

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION
ATTORNEY WORK PRODUCT
****FINAL DRAFT FOR DISCUSSION****

May 25, 2020

**To: Wesley Adams, Esquire
County Attorney
Charles County, Maryland**

**From: Bernadette Sargeant
Partner
Stinson LLP**

**Re: Report of Investigation of Allegations Made by County Administrator
Mark Belton and by County Commissioner Thomasina Coates**

Nature and Origin of the Allegations:

On June 26, 2019, after Mark Belton emailed Commissioner Thomasina Coates at her request to explain outstanding items needing to be addressed before a permanent Certificate of Use and Occupancy could be issued for property belonging to Jonita and Tyrone Bracy, Coates, angered by his response, replied characterizing Belton's explanation as "nonsense." She accused him of inviting a discrimination claim against the county and otherwise belittled him and his advice. In July 2019, after receiving more emails of this sort from Coates, Belton asked Alexis Blackwell for help in drafting a response that would be informational but also help defuse Coates' anger and general habit of addressing him in this way. Belton used the language drafted for him by the HR Director and received an email response from Coates that was even more disturbing to

him. He emailed Blackwell on July 11, 2019 writing: "Oh well...I tried. It's getting to the point where I may need to file an official complaint."

The next day, Belton forwarded another problematic email to Blackwell that Coates had sent him. In late July 2019, Commissioner Reuben Collins met with Coates to encourage her to moderate the tone of her communication with Belton. Coates refused to do so.

In his Self-Evaluation covering the period 2/4/19 to 4/15/20, Belton identified Coates' conduct as something that made it difficult to do his job as County Administrator. He wrote that "Commissioner Coates has repeatedly sent me emails over time that I consider abusive. They span a number of subjects where I've made decisions that do not align with her preferences." He added: "[S]he has made disparaging and false comments about me to residents, state officials, and employees who are my direct reports...damaging both my professional reputation and positional authority."

In the meantime, Commissioner Coates met with Blackwell three or four times, most recently on February 25, 2020. Coates accused Belton of being a racist. She said that Belton did not respect her as an African American commissioner and asserted that he was unresponsive to her and to the other African American female commissioner, Amanda Stewart. Coates said that Belton discriminated against African American employees in county government including John Stevens, Darrell Brown and Crystal Hunt.

During the investigation of complaints by John Stevens¹, it was determined that an investigation of Belton's allegations of a hostile and abusive work environment including defamatory statements made outside of county government by Coates and an investigation of Coates' allegations of racial bias against Belton should be conducted by someone outside of Charles County government.

Method of Investigation:

Individuals Interviewed:

1. Mark Belton – County Administrator
2. Commissioner Thomasina Coates
3. Commissioner Reuben Collins
4. Commissioner Amanda Stewart

¹ See Appendix A (item 43, February 26, 2020 email from J. Stevens to A. Blackwell with subject line: "Notification of Complaints) and May 25, 2020 Report of Investigation of Allegations of Racial Discrimination, Excessive Abuse of Power, Defamation of Character, Harassment, Hostile Work Environment and Intimidation made by John H. Stevens, Chief, Capital Services Division. The investigation did not substantiate Stevens' claims.

5. Commissioner Robert Rucci
6. Commissioner Gilbert (BJ) Bowling
7. Alexis Blackwell - Human Resources Director

Materials Reviewed:²

1. Mark Belton Self-Evaluation for the period 2/4/19 to 4/15/20
2. Black Caucus of Charles County, Maryland (BCCCM) List of Projects, original and updated (October 2019)
3. July 15, 2019 email chain with subject line: "Bracy Property" initiated by email from J. Bryson to J. Stephens with various cc's (see Appendix A) including additional exchange between M. Belton and A. Blackwell (additional recipient D. Mitchell, cc to D. Hall)
4. March 31 – April 20, 2020 email chain with subject line: "Bryan's Road Senior/Rec Center funding request" initiated by email from T. Coates to M. Belton including cc's to R. Collins, C. Hunt, J. Stephens, Jenifer Ellin, Commissioner A. Stewart, Commissioner G. Bowling, Commissioner B. Rucci and ending with email forwarded to A. Blackwell by T. Coates
5. February 12, 2019 email chain with subject line: "Nanjemoy Store" initiated by M. Sandy and forwarded by T. Coates to M. Belton and J. Stevens
6. *April 3 – 4, 2019 email exchange between T. Coates and M. Belton cc's to D. Mitchell, M. Donnick, R. Collins and B. Rucci with subject line: "County Attorney applicants" and "County Attorney applicants (response)"
7. May 21 – May 22, 2019 email chain with subject line: "IAFF Video Concerns - What is a Complaint vs A Grievance" initiated with email exchange between J. Filer (Chief of EMS & Special Operations) and A. Johnson and forwarded by A. Johnson to all commissioners; forwarded by T. Coates to M. Belton, cc R. Collins, C. Hunt
8. October 17 – 18, 2019 email chain with subject line: "Clerk to the Board of County Commissioners" initiated by email from M. Donnick forwarding "Susan Claggett Resume" to M. Belton followed by Belton email to Commissioners, C. Hunt, D. Mitchell, D. Hall, M. Donnick and A. Blackwell and ending with replies from T. Coates and G. Bowling

