

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Vincent S. Sammons
25 Beaver Court
Rising Sun, MD 21911

PLAINTIFF,

v.

Alan J. McCarthy
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Alfred C. Wein Jr.
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Jason L. Allison
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Jennifer R. Lyall
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Maggie D. Tome
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Robert Meffley
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

CIVIL ACTION No.: _____

JURY TRIAL DEMANDED

Deborah Sniadowski
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Brian F. Miller
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

-and-

Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, MD 21921

DEFENDANTS.

COMPLAINT

NOW COMES the Plaintiff, Vincent S. Sammons, by and through his attorney, Ray M. Shepard and The Shepard Law Firm and pursuant to 42 U.S.C. §§ 1983, 1985, 1986 and 1988 and Article 40 of the Maryland Declaration of Rights, does hereby sue the Defendants, Alan J. McCarthy, Alfred C. Wein Jr., Jason L. Allison, Jennifer R. Lyall, Maggie D. Tome, Robert Meffley, Deborah Sniadowski, Brian F. Miller, and Cecil County, Maryland, for violations of his rights guaranteed by the First and Fourteenth Amendments to the United States Constitution and Article 40 of the Maryland Declaration of Rights. In support of his causes of action, Mr. Sammons alleges as follows:

PARTIES

1. Plaintiff Vincent S. Sammons is a citizen of the United States residing in Rising Sun, Cecil County, Maryland.

2. Defendant Alan J. McCarthy was at all relevant times the elected County Executive for Cecil County, Maryland. Defendant McCarthy's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant McCarthy is sued in both his individual and official capacities.

3. Defendant Alfred C. Wein Jr. was at all relevant times the Director of Administration for Cecil County, Maryland. Defendant Wein's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Wein is sued in both his individual and official capacities.

4. Defendant Jason L. Allison was at all relevant times the attorney for Cecil County, Maryland. Defendant Allison's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Allison is sued in both his individual and official capacities.

5. Defendant Jennifer L. Lyall was at all relevant times the Public Information Officer for Cecil County, Maryland. Defendant Lyall's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Lyall is sued in both her individual and official capacities.

6. Defendant Maggie D. Tome was at all relevant times a Unified Communications Specialist for Cecil County, Maryland. Defendant Tome's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding

Plaintiff's federal constitutional claims alleged herein, Defendant Tome is sued in both her individual and official capacities.

7. Defendant Robert Meffley was at all relevant times President of the County Council for Cecil County, Maryland. Defendant Meffley's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Meffley is sued in both his individual and official capacities

8. Defendant Deborah Sniadowski was at all relevant times an Associate Attorney for Cecil County, Maryland. Defendant Sniadowski's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Sniadowski is sued in both her individual and official capacities.

9. Defendant Brian F. Miller was at all relevant times the Director of Information Technology for Cecil County, Maryland. Defendant Miller's public office is maintained within the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland 21921. Regarding Plaintiff's federal constitutional claims alleged herein, Defendant Miller is sued in both his individual and official capacities.

10. Defendant, Cecil County, Maryland is a body corporate and politic, having all the rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by the Cecil County Charter, the Maryland Constitution and laws of the State of Maryland.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over Plaintiff's federal constitutional claims pursuant to 28 U.S.C. § 1331 and 42 U.S.C. §§ 1983, 1985 and 1986.

12. This Court has supplemental jurisdiction over Plaintiff's state constitutional claims pursuant to 28 U.S.C. § 1367(a).

13. Venue is proper in the District of Maryland pursuant to 28 U.S.C. § 1391(b) because multiple Defendants reside in the district and a substantial part of the events or omissions giving rise to the claims occurred in this district.

STATEMENT OF FACTS

14. In November 2016, Defendant Alan McCarthy was elected as Cecil County Executive. The Cecil County Charter provides that the County Executive "shall be the chief executive officer of the County and shall faithfully execute the laws" and that all "executive power vested in the County by the Constitution and laws of Maryland and this Charter shall be vested in the Executive."

15. After becoming the County Executive, Defendant McCarthy maintained the "Dr. Alan McCarthy Cecil County Executive" Facebook page (hereinafter the "Cecil County Executive Facebook Page"). Screenshots of the Cecil County Executive Facebook Page are attached to this Complaint as **Exhibit 1**.

16. Defendant McCarthy clothed his Cecil County Executive Facebook Page in the power and prestige of his public office. For example, the Cecil County Executive Facebook Page contained the official copyrighted County seal and logo of Cecil County and was labeled with McCarthy's position in office, *i.e.*, "Cecil County Executive." The official "Cecil County

Government” Facebook page contained references to and links to reach the Cecil County Executive Facebook Page. **Exhibit 2.**

17. Aspects of the Cecil County Executive Facebook Page bear the hallmarks of a public forum. Defendant McCarthy used the Cecil County Executive Facebook Page to communicate with his Cecil County constituents, to announce news relevant to the Cecil County community, and to otherwise conduct official business as County Executive.

18. In addition to conducting county business, the Cecil County Executive Facebook Page was open to the public and contained an interactive section that allowed members of the public to communicate with each other and with McCarthy, to post comments, comment on posts made by others and like or dislike other people’s posts. McCarthy placed no restrictions on the public’s access to the Cecil County Executive Facebook Page or use of its interactive component. Additionally, the owner and/or administrator of the Cecil County Executive Facebook Page had the ability to delete posts and to block members of the public from having access to the Cecil County Executive Facebook Page.

19. On July 18, 2018, Defendant McCarthy, Defendant Wein and the Cecil County Council adopted a written communication plan entitled “Cecil County Government Communication Plan,” a copy of which is attached as **Exhibit 3.**

20. In its discussion of Cecil County Facebook pages, the Communication Plan states in relevant part:

Cecil County Government reserves the right to monitor and remove any content at any time for any reason at its sole, subjective discretion. Comments, opinions, advice, statements, discussion posts, wall posts, and any other user-generated content that is deemed inappropriate by Cecil County Government will be removed from the page.

Exhibit 3, pg.17.

21. The Communication Plan provides further that, “If an individual continually posts prohibited or offensive material, the Cecil County Government may exercise its right to block that individual from posting content onto the Cecil County Facebook Page.” **Exhibit 3**, pg.18.

22. The Communication Plan prohibits use of the copyrighted Cecil County seal or any other County images or iconography on personal social media sites. **Exhibit 3**, pg.15(4).

23. In December 2019, it became clear that County Executive McCarthy would face challengers in the Republican 2020 primary election, one of whom would be Danielle Hornberger.

24. From in or about December 2019 and continuing until in or about May 2020, Plaintiff Sammons posted several comments critical of McCarthy’s tax policies and critical of Defendant McCarthy continuing to serve as Cecil County Executive on the Cecil County Executive Facebook Page.

25. Plaintiff Sammons’ posts critical of McCarthy’s policies and of McCarthy himself—none of which were obscene or inappropriate—were deleted and Plaintiff Sammons was blocked from making further posts and blocked from interacting with McCarthy and other citizens of Cecil County on the Cecil County Executive Facebook Page.

26. On May 12, 2020, a public budget meeting was held virtually because of the Corona Virus pandemic. Members of the public and some members of Cecil County government participated by Zoom Meeting. During the meeting, participants were able to see other participants in separate windows on their computer screens and were able to have real time voice communications.

27. Plaintiff Sammons participated in the public budget meeting on May 12, 2020. During the meeting, Plaintiff Sammons filled his virtual window (which could be seen by other meeting participants) with a video feed loop displaying three signs he had made. The three signs

read: (1) “McCarthy Stop Blocking Me on Facebook,” (2) “Vote for Hornberger” and (3) “No More Tax Increases.” *See Exhibit 4.*

28. As the meeting progressed, Plaintiff Sammons’ video feed loop was intentionally blocked while other video feeds, such as one stating, “Yes to Southfields,” were allowed to remain up and visible to all meeting participants during the entire meeting.

29. When Plaintiff Sammons’ video feed was blocked during the May 12, 2020 budget meeting, Mr. Sammons received the following message on his computer screen: “You cannot start your video because the host has stopped it.” **Exhibit 5.**

30. The following day, Plaintiff Sammons submitted an email grievance to Cecil County Council Manager James Massey and the entire Cecil County Council, stating in part as follows:

I was very disappointed on the abuse of technology to subdue my freedom of speech and the opportunity to interject and speak about the pending budget. I and others have been blocked from the County Executive social media page that I have officially communicated to the county twice on this matter, The first time the county attorney corrected it and the second time he made some lame legal opinion on why he [McCarthy] can block others. To this day I remained blocked from commenting and correcting the County Executive on his false messages to the public while his cheerleaders sing him praise.

Nevertheless, last night I wanted to speak out on how embarrassed I was to call these elected official[s] Republicans due to their liberal tax and spend policies and I did not want the taxes to go up yet again. I also had a video feed up during the meeting that had several signs made that reflected my opinions on this that was later silenced as McCarthy did not like the fair but negative messaging. Meanwhile, [t]he “YES to Southfields” video feed was allowed to continue throughout the online session. I was “given an opportunity” to speak last night however my mic was open so briefly [that by] the time I unmuted my mic the “opportunity” was over. . . .

In closing, I would like for the county Executive to UNBLOCK EVERYONE (not only me) and be allowed to have our voices back and give him the criticism he is deserving of on his tax and spend policies.

Exhibit 6.

31. On May 18, 2020, having received no response to his complaint, Plaintiff Sammons sent another email to Massey and the Cecil County Council. This time, Plaintiff Sammons copied Defendant Allison, the County Attorney, and a reporter for the Cecil Whig, a local newspaper and on-line news outlet covering Cecil County news. The email said:

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents['] freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

Exhibit 6.

32. After a few emails back and forth between Defendant Allison and Plaintiff Sammons, none of which were harassing or inappropriate, Defendant Allison said the following to Plaintiff Sammons via email on May 19, 2020 without any apparent provocation: "If [you] want to take this to war, I'll engage you in war. . . . At this point, I'm going to advise IT to block you from all communication with County agencies. You're adversarial, and have a litigious agenda. You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials." **Exhibit 6.**

33. Plaintiff Sammons responded to Defendant Allison's email minutes later, stating: "Are you trying to threaten[] me for trying to file a complaint? Really? Seems you are the only one making this political. I simply wanted to file a complaint." **Exhibit 6.**

34. In a shocking admission, Defendant Allison replied to Plaintiff Sammons, stating:

No. What I'm doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That's up to you. I could care less. What I'm not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

Exhibit 6.

LEGAL FRAMEWORK

A. Federal Claims

35. The First Amendment of the United States Constitution guarantees, among other fundamental rights, Plaintiff's right to free speech and Plaintiff's right to petition the government for redress of grievances.

36. At the heart of the First Amendment is the recognition of the fundamental importance of the free flow of ideas and opinions on matters of public interest and concern. "The freedom to speak one's mind is not only an aspect of individual liberty—and thus a good unto itself—but also is essential to the common quest for truth and the vitality of society as a whole." *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 50-51 (1988). "A fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more." *Packingham v. North Carolina*, 137 S.Ct. 1730, 1735 (2017).

37. The Supreme Court of the United States has long recognized that, "[o]ne of the prerogatives of American citizenship is the right to criticize public men and measures." *Falwell*, 485 U.S. at 51-52 (quoting *Baumgartner v. United States*, 322 U.S. 665, 673-674 (1944)). It is clearly established that "[t]he First Amendment safeguards an individual's right to participate in the public debate through political expression and political association." *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 203 (2014). "The sort of robust political debate encouraged by the First Amendment is bound to produce speech that is critical of those who hold public office or those public figures who are intimately involved in the resolution of important public questions or,

by reason of their fame, shape events in areas of concern to society at large.” *Hustler Magazine, Inc.*, 485 U.S. at 51.

38. The Supreme Court “has sought to protect the right to speak in [a] spatial context.” A basic rule, for example, “is that a street or a park is a quintessential forum for the exercise of First Amendment rights.” *Packingham*, 137 S.Ct. at 1735 (citing *Ward v. Rock Against Racism*, 491 U. S. 781, 796 (1989)). “Even in the modern era, these places are still essential venues for public gatherings to celebrate some views, to protest others, or simply to learn and inquire.” *Id.*

39. “While in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace—the ‘vast democratic forums of the Internet’ in general, *Reno v. American Civil Liberties Union*, 521 U. S. 844, 868 (1997), and social media in particular.” *Packingham*, 137 S.Ct. at 1735.

40. Social media platforms that permit the free exchange of ideas, such as Facebook and the Cecil County Executive Facebook Page, are modern-day equivalents to streets or a park, and are subject to traditional public forum analysis for First Amendment purposes. *Davison v. Randall*, 912 F.3d 666, 682 (4th Cir. 2019).

41. Official censorship based on a government actor’s subjective judgment that the content of protected speech is offensive or inappropriate is unconstitutional “viewpoint discrimination.” *Matal v. Tam*, 137 S.Ct. 1744, 1763 (2017). Viewpoint discrimination is an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction. *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995); *Perry Ed. Assn. v. Perry Local Educators’ Assn.*, 460 U.S. 37, 46 (1983). In other words, discrimination against speech because of its message is presumed to be unconstitutional.

42. Viewpoint discrimination is prohibited in all forums and “is apparent, for example, where a government official’s decision to take a challenged action was ‘impermissibly motivated by a desire to suppress a particular point of view.’” *Davison v. Randall*, 912 F.3d 666, 687 (4th Cir. 2019)(citing *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 802 (1985)).

43. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution commands that similarly situated persons be treated alike. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). When, as occurred in this case, an equal protection violation arises from a First Amendment violation, the two claims are “fused” together. *Hardwick v. Heyward*, 711 F.3d 426, 442 (4th Cir. 2013)(citing *R.A.V. v. City of St. Paul, Minn.*, 505 U.S. 377, 384-85 n.4 (1992)).

44. Federal statutory law permits Plaintiff to bring a private cause of action to redress violations of his rights guaranteed by the Bill of Rights in the United States Constitution. Specifically, 42 U.S.C. § 1983 provides in pertinent part that, “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State, . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, . . .”

45. Another provision, 42 U.S.C. § 1985, addresses civil conspiracies to violate constitutionally protected rights and provides in pertinent part that, “If two or more persons . . . conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws,

or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; [and] in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.”

46. A closely related provision, 42 U.S.C. § 1986, provides in part that, “Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42 USC § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; ...”

47. Congress has also provided that in an action such as this one to enforce a provision of Title 42, Section 1983, 1985, and/or 1986, “the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs, . . .” *See* 42 U.S.C. § 1988(b). The Court may also include expert witness fees when awarding attorney’s fees. 42 U.S.C. § 1988(c).

48. As used in 42 U.S.C. §§ 1983, 1985, and 1986, the term “person” includes all individual Defendants in this action. Defendant Cecil County, Maryland, is also a “person” within the meaning of these statutes. *See Monell v. Dept. of Soc. Servs.*, 436 U.S. 658 (1977).

B. State Law Claims

49. In addition to the federal legal framework discussed *infra*, Article 40 of the Maryland Declaration of Rights provides State Constitutional protections coextensive with the First Amendment of the United States Constitution. *DiPino v. Davis*, 354 Md. 18, 43, 729 A.2d 354, 367 (1999)(citing *Jakanna v. Montgomery County*, 344 Md. 584, 689 A.2d 65 (1997)).

50. Although the rights protected by Article 40 of the Maryland Declaration of Rights are coextensive with the rights protected under the First Amendment of the United States Constitution, the legal analysis of State Constitutional torts differs substantially from the legal analysis applicable to claims asserted under 42 U.S.C. §§ 1983, 1985, and/or 1986. First, unlike federal claims brought under Title 42, and unlike some common law torts, “neither the local government official nor a local governmental entity has available any governmental immunity in an action based on rights protected by the State Constitution.” *DiPino*, 354 Md. at 51; *Ritchie v. Donnelly*, 324 Md. 344, 373-74, 597 A.2d 432, 446 (1991).

51. Second, the “personal/official capacity distinction applied in § 1983 actions” does not apply when considering State Constitutional claims. *DiPino*, 354 Md. at 51. The Maryland Court of Appeals has explained:

This Court has consistently held that a public official who violates the plaintiff's rights under the Maryland Constitution is personally liable for compensatory damages. . . . This liability for damages resulting from unconstitutional acts is in no way based upon the ‘official/individual capacity’ body of law which has developed in federal § 1983 claims. Liability has been imposed upon the government official when his unconstitutional actions were in accordance with or dictated by governmental policy or custom. Liability has also been imposed when the unconstitutional acts were inconsistent with governmental policy or custom. Moreover, contrary to the view of the circuit court in the present case, liability has been imposed upon the official when he was acting in the scope of his employment.

