the Maryland Department of

Health. Suspicious orders are those orders that deviate from the normal or expected pattern of orders for prescription drugs.

### Generic Drug Price Gouging



For decades generic drugs have been one of the few bargains in healthcare. In recent years, however, the price of generic drugs has skyrocketed.

To combat this, the Maryland General Assembly passed legislation sponsored by our office in 2017 that prohibits extraordinary price increases of off-patent generic drugs and authorizes the Maryland Attorney General to file suit against drug manufactures over suspected price gouging. The new law, the first of its kind in the country, will ensure that price increases do not deprive Marylanders of access to essential generic medicines. Despite challenges brought by drug manufacturers to this new law, the OAG will fight to ensure Marylanders continue to have access to the essential generic medicines they need, including a petition filed with

the Supreme Court in October asking it to uphold Maryland's law and its right to protect its citizens.

## Policy and Enforcement Priorities

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### Public Safety

There are few priorities greater than the safety of Maryland residents. The OAG has continued to focus its resources strategically to build safer streets and communities.

#### 3-D Printed Guns

Maryland is part of a multistate coalition that sued the U.S. Department of State after the Department of State entered into a settlement agreement with Defense Distributed, Inc. that would allow that company to distribute 3-D printed gun plans on the internet.

Downloadable guns, in the form of Computer Aided Design (CAD) files for the automated production of firearms using a 3-D printer, are functional weapons that are often unrecognizable by standard metal detectors and untraceable because they contain no serial numbers. Anyone with access to the CAD files and a commercially available 3-D printer could readily manufacture, possess, or sell such a weapon.

The court granted the plaintiff's request for a temporary restraining order on July 31, and granted plaintiff's motion for a preliminary injunction on August 27, barring the publication of the plans, pending future proceedings.

### Indicting Members of the "500 L" Gang

Following a multiagency investigation, the OAG announced in August the indictment of 13 members of the "500" or "500 L" gang, a subset of the Bloods, on multiple counts, including participating in a criminal gang, the distribution of narcotics, acts of violence including murder and witness intimidation, as well as firearms trafficking.

The 500 L gang is responsible for acts of violence, including the murder of Sebastian Dvorak. In early June 2017, shortly before the murder, one of the high-ranking members of the organization, Robert Lewis, provided a handgun to 18-year-old Malik Mungo. On June 13, 2017, in the Canton neighborhood of Baltimore City, Sebastian Dvorak was walking home after celebrating his 27th birthday when Mungo and another individual allegedly robbed Mr. Dvorak, shot him in the chest, and then fled.



## Prosecuting Gang and Drug Activity in Maryland's Correctional Facilities

In November 2017 we announced the indictments of 26 defendants after a nearly year-long, multi-agency investigation of gang activity in Maryland correctional facilities. Charges in the indictments include attempted first-degree murder, gang participation, drug distribution, smuggling of contraband into prison facilities, and misconduct in office. The investigation was led by the OAG, DEA, and the Maryland Department of Public Safety and Correctional Services (DPSCS).

The initial target of the investigation was Correctional Officer Sergeant Antoine Fordham. The indictment alleges that Fordham is a high-ranking member of the 8-Trey Crips street gang. The 8-Trey Crips is a Crips set that operates inside Baltimore City and in several Maryland counties, both inside Maryland correctional facilities and on the street. In his position, Fordham oversaw much of the 8-Trey Crips' drug dealing and other illicit activities near the intersections of Frankford Avenue and Sinclair Lane in Baltimore City. Fordham and other members of the gang authorized and/or committed acts of violence including shootings and assaults to protect the gang's turf and to maintain discipline within the gang. The investigation grew to include additional gang members and other co-conspirators who, as alleged in the indictment, together were running a large-scale, contraband-delivery operation in several Maryland correctional facilities, including Jessup Correctional Institution and Maryland Correctional Institution – Jessup. Incarcerated members of the gang used contraband cellular phones and Maryland's prison

phone system to arrange times and locations for the outside facilitators who acquired the contraband items to meet and exchange payment for the contraband with other co-conspirators who would actually bring these items into the correctional facilities.

Two of the indicted co-conspirators who brought the items into the facility are Fordham and Phillippe Jordan, another correctional officer. Ten of the other indicted co-conspirators are outside facilitators and include the mothers of three of the inmates. While some payments for the contraband were made in cash, the majority of payments were made using PayPal.

Penalties faced by members of the conspiracy range from three years to life imprisonment.

In September, the OAG announced the guilty pleas of four defendants for their role in a drug-smuggling ring in Patuxent Institution in Jessup, a Maryland correctional facility. That investigation was led by the Attorney General's Organized Crime Unit and the Maryland Department of Public Safety and Correctional Services (DPSCS).

Jocitta Ferguson and Bishea Lacruze attempted to pass Suboxone strips to inmates Andrew Dicks, Sr. and Michael Eddie Brock, but were intercepted by DPSCS officers, who recovered the contraband.

Dicks and Brock were each sentenced to three years' incarceration for their roles in the scheme. Ferguson and Lacruze were each sentenced to jail time and supervised probation.

## Tax Fraud Schemes

In July, the OAG announced that two tax preparers who filed false returns on behalf numerous paying clients, and also filed false personal income tax returns that failed to reflect fees earned by preparing client returns, pleaded guilty to multiple counts. Both tax preparers were ordered to pay restitution and serve probation.

## Gun Safety

Following a multiagency investigation, the OAG announced indictments in August of four members of a violent, organized carjacking ring. The defendants were alleged to have perpetrated multiple vehicle thefts in Baltimore City and Baltimore County. Charges in the indictments include 26 carjacking or auto-theft incidents, including counts for participating in a criminal gang, armed carjacking, armed robbery, theft, use of a handgun in a crime of violence, assault, unauthorized use of a motor vehicle, rogue and vagabond, and participating in a theft scheme totaling over \$100,000. The defendants are alleged to use weapons, such as pellet guns, knives, and handguns, to commit carjackings and auto thefts, as well as violent assaulting their victims.