² Materials reviewed as part of this investigation included the materials reviewed as part of the investigation of allegations made by John Stevens against various county government officials. The list of those materials are provided as Appendix A to this Report of Investigation.

9. Typewritten notes undated headed Confidential Personnel Matter, "Response Options"
10. June 25, - July 10, 2019 email chain with subject line: "COG's 2019 Racial Equity Learning Cohort" initiated by email from M. Belton to various staff recipients and cc's; ending in exchange between T. Coates and M. Belton
11. June 25 – July 12, 2019 email chain including varying email correspondents; chain initiated with June 25, 2019 email from R. Schumaker to J. Bracy with various cc's subject line: "CRO 4034: Ms. Bracy" (see Appendix A); subject line subsequently: "Communications" with email exchanges between M. Belton and T. Coates and between M. Belton and A. Blackwell; additional partial chain version ending in a July 2, 2019 email from M. Belton forwarding T. Coates response to M. Donnicks and A. Blackwell
12. June 25 – July 12, 2019 email chain initiated with June 25, 2019 email from R. Schumaker to J. Bracy (county resident) with various cc's subject line: "CRO 4034: Ms. Bracy" (see Appendix A); subject line subsequently: "CRO 4034: Bracy Plan of Action"
13. July 10 – 11, 2019 email exchanges between A. Blackwell and M. Belton, cc: D. Hall with subject line: " FYI: HR Issues - no action needed"
14. November 15 – 16, 2019 email exchange between T. Coates and A. Blackwell with subject line: " Re: Grievance Appointment of Nick Ellis to Special Operations Coordinator with Rank of Lieutenant"
15. November 8, 2019 email from M. Belton to G. Hogue (BCCCM) cc's to various Maryland State House and Senate Officials and all Charles County Commissioners with subject line: "List Projects to Commissioners to Implement"
16. July 9 – July 26, 2019 email chain with subject line: " FW: Mallows Bay Coverage" initiated by email from J. Harris to all commissioners with cc to M. Belton, D. Hall and E. Minnick and ending with email from A. Blackwell to M. Belton with cc to M. Donnicks
17. July 11 – July 18, 2019 email chain with subject line: " Mrs Bracey", subset and collateral messages included to this chain as listed in Appendix A; this chain ending in July 18, 2019 email from M. Belton to T. Coates with cc to R. Collins
18. June 26 – July 10, 2019 email chain with subject line: "Ms. Angela Peden, 7050 Rose Lane"
19. June 28, 2019 email from A. Blackwell to M. Belton, cc: T. Coates with subject line: "June 28, 2019 Meeting Summary: Commissioner Coates and Alexis Blackwell" and Belton reply
20. July 10, 2019 email from T. Coates to A. Blackwell with subject line: "Personnel meeting"
21. October 25, 2019 response letter from M. Belton to G. Hogue (BCCCM)