Ritchie, 324 Md. at 370-71, 597 A.2d at 445 (internal citations omitted).

52. Finally, “[a] third difference hinges on the existence of *respondeat superior* liability on the part of local governmental entities for State Constitutional violations. There is no such vicarious liability under § 1983, because of the distinction drawn between personal and official capacity actions.” *DiPino*, 354 Md. at 51. The Court of Appeals went on to say that, “We shall now dispel any doubt in the matter and make clear, as a matter of common law, that local governmental entities do, indeed, have *respondeat superior* liability for civil damages resulting from State Constitutional violations committed by their agents and employees within the scope of the employment.”

53. The Local Government Tort Claims Act (“LGTCA”) provides that a local government entity “shall be liable for any judgment against its employee for damages resulting from tortious acts or omissions committed by the employee within the scope of employment with the local government.” Md. Courts & Jud. Proc. Code § 5-303(b).

54. A local government’s liability is limited under the LGTCA to a maximum of \$400,000 per individual claim, and \$800,000 per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions. Md. Courts & Jud. Proc. Code § 5-303(a).

55. Subject to the aforesaid damage caps, “a local government may indemnify an employee for a judgment for punitive damages entered against the employee,” however, the local government itself may not be liable for punitive damages. Md. Courts & Jud. Proc. Code § 5-303(c). The local government entity may not assert governmental or sovereign immunity to avoid its duty to defend or indemnify an employee. Md. Courts & Jud. Proc. Code § 5-303(b)(2).

56. On October 8, 2020, Plaintiff provided notice of his claims alleged herein to the County Council of Cecil County, Maryland pursuant to Md. Courts & Jud. Proc. Code § 5-304(b). *See Exhibit 7.*

57. With respect to Plaintiff's federal claims alleged below, all individual defendants are sued in both their personal and official capacities, and the local government defendant is not separately named. A claim against a public official in their official capacity is equivalent to a claim against the municipality itself. *Davison v. Randall*, 912 F.3d 666, 688 (4th Cir. 2019)(additional citations omitted); *Hafer v. Melo*, 502 U.S. 21, 25 (1991)(official-capacity suits "generally represent only another way of pleading an action against an entity of which an officer is an agent.")(quoting *Kentucky v. Graham*, 473 U.S. 159, 165 (1985)).

COUNT I
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY EXECUTIVE FACEBOOK PAGE
(Defendants: Jennifer Lyall, Jason Allison, and Alan McCarthy)
42 U.S.C. § 1983

58. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

59. Defendants Lyall, Allison and McCarthy created, administered and/or managed the Cecil County Executive Facebook Page.

60. The Cecil County Executive Facebook Page was open to the public for the exchange of political ideas and discussion, both with County Executive McCarthy and other members of the public, was used by McCarthy to communicate with his constituents as County Executive and was used to otherwise conduct the business of Cecil County. The Cecil County Executive Facebook Page contained the official seal and logo of Cecil County government and identified the page as "The Dr. Alan McCarthy County Executive" Facebook Page. The interactive portions of the Cecil County Executive Facebook Page constituted a public forum.

61. From in or about December 2019 and continuing until in or about May 2020, Plaintiff Sammons posted several comments critical of McCarthy's tax policies and critical of

Defendant McCarthy continuing to serve as Cecil County Executive on the Cecil County Executive Facebook Page.

62. Defendants Lyall, Allison and/or McCarthy, acting under color of state law, deleted Plaintiff Sammons' posts critical of McCarthy's policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons' viewpoint.

63. Defendants Lyall, Allison and/or McCarthy, continuing to act under color of state law, blocked Plaintiff Sammons from making further posts on the Cecil County Executive Facebook Page and blocked Plaintiff Sammons from interacting with McCarthy and other citizens of Cecil County on the Cecil County Executive Facebook Page.

64. In their acts of deleting Plaintiff's posts and blocking Plaintiff's access to the Cecil County Executive Facebook Page, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax and other policies.

65. By deleting Plaintiff's posts and blocking Plaintiff from access to the Cecil County Executive Facebook Page, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

66. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they deleted Plaintiff's posts from the Cecil County Executive Facebook Page and blocked him from the public forum.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants Lyall, Allison and McCarthy, jointly and severally, in an amount to be determined at trial, together

with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT II
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY EXECUTIVE FACEBOOK PAGE
(Defendants: Jennifer Lyall, Jason Allison, and Alan McCarthy)
42 U.S.C. § 1985

67. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

68. Defendants Lyall, Allison and McCarthy created, administered and/or managed the Cecil County Executive Facebook Page.

69. The Cecil County Executive Facebook Page was open to the public for the exchange of political ideas and discussion, both with County Executive McCarthy and other members of the public, was used by McCarthy to communicate with his constituents as County Executive and was used to otherwise conduct the business of Cecil County. The Cecil County Executive Facebook Page contained the official seal and logo of Cecil County government and identified the page as "The Dr. Alan McCarthy County Executive" Facebook Page. The interactive portions of the Cecil County Executive Facebook Page constituted a public forum.

70. From in or about December 2019 and continuing until in or about May 2020, Plaintiff Sammons posted several comments critical of McCarthy's tax policies and critical of Defendant McCarthy continuing to serve as Cecil County Executive on the Cecil County Executive Facebook Page.

71. Defendants Lyall, Allison and McCarthy conspired to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

72. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants deleted Plaintiff Sammons' posts critical of McCarthy's policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons' viewpoint.

73. Defendants Lyall, Allison and McCarthy committed further overt acts in furtherance of the conspiracy, namely Defendants blocked Plaintiff Sammons from making further posts on the Cecil County Executive Facebook Page and blocked Plaintiff Sammons from interacting with McCarthy and other citizens of Cecil County on the Cecil County Executive Facebook Page.

74. In their acts of deleting Plaintiff's posts and blocking Plaintiff's access to the Cecil County Executive Facebook Page, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax and other policies.

75. Defendants' achieved the objective of their conspiracy. By deleting Plaintiff's posts and blocking Plaintiff from access to the Cecil County Executive Facebook Page, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

76. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they deleted Plaintiff's posts from the Cecil County Executive Facebook Page and blocked him from the public forum.

77. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment

in that Defendants targeted Plaintiff's posts and blocked Plaintiff from the Cecil County Executive Facebook Page because they disliked his viewpoints while simultaneously permitting other posts by constituents making favorable comments about County Executive McCarthy and not blocking those constituents from accessing the public forum.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants Lyall, Allison and McCarthy, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT III
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY EXECUTIVE FACEBOOK PAGE
(Defendants: Jennifer Lyall, Jason Allison, and Alan McCarthy)
42 U.S.C. § 1986

78. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

79. Defendants Lyall, Allison and McCarthy created, administered and/or managed the Cecil County Executive Facebook Page.

80. The Cecil County Executive Facebook Page was open to the public for the exchange of political ideas and discussion, both with County Executive McCarthy and other members of the public, was used by McCarthy to communicate with his constituents as County Executive and was used to otherwise conduct the business of Cecil County. The Cecil County Executive Facebook Page contained the official seal and logo of Cecil County government and identified the page as "The Dr. Alan McCarthy County Executive" Facebook Page. The interactive portions of the Cecil County Executive Facebook Page constituted a public forum.

81. From in or about December 2019 and continuing until in or about May 2020, Plaintiff Sammons posted several comments critical of McCarthy's tax policies and critical of Defendant McCarthy continuing to serve as Cecil County Executive on the Cecil County Executive Facebook Page.

82. Defendants Lyall, Allison and McCarthy conspired to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

83. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants deleted Plaintiff Sammons' posts critical of McCarthy's policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons' viewpoint.

84. Defendants Lyall, Allison and McCarthy committed further overt acts in furtherance of the conspiracy, namely Defendants blocked Plaintiff Sammons from making further posts on the Cecil County Executive Facebook Page and blocked Plaintiff Sammons from interacting with McCarthy and other citizens of Cecil County on the Cecil County Executive Facebook Page.

85. In their acts of deleting Plaintiff's posts and blocking Plaintiff's access to the Cecil County Executive Facebook Page, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax and other policies.

86. Defendants' achieved the objective of their conspiracy. By deleting Plaintiff's posts and blocking Plaintiff from access to the Cecil County Executive Facebook Page, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied

Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

87. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they deleted Plaintiff's posts from the Cecil County Executive Facebook Page and blocked him from the public forum.

88. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment in that Defendants targeted Plaintiff's posts and blocked Plaintiff from the Cecil County Executive Facebook Page because they disliked his viewpoints while simultaneously permitting other posts by constituents making favorable comments about County Executive McCarthy and not blocking those constituents from accessing the public forum.

89. Defendants Lyall, Allison and McCarthy had knowledge that the wrongs conspired to be done in violation of Plaintiff Sammons' First and Fourteenth Amendment rights were about to be committed, and having power to prevent or aid in preventing the commission of the same, Defendants neglected or refused so to do.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants Lyall, Allison and McCarthy, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT IV
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM PUBLIC BUDGET MEETING
(Defendants: Alan McCarthy, Alfred Wien, Maggie Tome and Robert Meffley)
42 U.S.C. § 1983

90. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

91. On May 12, 2020, the Cecil County Council, with participation from the County Executive, Defendant McCarthy, held a public budget meeting conducted virtually via Zoom Meeting.

92. Pursuant to the Maryland Open Meetings Act, Md. Gen. Prov. Code § 3-301, *et seq.*, the Cecil County budget meeting was open to the public and the citizens participating in the public meeting had the right to have notice of the meeting, the right to attend the meeting, and the right to participate in the public discussion of the proposed budget.

93. The May 12, 2020 Cecil County open budget meeting was recorded and is archived on the Cecil County Government's website. The recording may be viewed by navigating to the following link: <https://www.ccgov.org/Home/Components/Calendar/Event/8846/20> and then selecting the "[Audio/Video](#)" link on the page.

94. Plaintiff Sammons participated in the public budget meeting on May 12, 2020. During the meeting, Plaintiff Sammons filled his virtual Zoom window (which could be seen by other meeting participants) with a video feed loop displaying three signs he had made. The three signs said: (1) "McCarthy Stop Blocking Me on Facebook," (2) "Vote for Hornberger" and (3) "No More Tax Increases."

95. Defendants McCarthy, Wien, Tome and Meffley, acting under color of state law, intentionally blocked Plaintiff Sammons' video feed loop while other video feeds, such as one stating, "Yes to Southfields," were allowed to remain up and visible to all meeting participants during the entire meeting.

96. When Plaintiff Sammons' video feed was blocked during the May 12, 2020 budget meeting, Mr. Sammons received the following message on his computer screen: "You cannot start your video because the host has stopped it."

97. Defendants McCarthy, Wien, Tome and Meffley, continuing to act under color of state law, also denied Plaintiff Sammons a reasonable opportunity to speak at the public budget meeting by unmuting his Zoom connection for only a spilt second and then re-muting Plaintiff Sammons before he could speak.

98. In their acts of blocking Plaintiff's video feed and blocking Plaintiff Sammons from speaking during the public budget meeting, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax policies, advocated voting for one of McCarthy's primary opponents, and complained about being blocked from the Cecil County Executive Facebook Page.

99. By blocking Plaintiff's video feed and blocking Plaintiff Sammons from speaking during the public budget meeting, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

100. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they blocked Plaintiff's video feed and prevented Plaintiff Sammons from speaking during the public budget meeting.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Wien, Tome and Meffley, jointly and severally, in an amount to be determined at trial,

together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT V
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM PUBLIC BUDGET MEETING
(Defendants: Alan McCarthy, Alfred Wien, Maggie Tome and Robert Meffley)
42 U.S.C. § 1985

101. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

102. On May 12, 2020, the Cecil County Council, with participation from the County Executive, Defendant McCarthy, held a public budget meeting conducted virtually via Zoom Meeting.

103. Pursuant to the Maryland Open Meetings Act, Md. Gen. Prov. Code § 3-301, *et seq.*, the Cecil County budget meeting was open to the public and the citizens participating in the public meeting had the right to have notice of the meeting, the right to attend the meeting, and the right to participate in the public discussion of the proposed budget.

104. The May 12, 2020 Cecil County open budget meeting was recorded and is archived on the Cecil County Government's website. The recording may be viewed by navigating to the following link: <https://www.ccgov.org/Home/Components/Calendar/Event/8846/20> and then selecting the "[Audio/Video](#)" link on the page.

105. Plaintiff Sammons participated in the public budget meeting on May 12, 2020. During the meeting, Plaintiff Sammons filled his virtual Zoom window (which could be seen by other meeting participants) with a video feed loop displaying three signs he had made. The three signs said: (1) "McCarthy Stop Blocking Me on Facebook," (2) "Vote for Hornberger" and (3) "No More Tax Increases."

106. Defendants McCarthy, Wien, Tome and Meffley conspired to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

107. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants blocked Plaintiff Sammons' video feed critical of McCarthy's policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons' viewpoint.

108. Defendants McCarthy, Wien, Tome and Meffley committed further overt acts in furtherance of the conspiracy, namely Defendants blocked Plaintiff Sammons from speaking during the public budget meeting by un-muting and then re-muting Plaintiff's Zoom connection without allowing a reasonable time for Plaintiff Sammons to speak.

109. In their acts of blocking Plaintiff's video feed and preventing Plaintiff from speaking during the public budget meeting, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax policies, encouraged citizens to vote for one of McCarthy's primary challengers and complained about blocking Plaintiff Sammons from the Cecil County Executive Facebook Page.

110. Defendants' achieved the objective of their conspiracy. By blocking Plaintiff's video feed and preventing Plaintiff from speaking during the public budget meeting, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

111. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they blocked Plaintiff's video feed and prevented Plaintiff from speaking during the public budget meeting.

112. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment in that Defendants targeted Plaintiff and his video feed because they disliked his viewpoints while simultaneously permitting other constituents to speak and to post video feeds with messages not unfavorable to the County Executive.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Wien, Tome and Meffley, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT VI
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM PUBLIC BUDGET MEETING
(Defendants: Alan McCarthy, Alfred Wien, Maggie Tome and Robert Meffley)
42 U.S.C. § 1986

113. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

114. On May 12, 2020, the Cecil County Council, with participation from the County Executive, Defendant McCarthy, held a public budget meeting conducted virtually via Zoom Meeting.

115. Pursuant to the Maryland Open Meetings Act, Md. Gen. Prov. Code § 3-301, *et seq.*, the Cecil County budget meeting was open to the public and the citizens participating in the

public meeting had the right to have notice of the meeting, the right to attend the meeting, and the right to participate in the public discussion of the proposed budget.

116. The May 12, 2020 Cecil County open budget meeting was recorded and is archived on the Cecil County Government's website. The recording may be viewed by navigating to the following link: <https://www.ccgov.org/Home/Components/Calendar/Event/8846/20> and then selecting the "[Audio/Video](#)" link on the page.

117. Plaintiff Sammons participated in the public budget meeting on May 12, 2020. During the meeting, Plaintiff Sammons filled his virtual Zoom window (which could be seen by other meeting participants) with a video feed loop displaying three signs he had made. The three signs said: (1) "McCarthy Stop Blocking Me on Facebook," (2) "Vote for Hornberger" and (3) "No More Tax Increases."

118. Defendants McCarthy, Wien, Tome and Meffley conspired to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

119. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants blocked Plaintiff Sammons' video feed critical of McCarthy's policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons' viewpoint.

120. Defendants McCarthy, Wien, Tome and Meffley committed further overt acts in furtherance of the conspiracy, namely Defendants blocked Plaintiff Sammons from speaking during the public budget meeting by un-muting and then re-muting Plaintiff's Zoom connection without allowing a reasonable time for Plaintiff Sammons to speak.

121. In their acts of blocking Plaintiff's video feed and preventing Plaintiff from speaking during the public budget meeting, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax policies, encouraged citizens to vote for one of McCarthy's primary challengers and complained about blocking Plaintiff Sammons from the Cecil County Executive Facebook Page.

122. Defendants' achieved the objective of their conspiracy. By blocking Plaintiff's video feed and preventing Plaintiff from speaking during the public budget meeting, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of the First Amendment to the United States Constitution.

123. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they blocked Plaintiff's video feed and prevented Plaintiff from speaking during the public budget meeting.

124. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment in that Defendants targeted Plaintiff and his video feed because they disliked his viewpoints while simultaneously permitting other constituents to speak and to post video feeds with messages not unfavorable to the County Executive.

125. Defendants McCarthy, Wien, Tome and Meffley had knowledge that the wrongs conspired to be done in violation of Plaintiff Sammons' First and Fourteenth Amendment rights were about to be committed, and having power to prevent or aid in preventing the commission of the same, Defendants neglected or refused so to do.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Wien, Tome and Meffley, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT VII
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY AGENCY EMAIL SYSTEMS
(Defendants: Alan McCarthy, Jason Allison, Robert Meffley,
Alfred Wein, Deborah Sniadowski, and Brian F. Miller).
42 U.S.C. § 1983

126. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

127. On May 13, 2020, Plaintiff Sammons submitted an email grievance to Cecil County Council Manager James Massey and the entire Cecil County Council, complaining about the treatment he had received at the public budget meeting and about being blocked from the Cecil County Executive Facebook Page. *See supra* ¶ 30.

128. On May 18, 2020, having received no response to his complaint, Plaintiff Sammons sent another email to Massey and the Cecil County Council. This time, Plaintiff Sammons copied Defendant Allison, the County Attorney, and a reporter for the Cecil Whig, a local newspaper and on-line news outlet covering Cecil County news. The email said:

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents['] freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

129. After a few emails back and forth between Defendant Allison and Plaintiff Sammons, none of which were harassing or inappropriate, Defendant Allison said the following

to Plaintiff Sammons via email on May 19, 2020 without any apparent provocation: “If [you] want to take this to war, I’ll engage you in war. . . . At this point, I’m going to advise IT to block you from all communication with County agencies. You’re adversarial, and have a litigious agenda. You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials.”

130. Plaintiff Sammons responded to Defendant Allison’s email minutes later, stating: “Are you trying to threaten[] me for trying to file a complaint? Really? Seems you are the only one making this political. I simply wanted to file a complaint.”

131. In a shocking admission, Defendant Allison replied to Plaintiff Sammons, stating:

No. What I’m doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That’s up to you. I could care less. What I’m not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

132. “The First Amendment right to free speech includes not only the affirmative right to speak, but also the right to be free from retaliation by a public official for the exercise of that right.” *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 685 (4th Cir. 2000).

133. The First Amendment also “protects the right to petition the government for a redress of grievances.” *Martin v. Duffy*, 858 F.3d 239, 249 (4th Cir. 2017). The right to petition the government for a redress of grievances is “among the most precious of the liberties safeguarded by the Bill of Rights.” *United Mine Workers v. Ill State Bar Ass’n*, 389 U.S. 217, 222 (1967).

134. On May 13, 2020 and again on May 18, 2020, when Plaintiff Sammons submitted his email grievances to Massey, Allison, and the entire Cecil County Council, Plaintiff was engaged in conduct protected by the First Amendment. Plaintiff Sammons was likewise engaging in protected First Amendment conduct when he posted and attempted to communicate on the Cecil

County Executive Facebook Page and when he attempted to participate in the public budget meeting on May 12, 2020.

135. Burdens placed upon free speech, as well as outright bans, violate the First Amendment. *See Sorrell v. IMS Health Inc.*, 564 U.S. 552, 566 (2011)(stating that government “may no more silence unwanted speech by burdening its utterance than by censoring its content”); *United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 812 (2000)(“The distinction between laws burdening and laws banning speech is but a matter of degree. The Government’s content-based burdens must satisfy the same rigorous scrutiny as its content-based bans.”).

136. When the government has discriminated against a speaker based on the speaker’s viewpoint, as occurred in this case, the victim’s ability to engage in other speech does not cure that constitutional shortcoming. *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. Of the Law v. Martinez*, 561 U.S. 661, 690 (2010).

137. Defendant Allison’s email responses to Plaintiff Sammons on May 19, 2020, in which Allison says he will “engage [Plaintiff Sammons] in war” and will “block [Plaintiff Sammons] from all communication with County agencies” constitutes unconstitutional retaliation for Plaintiff’s exercise of protected activity under the First Amendment. Defendant Allison was acting under color of state law when making these statements.

138. Defendant Allison, acting at the direction of Defendant McCarthy and under color of state law, copied Defendants Wein, Sniadowski, and Miller on his email dated May 19, 2020 in which Allison states to Plaintiff Sammons: “What I’m doing is blocking you from further communication via email. . . . You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS.”

139. Thereafter, from approximately May 19, 2020 until on or about June 15, 2020, all emails from Plaintiff Sammons to any recipient within the Cecil County government were blocked or redirected so that they never reached their intended recipients.

140. Defendants' action of banning Plaintiff Sammons from communicating with government officials via email was committed under color of state law and constitutes a clear and egregious violation of his First Amendment rights.

141. The fact that Plaintiff Sammons remained free to communicate with Cecil County government officials in other ways between May 19, 2020 and June 15, 2020—such as through the U.S. postal service—cannot excuse Defendants for violating Plaintiff Sammons' constitutional rights.

142. Defendants' acts of retaliation banning Plaintiff's right to email communications to Cecil County government officials was intentional and demonstrates the Defendants acted with actual malice and with a specific intent to harm Plaintiff's constitutional rights in an egregious way.

143. Defendants' acts of retaliation banning Plaintiff's right to email communications to Cecil County government officials demonstrate further unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints and their dislike of his stated grievances.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Allison, Wein, Sniadowski, and Miller, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT VIII
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY AGENCY EMAIL SYSTEMS
(Defendants: Alan McCarthy, Jason Allison, Robert Meffley,
Alfred Wein, Deborah Sniadowski, and Brian F. Miller).
42 U.S.C. § 1985

144. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

145. On May 13, 2020, Plaintiff Sammons submitted an email grievance to Cecil County Council Manager James Massey and the entire Cecil County Council, complaining about the treatment he had received at the public budget meeting and about being blocked from the Cecil County Executive Facebook Page. *See supra* ¶ 30.

146. On May 18, 2020, having received no response to his complaint, Plaintiff Sammons sent another email to Massey and the Cecil County Council. This time, Plaintiff Sammons copied Defendant Allison, the County Attorney, and a reporter for the Cecil Whig, a local newspaper and on-line news outlet covering Cecil County news. The email said:

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents['] freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

147. After a few emails back and forth between Defendant Allison and Plaintiff Sammons, none of which were harassing or inappropriate, Defendant Allison said the following to Plaintiff Sammons via email on May 19, 2020 without any apparent provocation: "If [you] want to take this to war, I'll engage you in war. . . . At this point, I'm going to advise IT to block you from all communication with County agencies. You're adversarial, and have a litigious agenda.

You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials.”

148. Plaintiff Sammons responded to Defendant Allison’s email minutes later, stating: “Are you trying to threaten[] me for trying to file a complaint? Really? Seems you are the only one making this political. I simply wanted to file a complaint.”

149. In a shocking admission, Defendant Allison replied to Plaintiff Sammons, stating:

No. What I’m doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That’s up to you. I could care less. What I’m not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

150. On May 13, 2020 and again on May 18, 2020, when Plaintiff Sammons submitted his email grievances to Massey, Allison, and the entire Cecil County Council, Plaintiff was engaged in conduct protected by the First Amendment. Plaintiff Sammons was likewise engaging in protected First Amendment conduct when he posted and attempted to communicate on the Cecil County Executive Facebook Page and when he attempted to participate in the public budget meeting on May 12, 2020.

151. Defendants McCarthy, Allison, Meffley, Wein, Sniadowski, and Miller conspired to retaliate against Plaintiff Sammons and to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

152. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants blocked Plaintiff Sammons’ ability to communicate via email with anyone in Cecil County government.

153. In their acts of blocking Plaintiff’s email access to Cecil County government agencies the Defendants engaged in unconstitutional viewpoint discrimination and

unconstitutional retaliation because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints.

154. Defendants' achieved the objective of their conspiracy. By blocking Plaintiff's email access the Defendants effectively and with actual malice denied Plaintiff of the ability to communicate with Cecil County government officials via electronic mail and substantially restricted Plaintiff's First Amendment rights by requiring him to communicate with County Officials, if in writing, via a much slower and more cumbersome method, pen and paper sent through the U.S. Postal Service.

155. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they blocked Plaintiff's email and prevented Plaintiff from communicating with Cecil County officials by that means.

156. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment in that Defendants targeted Plaintiff and banned only Plaintiff's emails while simultaneously permitting other constituents to communicate with Cecil County government via electronic mail.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Allison, Wein, Sniadowski, and Miller, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT IX
FIRST AMENDMENT VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY AGENCY EMAIL SYSTEMS
(Defendants: Alan McCarthy, Jason Allison, Robert Meffley,
Alfred Wein, Deborah Sniadowski, and Brian F. Miller).
42 U.S.C. § 1986

157. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

158. On May 13, 2020, Plaintiff Sammons submitted an email grievance to Cecil County Council Manager James Massey and the entire Cecil County Council, complaining about the treatment he had received at the public budget meeting and about being blocked from the Cecil County Executive Facebook Page. *See supra* ¶ 30.

159. On May 18, 2020, having received no response to his complaint, Plaintiff Sammons sent another email to Massey and the Cecil County Council. This time, Plaintiff Sammons copied Defendant Allison, the County Attorney, and a reporter for the Cecil Whig, a local newspaper and on-line news outlet covering Cecil County news. The email said:

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents['] freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

160. After a few emails back and forth between Defendant Allison and Plaintiff Sammons, none of which were harassing or inappropriate, Defendant Allison said the following to Plaintiff Sammons via email on May 19, 2020 without any apparent provocation: "If [you] want to take this to war, I'll engage you in war. . . . At this point, I'm going to advise IT to block you from all communication with County agencies. You're adversarial, and have a litigious agenda. You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials."

161. Plaintiff Sammons responded to Defendant Allison's email minutes later, stating: "Are you trying to threaten[] me for trying to file a complaint? Really? Seems you are the only one making this political. I simply wanted to file a complaint."

162. In a shocking admission, Defendant Allison replied to Plaintiff Sammons, stating:

No. What I'm doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That's up to you. I could care less. What I'm not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

163. On May 13, 2020 and again on May 18, 2020, when Plaintiff Sammons submitted his email grievances to Massey, Allison, and the entire Cecil County Council, Plaintiff was engaged in conduct protected by the First Amendment. Plaintiff Sammons was likewise engaging in protected First Amendment conduct when he posted and attempted to communicate on the Cecil County Executive Facebook Page and when he attempted to participate in the public budget meeting on May 12, 2020.

164. Defendants McCarthy, Allison, Meffley, Wein, Sniadowski, and Miller conspired to retaliate against Plaintiff Sammons and to deprive Plaintiff Sammons of his rights protected by the First and Fourteenth Amendments to the United States Constitution.

165. In furtherance of the aforesaid conspiracy, one or more of the Defendants committed an overt act in furtherance thereof, to wit, the Defendants blocked Plaintiff Sammons' ability to communicate via email with anyone in Cecil County government.

166. In their acts of blocking Plaintiff's email access to Cecil County government agencies the Defendants engaged in unconstitutional viewpoint discrimination and unconstitutional retaliation because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints.

167. Defendants' achieved the objective of their conspiracy. By blocking Plaintiff's email access the Defendants effectively and with actual malice denied Plaintiff of the ability to communicate with Cecil County government officials via electronic mail and substantially restricted Plaintiff's First Amendment rights by requiring him to communicate with County Officials, if in writing, via a much slower and more cumbersome method, pen and paper sent through the U.S. Postal Service.

168. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by the First Amendment when they blocked Plaintiff's email and prevented Plaintiff from communicating with Cecil County officials by that means.

169. Defendants further acted intentionally and with actual malice towards Plaintiff Sammons to deny Plaintiff equal protection of the laws in violation of the Fourteenth Amendment in that Defendants targeted Plaintiff and banned only Plaintiff's emails while simultaneously permitting other constituents to communicate with Cecil County government via electronic mail.

170. Defendants McCarthy, Allison, Meffley, Wein, Sniadowski, and Miller had knowledge that the wrongs conspired to be done in violation of Plaintiff Sammons' First and Fourteenth Amendment rights were about to be committed, and having power to prevent or aid in preventing the commission of the same, Defendants neglected or refused so to do.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Allison, Wein, Sniadowski, and Miller, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by 42 U.S.C. § 1988.

COUNT X
ARTICLE 40 VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY EXECUTIVE FACEBOOK PAGE
(Defendants: Jennifer Lyall, Jason Allison, Alan McCarthy and Cecil County)

171. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

172. Defendants Lyall, Allison and McCarthy created, administered and/or managed the Cecil County Executive Facebook Page.

173. At all relevant times, Defendants Lyall, Allison and McCarthy were employees of Defendant Cecil County, Maryland or were the agents of Cecil County, Maryland.

174. The Cecil County Executive Facebook Page was open to the public for the exchange of political ideas and discussion, both with County Executive McCarthy and other members of the public, was used by McCarthy to communicate with his constituents as County Executive and was used to otherwise conduct the business of Cecil County. The Cecil County Executive Facebook Page contained the official seal and logo of Cecil County government and identified the page as “The Dr. Alan McCarthy County Executive” Facebook Page. The interactive portions of the Cecil County Executive Facebook Page constituted a public forum.

175. From in or about December 2019 and continuing until in or about May 2020, Plaintiff Sammons posted several comments critical of McCarthy’s tax policies and critical of Defendant McCarthy continuing to serve as Cecil County Executive on the Cecil County Executive Facebook Page.

176. Defendants Lyall, Allison and/or McCarthy, acting within the scope of their employment, deleted Plaintiff Sammons’ posts critical of McCarthy’s policies and of McCarthy himself—none of which were obscene or inappropriate—because they did not like Sammons’ viewpoint.

177. Defendants Lyall, Allison and/or McCarthy, acting within the scope of their employment, blocked Plaintiff Sammons from making further posts on the Cecil County Executive Facebook Page and blocked Plaintiff Sammons from interacting with McCarthy and other citizens of Cecil County on the Cecil County Executive Facebook Page.

178. In their acts of deleting Plaintiff's posts and blocking Plaintiff's access to the Cecil County Executive Facebook Page, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax and other policies.

179. By deleting Plaintiff's posts and blocking Plaintiff from access to the Cecil County Executive Facebook Page, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of Article 40 of the Maryland Declaration of Rights.

180. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by Article 40 of the Maryland Declaration of Rights when they deleted Plaintiff's posts from the Cecil County Executive Facebook Page and blocked him from the public forum.

181. Defendant Cecil County, Maryland is liable for the acts of Defendants Lyall, Allison and McCarthy on the theory of *respondeat superior*.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants Lyall, Allison, McCarthy and Cecil County Maryland, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by law.

COUNT XI
ARTICLE 40 VIEWPOINT DISCRIMINATION
BLOCKED FROM PUBLIC BUDGET MEETING
(Defendants: Alan McCarthy, Alfred Wien,
Maggie Tome, Robert Meffley
and Cecil County)

182. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

183. On May 12, 2020, the Cecil County Council, with participation from the County Executive, Defendant McCarthy, held a public budget meeting conducted virtually via Zoom Meeting.

184. Pursuant to the Maryland Open Meetings Act, Md. Gen. Prov. Code § 3-301, *et seq.*, the Cecil County budget meeting was open to the public and the citizens participating in the public meeting had the right to have notice of the meeting, the right to attend the meeting, and the right to participate in the public discussion of the proposed budget.

185. The May 12, 2020 Cecil County open budget meeting was recorded and is archived on the Cecil County Government's website. The recording may be viewed by navigating to the following link: <https://www.ccgov.org/Home/Components/Calendar/Event/8846/20> and then selecting the "[Audio/Video](#)" link on the page.

186. Plaintiff Sammons participated in the public budget meeting on May 12, 2020. During the meeting, Plaintiff Sammons filled his virtual Zoom window (which could be seen by other meeting participants) with a video feed loop displaying three signs he had made. The three signs said: (1) "McCarthy Stop Blocking Me on Facebook," (2) "Vote for Hornberger" and (3) "No More Tax Increases."

187. Defendants McCarthy, Wien, Tome and Meffley, acting within the scope of their employment or agency with Defendant Cecil County, Maryland, intentionally blocked Plaintiff

Sammons' video feed loop while other video feeds, such as one stating, "Yes to Southfields," were allowed to remain up and visible to all meeting participants during the entire meeting.

