

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745

Plaintiff

v.

CAL04-20281  
Case No.

Town of Forest Heights,  
The Town Council of Forest Heights  
Mayor Paula Noble  
Councilman George Wiggers  
Councilman Larry Stoner  
Councilwoman Carmelita Lynn Smith-Barnes  
Councilwoman Joyce Beck  
Councilman Clifton Atkinson  
Councilman Worthington Ross  
Cynthia Farrar, Town Administrator of Forest Heights  
Bonita Anderson, Town Clerk  
Kevin J. Best, Esq., Town Attorney  
5508 Arapahoe Drive  
Forest Heights, Maryland 20745

Defendant(s)

FILED

OCT 19 2004

CLERK OF THE CIRCUIT COURT  
FOR PRINCE GEORGES COUNTY, MD.

**COMPLAINT FOR ABUSE OF MUNICIPAL AUTHORITY, VIOLATION OF  
CITIZENS RIGHT TO BE HEARD, VIOLATION OF MUNICIPAL PROCEDURE,  
ILLEGAL TAXATION, INTIMIDATION, AND DEFRAUDING THE PUBLIC**

COMES NOW, the Plaintiff, Myles Spires, Jr. and represents to this honorable Court the following:

1. The Plaintiff, Myles Spires, Jr. resides at 207 Mohican Drive, Forest Heights, Maryland 20745 and also serves as Chairman of the Ethics Commission for the Town of Forest Heights.

2. The Defendant, The Town of Forest Heights is a municipality located in Prince George's County Maryland operating under home rule powers granted through Article XI-E of the Maryland Constitution and Article 23A of the Annotated Code of Maryland.

3. This action is being brought pursuant to Article 23A 2B of the Annotated Code of Maryland, Section 813 of the Prince George's County Charter, and Sections 33-6, 33-44, 33-52, 33-65, and 33-84 of the Charter of the Town of Forest Heights and Article 14 - Town of Forest Heights Ethics Law of the Town of Forest Heights Ordinance. Jurisdiction is specifically conferred on this Court by The Maryland State Constitution. Equitable and other relief is sought under Town of Forest Heights Charter Section 33-87 and at the Court's discretion.

4. The acts complained of in this suit concern willful violation of local municipality charter, illegal circumvention of county taxation law and procedures, acts of intimidation and defrauding the public.

5. The conduct of the Defendant was and continues to be illegal and fraudulent because it was and continues to be based on an abuse of authority, violating state law, violating county law, violating municipal law and unethical practices.

6. The facts surrounding Plaintiff's claim are as follows:

On April 21<sup>st</sup>, 2004 the Town Council executed Resolution No. 4-04 and Resolution No. 5-04. These resolutions were to increase the town's tax rate and to make application to participate in the local government infrastructure financing program, respectively. The language of said resolutions invoked their immediate enactment. Prior to the vote on this matter, the residents were not given an opportunity to be heard on the question of the tax increase. In

addition, the Town Council clearly indicated that any increase would be used for the repair of streets in the Town of Forest Heights. However, subsequent documentation and communication from the Town of Forest Heights revealed that the additional revenue realized from the tax increase would go to repay a bond loan and other projects.

On June 16, 2004, the Town Council passed a budget. However, the budget which was passed was not the same budget that was discussed with the public. In fact, the public was not allowed to see the budget prior to its adoption and was fraudulently given [by the Town Council] a summary not reflective of the true amounts approved.

On or around July 15<sup>th</sup>, the Mayor and Town Administrator asked the Plaintiff to destroy tapes of town meetings to ensure that there was no record of incriminating evidence pertaining to ongoing Ethics investigations. The Plaintiff did not destroy the tapes and proceeded with his duties. A subsequent order, based in part on the content of the tapes, was issued to the Mayor and Council.

On September 9, 2004, the Plaintiff spoke with Kevin J. Best, Esq. regarding the Plaintiff's role as Ethics Chairman. The Plaintiff had been made aware by the mayor that she and the Council were dissatisfied with the findings of the Ethics Commission's Order issued by based on a complaint against the Town Council. Mr. Best identified himself as the town attorney and proceeded to attempt to intimidate the Plaintiff in the performance of his position as an Ethics Commissioner, through suggesting the possibility of dissolution of the Commission, among other things. At the time of this conversation, Mr. Best was in fact not the town attorney but conscripted by the Town to influence the outcome of future Ethics investigations and enforcement procedures pursued by the Ethics Commission.

7. The abuse of municipal authority, violation of citizens right to be heard, violation of municipal procedure, illegal taxation, and defrauding the public occurred during the period of April 2004 to present.

8. If relief is not granted, Plaintiff will be irreparably denied rights secured under the laws referred to in Item Number 3 above.

**WHEREFORE**, Plaintiff prays that the Court grant such relief that may be deemed appropriate, including:

(1) an order directing the Defendant to roll back the tax increase implemented in April 2004 and return with current interest all amounts collected to residents of the Town of Forest Heights;

(2) an order limiting the Defendant's resolution power to exclude matters of taxation of any kind;

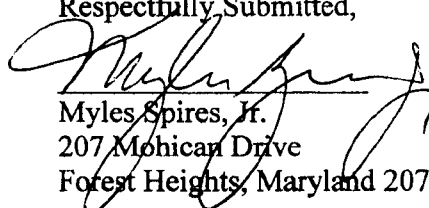
(3) an order directing each member of the Council assenting to the tax increase and subsequent acts of public fraud to pay fines of \$350 and any other civil penalties set forth in Maryland State and Prince George's County Law;

(4) an order directing the Mayor, Town Administrator, and all members assenting to the use of Kevin J. Best to influence Ethics procedures prior to becoming Town Attorney to pay fines of \$500.00 for violation of the Ethics Article and/or imprisonment for ninety (90) days;

(5) an order directing the Defendant to pay the cost of filing this complaint;

(6) such other relief as the Court deems appropriate.

10/19/04  
Date

Respectfully Submitted,  
  
Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745  
Plaintiff

v.

Case No.

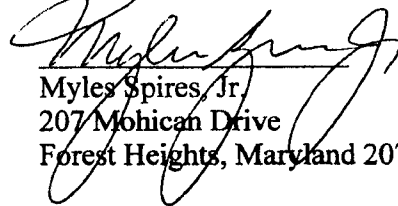
The Town of Forest Heights  
5508 Arapahoe Drive  
Forest Heights, Maryland 20745  
Defendant

**JURY DEMAND**

I hereby respectfully demand a trial by jury in this matter.

08/19/04  
Date

Respectfully Submitted,



Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745

IN THE CIRCUIT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745  
Plaintiff

v.

Case No.

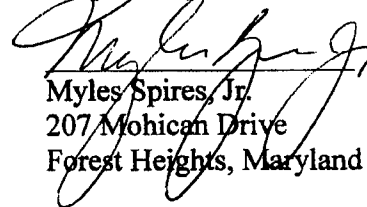
The Town of Forest Heights  
5508 Arapahoe Drive  
Forest Heights, Maryland 20745  
Defendant

**Certificate of Service**

I hereby certify that proper service of this Complaint for Abuse of municipal authority, violation of citizens right to be heard, Violation of municipal procedure, Illegal taxation, Intimidation, and Defrauding the Public was made upon The Town of Forest Heights, Defendant, by Certified U.S. Mail on October 19, 2004.

10/19/04  
Date

Respectfully Submitted,



Myles Spires, Jr.  
207 Mohican Drive  
Forest Heights, Maryland 20745