22. July 18, 2019 email from T. Coates to M. Belton with cc's to R. Collins and B. Rucci with subject line: "Response to your Ms. Bracy email" forwarded to A. Blackwell by M. Belton
23. Mark Belton's Contract
24. A. Blackwell handwritten notes of 2/25/2020 meeting with T. Coates
25. September 13, 2019 email exchange with subject line: "Bracy Follow up" initiated by email from C. Hunt to D. Hall and M. Belton with cc's to J. Bryson, R. Collins and T. Coates with response from M. Belton to R. Collins, cc: C. Hunt
26. July 15 – July 18, 2019 email chain with subject line: "2487 Deer Creek Court - SFD 18-0090 - CRO 4034" initiated by email from R. Schumaker to J. Bracy and ending with email from T. Coates to M. Belton and J. Bracy with cc's to R. Collins and R. Schumaker
27. July 16, 2019 email from W. Adams to M. Belton cc D. Mitchell with subject line: "Bracy"
28. July 17, 2019 email from J. Bracy to M. Belton, T. Coates, R. Collins, cc's J. Bryson, K. Stephens with subject line: "Rumor clarity"
29. September 24 and October 3, 2019 email exchange between M. Dela Dewa (Maryland Dept. of Environment) and R. Schumaker with subject line: "Bracy Property, 2847 Deer Creek Ct, Indian Head"
30. October 21, 2019 email chain with subject line: " Bracy Property Updates" initiated by C. Troy, Maryland state employee Water and Science Admin./Compliance Program to Quality Built Homes and P. Zielinski, forwarded by Zielinski to M. Belton and W. Adams with cc's including D. Hall and R. Schumaker
31. *October 4, 2019 email with subject line: "Bracy/MDE October 4, 2019" (and attached photographs) from P. Zielinski to D. Hall with cc's to M. Belton and R. Schumaker; forwarded by Belton to A. Blackwell and W. Adams
32. April 13, 2020 email exchange between J. Bryson and J. Stevens cc's to M. Belton, B. Shreve, D. Hall, C. Hunt and others with subject line: "CALL: Discussion on Holly St. - History & Forward Plan of Action" forwarded by Belton to A. Blackwell and W. Adams
33. May 20 – May 30, 2019 email chain with subject line: "Formal Grievance" initiated by email from Tasia Green to M. Donnick with cc's related to Emergency Services personnel forwarded to T. Coates and forwarded by T. Coates to M. Belton with cc's to R. Collins, C. Hunt reply provided by M. Donnick
34. August 19, 2019 letter from M. Belton to Mr. and Mrs. Tyrone Bracy
35. September 8, 2019 email from T. Coates to M. Belton with cc's to R. Collins and C. Hunt with subject line: "Commissioner Coates Project Tracker (working copy)" attaching excel spreadsheet entitled "Coates Project List Tracker"

36. September 20, 2019 letter from M. Belton to Mr. and Mrs. Tyrone Bracy
37. September 26, 2019 email from J. Bracy to T. Coates with subject line: "law suit" transmitting link to federal district court memorandum opinion in Thomson v. Belton (in his capacity as Secretary, Maryland Department of Natural Resources)
38. October 25, 2019 email from T. Coates to glord@att.net (email address for Gaylord Hogue of BCCCM) with subject line: "Belton lawsuit.1"
39. October 25, 2019 email from T. Coates to glord@att.net (email address for Gaylord Hogue of BCCCM) with subject line: "FWD: Maryland natural resources secretary Mark Belton leaving Hogan administration for Charles County post - Baltimore Sun"
40. November 5 – 13, 2019 email chain with subject line: "Family Shelter Update" initiated by inquiry from K. Stephens on behalf of T. Coates with cc's to Belton, D. Barclay, C. Hunt and T. Coates
41. December 10, 2019 email with subject line: "Planning & Growth Management (PGM) Director" from M. Belton to all commissioners, cc's to D. Hall, J. Harris, A. Blackwell, M. Abercrombie, C. Hunt
42. April 3, 2020 email from T. Coates to Ivan Lanier with subject line: "FW: Bryan's Road Senior/Rec Center funding response and Gr"
43. March 9, 2020 email exchange between Anthony Johnson (Charles County Emergency Services Employee) and Commissioner T. Coates cc to A. Blackwell with subject line: "3-4-20 Meeting Minutes"
44. March 25, 2020 email from Anthony Johnson to A. Blackwell and M. Lilly cc's to T. Coates, R. Collins and A. Stewart with subject line: "Pete Wild Harassment & Bullying Actions"
45. Video of February 4, 2020 Board of County Commissioners Meeting, portion related to discussion of trips to Mozambique and Waldorf, Germany

Summary of Findings:

Mark Belton's allegation that he has been subjected to an abusive hostile work environment created by Commissioner Thomasina Coates has been substantiated. Belton's allegation that he has suffered from the effect of Coates' having made disparaging and false comments about him to county government employees and to county residents and state officials has also been substantiated. As detailed in this report, the information obtained through this investigation that supports these conclusions is overwhelming.