188. When Plaintiff Sammons' video feed was blocked during the May 12, 2020 budget meeting, Mr. Sammons received the following message on his computer screen: "You cannot start your video because the host has stopped it."

189. Defendants McCarthy, Wien, Tome and Meffley, continuing to act within the scope of their employment or agency with Defendant Cecil County, Maryland, also denied Plaintiff Sammons a reasonable opportunity to speak at the public budget meeting by unmuting his Zoom connection for only a split second and then re-muting Plaintiff Sammons before he could speak.

190. In their acts of blocking Plaintiff's video feed and blocking Plaintiff Sammons from speaking during the public budget meeting, the Defendants engaged in unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints, which were critical of McCarthy's tax policies, advocated voting for one of McCarthy's primary opponents, and complained about being blocked from the Cecil County Executive Facebook Page.

191. By blocking Plaintiff's video feed and blocking Plaintiff Sammons from speaking during the public budget meeting, the Defendants effectively denied Plaintiff of the ability to engage in the public debate and denied Plaintiff's ability to exercise his freedom of expression in violation of Article 40 of the Maryland Declaration of Rights.

192. Defendants acted intentionally and with actual malice towards Plaintiff Sammons to deny his freedoms protected by Article 40 of the Maryland Declaration of Rights when they blocked Plaintiff's video feed and prevented Plaintiff Sammons from speaking during the public budget meeting.

193. Defendant Cecil County, Maryland is liable for the acts of Defendants McCarthy, Wien, Tome, and Meffley on the theory of *respondeat superior*.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants McCarthy, Wien, Tome, Meffley and Cecil County Maryland, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by law.

COUNT XII
ARTICLE 40 VIEWPOINT DISCRIMINATION
BLOCKED FROM CECIL COUNTY AGENCY EMAIL SYSTEMS
(Defendants: Alan McCarthy, Jason Allison, Robert Meffley,
Alfred Wein, Deborah Sniadowski, Brian F. Miller, and Cecil County)

194. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

195. On May 13, 2020, Plaintiff Sammons submitted an email grievance to Cecil County Council Manager James Massey and the entire Cecil County Council, complaining about the treatment he had received at the public budget meeting and about being blocked from the Cecil County Executive Facebook Page. *See supra* ¶ 30.

196. On May 18, 2020, having received no response to his complaint, Plaintiff Sammons sent another email to Massey and the Cecil County Council. This time, Plaintiff Sammons copied Defendant Allison, the County Attorney, and a reporter for the Cecil Whig, a local newspaper and on-line news outlet covering Cecil County news. The email said:

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents['] freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

197. After a few emails back and forth between Defendant Allison and Plaintiff Sammons, none of which were harassing or inappropriate, Defendant Allison said the following to Plaintiff Sammons via email on May 19, 2020 without any apparent provocation: “If [you] want to take this to war, I’ll engage you in war. . . . At this point, I’m going to advise IT to block you from all communication with County agencies. You’re adversarial, and have a litigious agenda. You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials.”

198. Plaintiff Sammons responded to Defendant Allison’s email minutes later, stating: “Are you trying to threaten[] me for trying to file a complaint? Really? Seems you are the only one making this political. I simply wanted to file a complaint.”

199. In a shocking admission, Defendant Allison replied to Plaintiff Sammons, stating:

No. What I’m doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That’s up to you. I could care less. What I’m not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

200. On May 13, 2020 and again on May 18, 2020, when Plaintiff Sammons submitted his email grievances to Massey, Allison, and the entire Cecil County Council, Plaintiff was engaged in conduct protected by Article 40 of the Maryland Declaration of Rights. Plaintiff Sammons was likewise engaging in conduct protected by Article 40 when he posted and attempted to communicate on the Cecil County Executive Facebook Page and when he attempted to participate in the public budget meeting on May 12, 2020.

201. Defendant Allison’s email responses to Plaintiff Sammons on May 19, 2020, in which Allison says he will “engage [Plaintiff Sammons] in war” and will “block [Plaintiff

Sammons] from all communication with County agencies” constitutes unconstitutional retaliation for Plaintiff’s exercise of protected activity under Article 40 of the Maryland Declaration of Rights. Defendant Allison was acting within the scope of his employment with Defendant Cecil County, Maryland when making these statements.

202. Defendant Allison, acting at the direction of Defendant McCarthy and within the scope of his employment with Defendant Cecil County, Maryland, copied Defendants Wein, Sniadowski, and Miller on his email dated May 19, 2020 in which Allison states to Plaintiff Sammons: “What I’m doing is blocking you from further communication via email. . . . You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS.”

203. Thereafter, from approximately May 19, 2020 until on or about June 15, 2020, all emails from Plaintiff Sammons to any recipient within the Cecil County government were blocked or redirected so that they never reached their intended recipients.

204. Defendants’ action of banning Plaintiff Sammons from communicating with government officials via email was committed within the scope of their employment with Defendant Cecil County, Maryland and constitutes a clear and egregious violation of Article 40 of the Maryland Declaration of Rights.

205. The fact that Plaintiff Sammons remained free to communicate with Cecil County government officials in other ways between May 19, 2020 and June 15, 2020—such as through the U.S. postal service—cannot excuse Defendants for violating Plaintiff Sammons’ State constitutional rights.

206. Defendants’ acts of retaliation banning Plaintiff’s right to email communications to Cecil County government officials was intentional and demonstrates the Defendants acted with

actual malice and with a specific intent to harm Plaintiff's State constitutional rights in an egregious way.

207. Defendants' acts of retaliation banning Plaintiff's right to email communications to Cecil County government officials demonstrate further unconstitutional viewpoint discrimination because their actions were substantially motivated by their dislike of Plaintiff Sammons' viewpoints and their dislike of his stated grievances.

208. Defendant Cecil County, Maryland is liable for the acts of Defendants McCarthy, Allison, Meffley, Wein, Sniadowski, and Miller on the theory of *respondeat superior*.

WHEREFORE, Plaintiff demands compensatory and punitive damages against Defendants Alan McCarthy, Jason Allison, Robert Meffley, Alfred Wein, Deborah Sniadowski, Brian F. Miller, and Cecil County, Maryland, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, expert witness fees and other costs as permitted by law.

COUNT XIII
DECLARATORY JUDGMENT RELIEF
(All Defendants)
28 U.S.C. § 2201

209. Plaintiff incorporates the previous allegations in paragraphs 1 through 57 as if set forth herein verbatim.

210. On July 18, 2018, Defendant McCarthy, Defendant Wein and the Cecil County Council adopted a written communication plan entitled "Cecil County Government Communication Plan," a copy of which is attached as **Exhibit 3**.

211. In its discussion of Cecil County Facebook pages, the Communication Plan states in relevant part:

Cecil County Government reserves the right to monitor and remove any content at any time for any reason at its sole, subjective discretion. Comments, opinions,

advice, statements, discussion posts, wall posts, and any other user-generated content that is deemed inappropriate by Cecil County Government will be removed from the page.

Exhibit 3, pg.17.

212. The Communication Plan provides further that, “If an individual continually posts prohibited or offensive material, the Cecil County Government may exercise its right to block that individual from posting content onto the Cecil County Facebook Page.” **Exhibit 3**, pg.18.

213. These provisions of the Cecil County Communications Plan, as currently drafted, constitute official written policies that are contrary to citizen’s rights protected by the First and Fourteenth Amendments to the United States Constitution and also by Article 40 of the Maryland Declaration of Rights.

214. The policy purports to permit Cecil County officials “to monitor and *remove* any content at any time *for any reason* at its *sole, subjective* discretion” without regard to important constitutional restrictions applicable to Cecil County officials that prohibit government censorship and viewpoint discrimination.

215. The policy further purports to allow Cecil County officials to “remove” or censor from County social media pages any “[c]omments, opinions, advice, statements, discussion posts, wall posts, and any other user-generated content that is *deemed* inappropriate by Cecil County Government” without regard to the constitutional safeguards that prohibit governmental censorship and viewpoint discrimination like that described in this Complaint.

216. The policy also permits County Officials to “block” members of the public from County social media sites anytime officials subjectively deem posted material to be “prohibited or offensive.” The government censoring speech because it is offensive or because officials dislike the message is the very definition of viewpoint discrimination that is constitutionally condemned in all fora.

217. For the reasons stated, the Cecil County Communications Plan contains official written policies that are, on their face, unconstitutional.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment declaring the aforesaid written policies to be unconstitutional, null and void.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury on Counts I through XII of this Complaint. Count XIII should be decided by the United States District Court.

October 16, 2020

Respectfully Submitted,

/s/Ray M. Shepard

Ray M. Shepard, CPF #9112190158

District Court Bar No. 09473

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Dr. Alan McCarthy
Cecil County
Executive

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William Arnold Tuerke IV, Em Bee and 20 others 5 Comments 4 Shares

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- Em Bee** Gorgeous day for a walk along a lovely stream!
1w
- Nicalette Gentry** How can I get information on the best way to go about a stream restoration effort on our farm?
1w 1
- Matt England** Looks like Vernon Horst in that one picture
1w 1
- Dave Wilson** Where is AlfredMiller
3d
- Laura Bouchelle** Is this the Zartler Farm or the Horst Farm?
1w

Dr. Alan McCarthy Cecil County Executive
April 10 at 1:57 PM ·

...

Suggest Edits

Page Transparency [See More](#)

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - November 2, 2015

Related Pages

Keep Judge Will Davis
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Politician Like

Hacks Point Fire Com...
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Dan Schneckenburger like...
Brewery Like

English (US) · Español · Português (Brasil) · Français (France) · Deutsch



Dr. Alan McCarthy
Cecil County
Executive

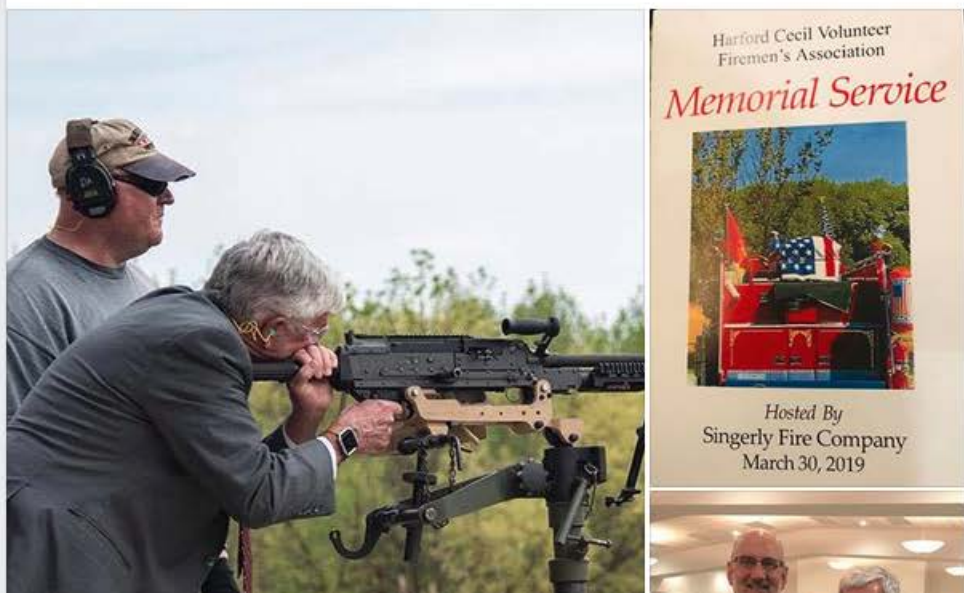
- Home
- About
- Photos
- Videos
- Events
- Posts
- Community
- Info and Ads

Create a Page



Share Save Suggest Edits ...

Photos



Community See All

Invite your friends to like this Page
632 people like this
646 people follow this
Marian Mazi Sizemore and 66 other friends like this

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CECIL COUNTY GOVERNMENT COMMUNICATION PLAN

July 2018



CECIL cecilcounty.com WHIG CECIL CECIL COUNTY, MARYLAND GUARDIAN

ACKNOWLEDGEMENTS

This communication plan was prepared by:

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Dr. Carl Roberts

Cecil County Executive
Dr. Alan J. McCarthy

Director of Administration
Al Wein

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Joyce Bowsbey, President
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Adopted:
07/18/2018

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EXECUTIVE SUMMARY

Cecil County Government's mission is to enhance the health, education, safety, economic well-being and quality of life for all citizens by providing public services in a fiscally responsible and efficient manner. The County will operate in a way that is worthy of public trust and respectful of our rural heritage. The County embraces innovation, diversity and collaboration in meeting citizen and community needs. County government recognizes its stewardship role and strives to:

- Do what is right
- Work as a team
- Get results

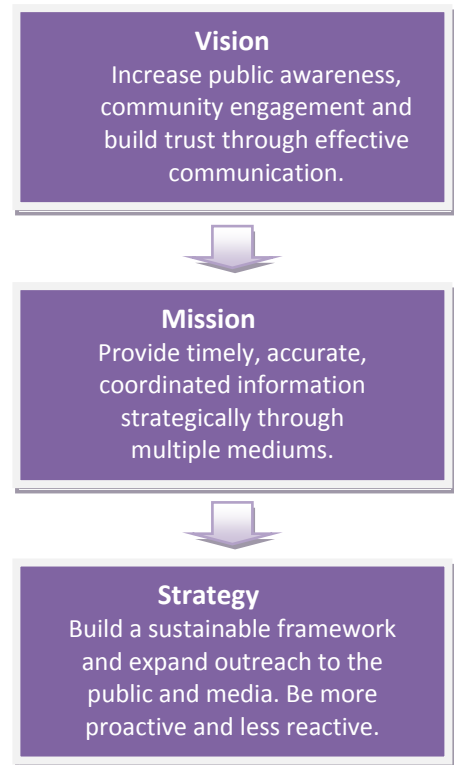
Encouraging meaningful participation requires collaboration, excellence, citizen involvement, integrity and leadership. A communication plan should complement these values while remaining transparent, coordinated, timely, accurate, and flexible as well as ever evolving. In 2016, as a part of a transition plan, the newly elected County Executive asked for a focus on public information and customer service efforts to better communicate with and serve the community. The Cecil County Maryland 2014-2019 Strategic Plan identified a need for a structured communication process. The expectations of our citizens for immediate information and opportunities for input consistent with advances in technology, a continued desire to better coordinate County government's messages and stories, as well as present a cohesive identity to the public were recognized. The result of these plans led to the hiring of the County's first-ever public information officer in the fall of 2017.

This plan serves as a roadmap to help respond to these expectations.



SUMMARY

- The County's approach to public communications is grounded in its mission statement and input from the County Executive and Administration, County Council Members, internal department leaders and staff and community partners.
- The vision, mission strategies and action steps reflect the County's core values, structure and modern methods of communicating, comprising a framework for a public communications program to be implemented within the coming year.
- The audience for Cecil County Government news is anyone who lives, works, recreates in the County. Community members largely receive their news about Cecil County Government through print media and online sources. Our scope also includes surrounding communities and prospective businesses that have potential to collaborate with or make Cecil County their home.
- Cecil County uses a variety of methods to communicate to the media and directly to the public. Electronics methods have expanded through increased use of the website and social media, yet there is still a diversity of preferences on how people like to receive their information.
- The County has a department-centric system of managing public communication. Increased coordination was recently initiated to maximize resources and efficiency. Improvements include a centralized approach to distributing press releases and social media posts through the Public Information Officer and the Office of Administration.
- Public agencies, including Cecil County Government, continuously investigate the best means of effectively harnessing the power of social media to serve the community. Cecil County Government currently maintains twelve (12) Facebook pages with over 15,000+ "likes" combined and five (5) Twitter accounts with 3,000+ "followers" in total.
- Key goals of this communication plan include:
 - Formalize and centralize coordination for consistency and transparency;
 - Deploy a consistent image through use of the County logo & other branding techniques;
 - Develop a training program to enhance staff communication skills by department;
 - Develop methods to support specific, targeted communication initiatives including potentially controversial topics;
 - Proactively build community relationships and enhance community partnerships;



- **BONUS: Achieve and maintain a positive perception of Cecil County Government.**
- There are three strategies, with action steps and detailed tasks, resulting in a work plan for Cecil County's communication efforts over the next several years. The actions and tasks are not static and will adapt as circumstances and technologies change.
 - Build a sustainable communications framework.
 - Centralize communications coordination and develop policies.
 - Provide ongoing communications training.
 - Coordinate County logo and use for unified portrayal of County government.
 - Expand the County's reach.
 - Bolster traditional channels.
 - Use new media technologies.
 - Continue website revision and develop strategy for www.ccgov.org.
 - Develop proactive communication.
 - Support and plan for targeted communications projects.
 - Enhance direct communication and partnership with the community.