In 2017, the United States Court of Appeals for the Fourth Circuit upheld the constitutionality of Maryland's ban on assault weapons and large capacity magazines. The ruling keeps in place an important piece of the General Assembly's comprehensive 2013 legislation—the Maryland Firearm Safety Act—designed to protect Marylanders from gun violence, and confirms the principle that the Constitution does not

prohibit states from protecting their citizens and communities. The OAG also persuaded the United States Supreme Court not to review the case.

Following an investigation led by the OAG and the Maryland State Police (MSP) Gun Enforcement Section, five defendants were indicted in July on charges of violating the Maryland Firearms Safety Act by failing to disclose violent crimes on their Handgun Qualification License applications, which would have disqualified them from owning a regulated firearm.

## Standing Up for Consumers

Protecting Marylanders from fraud and deceptive business practices is an essential function of the OAG. Everyday Marylanders face challenges and have questions about transactions that are part of daily life. They may sign up for phone service that doesn't work the way it was promised or have trouble getting a warranty repair or a medical bill paid by their insurance companies.

The OAG is prepared to help. In FY 2018 the Consumer Protection Division (CPD), which includes the Health Education and Advocacy Unit, assisted over 10,000 consumers who filed complaints, reclaiming more than \$13 million for them.

In addition to individual claims, the office undertakes major investigations and participates in litigation with successful outcomes for Marylanders. Here are some of the major cases from 2018.

## Neiswanger Management Services

In December 2016, the OAG filed a lawsuit against Neiswanger Management Services (NMS), alleging that, in violation of the Maryland Patient's Bill of Rights law, NMS unsafely and unlawfully evicted hundreds of frail, infirm, mentally ill, and physically and intellectually disabled people. The OAG further alleged that NMS identified residents for eviction based on the status of their public health insurance benefits, in order to maximize reimbursement from Medicare and Medicaid.

Despite challenges by the defendant, the Court of Appeals of Maryland issued a decision in February upholding the Attorney General's authority to bring a lawsuit against nursing homes on behalf of multiple residents when at least one individual's statutory rights have been violated.

In October, NMS agreed to a settlement in the State's case. Under the settlement NMS, which discontinued its operation of nursing facilities in Maryland in February, are permanently barred from engaging directly or indirectly in the management or operation of nursing facilities in Maryland, and from participating as providers in the Maryland Medicaid program, and will pay \$2.2 million to the State.

## Ensuring Mortgage Lenders Operate Legally

In January, 49 states, including Maryland announced a \$45 million settlement with New Jersey-based mortgage lender and servicer PHH Mortgage Corporation. The settlement resolved allegations that PHH, the nation's

ninth largest non-bank residential mortgage servicer, improperly serviced mortgage loans from January 1, 2009, through December 31, 2012, causing borrowers to face foreclosure or even lose their homes to foreclosure. Approximately 831 borrowers in Maryland were eligible for a payment from the settlement.

In May, the OAG entered into a settlement with Nationstar Mortgage LLC, the nation's largest non-bank servicer of home mortgages, to resolve allegations that it charged homeowners illegal inspection fees. Maryland law prohibits passing the cost of these inspections onto homeowners; however, Nationstar allegedly charged the inspection costs to homeowners until January 2014 for forward loans and February 2016 for reverse mortgages. Nationstar assessed Maryland homeowners over \$1 million in inspection fees, which it returned during the course of the Consumer Protection Division's investigation and as a result of the settlement.

## Wells Fargo Fraudulent Accounts

All 50 states, including Maryland, announced a \$575 million settlement with Wells Fargo Bank N.A. resolving claims that the bank violated state consumer protection laws by, in addition to other violations, cheated its customers by creating phony accounts and charging them illegal fees. The states alleged that Wells Fargo imposed aggressive and unrealistic sales goals on bank employees and implemented an incentive compensation program encouraging employees to sell certain products to customers. More than 3.5 million customer accounts were opened, had funds transferred, credit card applications filed, or debit cards issued without



the customers' knowledge or consent. At the time of the settlement, Wells Fargo had refunded or agreed to refund over \$100 million of the improper fees it charged.

### Shutting Down Sham Charities

The OAG and the Maryland Secretary of State announced a settlement with a look-a-like cancer charity based in Maryland that unlawfully used a name similar to the American Cancer Society to collect donations from unsuspecting donors. The fraudulent charity used the names Cancer Society of America and Cancer Foundation, Inc. Its founder/director was banned from collecting charitable donations in Maryland for seven years, and was required to turn over \$14,000 to the authentic American Cancer Society. In July, the OAG and Secretary of State also announced enforcement actions taken against other sham charities operating in Maryland— Help the Vets, Inc., Operation Troop Aid, and Southern Maryland Veterans Association—as part of a nationwide sweep and education initiative, “Operation Donate with Honor.”

The OAG and Secretary of State also issued a Cease and Desist Order against Stephen D. Everhart, Lion Fundraising, Police Journal and Fire Yearbook, and Lion Fraternal Order of Police Assistance Fund LLC. The order follows an investigation that revealed over \$1 million in donations were solicited and received by Mr. Everhart since 2012 in violation of the Maryland Solicitations Act. Mr. Everhart posed as fake law enforcement charities to collect donations, and failed to register with the Secretary of State as either a charity or fundraiser before

soliciting and collecting donations using a cash on delivery service.