Commissioner Coates' allegations that Mark Belton: racially discriminates against her and against Commissioner Stewart as African American female commissioners; shows favoritism to

the white male Commissioners Rucci and Bowling; and discriminates against African American county employees and residents have not been substantiated. Every other commissioner on the Board of County Commissioners, including Commissioner Stewart, praised Belton's performance as County Administrator and his working relationship with each of them. Each indicated that they had not seen evidence of racism in Belton's approach to county residents or employees. In addition, the information reviewed through this investigation establishes that there were non-racially motivated reasons for actions taken or recommended by Belton. This investigation also revealed many examples of direct racial bias and lack of credibility on the part of Commissioner Coates.

Information Obtained through the Investigation:

1. Mark Belton's Allegations against Commissioner Thomasina Coates

Mark Belton contacted Human Resources from at least as early as July 2019 for help in addressing a hostile and abusive tone in Coates' emails to him. During his interview in this matter, Belton said that he believed Coates' hostility toward him began in April 2019 in an email exchange they had about applicants for the position of County Attorney. In his Self-Evaluation covering the period of his tenure as County Administrator through April 15, 2020, Belton wrote that "Commissioner Coates has repeatedly sent me emails over time that I consider abusive. They span a number of subjects where I've made decisions that do not align with her preferences."

He identified the areas that gave rise to Coates offensive emails as: "my hiring of the county attorney, a constituent issue involving PGM inspections of contract work on a private residence, and most recently a project I did not include as part of the county's capital budget submission." Belton wrote that Coates had "made disparaging and false comments about me to residents, state officials, and employees who are my direct reports...damaging both my professional reputation and positional authority." He noted: "My full attention needs to be focused on managing the Charles County government, particularly in a time of pandemic emergency. Unfortunately, the continued abusive atmosphere has not allowed me to do that." Belton added:

[T]hese issues have diminished my ability to manage the Charles County government in the most efficient and effective manner possible. They've negatively impacted morale in the workplace, both that of my own and others. An inordinately disproportionate amount of time has been spent on them, to the detriment of other, higher priority endeavors - - (M. Belton Self Evaluation)

During his investigative interview, Belton said that it occurred to him while he was watching an HR workplace conduct training video, that the first demonstrative incident shown in the video was how Coates treats him and the derogatory things she says about him to people who work for the county and outside of county government. He used the example of an October 4, 2019 email from Paul Zielinski detailing a site visit by PGM staff to property belonging to county residents named Bracy. Staff from components of the Maryland Department of the Environment

(MDE), the home builder, the residents and Commissioner Coates were all present at the site. Zielinski wrote:

Mr. Troy [Water and Science Administration/Compliance Program] [asked] . . .how Charles County plans to proceed to get the builder to finish the project. Ms. Bracy cut in before I could answer informing Mr. Troy that Charles County will not make the builder finish and have already sent her a letter directing the builder to not do anymore work and that no more inspections will be performed. I interjected and stated that a letter may have been misinterpreted. *** Ms. Bracy stated that I was wrong and Mr. Belton sent her the letter she is referring to and that she has requested for inspections to take place but the county has refused to perform any. I replied that I am aware of multiple attempts to schedule an inspection on site. I have seen several emails offering dates or requesting dates to perform an inspection. *Commissioner Coates informed me that there was correspondence that I would not be aware of because I was not copied in. She continued [that] Mark Belton the County Administrator did state that the builder did not have to complete any work and the county would not be performing any further inspections. I responded that I was unaware of any such letters or emails. Commissioner Coates ensured me that this situation is not my fault but that it was Mr. Belton's actions that has caused this problem.*

(October 4, 2019 email from P. Zielinski to D. Hall, cc to R. Schumaker and M. Belton with subject line: "Bracy/MDE October 4, 2019" Emphasis in italics added)

With regard to their April 2019 email exchange regarding applicants for the County Attorney position, Belton said Coates wanted anyone but a white man hired for the position. Asked for the basis for his assertion, Belton said that he met with Coates for a one-on-one early in his tenure as part of a series of meetings he had with each commissioner individually. Coates raised the issue of diversity hiring but did so to the extent of naming people who should be fired and who she wanted hired. Belton said that both Blackwell and Deb Hall (Deputy County Administrator) have told him that in their observation, Coates only wants to hire African Americans.