INTRODUCTION

Cecil County's mission is to provide a place of opportunity for all: economic vitality, quality education, and safe communities.



To encourage participation requires focus on what, how, when and where we communicate so we can inform, educate and engage our community members. The need for this focus is more critical now than ever. Local government seeks to continue to create partnerships and assistance with our community to sustain important services and ensure that we continue to thrive. Effectively explaining changes in services and engaging community members to help find solutions is critical in this climate.

There is growing demand for prompt, coordinated and accurate communications, delivered through more contemporary channels, following advances in technology. The rise of social media and mobile devices has raised public expectations for immediate access to information as well as opportunities for feedback and input.

Everyone within county government must be made aware of and trained so compliance with these expectations is assured. Those external to County government requesting information must be instructed on how to obtain information.

This plan serves as a roadmap to address these challenges.

This communication plan is based on contributions and insights from multiple sources including:

- County Executive
- Administration
- Council members
- Department heads
- Leaders of Cecil County community partner organizations
- The State of Maryland and other local governments

WHO IS OUR AUDIENCE AND HOW DO WE COMMUNICATE WITH THEM?

In the broadest sense, our audience for public information is anyone who lives, works or recreates in Cecil County. Much of the County's information is generated to inform residents, community organizations, businesses and other government entities, or media that serve these groups. This represents a diverse group of people with varying needs and interests in the services of County government.

Our community obtains information from us through emails, online sources and news releases. When it comes to the platform of choice, the web is gaining ground rapidly, while print media is no longer the primary medium of choice. More recently, a shift to social media as an immediate source has become prevalent.

The County communicates through the media and directly to the public through a range of methods:

- **County website:** In October 2016, Cecil County's newly designed website went live at: www.ccgov.org
- **Email distributions:** Emails are distributed to a designated media contact list which includes local and regional newspaper publishing companies, radio and television stations, Maryland Association of Counties, Maryland Transportation Authority, Cecil County Public Schools, Cecil County Public Library, Cecil County Health Department, the County Executive, Director of Administration, all Council members, the Council Manager, administrative offices for local municipalities
- **Email subscriptions:** The public can sign up to receive an email alert whenever a press release is submitted to the media and/or posted on the County website.
- **Facebook**
- **Twitter**
- **Instagram**
- **Video:** Council legislative meetings are video recorded and posted to the County website through a central Vimeo account.
- **Audio:** Council work sessions are audio recorded and posted to the County website.

COUNTY'S COMMUNICATION ORGANIZATION

Cecil County Government will coordinate distribution through the Public Information Officer (PIO). The PIO will serve as a messenger of communication for both Executive and Legislative branches of Cecil County Government, including all County departments and divisions.

Previously, departments largely produced and distributed their own public information independently of one another by electronic distribution, through the website and/or email.

The PIO is now available to write press releases for all departments. Because of the specialized nature of the content, many departments may opt to continue to write their own press releases; **however**, ALL press releases MUST now be distributed through the public information office, as approved by the Office of Administration.

All media requests including newspapers, television, radio, etc. will be routed through the PIO's office.

To remain informed and abreast of current events within the County, the PIO will regularly attend Executive and Administrative Office meetings, Council work sessions and legislative sessions, department meetings, committee gatherings, special events and other opportunities that provide pertinent information.

It is important to keep the PIO informed in regards to all information that is intended to be disseminated to the public. In doing so, consistency and timeliness of responses will be improved as emails, phone calls, social media comments, etc. are received by the PIO.

Steps to distribute a press release or social media post:

- Department representatives should write release/post or request that the PIO write release/post.
- Inform PIO of need/timing and which channels of distribution are requested.
- Provide release, information, graphics/images/pics to PIO.
- PIO will review and discuss, as required, with the Director of Administration.
- Release/post will be distributed.

Sample press release:

PRESS RELEASE: County Files Federal Lawsuit vs. Opiate Manufacturers and Distributors - Message (HTML)

FILE MESSAGE ADOBE PDF

Ignore Delete Reply Reply All Forward More Meeting DOCUMENT RE... To Manager Team Email Move Actions Tags Editing Zoom


Wed 1/10/2018 10:42 AM

Jen Lyall

PRESS RELEASE: County Files Federal Lawsuit vs. Opiate Manufacturers and Distributors

To 'Bill De Freitas'; 'stephaniepalko@gmail.com'; Lisa Tome; 'ceciltimes@gmail.com'; 'avalliant@mdcounties.org'; 'Jessica Jannetta'; 'Alison Donley'; 'jowens@chespub.com'; 'Katie Tabeling'; 'kayd@mdta.maryland.gov'; Kelly Keeton; 'Nicolette Querry'; 'kmatzingervought@baltson.com'; 'thendricks@baltson.com'; 'pfreedman@delawareonline.com'; 'ebutler@theaegis.com'; 'Stephanie Garrity -MDH-'; 'Daniel Coulter -MDH-'

Cc Joyce Bowlsbey; Dan Schneckenburger; George Patchell; Bob Meffley; Jackie Gregory; James Massey; Alfred Wein; Alan McCarthy



ALAN J. MCCARTHY
County Executive

ALFRED C. WEIN, JR.
Director of Administration

PRESS RELEASE

FOR IMMEDIATE RELEASE

January 10, 2018

For more information, contact:
Jennifer Lyall
Public Information Officer
410-996-8454
jlyall@ccgov.org

County Files Federal Lawsuit vs. Opiate Manufacturers and Distributors

ELKTON, MD. – On January 8, 2018, Cecil County Government lawyers Baron & Budd, P.C. of Dallas, Texas and Thomas L. Kemp, Esquire, Kemp & Kemp, P.A., local counsel of Elkton, Maryland, filed suit in United States District Court for the District of Maryland

Jen Lyall Re: meeting

AUTHORIZATION ON THE DISSEMINATION OF INFORMATION

The primary responsibility of a PIO is to provide information to the public and media as necessary and deemed appropriate and to meet the legal requirements of the organization.

The Public Information Officer has the authority to distribute information on Cecil County Government related issues including:

- Press Releases
- Closings/Delays
- Emergency Notifications
- Information Technology Security Breaches (that may affect the public domain)
- Organizational and Departmental Public Relations

The PIO will maintain, or be granted access, to all County websites and content management systems and social media accounts for the purposes of disseminating or obtaining information.

If at any time, the content or context of the information or situation at hand is of a questionable nature that adversely affects the administration or staff or hinders the regular functions of Cecil County Government, the PIO will defer to the Director of Administration.

THE USE OF THE COUNTY LOGO AND GRAPHICS

Whenever possible, the County will continue to “brand” our image with the County logo. Departments with more “public facing” services and missions have created unique brands and graphic identities. These images are helpful for the public to identify a particular service as it related to Cecil County Government. Some of these images include:



Logos will be used as often as possible as well as pics, graphics, tables and/or charts to accompany news releases and social media posts. The intent of incorporating the logos used by the County is to provide a common and unifying identifier for the public.

Departments/Divisions **must** have all logos approved by the Office of Administration before being used in a public forum/format. New ideas for logos should be presented to the Public Information Officer, who will then confer with the Director of Administration (and possibly presented to the County Executive and Council) for approval.

The Cecil County Seal should NOT be used by any agency outside of Cecil County Government without permission from the County Executive or the Office of Administration.

SOCIAL MEDIA TECHNOLOGY & ITS ROLE IN CECIL COUNTY GOVERNMENT

Social media has created a new electronic forum through which people can interact socially. According to Merriam-Webster, social media refers to various “forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content.”

Public agencies, including Cecil County, continue to investigate the best means of effectively harnessing the power of social media to better serve the community. The use of social media has become ubiquitous with every demographic adapting to its use. Cecil County Government’s intent is to build a better community and open up the channels of communication through technology interaction.

Social media websites like Facebook and Twitter, provide information, but also facilitate interaction. This engagement can be as simple as asking a user for comments or to participate in an online survey to obtain feedback on a website.

The Director of Administration and the Human Resources Office, in conjunction with the Director of Information Technology and the Public Information Officer, updated the social media policy for Cecil County Government in 2018, which will be incorporated into the Personnel Policies & Procedures Manual.

SOCIAL MEDIA POLICY

Personal Usage:

The County respects and honors the First Amendment rights of its employees to speak out as citizens on matters of public concern and to post materials, comments or information on the internet or social media sites. However, a County employee, whose social media or internet postings disrupt the County's ability to provide effective and efficient services to the public, or interfere with the County's operations or security, may be disciplined, up to and including termination, for such comments or postings.

Employees shall expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the County or other authorities at any time without prior notice. Any speech or image created as an alias or fake persona does not relieve nor shield the employee of any Cecil County policy. An exception may be made for work required of law enforcement activities.

Personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the County's personnel policies is required even in your personal use of social media. In particular, County personnel are prohibited from the following:

- Speech or images containing vulgar, obscene, or sexually explicit activity or language
- Speech or images that ridicule disparage or otherwise express bias against any race, any religion, or any protected class of individuals
- Speech or images that reflect behavior that would reasonably be considered reckless or irresponsible
- Speech or images that reflect negatively on the County; and,
- Discussion of sensitive, confidential, proprietary or classified information

Examples of social media or online postings which are inappropriate and for which an employee may be disciplined include, but are not limited to, posts or comments that:

- Impair the performance of your duties;
- Impair discipline and harmony among coworkers;
- Impair working relationships of the County
- Interfere with County business or operations;
- Disclose confidential or sensitive information; or,
- Negatively affect the public perception of the County.

The employee shall be aware of their association with the County in online social networks. The employee shall assume that his/her speech and related activities on social media sites will reflect upon the County. The employee shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment unless it is already public information. The employee shall ensure their profile and related content is consistent with the public trust associated with the position and consistent with County and department personnel policies.

The employee is prohibited from posting department logos, uniforms, or anything else identifying the department of County on a social media site or web page in a manner that reflects poor judgment or unprofessional behavior.

The employee shall be aware that you may be subject to civil liability for:

- Publishing or posting false information that harms the reputation of another person, group or organization;
- Publishing or posting private facts and personal information about someone, without their permission, that has not been previously revealed to the public, is not of legitimate public concern and that would be offensive to a reasonable person;
- Using someone else's name, likeness or other personal attributes for an exploitative purpose and without that person's permission; or,
- Publishing, without the permission of the owner, the creative work of another, trademarked work or certain confidential business information.

The employee shall be aware that the privacy settings on social media sites are constantly in flux, and shall never assume that information posted on such sites is private or protected. Moreover, social media and internet usage shall never be considered anonymous.

Usage on Behalf of County Business:

The decision to utilize social media technology is a business decision, not a technology based decision. It must be made at the appropriate level for each department, considering its mission, objectives, capabilities, and potential benefits. The County expects all who participate in social media on behalf of the County, to understand and to follow these guidelines:

1. Professional expectations and guidelines for interacting with fellow employees, external customers and the media apply. Employees are responsible for anything posted to social media sites, especially as it applies to the County.
2. Protect confidential and proprietary information: Do not post confidential or privileged information about the County or its employees. Employees must still follow applicable Federal and State requirements. Adhere to all applicable County privacy and confidentiality policies including, sexual harassment, and discrimination and employee privacy. Employees who share confidential or privileged information do so at the risk of disciplinary action, which can include termination.
3. Respect copyright and fair use: When posting, be mindful of the copyright and intellectual property rights of others.
4. Do not use the copyrighted County seal or department logos for endorsements. Do not use the copyrighted County seal or any other County images or iconography on personal social media sites. Do not use the County to promote a product, cause, political party or candidate.
5. Misuse of social media and prohibited activities include, but are not limited to:
 - a. Sending/responding to private messages that are not related to County business;
 - b. Engaging in vulgar or abusive language, personal attacks of any kind, or offensive terms targeting individuals or groups;
 - c. Endorsing commercial parties, candidates, or groups;
 - d. Endorsing political parties, candidates, or groups;
 - e. Lobbying; and/or;

- f. Posting photos or videos that are not related to the mission of the County or its entities.

Government Social Media – If you post on behalf of the County, the following policies must be adhered to, in addition to all policies and best practices listed above:

- Departments that would like to join social networks should contact the Public Information Officer to ensure coordination with other County sites and their content.
- If you are representing the County when posting on a social media platform, acknowledge who you are.
- Ensure that your agency sanctions official participation and representation on social media sites.
- Respect proprietary information, content, and confidentiality.
- Participation must comply with the County's Personnel Policies & Procedures Manual.

DOs & DO NOTs for Social Media:

DO post all press releases.
DO promote County events.
DO update closings, schedule changes, emergency notices as they pertain to the County.
DO respond with information that will assist the public in getting answers to questions.
DO remain neutral in terms of political viewpoints.
DO provide links to www.ccgov.org (and specific department pages) whenever possible.
DO utilize common hashtags on ALL posts for search engine optimization (SEO) purposes.

DO NOT engage in negative or argumentative banter.
DO NOT represent the County in any derogatory manner.
DO NOT tag specific people on posts.
DO NOT allow anyone to post directly to our pages. We control content on our sites.
DO NOT use foul language.
DO NOT delete comments unless severely obscene (*1st Amendment – Freedom of Speech*)

CURRENT FACEBOOK ACCOUNTS:

Cecil County Government
Cecil County Animal Services
Cecil County Animal Services Volunteer Page
Cecil County Agriculture & Farmers' Market
Cecil County Historic District Commission
Cecil County Housing & Community Development
Cecil County Office of Economic Development
Cecil County Parks & Recreation
Cecil County Tourism
Cecil Transit
Volunteer Cecil

CURRENT TWITTER ACCOUNTS:

Cecil County Government
Cecil County Office of Economic Development
Cecil County Parks & Recreation
Cecil County Tourism
Volunteer Cecil
Cecil County Department of Emergency Services

From Cecil County Government Facebook Page:

DISCLAIMER STATEMENT: This Facebook Page is a public resource provided by Cecil County Government. It is intended to provide timely information about programs, services and activities of Cecil County Government and affiliated organizations. All comments, opinions, advice, statements or other information communicated or contained in any messages posted or transmitted by a third party are the sole responsibility of the author of that particular message, and do not represent the opinion of Cecil County Government. Cecil County Government disclaims all responsibility, and will not be held responsible, for the comments, opinions, advice, statements, views, or position of individuals, connected or otherwise, posted to the Cecil County Facebook Page.

Cecil County Government reserves the right to monitor and remove any content at any time for any reason at its sole, subjective discretion. Comments, opinions, advice, statements, discussion posts, wall posts, and any other user-generated content that is deemed inappropriate by Cecil County Government will be removed from the page. Advertisements posted without the advance written approval of Cecil County Government will be deleted.

Cecil County Government expressly prohibits, and will remove, comments, opinion, advice, position, statement, or material that is:

- 1. Abusive, defamatory or obscene*
- 2. Fraudulent, deceptive or misleading*
- 3. In violation of any intellectual property right of another*
- 4. In violation of any law or regulation, or otherwise offensive*

If an individual continually posts prohibited or offensive material, the Cecil County Government may exercise its right to block that individual from posting content onto the Cecil County Facebook Page.

Any user that has an objection to a post may contact the Public Information Officer at 410-996-8454. Please contact the Cecil County Government Facebook Page Administrator directly, instead of posting on the page.

REQUESTS FOR INFORMATION

The public is encouraged to contact Cecil Government for information that will assist in personal or business planning, provide critical information to influence decisions or to satisfy personal interest.

The first source that will provide information answering most inquiries is on the Cecil County Government website: www.ccgov.org

General inquiries can be made to the Office of Public Information through Ms. Jennifer Lyall, Public Information Officer at jlyall@ccgov.org or 410-996-8454.