### Swift Van Lines

The Consumer Protection Division found that Swift Van Lines, LLC, formerly known as Revolution Moving and Storage, LLC, and its owner, Juan Carlos Martinez, repeatedly violated the Consumer Protection Act and the Maryland Household Goods Movers Act. Swift Van Lines provided consumers low-ball estimates, and then drastically increased its price after taking possession of consumers' goods. In one case, a consumer had medications and medical devices needed to treat his diabetes and high blood pressure. Swift held those items hostage for several days. Another consumer, who was starting a new job the day after his move, was without his work clothes for a week. An Air Force veteran who was undergoing chemotherapy and his wife, who was recovering from abdominal surgery, had their goods held hostage at 4:00 in the morning. Swift was ordered to return money to consumers and pay penalties and costs amounting to at least \$471,445.45.

### Restoring Water to Applewalk

The Consumer Protection Division obtained a temporary restraining order in the Circuit Court for Prince George's County, requiring the return of water service at the Applewalk Condominiums in Laurel. The Applewalk Condominium Association had cut off the water supply to tenants of certain units, alleging that those units' owners were delinquent in paying condominium fees. The court's order requires the Applewalk Condominium Association and

its president to restore water service to all units at the condominium complex.

## Defending Gainful Employment and Borrower Defense Rules

In a 2017 lawsuit led by Maryland, and joined by 17 other states, the OAG alleged that the U.S. Department of Education violated the Administrative Procedure Act when it delayed and rolled back various parts of a regulation created in 2014 called the Gainful Employment Rule. This rule sought to protect students and taxpayers by prohibiting institutions from participating in the federal student loan program if the institutions' educational programs consistently fail to prepare students for gainful employment, thereby burdening students with high debt loads that they are unable to repay. The ED extended several deadlines in the regulations, which it lacked legal authority to do without any public, deliberative process, rendering the regulations ineffective.

In 2018, the states filed an amended complaint to address further delays by the ED that had occurred since the filing of the initial complaint. The court accepted the amended complaint and permitted the states and the ED to file amendments to their motions for summary judgment to address the issues raised in the amended complaint. The motions remain pending before the court.

In 2017, Attorney General Frosh challenged the Department of Education's delayed implementation of the Borrower Defense Rule. The office led a coalition of 18 state attorneys general who joined him in the lawsuit.

The Borrower Defense Rule was designed to hold abusive higher education institutions accountable for cheating students and taxpayers out of billions of dollars in federal loans. Under the Rule, a borrower can obtain loan forgiveness when a predatory school engages in deceptive conduct. While providing students with relief from loans obtained as a result of deceptive conduct, the Rule protected taxpayers by strengthening the requirements for schools to prove financial responsibility, including, under certain circumstances, by posting letters of credit. The Rule also limits the ability of schools to require students to sign mandatory arbitration agreements and class action waivers, commonly used by for-profit schools, to avoid negative publicity and to thwart legal actions by students who have been harmed by schools' abusive conduct.

On September 12, the states' and private plaintiffs' motion for summary judgment was granted, and the Department's was denied, with the Court holding that each of the Department's three delays of the Borrower Defense Rule did not comply with the Administrative Procedure Act. The rule became fully effective on October 16, 2018. Barring any further rulings in the case brought by the private trade group, the rule will remain in effect.

## Maryland Speed

In September 2018, the Consumer Protection Division filed charges against Maryland Speed LLC, an online retailer specializing in the sale of auto parts, for accepting payment for parts that it failed to provide to its customers, and for refusing to issue refunds to purchasers. The

Division settled with Maryland Speed in December, requiring the company to repay consumers still owed refunds, in the amount of at least \$220,877.14, pay penalties, and provide a \$100,000 surety bond to the state if it continues to do business in Maryland.

## Uber's Data Breach

All 50 states, including Maryland, and the District of Columbia announced a settlement in September with the ride-sharing company Uber Technologies, Inc. to address the company's one-year delay in reporting a data breach involving the personal information of its drivers. Maryland received over \$4 million of the \$148 million settlement, and eligible Maryland Uber drivers received a portion of that money. The settlement also required Uber to strengthen their data security policy, implement improvements recommended by a third-party security consultant, and, going forward, comply with Maryland's Consumer Protection and Personal Information Protection acts.

## Fighting for Affordable Healthcare

### Protecting Citizens from Adulterated Drugs

The OAG settled allegations that the AmerisourceBergen Corporation (ABC) fraudulently marketed adulterated drugs to vulnerable cancer patients. The Maryland Medicaid program will receive \$1.8 million from the settlement.

ABC is one of the nation's largest wholesale drug companies and ranked number 11 on the

Fortune 500 list. In addition to the civil settlement, the ABC subsidiary that engaged in the conduct, AmerisourceBergen Specialty Group, pleaded guilty to illegally distributing misbranded drugs and will pay \$260 million in criminal fines and forfeitures.

The lawsuits alleged that ABC failed to submit any safety, stability or sterility data to the FDA to show that its preparation of the syringes was safe; therefore, thousands of claims submitted to Medicaid and other government health programs for the adulterated drugs were fraudulent. The settlement also resolves allegations that ABC double-billed government health programs for the syringes and gave kickbacks to physicians to induce them to purchase syringes.

### Defending the Affordable Care Act

Acting to protect healthcare coverage for millions of Americans nationwide and Marylanders here at home, OAG has filed or intervened in several cases relating to the Affordable Care Act (ACA).

OAG joined a multistate lawsuit in July that challenges the U.S. Department of Labor's Association Health Plan (AHP) Final Rule. AHPs have a long history of fraud, mismanagement, and abuse, with millions in unpaid claims for policyholders and providers, often leading to consumer bankruptcies. The Rule dramatically expands the footprint of AHPs allowing them the unprecedented ability to form in order to evade consumer protections and sabotage the ACA. The lawsuit alleges that the Department



of Labor violated the Administrative Procedure Act when it promulgated the AHP rule, and asks to Court to vacate the rule.