Blackwell stated in her interview in this matter that diversity hiring was a priority for the county. She said that in her own first individual meeting with Coates, the commissioner stated her desire to have the county workforce be diverse. However, Blackwell said, Coates' proposal on how to get there was, in Blackwell's words, "borderline illegal." At the time, Blackwell said, she gave Coates the benefit of the doubt that she did not understand the hiring process. However, with successive conversations it became clear to her that Coates was only interested in hiring people who were not white. Blackwell, who is African American and has more than 25 years' experience in human resources, said that she has had meetings with Coates in which she decided not to write some of the commissioner's comments down because she wanted to avoid having those comments used to get the county sued. Blackwell said that Coates would in these meetings use racial designations when referring to people and would often connect the person's race with positive or negative qualities based on race. For example, Coates referenced Megan Donnicks' status as a white person and said that she did not really trust her.

When Commissioner Coates asked Belton for the list of applicants for the County Attorney position, Belton needed to consult with Donnicks for the information. Donnicks cautioned him that applicant information and the application process including interviews needed to be kept confidential. Coates, Belton said, took offense when he responded to her email providing the information she requested and explaining the need for confidentiality. In his email, Belton also pointed out that they were already far along in the process. Coates responded using language and a tone that Belton found to be abusive. After receiving Belton's initial email with the applicant information, Coates wrote in relevant part:

Mr. Belton,

Thank you for responding to my request.
In the future, I would appreciate if you would refrain from sending me correspondence littered with assumptions and speculations.

(April 4, 2019 email from T. Coates to M. Belton with subject line: "County Attorney applicants")

Belton responded to the commissioner's reply, writing in relevant part:

There is nothing in my email to you that is speculative, nor did I make any assumptions. I provided you with the information you requested, stated facts about the hiring process, and did my job to ensure the security of confidential information as I passed it along to you. I'm sorry if you took it any other way. I would be happy to discuss it with you further if you desire.

(Id.)

This response yielded the following from Commissioner Coates:

Mr. Belton,

I believe I requested names, not unsolicited hiring processes, and security confidential information as you quoted below. Your comment is certainly assumptive, speculative, and now let me add condescending. Please don't insult my intelligence.

* * *

For the record, I oppose your nomination of the County Attorney then and certainly now.

* * *

. . . Another pressing matter, is your disrespect and lack of responsiveness to my request to be kept abreast or respond _timely to the status of projects and requests, * * *

I am requesting immediate cease and desist of any further conversation, emails or correspondence from you in reference to this matter.

You have a nice day!

(Id.)

Belton said during his interview in this matter that this sort of tone continued, leading him to consult with Blackwell for assistance in addressing it. After reviewing a June 26, 2019 email Belton wrote to resident Jonita Bracy regarding steps that needed to be taken in order to obtain a permanent Certificate of Use and Occupancy for her property, Commissioner Coates emailed Belton in relevant part as follows:

Mark,

With all due respect, I would expect a man of your position to bring the citizens of this community together, not impose such nonsense as written correspondence only to one of our citizens . . . This is certainly out of line, unacceptable and not the culture we want to set with our community...You don't start singling out our constituents. This is the very reason Ms. Bracy is considering filing discrimination charges against certain staff members and I'm sure you will now be added to that list. Where is the customer service...there is something seriously wrong with your leadership? . . . How can we ask more of our staff, if our County Administrator demonstrates a lack of leadership and professionalism?

* * *

We expected more from you, . . . It's very disappointing to learn that your Communication Directive, practices intimidation, micro-managing, making staff feel incompetent and weakening the Commissioners['] ability to get anything done in their County, . . . creating this kind of work environment is not conducive to staff, our citizens nor the County Commissioners, as well as it create[s] an environment of low morale. . . . At no[] point have I agreed to carry out your Communications Directive, to have staff only communicate through you only...that's the most ludicrous thing I've ever heard.

* * *

In addition, I would ask that you refrain from constantly nodding your head yea or nea on issues and matters discussed on the Dias while Commissioners are in session. It's distract[i]ng, as well as set a bad precedence to those watching.

* * *

(June 26, 2019 email from T. Coates to M. Belton with subject line: "CRO 4034: Ms. Bracy")

Belton consulted with Alexis Blackwell after receiving this email from Coates. He considered the tone of the email to be abusive and Blackwell agreed. She drafted a response for Belton to use that they hoped would address their concerns without escalating matters with Coates. Blackwell said that in preparing the response, they wanted to be as tactful as possible to avoid throwing gasoline on the "fire" that was Commissioner Coates.