The most common areas of inquiry:

- Office of the Administration
- Community Services
 - Aging & Disability, Community Services, Transit, Volunteer Services
- Department of Land Use & Development
 - Planning & Zoning, Permitting, Development Services, Fees
- Emergency Services
- Finance Department
 - Property Taxes, Budget
- Parks and Recreation
 - Parks Information, Recreation Programs, Fees
- Public Works
 - Roads, Solid Waste, Stormwater Management, Wastewater
- Sheriff's Department

Formal requests for information regarding the operation of Cecil County Government should be provided in writing to Jason Allison, County Attorney: countyattorney@ccgov.org

Cecil County Government promotes a customer service philosophy seeking to respond to inquiries in a timely and accurate manner. Please be encouraged to complete the satisfaction survey link to share your view of our services: www.surveymonkey.com/r/CCGCustomerService

PUBLIC INFORMATION REQUEST FORM

Contact/Return Form to: Angela Vaca
Office of the County Executive
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
Phone: 410-996-5202
Fax: 410-996-1014
Email: avaca@ccgov.org

DATE OF REQUEST: _____

NAME OF REQUESTOR: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

I hereby request, under Maryland's Public Information Act (PIA), State Government Article Section 10, of the Annotated Code of Maryland, ____to review and/or ____have copies made of the requested documents. (Check how you wish to review your PIA.)

I REQUEST THE FOLLOWING PUBLIC RECORD/S (please be specific):

REQUESTOR'S SIGNATURE: _____

Revised 10/01/2015



Cecil County Executive Office
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921

PUBLIC INFORMATION REQUEST INSTRUCTIONS

A Maryland Public Information Act (MPIA) request grants the right to review available records that are disclosable and to obtain copies of those records. The MPIA does not require the County to answer informational questions or to create a record to satisfy a request. In some instances, the County will be able to respond to your request immediately. For requests that require searching for public records, it may take longer to respond to your inquiry. Your request to access public information will be handled in a timely manner; if it will take more than ten (10) working days to produce responsive records, then notice will be provided to you in writing or by email within ten (10) working days of receipt of your request telling you how much time it will take to produce the record, the reason for the delay, and an estimate of the range of fees that might be involved in producing the record. Please note, however, that the State of Maryland allows up to thirty (30) days to actually provide the documents that respond to your request. Please also note that, if a fee is charged, the MPIA allows the County to charge a “reasonable fee” for copies of records. The County may also charge a reasonable fee for searching for a public record. This charge may include the time required for locating and reviewing the record. The first two hours of search time are free, but an extensive search may prove time consuming and, therefore, expensive.

The MPIA permits the County to assess a charge for the search, preparation and reproduction of a public record to be made available for inspection. There is no charge for the first two (2) hours of agency research related to MPIA requests; however, after the first two (2) hours, costs and fees will be based on each staff member’s salary and actual time attributable to the County’s response, including attorney review costs. In accordance with the MPIA, copies of the records will be provided to the applicant upon payment of an additional fee of \$0.25 per page. In situations where a request is not voluminous, in the exercise of the sole and exclusive discretion of the Director of Administration on behalf of the County, the standard \$0.25 per page copying fee may, but is not required to be, waived. Such a waiver should not be construed as having any

precedential effect, and the applicant should note that such a waiver will, if granted, be without prejudice to the County's right to impose charges for reproduction of records in the future, to be determined on a case-by-case basis. The applicant will be notified in advance of the disposition of a waiver request and copying cost before copies are made. Requests that involve email transmissions or electronic archives require the County to engage in a computer search and restoration and analysis process through the Cecil County Department of Information Technology. Such a request may result in the disclosure of a significant number of duplicate documents, as sent to multiple addressees. As with paper documents, all email transmissions and electronic archives must be reviewed in order to determine which records may properly be disclosed, which are subject to privilege and withholding under one or more of the exception to disclosure set forth in the MPIA, and which are positively required to be withheld from disclosure pursuant to the MPIA. The County will cause an e-discovery search and analysis to be performed upon request; if the applicant chooses to do so, then the County will develop an estimate of the administrative cost which will be incurred in order to comply with the request.

To offer the most efficient customer service, the County requires payment for any estimated amount due before the work is performed. The search, preparation and copying process will begin upon receipt of the total estimated fee. If the actual fee differs from the estimate, the fee will be adjusted accordingly, and you will receive an additional bill or refund as appropriate.

Please make your money order or check payable to "Cecil County, Maryland" and send the completed request, together with payment to:

Angela Vaca
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
Phone: 410-996-5202
Fax: 410-996-1014
Email: avaca@ccgov.org

You may also hand-deliver the completed request and payment. The County does not accept cash through the mail, credit cards, or PayPal. Requests can be received only when the County is open. Upon receipt, the County will perform a preliminary assessment of your request to determine if the County is the appropriate custodian of the records. The County will also review the request for completeness. If the County does not receive your payment within thirty (30) calendar days from the date of our reply, it will presume that you are no longer interested in pursuing your request and close the file accordingly. To obtain the documents, you must submit a new request. Persons who disagree with any response to a PIA request may seek review of the decision in accordance with *Md. Code Ann., General Provisions Article, § 4-1A-05 et seq.* Comments or questions may be directed to: awein@ccgov.org

Exceptions to disclosure of certain records are set forth in the MPIA. In particular:

1. Certain records produced in response to a request may consist of confidential communications and memoranda between County officials and legal counsel, and thus are subject to the attorney-client privilege and protected from disclosure as a privileged or confidential record.
2. Certain records produced in response to a request may constitute intra-agency memoranda and thus are protected from disclosure as contrary to the public interest.
3. Certain records produced in response to a request may constitute confidential business and financial information and thus are protected from disclosure as contrary to the public interest.
4. Based upon the results of any review of the County's electronically maintained records, one or more of such records may also be subject to protection from disclosure under the MPIA.

Please note that the applicant is entitled to an administrative and/or judicial review of decisions to deny access. See, *Md. Code Ann., General Provisions Article, § 4-1A-05 et seq.* Notice of any such determination will be provided to the applicant as and if such a determination is made.

Departmental Use Only (Do NOT Write Below This Line)

DISPOSITION OF REQUEST

☐

Approved

☐

Denied — Reason:

You may seek judicial review of this response pursuant to Md. Code Ann., State Gov't. Article 10-623

Signature: _____ Date: _____

Alfred C. Wein, Jr., Director of Administration

Amount Paid: \$ _____ Date Paid: _____ Check #: _____

Amount Due: \$ _____ Date Paid: _____ Check #: _____

Date Picked Up: _____

CLOSINGS & INCLEMENT WEATHER

Cecil County Administration Building and Government Offices

- The Director of Administration and Chief of Emergency Services will confer to make the determination for employees*
- Closings should be posted on the County website
- Closings are also posted to Cecil County Government Facebook and Twitter accounts

**Essential Employees must report based on determination of their director. Definition of 'essential employees' varies by department and those deemed essential are notified in advance of a weather related event.*

It is the goal of the Administration to make decisions regarding inclement weather delays or closings by 5AM. In some instances, decisions may be made in advance.

The Department of Community Services and Parks & Recreation, due to their daily interactions with the public, require special exceptions for closings:

Elkton Center/55+ Healthy Lifestyles Fitness Center – Follows Cecil County Public Schools schedule in that if schools are closed or opening late due to inclement weather, the Elkton Center is closed.

- Closings should be posted to main page of website, Elkton Center & Fitness Center pages
- Closings is also posted to Cecil County Government Facebook and Twitter accounts

Cecil Transit – Updates and altered schedules are reported to the PIO and the Computer Applications Specialist (IT) via email, text or phone call from the Transit Chief.

- Closings should be posted to main page of website and home page of Cecil Transit
- Closings are also posted to Cecil County Government & Cecil Transit Facebook and Twitter accounts

Parks & Rec – Updates and altered schedules are reported to the PIO and the Computer Applications Specialist (IT) via email, text or phone call from Parks & Rec.

- Closings should be posted to main page of website and home page of Parks & Rec
- Closings are also posted to Cecil County Government & Parks & Rec Facebook and Twitter accounts

Once a determination is made, the Public Information Officer will have notices posted in the designated locations listed above for the administrative building and offices.

A member of the Department of Emergency Services staff will notify department heads via group text, automated call and group email, as well as on designated social media sites.

MUNICIPALITIES CONTACT INFORMATION

updated: 7/12/2018

Elkton

410-398-0970

Mayor Rob Alt: robert.alt@elkton.org

Lewis George, Town Administrator

100 Railroad Ave.

Elkton, MD 21921

www.elkton.org

North East

410-287-5801

Mayor Robert McKnight

Melissa B. Cook-MacKenzie, Town Administrator

106 South Main St., PO Box 528

North East, MD 21901

www.northeastmd.org

Rising Sun

410-658-5353

Mayor Travis Marion: MayorMarion@RisingSunMD.org

Town Administrator Calvin Bonenberger, Jr.: tabonenberger@RisingSunMD.org

1 East Main St.

Rising Sun, MD 21911

www.risingsunmd.org

Perryville

410-642-6066

Mayor Robert Ashby, Jr.

Town Administrator Denise Breder: dbreder@perryvillemd.org and cell: 443-807-6530

515 Broad Street, PO Box 773

Perryville, MD 21903

www.perryvillemd.org

Charlestown

410-287-6173

Town Administrator Wilbur 'Wib' Pumpaly: townadmin21914@comcast.net

241 Market St., PO Box 154

Charlestown, MD 21914

www.charlestownmd.org

MUNICIPALITIES CONTACT INFORMATION *(continued)*

updated: 7/12/2018

Cecilton

410-275-2692

Mayor Joseph Zang: mayor@ceciltonmd.gov or jzang@ceciltonmd.gov

Town Administrator Mary Cooper: marycooper@ceciltonmd.gov

117 West Main St., PO Box 317

Cecilton, MD 21913

www.ceciltonmd.gov

Chesapeake City

410-885-5298

Mayor Rich Taylor: r.taylor@chesapeakecity-md.gov

108 Bohemia Ave.

Chesapeake City, MD 21915

www.chesapeakecity-md.gov

Port Deposit

410-378-2121

Mayor Wayne Tome: townhall@portdeposit.org

Town Administrator Vicky Rinkerman: vrinkerman@portdeposit.org

64 S Main Street

Port Deposit, MD 21904

www.portdeposit.org

SUMMARY

The Cecil County Government Communication Plan is a continuous work in progress. As communication strategies and technologies change, so will our approach to disseminating information. New ideas and suggestions are always welcome and should be made to the Director of Administration and the Public Information Officer.

It is our goal to provide the community, including our employees, with accurate and timely information in the most effective ways possible.

Contact:

Jennifer Lyall

Public Information Officer

jlyall@ccgov.org

410-996-8454 (office)

443-553-0352 (cell)

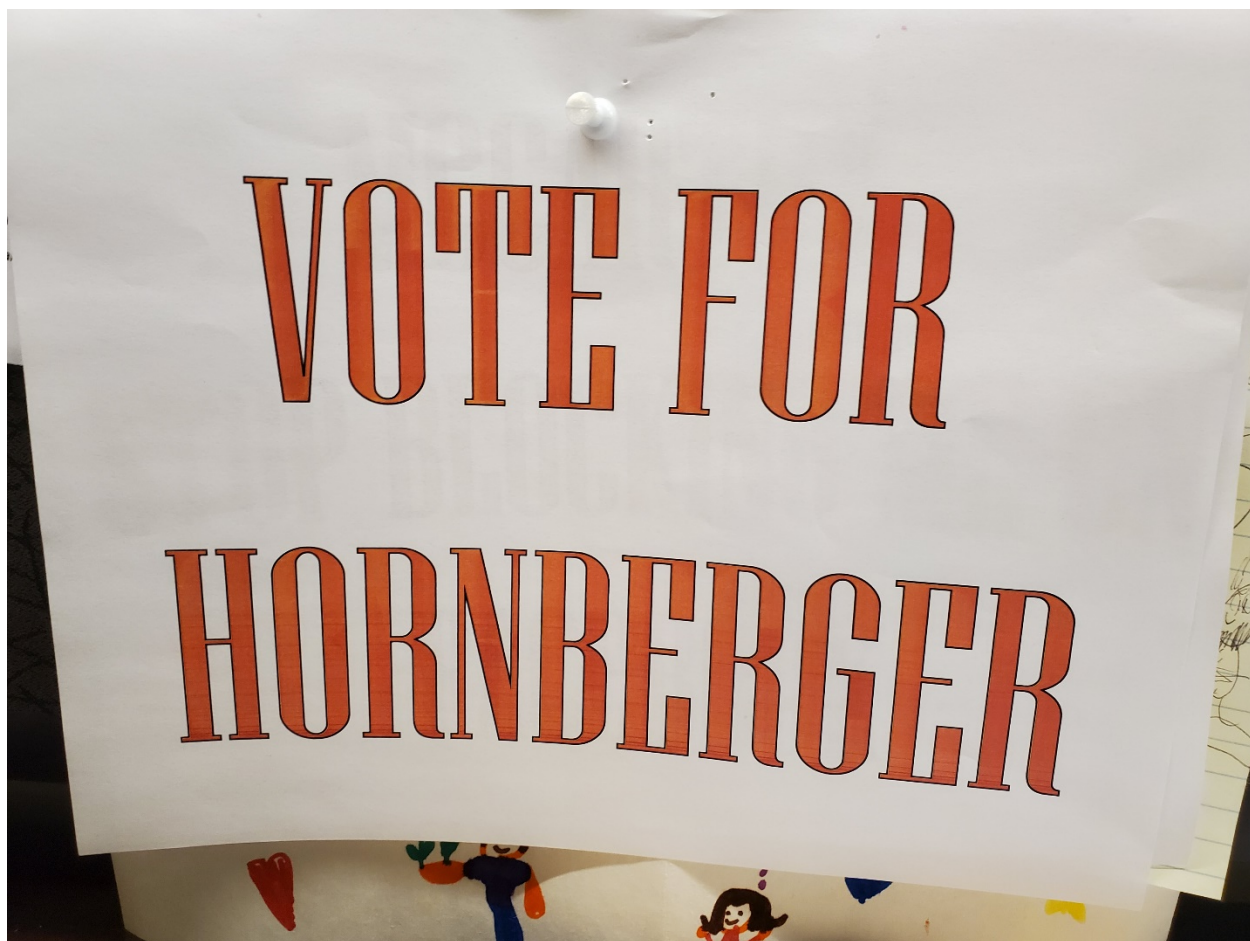
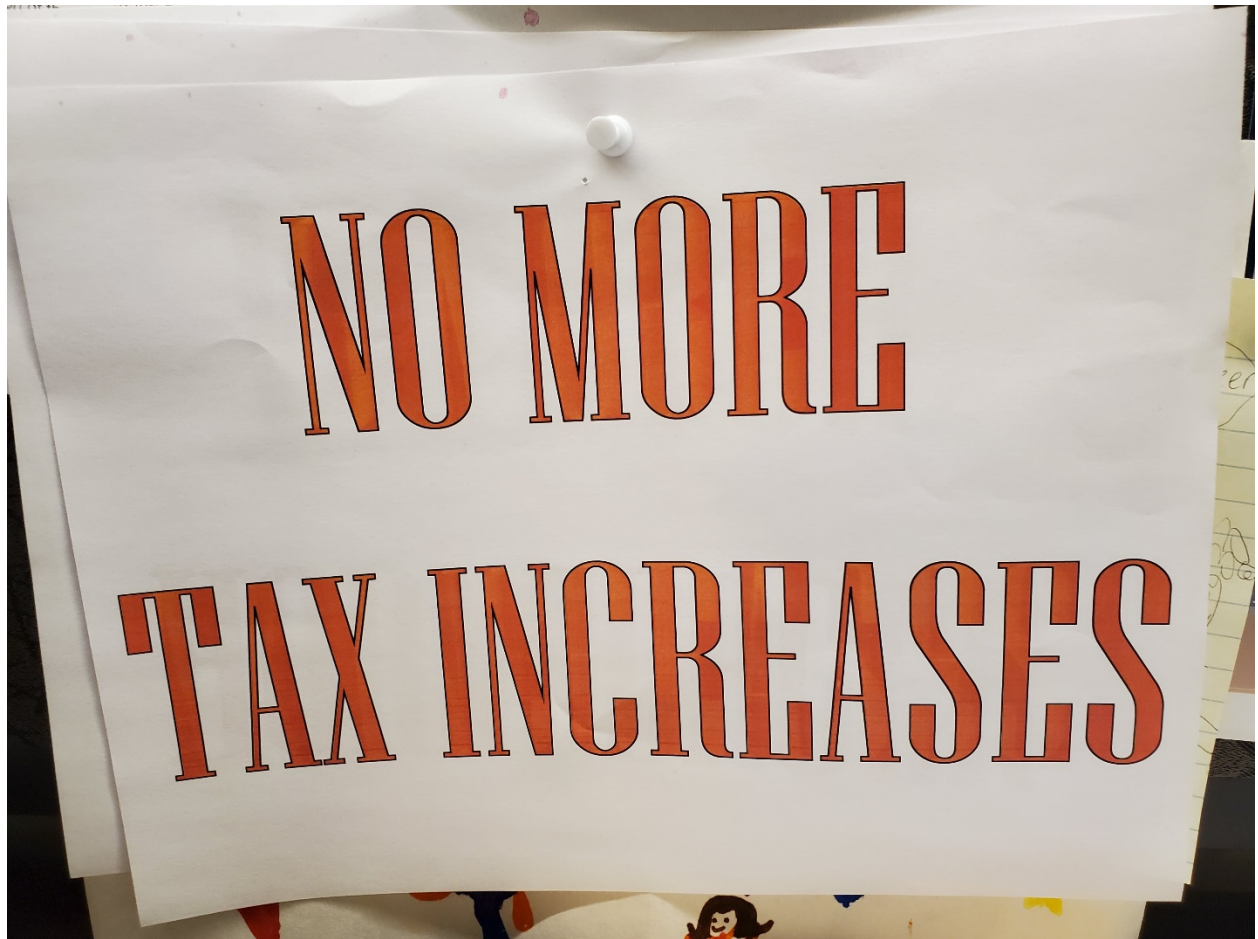
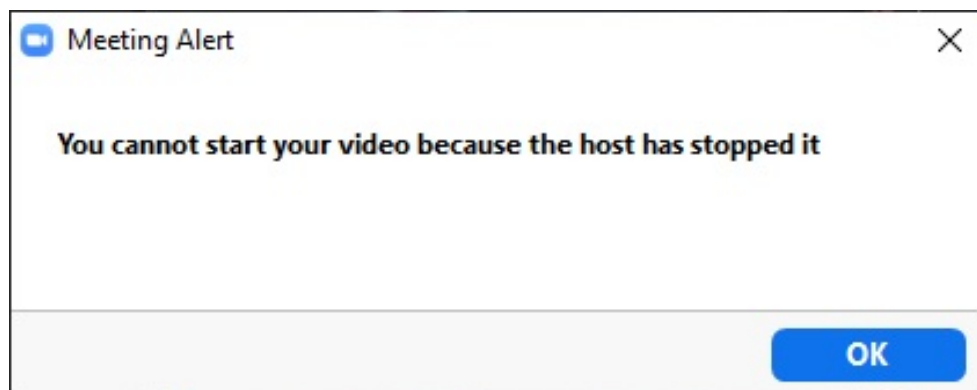