In September, OAG filed a lawsuit in the U.S. District Court for the District of Maryland against the Trump administration, seeking a declaratory judgment that the ACA is constitutional and the federal government must stop taking actions to dismantle it. The OAG's lawsuit follows the Trump administration's refusal to defend the ACA in a Texas case that sought to dismantle the law. A Texas court did decide in favor of striking down the ACA, but Maryland's lawsuit is still pending.

Health insurance reforms under the ACA have resulted in millions of people accessing coverage for the first time in their lives. In Maryland, more than 300,000 people have obtained Medicaid coverage through the expansion of health insurance. During the 2018 open enrollment, more than 150,000 Marylanders enrolled in private health care coverage through Maryland Health Connection, the state-based health insurance marketplace operated by the Maryland Health Benefit Exchange.

The OAG will continue to fight to defend the constitutionality of the ACA and to protect the health and lives of our people who depend on it.

### Ensuring Access to Contraception

In 2017 the OAG intervened in a lawsuit challenging the Trump administration's decision to allow employers to deny coverage for contraception by citing religious or moral objections. The rollback of the ACA's guarantee of no-cost contraceptive coverage will put access of

thousands of Maryland women and their families to reproductive health services and counseling in jeopardy. In addition to violating the Administrative Procedure Act by issuing two illegal interim final rules, the Trump administration's action violates the Establishment Clause and women's constitutional rights to equal protection and freedom from discrimination, and it imposes additional fiscal burdens on the state as women seek birth control through state-funded programs. Sixty-two million women have benefited from this coverage nationwide since the inception of the ACA, and the administration's interim final rules have put those benefits in jeopardy. Maryland's lawsuit is still pending.

In September, the OAG filed an amicus brief in support of Massachusetts's lawsuit that similarly opposes the Trump administration's rollback of contraceptive coverage.

Maryland law does extend contraceptive coverage to state-regulated health plans, but more than 50 percent of Marylanders are in employer self-insured health plans. This case is important to Marylanders because all women and their families deserve contraceptive coverage, and family planning should be in hands of workers, not employers.

## Standing Up for Civil Rights

### Fighting President Trump's Citizenship Census Question

As part of a coalition of 18 attorneys general, six cities, and the bipartisan U.S. Conference of Mayors, the OAG filed a lawsuit to block the

Trump administration from demanding citizenship information in the 2020 decennial Census. Demanding citizenship information would depress Census turnout in states with large immigrant populations, directly threatening those states' fair representation in Congress and the Electoral College, as well as billions of dollars in critical federal funds for education, infrastructure, Medicaid, and more.

In December 2017, the U.S. Department of Justice requested that the Census Bureau demand citizenship information in the 2020 Census form sent to every household in the United States, even though the Census is supposed to count all persons—citizens and non-citizens alike.

The administration's decision is inconsistent with the Census Bureau's constitutional and statutory obligations, is unsupported by the stated justification, departs from decades of settled practice without reasoned explanation, and fails to consider the availability of alternative data that can effectively serve the federal government's needs.

### Challenging Trump Administration's Family Separation Policy

In early 2018, the Trump administration's instituted a policy of forced family separation on the U.S. southern border, expressly for the purpose of deterring immigration along that border. The administration chose to adopt the policy as part of their "zero tolerance" or "100 percent prosecution" approach to individuals who enter the country unlawfully, irrespective of circumstances, and to then use such misde-

meanor criminal charges to detain parents indefinitely in federal facilities that cannot accommodate families. Furthermore, families presenting themselves at legal ports of entry to seek asylum were unlawfully refused entry into the United States on the pretext that the United States is no longer accepting asylum seekers.

For families that entered the United States at alternative locations along the Southwestern border, immigration officials forcibly separated parents from their children – regardless of the family's circumstances or the needs of the children. As of June 20, 2018, the new policy had already resulted in the separation of over two thousand children from their parents.

The Trump administration ostensibly suspended the policy in June, suggesting an alternative plan that would illegally detain families together for indefinite periods of time and also included no plan to reunite families already ripped apart.

In 2018, the OAG joined the State of Washington's suit challenging the constitutionality of President Trump's policy of separating immigrant children from their parents when they are detained upon entry into the country.

The lawsuit alleges the Administration's zero-tolerance policy violates the constitutional guarantee of due process, is discriminatory and violates the Equal Protection Clause of the Constitution, violates the Administrative Procedure Act, because it is arbitrary and capricious, and that the administration has been violating U.S. asylum laws by turning people away at ports of entry.

The Trump administration ostensibly suspended the policy in June, suggesting an alternative plan that would illegally detain families together for indefinite periods of time and also included no plan to reunite families already ripped apart.

### Opposing Suspension of Key Elements of the Fair Housing Rule

In June, the OAG led a coalition of six attorneys general and six cities in filing an amicus brief opposing the suspension of a key element of the U.S. Department of Housing and Urban Development's (HUD) Affirmatively Furthering Fair Housing Rule. HUD announced in May that it was withdrawing its Local Government Assessment Tool—an essential component of the rule—that assists and guides HUD grantees in developing fair housing opportunities in their jurisdictions.

The 2015 rule represents a major step toward meeting the federal Fair Housing Act's mandate to advance fair housing throughout the United States. HUD's order marks the second time since January that the agency has attempted to dismantle the Affirmatively Furthering Fair Housing Rule without first providing notice and soliciting public comment.

### Defending Underprivileged Populations from Banking Discrimination

The OAG joined a coalition in November filing a comment letter urging the Office of the Comptroller of the Currency (OCC) to maintain rules requiring banks to take steps to serve

low- and moderate-income communities and protect against lending discrimination.