The response Blackwell prepared reflects the general state of laws regarding workplace harassment as well as HR best practices. Belton said that he cut and paste Blackwell's draft response into his reply to Coates' June 26 email. His response read as follows in relevant part:

Commissioner Coates

I have taken some time to reflect on your recent emails to me, particularly those of June 26 and April 4.³ I believe that overall we have the same goal; to ensure that the citizens of Charles County receive the highest level of service to bring about as positive an outcome as possible and to ensure equitable treatment of all our citizens ***

As the County Administrator, I am responsible for the day to day operations of county programs and the staff therein. Your support in ensuring that the operations run well is appreciated, especially when you bring to my attention issues of concern to our citizens.

Communications Directive

In light of that, requiring County staff to provide me notification regarding communication with Commissioners is routine in county governments and allows me situational awareness that is important for collaboration and completeness is resolving issues.

I've asked each member of the Board of County Commissioners to assist me in this effort by keeping me informed when they discuss county business with county employees. But I absolutely expect and insist that county employees keep me informed. I feel very strongly about that directive to employees.

Respect in Communications:

* * * I regret that you felt my communication with you was disrespectful. That, in no way, was the intent. I apologize that it gave you that impression.

³ Belton inserted these dates into the draft language Blackwell prepared. They reflect the dates of Coates' email regarding the Bracy property to which he was responding (June 26) and the date of their email exchanges regarding the County Attorney applicants (April 4).

With that said, I feel I need to address the tone of your emails to me and what I perceive to be personal attacks. Again, we are on the same team attempting to effect change for our citizens and model behaviors for our staff. We can only accomplish this by working together and by engaging in constructive communications in a manner conducive to positive outcomes. I believe your emails did not model those positive traits. In fact, it would be unacceptable for a Charles County government supervisor to send communications of similar tone to a subordinate. Specific examples from your emails that illustrate my concern are when you accuse me of demonstrating poor leadership and unprofessional behavior when I simply disagree with your position or take an approach different from that which you prefer; criticism of my body language...specifically head nodding...during public meetings when I am attentively listening to speakers; and listing grievances at length while asking numerous questions, only to then insist that I no longer communicate with you on those matters.

I directly understand and fully appreciate the weight of responsibility on the shoulders of the Board of County Commissioners regarding responsiveness to constituents. But I request that communications from individual Commissioners to me, and all county employees, remain respectful in order to model positive behavior for our staff and to bring about the change our citizens deserve.

(July 11, 2019 email from Belton to Coates with subject line: "Communications" (Emphasis in italics added))

Rather than defusing the situation, Belton's email (as prepared by HR) led to the following response from Commissioner Coates, quoted in relevant part as follows:

As I have had time to reflect also, I am going to simplify this as much as possible. The words of wise old woman "Why tell someone about themselves when they already know about themselves".

Please don't patronize me with your antics of boundaries, respect and communication (practice what you preach). I too stand by my correspondence as written and will continue to respond accordingly. Yes, I agree that you should remain within **your** boundaries of authority, communicate accordingly, and definitely learn respect.

In summary: I give respect, where respect is received "You have had to earn my disrespect". Your April 4th and June 26th email demonstrated a level of disrespect to not only to me, but the surrounding community. You have disrespected and continue to disrespect individual female County Commissioner/s and our community. When you disrespect me as an elected official, you disrespect my Community. You don't respect the fact that all County Commissioners have equal authority, not just one or two...we all commission/govern at the same level. It has been noted by our community

that you not only lack respect, but equality for the African American commissioners. Now, this is my request, that you communicate with individual Commissioners, citizens and all county employees with equality, respect, decor and responsiveness in order to model positive behavior for your staff, citizens and Commissioners to bring about the change our citizens, staff and Commissioners deserve.

In the boundaries of my authority, until you learn RESPECT don't attempt to lecture anyone else. I'm really not interested in hearing it. Now on to business. There are several action items that have be requested and requires timely responses. Please provide a list of those items and the time in which they will be completed.

(July 11, 2019 email from Coates to Belton with subject line: "Communications" (Emphasis in original))

After receiving this response, Belton emailed Blackwell stating in part: "It's getting to the point where I may need to file an official complaint." Blackwell responded proposing another potential approach which Belton did not think would address the real problem presented by Coates' interactions with him as reflected in her emails. He wrote:

So I'm at a loss as to how to proceed. I spoke to Commissioner Collins about it and he and I thought perhaps the two of us could meet with you to try and find an appropriate way forward. I'm not going to be here much longer if the expectation is that Commissioner Coates can act and speak as she has been doing...bullying and intimidating myself and others until she gets her way. No one should have to put up with a work environment like that.

