

HB 650 - Testimony

Stephanie Flasch, 1902 Norwood Court, Fallston, MD 21047

Never did I imagine when I engaged in a bagel shop conversation that sparked the creation of a petition to encourage public participation in Harford County land use planning that I would be a defendant in a lawsuit one month later because of my efforts. As a prior military officer, member of several community advocacy groups, and a volunteer of community organizations, I understand the value of participating in county public hearings, following local government policies and being able to communicate with elected representatives for my community.

Beth Poggioli and I started a petition in March 2016 that informed neighbors of the possible "expansion of the development envelope" (approximately 5 miles south of my house in the Fallston area) being proposed in the HarfordNext, Harford County's 2016 Master Land Use Plan legislation. The petition encouraged the public to voice their opinions on the possible impacts on infrastructure and the precedent for other agricultural zoned properties in Harford County. I felt strongly about providing an informative petition after speaking with some County Councilmen who mentioned that citizens were not contacting them about the expansion proposed, which led them to assume that the minor expansion was okay with the community. My only goal was to ensure citizens understood what the expansion meant for our community.

Beth and I were amazed at how quickly neighbors responded with the feedback of "I do not support" the expansion (over 1000 electronic signatures). So, Beth and I scheduled meetings; one with our district's Councilman Joe Woods and another with County Executive Barry Glassman and Mr. Brad Killian, the Director of Planning & Zoning. We shared our thoughts on HarfordNext and provided a printed copy of the petition. At meetings with local elected officials I was discouraged to hear the petition's feedback and comments being critically scrutinized for credibility instead of attention being paid to the important feedback given by the public. And I was just a little

disturbed when an official mentioned that a developer was very interested in who was behind the petition. But, overall we were pleased to have increased public participation, hopeful of citizen-driven changes to the proposed expansion and happy that our efforts provided much needed community statements to the County Council and County Executive.

When I received a phone call from the local paper asking how I felt about being named as a defendant on a lawsuit over materials we had distributed, I was at a loss for words. This surely must have been a mistake! But, shortly after getting this call, we were scheduled to meet with our district's Councilman Joe Woods, who encouraged us to meet in person with the plaintiff in the lawsuit, Mr. Michael A. Euler Sr., for resolution. Mr. Euler had a lawyer, and we did not; we both declined a meeting with Mr. Euler, and not long after a knock on my door delivered the lawsuit paperwork.

I was shocked, astonished, confused, panicked, and trying to understand why I was being sued for causing harm to a developer even though our petition never even identified a developer or business. We were accused of falsifying names on a petition, but the supposedly false names never specified. Plus, we were charged with having and acted with malice or disregard for the truth. And the claim for a judgement in excess of \$75,000 was downright scary. I was overwhelmed with the reality that a deep pocket developer was going to shut down all public participation and I had no protections against this frivolous lawsuit without paying a fortune. I had to question my efforts and wonder, "was the community advocacy worth the cost"?

My husband and family were stressed about the financial burden and my kids (15 and 11 years old) were living in a household of constant duress. Friends were shocked and upset about the lawsuit but shied away from public support due to fear that the developer might retaliate against them too, with a lawsuit. We decided to stick to our guns and found a lawyer, running up \$8,000 in legal expenses. Happily, a GoFundMe secured some public support for our defense, and the ACLU eventually stepped in, but

not before Beth and I had to pay \$1500 each for out of pocket legal services. Once the plaintiff found out that he could not drive us out of the public forum by running up our legal expenses, because the ACLU moved for dismissal of the lawsuit, the plaintiff dropped the suit against us instead of filing a response to the motion. You can find the docket of our case here:

<https://casesearch.courts.state.md.us/casesearch/inquiryDetail.jis?caseId=12C16001216&loc=56&detailLoc=ODYCIVIL>. And here is the brief that the ACLU filed for us: https://www.aclu-md.org/sites/default/files/field_documents/pld.motion_to_dismiss_memo_0.pdf

I am beyond grateful for the ACLU's pro bono representation in our efforts for freedom of speech because the intimidation of a financial burden would eventually have influenced my level of public participation. Even so, I became hesitant in my advocacy efforts, relying on public comments to be reviewed by lawyers, and I noticed that the community withdrew from participating with the mindset that deep pocket developers will always triumph, so why bother? Not everybody can get pro bono help. A strong anti-SLAPP law is much needed in Maryland to protect all who have the courage to speak up.