The OCC has attempted to weaken oversight of bank compliance with the Community Reinvestment Act (CRA), a 1977 statute that encourages banks to help meet credit needs of all populations within their communities. The law was enacted in response to banks' persistent and systematic denial of access to credit for historically disadvantaged communities, often communities of color.

The OCC's proposal would undermine the purpose of the CRA and result in diminished access to banking services, loans, and investment options for disadvantaged populations.

### Opposing Discrimination on the Basis of Sexual Orientation and Gender Identity

The OAG joined 15 other attorneys general in March in filing an amicus brief arguing that employment discrimination based on sexual orientation violates Title VII of the Civil Rights Act of 1964. In the brief filed with the Eighth Circuit Court of Appeals in the case of *Horton v. Midwest Geriatric Management, LLC*, the attorneys general urge the court to join a growing number of federal appellate courts in recognizing that Title VII's workplace protections extend to sexual orientation.

In a November letter to the U.S. Secretary of Health and Human Services Alex Azar and U.S. Secretary of Education Betsy DeVos, the OAG and a coalition of attorneys general urged the Trump administration to abandon efforts to adopt a definition of "sex" that

would exclude transgender and gender non-conforming individuals from the protections of federal civil rights laws. It had been reported that key officials in the U.S. Department of Health and Human Services were considering adopting a definition of sex as an immutable, binary biological trait determined by or before birth—and that the Department was urging other agencies, including the Department of Education, to do the same. Such a restrictive definition would effectively exclude transgender and gender nonconforming

individuals from the protections of critical federal civil rights laws, including Title IX and the nondiscrimination provisions of the Affordable Care Act.

## Implicit Bias Training

Identifying Unconscious Bias training was provided to OAG managers, aimed at helping them identify their own unconscious biases, learn how the biases affect their decision-making, and take steps to reduce the biases. The goal was to make the office's managers better at hiring, stronger at team building, and more effective in developing the future leaders of the office.

## Environmental Enforcement

### Fighting Off-Shore Drilling

In July 2017 Attorney General Frosh joined attorneys general from eight other states in submitting comments opposing the National Marine Fisheries Service's (NMFS) proposal to

conduct deep penetration surveys in the Atlantic Ocean. The attorneys general noted in their letter that the surveys pose a significant risk to the coastline, the environment, and to marine life. Additionally, the proposed seismic surveys are the first step in the process to allow for offshore drilling in the Atlantic from Delaware to Florida—an action that could result in severe and irreparable harm to the coastline and marine life.

In November, the NMFS announced that it had granted incidental harassment authorizations, or IHAs, to five companies seeking to use air guns to conduct seismic testing in the Atlantic Ocean. Following that announcement, the OAG moved to intervene in a lawsuit to stop the proposed use of air guns to survey the Atlantic Ocean floor for oil and gas. In challenging the grant of the IHAs, the coalition of attorneys general charges that NMFS's approval violated the Marine Mammal Protection Act, Endangered Species Act, National Environmental Policy Act, and Administrative Procedure Act.

In comment letters to the U.S. Department of the Interior, the OAG also opposed the proposed weakening of the agency's regulations governing safety systems for offshore oil and gas production as well as the Trump administration's plan to allow offshore drilling off the coast of Maryland and multiple Atlantic Coast states. An additional letter to the Department of the Interior, the OAG voiced opposition to the Bureau of Ocean Energy Management's Outer Continental Shelf Leasing Plan proposed for 2019-2024. The plan, if approved,

would open the waters off the Atlantic and Pacific Coasts to new oil and gas leasing for the first time in decades.

### Prosecutions by Environmental Crimes Unit

OAG's Environmental Crimes Unit filed charges against Reuven Lurie for operating an illegal transfer station/dump on leased property located in West Baltimore. The property was used as a location for sorting and storing waste debris from numerous house renovations conducted throughout the City, many conducted without the proper permitting. In August, Lurie pleaded guilty to Commercial Littering and was ordered to pay a fine of \$25,000 suspending all but \$12,500.00 to be paid to the Clean Water Fund. He also cleaned the site.

The Unit filed charges against Jonah Hunt, a driver for a petroleum transporter, after he failed to contain or report a gasoline spill that occurred during a fuel delivery to an Exxon station located Baltimore City. Hunt pleaded guilty in March, and he was ordered to pay a \$5,000 fine to the Maryland Oil Disaster Containment Clean-Up and Contingency Fund as well as probation.

Also charged for an environmental crime was Tristan Friel, who committed numerous offenses related to waterfowl hunting, including hunting while his license was suspended. Friel was sentenced to 6 months, suspending all but one weekend of incarceration, and placed on two years unsupervised probation, ordered to pay a fine of \$2,500, suspending all but \$500, and ordered to forfeit two shotguns.

### Enforcing the Clean Air Act's Smog Protections

The OAG filed suit in 2017 to challenge Environmental Protection Agency's (EPA) failure to designate areas of the country that are not in attainment with the agency's 2015 national ambient air quality standards (NAAQS) for ground-level ozone (commonly referred to as "smog"). This is important because the designations, which are required under the Clean Air Act, trigger an obligation on the part of states to take action to reduce smog pollution and to set deadlines for reducing pollution levels. Because smog can cause significant health problems and even death, the delay in making these designations will expose Marylanders to increased death rates and hospital visits.

In response to the coalition's motion for summary judgment, the EPA admitted that it had violated the Clean Air Act by failing to designate areas of non-attainment with ozone NAAQS. The district court in California granted our motion and ordered EPA to release almost all of the remaining designations by April 30, 2018. EPA made the designations and they were published in the Federal Register on June 4, 2018.