Exhibit 4







Vincent S. Sammons

From: Jason Allison <JAllison@ccgov.org>
Sent: Tuesday, May 19, 2020 12:58 PM
To: Vincent S. Sammons; James Massey
Cc: Council Admin; Jacqueline Covey; Alfred Wein; Deborah Sniadowski; Brian F. Miller
Subject: RE: Budget hearing / Silenced

No. What I'm doing is blocking you now from further communication via email. You can do what you want, consequences be damned. That's up to you. I could care less. What I'm not going to do is engage in a harassing course of discourse with you any longer. You have the right to communicate with County government. Your right is now restricted to paper and pen writing delivered via USPS. Your choice Sir. Bye bye.b

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
jallison@ccgov.org
Member, Maryland Bar



"A [citizen] is the most important visitor on our premises, he is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so." -- Mahatma Gandhi

The information in this message, and its attachments, is confidential and is covered by the attorney-client and attorney work product privileges. This information is intended solely for the use of the individual(s) to whom this message is addressed. You are hereby notified that any other use, dissemination, distribution, retention, or copying of this message is strictly prohibited. Please notify the sender immediately and delete this message if delivered to you in error.

From: Vincent S. Sammons <VSammmons@VSSBusinessSolutions.com>
Sent: Tuesday, May 19, 2020 12:53 PM

To: Jason Allison <JAllison@ccgov.org>; James Massey <JMasey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

CAUTION: This email originated from outside of Cecil County IT Network Systems. **Reminder:** DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities to the IT Department.

Are you trying to threatening me for trying to file a complaint? Really?

Seems you are the only one making this political. I simply wanted to file a complaint.

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, print or disclose to anyone the message or any information contained in the message. If you have received this email in error, please advise the sender by reply and delete the message. Thank you for your cooperation.

From: Jason Allison <JAllison@ccgov.org>

Sent: Tuesday, May 19, 2020 12:47 PM

To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMasey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

Do what you think you have to do. I have no issue with that ... your motive and integrity are other issues. If want to take this to war, I'll engage in you in war. You obviously have a tin ear, and are determined to put partisan politics over the best interests of our community. I'll be sure to make these communications public Vincent – its clear that you could care less about “We The People” and you are more invested in your personal agenda. So be it. At this point, I'm going to advise IT to block you from all communication with County agencies. You're adversarial, and have a litigious agenda. You have freedom of expression, but it will be via pen and paper, USPS, and not in harassing email to myself or other County officials. Best regards.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
jallison@ccgov.org
Member, Maryland Bar



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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>
Sent: Tuesday, May 19, 2020 12:39 PM
To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

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Jason,

I am not sure what this email is all about. All I want is to have my complaint filed with the county. Not to talk politics.

When I did not get any response, I looked to you as the County Legal Counsel to give the departments notification to respond to my complaint. The only "anger", if you wish to call it that, was the frustration that you brought other factors into the conversation that were not relevant - as you did in this additional response. You should try to keep this professional and not personal.

You answered my questions adequately in the previous email correspondence. I will follow up with the state in the areas you fail to have jurisdiction.

Thank you,

Vincent S. Sammons

Phone: (610) 910-4018

Fax: (410) 670-8310

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From: Jason Allison <JAllison@ccgov.org>

Sent: Tuesday, May 19, 2020 11:38 AM

To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

Mr. Sammons:

I have never done this before, and I'll likely never do it again. I'm sending this because I receive and understand your anger and frustration with the state of our Country, from the federal level down to the State, to the County, to the municipalities. Although we disagree on certain issues, we're both citizens here, and we have to co-exist. I'm a father of two young sons, just as you are likely a parent of young children. I lose sleep at night, as you may do, in frustration, anger, and fear for my future, and more importantly, for my children's futures, and for yours too. Ultimately, we're all humans in this social experiment, and our survival, success, and the prospect of a better future for our children is in our hands. We have no choice now. None of us do. Whether in public service or as a private citizen. We are faced with an existential public health and economic crisis that have coalesced in a way that our Country has never faced. I respect liberty and the right to disagree, at times publicly, and to protect our freedoms. What I don't respect is dirty politics, personal attacks, self-serving mockumentary, hyperbole, or intentionally twisted and/or misleading political attacks that serve to do nothing more than to divide us when we need, more than ever, to find a way to be united. As I've stated, I don't know you. I've never met you. I harbor no judgment or preconceived notion of you. As best I can tell, you're a citizen who has volunteered for public service to make our County a better place for all of us. Perhaps we don't agree on policy, but I can agree that you want a better community for you, for me, for our children. I'm not interested in fueling a public feud with you. I'm a public servant, and endeavor to work my ass off for you and for the other 105,000 citizens of this County, for our businesses, for those that visit and recreate in our County. That's the beginning and end of my professional mission. I'm going to ask that you please join me in humanizing the political climate. You can call me any time at (410) 441-9361 – provided that if, as, or when you call, you're prepared to have a reasonable, civil, honest, and productive discourse. If you call, I'm going to ask in advance that we record the call, so that there's a record. I don't want you to take this as a concession, admission, or waiver. That's not the paradigm from which this communication is offered. What I'm trying to do is to head off conflict that is unnecessary and, ultimately, harmful – not just to one or the other of us, but to the greater community. I'm going to leave the ball in your court. You can either join me in civil and open discourse that grapples with the issues and results in potential solutions, or you can assume an adversarial posture, and burn the political and community collective to the foundation. The choice is yours to make. Choose wisely.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland

200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
jallison@ccgov.org
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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>
Sent: Tuesday, May 19, 2020 8:58 AM
To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

CAUTION: This email originated from outside of Cecil County IT Network Systems. **Reminder: DO NOT** click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities to the IT Department.

Thank you, that was most helpful.

***NOTE: email communication will** generally be considered by courts to be **legally** binding.
Roth v AON Corporation (N.D. Ill. January 8, 2009)

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, print or disclose to anyone the message or any information contained in the message. If you have received this email in error, please advise the sender by reply and delete the message. Thank you for your cooperation.

From: Jason Allison <JAllison@ccgov.org>

Sent: Tuesday, May 19, 2020 8:38 AM

To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

This will be the last time I address these issues with you via email. If you have other or further issue, then please use paper, pen, and USPS to the address below.

1. If you have filed an ethics complaint, then it is with the ethics commission. I don't get involved with ethics matters unless or until the ethics commission consults me. If you have filed a complaint, then you will get a written response from the ethics commission. My recommendation is that you check with the Department of Human Resources if you have filed a complaint and want to check the status.
2. The budget hearing last Tuesday evening was, as I previously advised you, a County Council meeting. If you have issue with the ability to comment during the meeting, then you should direct your question(s) to the Council manager or Council President. It was their meeting, and they controlled the forum.
3. I have explained to you multiple times now that I have no jurisdiction over any candidates' campaign related social media. When you initially reached out to me last year, I looked into the matter, and determined that the County Executive's Facebook page did not clearly indicate that it was a campaign site, and not a site affiliated with County government. As such, I advised that he should either permit all individuals to post comments, or not allow anyone to comment. Since then, the County Executive has changed his Facebook page such that it is now clearly campaign related. That act takes it outside my jurisdiction. For comparison, I have no jurisdiction to dictate what you post to your personal Facebook page, or if you run for a second term on the Republican Central Committee, on your campaign related social media. Same principle applies here.

I'm finished communicating with you on these matters at this time. As stated above, any other or further communication to me must be in paper writing.

Jason L. Allison

Jason L. Allison, Esquire

County Attorney

Cecil County, Maryland

200 Chesapeake Blvd., Suite 2100

Elkton, Maryland 21921

PH: (410) 996-8303

FAX: (800) 863-0947

jallison@ccgov.org

Member, Maryland Bar



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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>

Sent: Tuesday, May 19, 2020 8:29 AM

To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

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Jason,

I am only trying to get clarity on where my complaints stand. Can you please spell it out for me in common language if you will? You have been very ambiguous in your response's since many times you have been off topic and not even related to my initial complaints. They started off as only 2 then you added the 3rd to the conversation about the ethic complaint which is a different matter but will include it now that you added it.

To be clear, I can care less about any personal things you may be trying to feed into this but more so about your role in our government. I simply emailed a complaint and want a response on receipt and who will be handling the complaint and when I should expect an official response. It is that simple. When I did not receive any response I added you to the email to pursue as this would be problematic legally as the county did not respond and should. If you (or someone within the county) can answer these questions I would be most grateful.

I am merely a citizen that was wronged by our local government and want it looked into. That is all.

My complaints:

1. Blocked from speaking at Public Meeting and video feed shut down while others were permitted.
2. Being BLOCKED from official County Executive social media page (Facebook) while others are not.
3. Ethics Complaint for unethical practices in our government by Council Member George Patchell.

All I want and need is who is handling these complaints, when should I expect these to be officially address? Can someone in the county government simply answer this? It should not be that complicated. I will continue until someone is able to answer theses basic questions.

Note: the fact you continue to copy the press you are also in violation of that same ethics code, are you not?

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

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From: Jason Allison <JAllison@ccgov.org>
Sent: Tuesday, May 19, 2020 8:08 AM
To: Vincent S. Sammons <VSams@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

Sir:

First, no – to all of your assertions. I don't make any of those decisions.

Second, I informed you several times about your duty of confidentiality regarding ethics matters, and per your request, I cited authority and quoted it verbatim. Yet, you continue to act in derogation of the Ethics Code.

Third, I don't appreciate your attempt to personalize whatever issue(s) you have with County government. I don't know you, I've never met you, and I have no axe to grind with you. I'm going to ask you again to please cease and desist this caustic and unproductive communication. In common language: Knock it off.

Thank you kindly.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
jallison@ccgov.org
Member, Maryland Bar



"A [citizen] is the most important visitor on our premises, he is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so." -- Mahatma Gandhi

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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>
Sent: Tuesday, May 19, 2020 7:18 AM
To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

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Jason - to be clear,

you and you alone, have determined the 3 complaints I brought to the attention of Cecil County government is moot?

1. Blocked from speaking at Public Meeting and video feed shut down while others were permitted.
2. Being BLOCKED from official County Executive social media page (Facebook) while others are not.
3. Ethics Complaint for unethical practices in our government by Council Member George Patchell.

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
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From: Jason Allison <JAllison@ccgov.org>
Sent: Monday, May 18, 2020 7:51 PM
To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

Mr. Sammons:

You're entitled to your opinion, regardless of how off base it may be. As I said, I'm not going to debate you. I'm legally and morally on-point, and I desire no animosity with a citizen of this County, whether it be you or anyone else. Best wishes.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>

Sent: Monday, May 18, 2020 5:51 PM

To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>

Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>

Subject: RE: Budget hearing / Silenced

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Jason,

Your concept of campaign media being "outside your purview" went out the window as soon as Dr. McCarthy used the page in his official capacity as County Executive. As such the courts have rightly held, that every time Dr McCarthy controls or uses this page in his official capacity he is in fact regulated by the restrictions placed upon governments regarding 1st amendment rights. More specifically, the court recognized that when a public official uses a Facebook page as a tool of governance — that is, when Dr McCarthy uses it to inform the public about his government work, promotes the work of department heads under his charge or solicits input on policy issues through the page, he is controlling the page as a government actor, and as such are restricted from controlling free speech. Furthermore, when a government official uses any equipment owned by the government entity, such as lap top or cell phone, or has government staff, in the performance of their duties, controlling or providing content to that page they are acting as a government actor. Clearly the County has exposure here because they are allowing their employees, equipment, and staff to perpetuate

very clear and obvious violations of my 1st amendment rights. I think that is within your purview as County solicitor.

The Republican Central Committee falls under the auspicious of the State Ethics board and not Cecil County. Furthermore it is preposterous to suggest that I am somehow bound to some type of confidentiality based upon your code. You are clearly ignoring the precedence your very own ethics board has started when it previously released information regarding participants. To the point however, your ethics board conducted their review and wrongfully concluded that no violation existed. You cannot simply conduct a sham of a review, and then tell the complainant that they cannot take the issue to another venue, which would include going public. Furthermore, there is no law that says my concerns have to go before an ethics board. I am always afforded the option to speak my mind and go public if I so choose. What is really sad is that your own code states: "Cecil County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained." It goes on to also state that the ethics code will be "liberally construed to accomplish this purpose." That clearly does not happen in Cecil County and you as County solicitor have clearly lost your way in upholding your oath of office. Unfortunately, many in County Government have been there for too long and have forgotten the principle found in the County Code that states. "It is evident that this confidence and trust is eroded when the conduct of the County's business is subject to improper influence and even the appearance of improper influence." I on the other hand am optimistic that this is about to change. However, knowing how the county conducts its business on these matters, if you somehow attempt to extrapolate that I am regulated by these flawed standards in your code, then I am hereby notifying you that I am a whistleblower and protected from any discipline or retaliatory actions on the part of the County Elected Officials, employees or agents thereof.

I still demand the answer why I was singled out to have my video feed turned off and not allot enough time to unmute to have had my actual voice heard during the Online budget meeting that still has not been addressed. I still demand that McCarthy's County Executive social media page be made available for public comment based on the facts I stated above and in prior emails.

In closing, If you think I have violated some "law" I would expect you take action, but be careful it could also be mistaken as political retribution by the administration you represent. Please note, my initial engagements were for complaints that you were very quick to dismiss and skew my original complaints with some makeshift counter complaints of your own. As a constituent, I would expect you to take my complaints seriously without countering me with attacks and get to the bottom of it. Please focus on my original complaint(s).

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

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From: Jason Allison <JAllison@ccgov.org>
Sent: Monday, May 18, 2020 4:19 PM
To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

Mr. Sammons:

First, my position has not been aggressive at all. Rather, it has been informative. I have, and will continue to, act within the confines of the jurisdiction conferred to me as an appointed County official under State and local law. Regulation of an individual's candidate page on social media, which is not an instrumentality of County government, is beyond my purview. That is not an aggressive or partisan position, it is fact.