### Limiting Methane Emissions Oil and Gas Industries

In April 2018, the OAG joined a suit seeking to compel the EPA to promulgate regulations, known as Emissions Guidelines, to limit methane emissions from existing sources in the oil and gas sector. As required by the Clean Air Act, the EPA should have issued standards for methane emissions from existing sources once

it established standards for new and modified facilities, which was completed in June 2016. The EPA has failed to issue these standards.

Methane is a very potent greenhouse gas (GHG); when feedbacks are included, it warms the climate about 34 times more than carbon dioxide over a 100-year period. On a 20-year timeframe, it has about 86 times the global warming potential of carbon dioxide. Oil and gas systems are the largest source of methane emissions in the United States and the second largest industrial source of U.S. GHG emissions. Climate disruption from rising GHG concentrations is increasingly taking a toll on Maryland families and businesses.

The suit is pending in the U.S. District Court of the District of Columbia.

### Fighting Anti-Competitive Subsidies for Coal and Nuclear Power Plants

In October 2017 the U.S. Department of Energy (DOE) used a rarely invoked statutory provision to propose a rule for the Federal Energy Regulatory Commission (FERC) regarding electric grid reliability and resilience pricing. The DOE proposal is legally deficient and will violate both the Federal Power Act and the Administrative Procedure Act. In addition, its practical effect would be to subsidize the operations of inefficient coal-fired and nuclear power plants, which will impose unnecessary and unacceptable costs and risks for the citizens of Maryland and the environment.

OAG previously submitted comments on the proposed rule and moved to intervene in FERC's docket proceedings to challenge the

proposed rule. On January 8, 2018, FERC issued a unanimous decision rejecting the DOE's proposed rule, concluding that rule would violate the Federal Power Act. FERC has opened a new proceeding and asked the regional transmission organizations (RTOs) for feedback on grid resiliency issues. The RTOs filed comments uniformly telling FERC that further regulation is not necessary at this time. The OAG joined reply comments underscoring the need for FERC to proceed judiciously, if at all.

### Protecting the Chemical Accident Prevention Rule

Together with 10 other states, the OAG filed suit in 2017 to challenge a rule that delayed implementation of amendments to the Chemical Accident Prevention Rule, which seeks to prevent explosions, fires, releases of poisonous gases, and other "accidental releases" at facilities that use or store certain extremely dangerous chemical substances.

The case was consolidated with a related case filed by various non-governmental organizations. The D.C. Circuit ruled in favor of the plaintiffs on in August 2018, finding EPA's delay was unlawful. In September, the court issued a mandate to the EPA to effectuate the rule.

In a separate effort to weaken the amendments to the Chemical Accident Prevention Rule, the EPA proposed in May to substantively roll back aspects of the rule. The OAG joined comments in August opposing EPA's proposal in a letter urging implementation of the amendments as promulgated.



## Fighting to Ban Chlorpyrifos

Together with other states, the OAG intervened in a lawsuit challenging the EPA's decision to allow continued use of chlorpyrifos on food crops, despite the fact that the EPA's own scientists were unable to identify a safe level for the pesticide in food. EPA's own record shows that chlorpyrifos is a toxic pesticide that has adverse neurodevelopmental effects, particularly in children. Chlorpyrifos is widely used, including in the production of fruits and vegetables consumed by millions of Americans.

The states prevailed in the case; the court rejected EPA's jurisdictional objections to the suit, then ruled for the plaintiffs on the merits. Accordingly, the court ordered EPA to revoke all tolerances and registrations for chlorpyrifos within 60 days from the date of the mandate, which has not yet issued. A rehearing petition has been filed and remains pending before the Ninth Circuit.

## Defending the Clean Power Plan

The Clean Power Plan was adopted by the EPA in 2015 in response to a provision of the Clean Air Act requiring the EPA to take steps to reduce air pollution that harms the public's health. By regulating greenhouse gas emissions from power plants, the Clean Power Plan represents an historic step in curbing and reversing climate change. It is critical to mitigating climate change's increasing harm to states' public health, environments, and economies.

Scott Pruitt, prior to becoming the EPA administrator, sued EPA to challenge the Clean Power Plan. A number of states, including

Maryland, intervened in the case to defend the Clean Power Plan and to oppose the Trump administration's efforts to delay the court proceedings. This litigation remains pending, but held in abeyance, in the D.C. Circuit. The state coalition defending the Clean Power Plan has asked the court to remove the case from abeyance and issue a decision on the merits.

In addition, the administration has taken steps to begin repeal of the Clean Power Plan. The OAG, in conjunction with the General Assembly, held a hearing in Annapolis in January to gather public comment about the Clean Power Plan from Maryland residents and businesses. The OAG then joined multistate comments opposing repeal and submitted the testimony provided in conjunction with the Annapolis hearing (both written and oral) to the EPA in April.

EPA issued its proposal to replace the Clean Power Plan, which it calls the Affordable Clean Energy (ACE) rule. The OAG believes the ACE proposal is inadequate and joined other states in filing comments to oppose it in November.

The EPA's Clean Power Plan actions will harm Maryland citizens and the environment by eliminating one of the most critical tools currently in place to address climate change, the harmful effects of which Maryland citizens are already experiencing.

## Forcing Upwind States to Implement Air Pollution Controls

Maryland and eight other states submitted a Clean Air Act Section 176A Petition to the

EPA on December 9, 2013, requesting that the EPA expand the Ozone Transport Region. This action was deemed necessary to address the interstate transport of air pollution, which EPA itself has acknowledged is a significant contributor to Maryland’s ozone attainment problems. The EPA failed to act on the petition for several years and then denied the petition on November 3, 2017. OAG filed a lawsuit to challenge the denial of the petition.

The OAG also submitted comments opposing EPA’s proposal to deny Maryland’s petition under Section 126 of the Clean Air Act to impose additional emissions control requirements on certain upwind facilities interfering with Maryland’s attainment and maintenance of the 2008 ozone NAAQS. That denial was finalized in September, to which the OAG filed a petition for judicial review of that decision in October.

The EPA’s denials harm Maryland’s residents by continuing to allow negative health effects associated with pollution that is generated outside the state’s borders. It also inequitably requires Maryland to impose more stringent regulations on its businesses in order to address transported pollution, putting Maryland at an economic disadvantage vis-a-vis other states.

### Protecting the Waters of the United States Rule

In February, the EPA and the Army Corps of Engineers (Corps) suspended the 2015 “Clean Water Rule,” a federal regulation designed to ensure the nation’s lakes, rivers, streams, and wetlands receive proper protection under the federal Clean Water Act. With its “Suspension

Rule,” the Trump administration replaced the Clean Water Rule with regulations dating back to at least the 1980s.

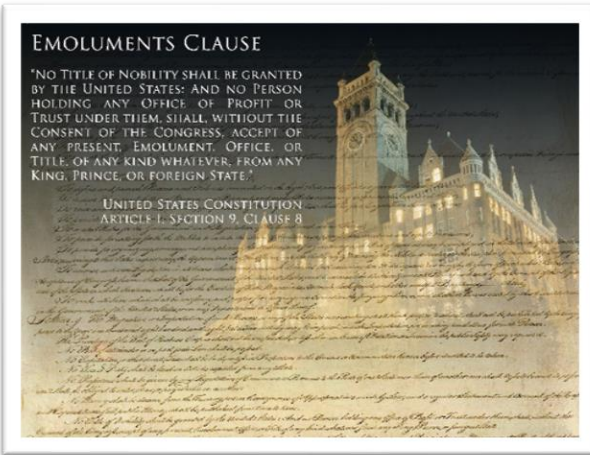
In 2015, the EPA and the Army Corps adopted the Clean Water Rule to clarify what types of waters are covered by—and thereby are afforded protection under—the Clean Water Act. It was developed through an extensive multi-year public outreach process that elicited over one million public comments, and was based on over 1,200 peer-reviewed scientific studies demonstrating how many waters are connected by networks of tributaries, intermittent streams, and wetlands. The agencies also relied on EPA’s own Science Advisory Board’s independent review of the Rule’s scientific underpinnings.

Immediately after the EPA’s suspension of the Rule, the OAG and 10 other state attorneys general filed a lawsuit alleging the EPA and the Corps violated federal law by taking action “with inadequate public notice, insufficient record support, and outside their statutory authority.”

## Enforcing the Emoluments Clauses

The Maryland OAG, along with the District of Columbia, filed suit against the President to enforce our nation’s original anti-corruption legislation, the foreign and domestic emoluments clauses of the U.S. Constitution. As explained in the complaint, “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.”





President Trump's violations of the foreign and domestic emoluments clauses harm the interests of Maryland and its citizens. The purpose of these clauses is to ensure that the President is not swayed to act against the interests of the people by the corrupting influence of money or other benefits received from foreign governments, the federal government, or state governments. The citizens of Maryland are harmed when President Trump ignores the best efforts of the Framers to protect the people and makes decisions that are swayed by personal enrichment. Maryland also has an interest in protecting the welfare of its citizens who own and are employed by businesses that compete with President Trump's business interests. President Trump's businesses gain an unfair advantage by receiving money and other benefits from foreign governments, the federal government, state governments, and their instrumentalities and agents, who want to gain favor from President Trump.

The case is also important to Marylanders because they, like all citizens, have the right to honest government, and to know that decisions impacting Maryland are being made on the basis of merit and not on the basis of the

President's personal financial gain. Moreover, Maryland's tax revenues are reduced when foreign, federal, and state governments hold events at the Trump Hotel in the District of Columbia.

## Protecting Deferred Action for Childhood Arrivals

The OAG filed suit to challenge the Trump administration over its decision to end Deferred Action for Childhood Arrivals (DACA). As part of their DACA applications, recipients were required to provide sensitive personal information to the federal government, and it promised that the information would remain confidential and not be used against them in later immigration enforcement proceedings. Having relied on those assurances of continuity and fair treatment, these young people now find themselves perversely in greater peril, at higher risk of deportation or other harmful enforcement actions than they would have been absent their participation and the government's commitment to the program. President Trump's elimination of the program violated both the Constitution's fundamental guarantees of equal protection and due process and constraints on arbitrary and capricious federal agency action.

In January, the U.S. District Court for the Northern District of California denied the Trump administration's motion to dismiss and granted a preliminary injunction preventing DACA's rescission, basing its decision on the conclusion that the rescission violated the Administrative Procedure Act. In November, the Ninth Circuit issued a decision affirming the

district court's grant of a preliminary injunction.

DACA has opened up employment and educational opportunities for about 24,000 Marylanders who have grown up here and are either working, going to school, or serving in the military. Hundreds are attending our public colleges and universities and benefitting from Maryland's passage of the DREAM Act, which extended in-state tuition rates to these young people seeking education and training to enable them to support themselves and contribute productively to their communities.

## Preserving the Open Internet

Net neutrality rules prohibited internet service providers (ISPs) from blocking internet content or favoring some internet content over other internet content. In December 2017, the Federal Communications Commission (FCC), by a 3-2 vote, repealed the U.S. government's 2015 net neutrality rules. In May, the federal Office of Management and Budget completed its review of the net neutrality rollback, and it became effective in June.

In January, Maryland joined a lawsuit to block the FCC's illegal rollback of net neutrality. Maryland's action was subsequently consolidated with other petitions opposing the rollback, a case which is now pending in the D.C. Circuit Court.