Second, you are a member and Chairperson of the Cecil County Republican Central Committee. Members of the Cecil County Republican Central Committee are elected every four years, in the same cycle as elections for Governor. As an elected official, you are subject to the Cecil County Ethics Code, which is codified as § 39 of the Cecil County Code. Again, that is not an aggressive or partisan position, it is fact.

Third, § 39-10(H) of the Cecil County Code states as follows: "After a complaint is filed and until a final finding of a violation by the Commission, all actions regarding a complaint are confidential. Notwithstanding any other provision of the law to the contrary, upon the filing of a complaint, and unless and until a finding of violation has been made, the proceedings, meetings, and activities of the Commission and its employees in connection with the complaint shall be conducted in a confidential manner. The Commission, its staff, counsel, the complainant and the respondent shall not disclose any information relating to the complaint, including the identity of the complainant and the respondent, except that the Commission may release any information at any time if the respondent has, in writing, agreed to said release." (emphasis supplied). This is not the first time that you have made disclosures that are arguably in derogation of § 39-10(H) of the Cecil County Code. Again, that is not an aggressive or partisan position, it is fact.

Finally, I am aware of the substantial partisan politicking that you are engaged in on your various social media sites. It appears that you are doing so outside the scope of your official duties as a member of the Republican Central Committee. If that is the case, then this gives cause for concern because as an elected official, you cannot divorce your public personal attacks and endorsements from your duty as an elected official (and Chairperson) of the Republican Central Committee. Moreover, if you are conducting this activity under color of your position on the Republican Central Committee, then I sincerely hope that you are tracking your time and reporting it as "in-kind" contributions of the RCC on campaign finance filings with the State of Maryland. In fact, since the issue of transparency works both ways, by copy of this email to you, I request thorough responses, with supporting documentation, to the foregoing questions/issues.

In closing, I am not going to argue this in the court of public opinion, or expend further time with your demeaning emails, false accusations, or misstatements of fact. I do not believe that I have in any way violated a legal or ethical obligation in the conduct of our correspondence. Notwithstanding, if you feel aggrieved, then

you obviously have the right to take such steps as are reasonably and lawfully available to obtain redress. I am putting you on notice, however, that I will not tolerate abusive or defamatory behavior, as it is unproductive, destructive, and uncivil. I trust that you will comport yourself accordingly.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>
Sent: Monday, May 18, 2020 11:16 AM
To: Jason Allison <JAllison@ccgov.org>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

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Hello Jason,

I am only following the ethic standard the current ethics board is fostering. I am not an election official, I am representing a party not constituents at large nor taxes and laws as you are suggesting. You may want to get your law books out again and check on that. The same rules are not applied to me as the County Executive and County Council members and yourself who represent constituents at large. If you believe there was some sort of ethics violation I would suggest you file something on your behalf.

Again, I ask for precedence on the blocking me on social media and also on the Public Meeting on the budget. I had the right to have my voice heard and was denied, my video feed was intentionally blocked right after I saw Al Wien speaking to McCarthy and then Wien went over and spoke to someone else. As I have enclosed in prior correspondence Alan McCarthy used his current County Executive Facebook page to disseminate information for the county as "The County Executive". I was blocked prior to him announcing his re-election bid and you concurred after some convincing from the State to make him allow me to comment. Later after he announced he was running again I was blocked once again. My case and point being there was a precedent that it was indeed used for county business prior to election season. It is indeed a county used resource and I am not to be denied to comment, nor should any other constituent.

You have had an aggressive stance from almost every request I have made in the past with the county. Always dragging your feet or some excuse on why you are not able to do something. Matter of fact, I had to get the state involved a few times to get your people to comply with my request. I think you need to come to the realization you also work for me as a citizen and I expect to get some answers on WHY and HOW I was denied to speak and my video feed closed down while others were allowed to be on during the public "meeting". These are civil rights violations and should not be taken lightly. If I do not get a legitimate response I will have no other option than to contact the Maryland State Bar to file a complaint about your conduct and contact other agencies yet again to force you to comply to this legitimate and respectful request.

The press has the right to know about what is being filed and why these are ethics charges continue to be denied and being buried. More transparency is good for everyone.

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310



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From: Jason Allison <JAllison@ccgov.org>
Sent: Monday, May 18, 2020 9:59 AM
To: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>; James Massey <JMassey@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

Mr. Sammons:

First, I've already explained to you that County government has no jurisdiction over an elected official's campaign media. I'm not going to entertain further inquiry in that regard, as it is outside my purview.

Second, you are bound by the confidentiality provisions codified at Section 39-10 of the Cecil County Code. The fact that you have copied a reporter for the Cecil Whig on your email is highly questionable. You are a public official (member of the Republican Committee for Cecil County) and you have a heightened duty to abide by all laws. I strongly advise you not to try your allegations in the court of public opinion, as doing so will be in violation of our local Ethics Code and your oath of office. If you have questions, then you should submit them privately to the Ethics Commission, and an authorized representative will respond to you in due course.

Thank you in advance.

Jason L. Allison

Jason L. Allison, Esquire
County Attorney
Cecil County, Maryland
200 Chesapeake Blvd., Suite 2100
Elkton, Maryland 21921
PH: (410) 996-8303
FAX: (800) 863-0947
jallison@ccgov.org
Member, Maryland Bar



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is part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so.” -- Mahatma Gandhi

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From: Vincent S. Sammons <VSammons@VSSBusinessSolutions.com>
Sent: Monday, May 18, 2020 8:51 AM
To: James Massey <JMassey@ccgov.org>; Jason Allison <JAllison@ccgov.org>
Cc: Council Admin <CouncilAdmin@ccgov.org>; Jacqueline Covey <jcovey@chespub.com>
Subject: RE: Budget hearing / Silenced

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To whom it may concern,

I have not received any response on this complaint. I would like to understand why this happened to me and not others. I also want to understand the legal precedence on the ability for McCarthy to continue to shut down constituents freedom of speech by blocking folks (including myself) on his County Executive Facebook page for months. This seems to be a pattern that no one in the County government has the courage to address. I expect to have the freedom to comment on our elected official's social media page as others do.

Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

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From: Vincent S. Sammons
Sent: Wednesday, May 13, 2020 7:11 AM
To: 'jmassey@ccgov.org' <jmassey@ccgov.org>
Cc: 'council@ccgov.org' <council@ccgov.org>
Subject: Budget hearing / Silenced
Importance: High

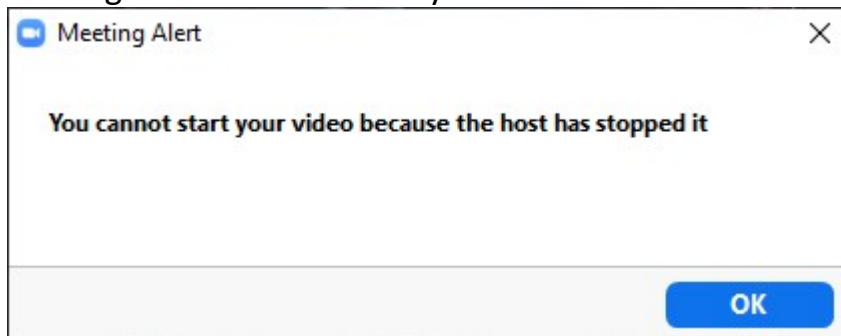
To whom it may concern,

I was very disappointed on the abuse of technology to subdue my freedom of speech and the opportunity to interject and speak about the pending budget. I and others have been blocked from the County Executive social media page that I have officially communicated to the county twice on this matter, The first time the county attorney corrected it and the second time he made some lame legal opinion on why he can block others. To this day I remained blocked from commenting and correcting the County Executive on his false messages to the public while his cheerleaders sing him praise.

Never the less, last night I wanted to speak out on how embarrassed I was to call these elected official Republicans due to their liberal tax and spend policies and I did not want the taxes to go up yet again. I also had a video feed up during the meeting that had several signs made that reflected my opinions on this that was later silenced as McCarthy did not like the fair but negative messaging. Meanwhile, The "YES to Southfields" video feed was allowed to continue throughout the online session. I was "given an opportunity" to speak last night however my mic was open so briefly the time I unmuted my mic the "opportunity" was over. The host has to open the mic and then the recipient has to also unmute manually the mic in order to talk. I had to click on a box to say yes unmute my mic and then had to go and unmute again on my interface to talk.

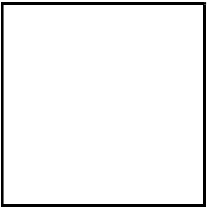
In closing, I would like for the county Executive to UNBLOCK EVERYONE (not only me) and be allowed to have our voices back and give him the criticism he is deserving of on his tax and spend policies.

Message I received when my video was blocked:



Thank you,
Vincent S. Sammons
Phone: (610) 910-4018
Fax: (410) 670-8310

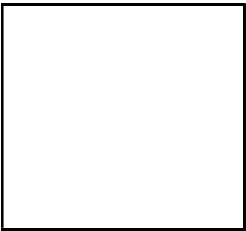
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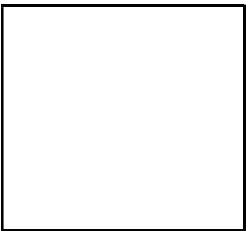
Thank you.



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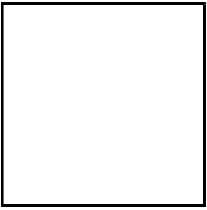
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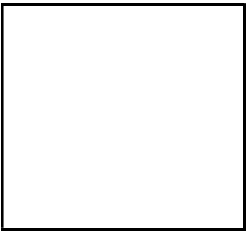
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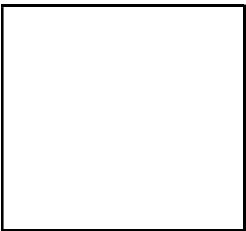
Thank you.



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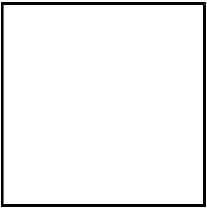
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Thank you.



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Thank you.



THE
SHEPARD
— LAW FIRM, LLC

122 Riviera Drive
Pasadena, Maryland 21122
Phone (410) 255-0700
Facsimile (443) 773-1922

Ray M. Shepard
Ray@Shepard.Law

Maryland
Virginia
West Virginia
Washington D.C.

October 5, 2020

VIA CERTIFIED MAIL

County Council of Cecil County
County Administration Building
200 Chesapeake Blvd., Suite 2110
Elkton, Maryland 21921

Re: Notice of Claims Pursuant to Md. Courts & Judicial Proceedings Code § 5-304(b)

Dear County Council,

Please be advised that I have been retained to represent Mr. Vincent Sammons in connection with violations of his Constitutional rights under the First and Fourteenth Amendments to the U.S. Constitution and Article 40 of the Maryland Declaration of Rights. Mr. Sammons suffered three varieties of rights deprivation, the essentials of which are described below:

Blocked from McCarthy Facebook Page

When: In or about March 2020 and continuing until at least May 18, 2020.

Place: The "Dr. Alan McCarthy Cecil County Executive" Facebook Page.

Nature of violation: Mr. Sammons' freedom of speech rights were violated when he was "blocked" from commenting on the Dr. Alan McCarthy Cecil County Executive Facebook page. This constitutes the second time Mr. Sammons has been barred from utilizing and communicating on this public forum. The Dr. Alan McCarthy Cecil County Executive Facebook page was at all relevant times a public forum because Mr. McCarthy was identified on the social media page with the public position that he held and the web page contained Cecil County seals, symbols and logos. Additionally, McCarthy used the Dr. Alan McCarthy Cecil County Executive Facebook page to publish official business that he conducted in his capacity as county executive and to communicate with constituents in his role as county executive. McCarthy maintained a separate private Facebook page and he used governmental work time, facilities, and resources to maintain the county executive social media page. Persons involved in this violation include Jennifer Lyall, Jason Allison, and Alan McCarthy.

Blocked from participating in Public Budget Meeting

When: May 12, 2020.

Place: Cecil County public budget meeting conducted via internet conferencing software.

Nature of violation: Mr. Sammons' freedom of speech rights were violated when he was "blocked" from participating in the public meeting. Mr. Sammons' video feed was shut down or hidden so that other participants could not see or hear Mr. Sammons and he was not permitted to comment or interact with anyone during the meeting. The budget meeting by law was open to the public and was a public forum for First Amendment purposes, and the county executive and others engaged in unconstitutional viewpoint discrimination when Mr. Sammons was banned from that forum, while other constituents who had more favorable views of the county executive were permitted to remain in the forum and participate in the meeting. Persons involved in this violation include: Alan McCarthy, Alfred Wien, Maggie D. Tome, and Robert Meffley.

Blocked from Cecil County Email System

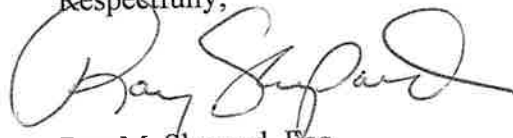
When: May 19, 2020 through June 15, 2020.

Place: Cecil County Email System

Nature of violation: During the period above and at the direction of Jason Allison, all emails from Mr. Sammons to any recipient within the Cecil County government were blocked or redirected so that they never reached their intended recipients. Mr. Sammons appears to be the victim of unconstitutional viewpoint discrimination. In an astonishing written admission, Jason Allison says to Mr. Sammons, "I'm going to advise IT to block you from all communication with County agencies" simply because Mr. Sammons was attempting to complain about what happened to him during the Public Budget Meeting and on McCarthy's public Facebook Page. Persons involved in this violation include: Jason Allison, Alan McCarthy, Robert Meffley, Alfred Wein, Deborah Sniadowski, and Brian F. Miller.

In anticipation of litigation, please take all actions necessary to immediately suspend all automatic destruction of records policies that might destroy relevant evidence while this case is pending, including electronically stored information on any Cecil County government server, hard drive or other computer system or private computer used to conduct the public business of Cecil County government. Additionally, please take steps immediately to preserve all relevant electronic data and communications made concerning government matters or made on Cecil County government computers or other electronic devices, such as iPads and smart phones. Failure to properly preserve relevant evidence may lead to severe sanctions imposed by the court and, in some cases, criminal liability.

Respectfully,



Ray M. Shepard, Esq.

cc: Mr. Sammons
File



PASADENA
4301 MOUNTAIN RD
PASADENA, MD 21122-9998
(800)275-8777

10/05/2020

03:53 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.55
Elkton, MD 21921 Weight: 0 lb 0.60 oz Estimated Delivery Date Thu 10/08/2020 Certified Mail®			
Tracking #:	70132630000024380029		\$3.55
Return Receipt			\$2.85
Tracking #:	9590 9402 5795 0034 8253 45		
Total			\$6.95
American Gardens	1	\$11.00	\$11.00
Grand Total:			\$17.95
Debit Card Remitted			\$17.95
Card Name: VISA Account #: XXXXXXXXXXXX3091 Approval # Transaction #: 702 Receipt #: 018235 Debit Card Purchase: \$17.95 AID: A0000000980840 AL: US DEBIT PIN: Verified			

Due to limited transportation
availability as a result of
nationwide COVID-19 impacts
package delivery times may be
extended. Priority Mail Express®
service will not change.

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Elkton, MD 21921

OFFICIAL USE	
Postage	\$5.00
Certified Fee	\$2.85
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.85

0540 19
Postmark Here
10/05/2020

Sent To
Bob Meffley
Street, Apt. No., or PO Box No. 200 Chesapeake Blvd, Ste 2110
City, State, ZIP+4 Elkton MD 21921

PS Form 3800, August 2006 See Reverse for Instructions

USPS Tracking[®]**Track Another Package +****Tracking Number:** 70132630000024380029

Remove X

Your item was delivered to the front desk, reception area, or mail room at 10:54 am on October 8, 2020 in ELKTON, MD 21921.

 **Delivered**

October 8, 2020 at 10:54 am
Delivered, Front Desk/Reception/Mail Room
ELKTON, MD 21921

Feedback

Get Updates v


Text & Email Updates

Tracking History

Product Information

See Less ^**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X B. MEFFLEY <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Bob Meffley County Council of Cecil County County Administration Bldg. 200 Chesapeake Blvd, Ste 2110 Elkton, MD 21921		B. Received by (Printed Name) BTD C-8	C. Date of Delivery 10/8/20
2. Article Number (Transfer from service label) 7013 2630 0000 2438 0029		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 5795 0034 8253 45		3. Service Type <input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	