The rollback has dire consequences for consumers and businesses in Maryland and across the country. If the rollback of these protections

is permitted to stand, ISPs could prevent Marylanders from accessing content of their choosing, could favor some internet content over other internet content by speeding up access to some sites or slowing down access to other sites, or could impose additional fees for consumers to obtain internet content of their choosing. In addition, this repeal threatens content providers that are not affiliated with ISPs, particularly small businesses, because the content they provide may be blocked or slowed by the ISPs.

## Labor Rights

The OAG joined a coalition in January in filing an amicus brief urging the U.S. Supreme Court to uphold a Seventh Circuit decision protecting "fair share" provisions in public sector collective bargaining agreements. The brief addressed *Mark Janus v. AFSCME Council 31*, in which the plaintiff opposed paying fees to the AFSCME, as he was not a member of the union. The union fees in this case, in addition to member dues, were used to represent all employees, not just union members.

The case sought to overrule a precedent states have relied upon for decades to negotiate labor contracts and ensure labor peace and efficient provision of government services. The brief argued that the Supreme Court should defer to states' judgment on how best to manage their workforces. The Supreme Court, however, sided with the plaintiff and ruled the requiring public sector union fees to be paid non-members is a violation of the First Amendment. As a result, public employees who choose not to join a union may no longer be compelled to pay

fair-share agency fees to their exclusive bargaining representative absent the employee's affirmative consent.

However, the Supreme Court's ruling did not change the existing rights of public employees under Maryland's labor and collective bargaining laws or the relationship between public-sector unions and their members. In July, the OAG issued guidance on the rights and duties of public-sector workers and employers in Maryland so as to clear up any confusion caused by the *Janus* decision.

## Judicial Appointments



Several OAG attorneys received the high honor of appointment to Maryland's judiciary in 2017: Matt Fader to the Maryland Court of Special Appeals, Lawrence "Larry" Kreis to the Circuit Court for Harford County, Dana Middleton to the Circuit Court for Baltimore City, and Peter Killough to the Circuit Court for Prince George's County.

## Commitment to our Community

### Thurgood Marshall Program

In keeping with its commitment to provide superior legal representation, the OAG created the Thurgood Marshall Clerkship Program. Each year, the Thurgood Marshall Clerkship Program provides first and second year law students from historically under-represented populations the opportunity to serve an 8-week clerkship over the summer at the downtown Baltimore location of the Maryland OAG.



The program is a collaborative effort of the OAG, several local law firms, and area law schools designed to attract diverse law students who demonstrate exceptional leadership potential to the field of public service. The goal is to encourage these students to consider public sector service during their legal careers by providing them with an excellent summer clerkship that enhances their future employment opportunities.

## Pro Bono Work

The quality and commitment of lawyers and staff in the OAG is impressive. With skills honed by years of education and practice, attorneys in the office undertake detailed research, write strong and compelling briefs and opinions, and find solutions to complex problems. But with the privilege of professionalism comes responsibility. A responsibility to give back to the community. A responsibility to make justice—and the legal system—accessible to all. That is why the OAG has a robust and growing pro bono program.

Individuals in need of legal help are matched with lawyers who can assist them with a variety of tasks. Our lawyers help children, the elderly, and many others in need. We are committed to making sure we give back to the community, both through our public service mission and in other ways.

There are a variety of ways in which OAG attorneys may perform pro bono services. The cases in which attorneys have volunteered include drafting simple wills, simple deeds, powers of attorney, advanced medical directives, and corporate charters and by-laws; staffing expungement, powers of attorney, and bankruptcy bypass clinics; and representing individuals with filing Chapter 7 bankruptcies, name changes, gender marker changes, adult guardianships, divorces not involving custody, asylum, and other cases. Our attorneys have also written or edited numerous articles for the People's Law Library.

## Corporate Mentoring Program

The OAG has partnered with the Community Law in Action (CLIA) Corporate Mentoring Program to give local high school students worksite experiences in law and public policy as well as the opportunity to mentor with positive adult role models who have a passion for working with young people. The overall mission of the OAG/CLIA Mentoring Program is to inspire youth from diverse backgrounds who are under-represented in the legal profession and youth from low-to-moderate income communities to strive for higher education and careers in the legal field.

Students receive real-life work experience in the fields of law and public policy and exposure to professional problem-solvers who work to serve their communities. Activities of the program include visits to the Maryland General Assembly, college and university tours, museum and historical sites outings, courts and judges' chamber visits, and tours of law enforcement facilities.

Several members of the OAG are serving as mentors to students participating in the program for the 2018-2019 school year.

## Community Service Initiative

The Baltimore Community Service Initiative was established in the aftermath of the Freddie Gray unrest with the focus of providing community support and assistance on behalf of the OAG to the greater Baltimore community. Since its inception, the initiative has partnered with key community organizations to provide notable contributions on behalf of the OAG.

These outstanding volunteers who tirelessly donate their time and resources include attorneys and support staff in OAG offices statewide. The OAG continued its work with Moveable Feast, an organization that provides medically tailored meals free of charge to people with serious life-threatening illnesses, and with the Maryland Food Bank, a nonprofit dedicated to ending hunger throughout Maryland.

The initiative also spearheaded successful community service donation drives. The office participated in coat, women's work wear, toiletries for homeless persons, and school supply drives in 2018. Additionally, the office participated in a coat and glove drive for Stand Up Baltimore, helping provide warm outerwear for low-income and needy students in Baltimore. OAG staff also volunteered with Habitat for Humanity Restore, helping sort donations to be sold in the organization's retail outlet.

Finally, OAG volunteers participated in two local events: Gilmore Elementary's Harambee Day, helping with the school's annual fair and carnival, and the Day of Giving, a partnership among Stand Up Baltimore, The Basketball Tournament, and other organizations that coordinated beautification projects at Lake Montebello Elementary and Middle Schools in late July.







Maryland Attorney General  
Brian E. Frosh