(July 12, 2019 email from Belton to Blackwell with subject line: "Communications")

On July 18, 2019, Coates emailed Belton with subject line: "Response to your Mrs. Bracy email." The tone of this email was even more hostile, angry and belittling to Belton. In it Coates made statements such as:

- if you were a bit more dependable and less insubordinate, we would not be having this conversation. Not that I owe you an explanation again, but your assumptions are killing me
- All of your actions, not mine, have put this County at risk for many lawsuits. You need to count your lucky stars that my and other staff actions had a calming [e]ffect on our citizens
- So you are disciplining John as retaliation for working with me? That's what it sounds like to me!!!!"; and " A few simple questions: If one of your staffers were insubordinate, lack in performance, what disciplinary actions would you take?

Blackwell and Belton met with Commissioner Collins and Collins met with Coates to talk about the issue with her. Blackwell and Belton both said in their separate interviews that after Collins met with Coates, he told them that Coates had refused to change anything. Blackwell said

that she recalled Collins describing Coates as "just irrational" and "exasperating," referring to their conversation. Commissioner Collins recalled talking to Commissioner Coates on his own initiative. He observed that "[t]his is my Board that I'm President over." However, he said, after talking with Coates, it was apparent to him that she was not going to adjust the way she addressed Belton.

Asked generally to describe his assessment of Belton and Coates' relationship, Collins said: "There is no relationship." Collins said that he could not really say what caused the rift but it became clear to him that Coates had "total disdain" for Belton. He said that she called him racist and accused him of things using terms that Collins considered "very loaded." Collins said that he had never seen Belton respond in kind noting: "I would be shocked if Mark actually raised his voice or went tit for tat with her" because Belton is too professional for that. Collins said that he did not know what Coates said to Belton directly but Belton would be foolish not to recognize what her feelings are toward him.

Collins said that he is not someone who communicates a lot by email and does not typically spend time responding by email or text. He said that in June or July of 2019 he was included on an email from Coates addressed to Belton. He said regarding that email: "In all my years in government, I've never seen an email like that. . . . She [Coates] just went off" because she did not like something. Collins added that: "I've never seen that type of response in government coming from anybody much less an elected official." Collins said that he told Coates that when she memorializes something like that she's putting herself in position for potential litigation. Her response, he said, was that she had more on Belton.

The tone of Coates' communications with Belton continued in the same vein. On July 18, 2019, Coates emailed Belton as part of an email chain regarding media coverage of an event at Mallows Bay.⁴ Her email contained statements such as the following:

- You really could have saved your thoughts and time in responding. . . . You are certainly being less than truthful.
- The most appropriate professional response I would have expected from you would [be] for you to have taken responsibility for the mistake and made sure corrective communication measures were put in place, instead your actions and response speaks to the disrespect you have for elected Commissioners. You, instead took the position of self indulging, disrespect and blame.

On April 1, 2020, Coates emailed Belton asking him why a CIP request related to a proposed Bryan's Road Senior Center/Rec Center was no longer on the list of such items to be discussed at a meeting that afternoon. Belton responded with a detailed and substantive explanation for his

⁴ Coates blamed Belton for the fact that she did not get notice of the media coverage of the event at Mallows Bay until late the night before the event. A simple review of the email chain shows that Jennifer Harris emailed all commissioners regarding the event and expected media coverage early during the week of the event. The day before, Crystal Hunt was out of the office and did not email Coates with additional details until late the night before. She apologized to Coates for the late notice in her email. There is no reasonable basis for Coates to assign blame and allege bias by Belton based on these circumstances.

decision not to include the request on the list. Once again, Coates responded with vitriol. Included in her April 2, 2020 response to Belton's explanation were the following statements:

- With all due respect, here you go again, you responded just as I thought you would, you are attempting to misrepresent the truth and facts; justifying the unauthorized removal of a project that should have been presented as a CIP budget request to the Board of Commissioners during their budget work sessions
- If you had concerns about any CIP budget request submitted, as the County Administrator, communication is key, it would have been your responsibility to educate yourself on the matter and communicate to the interested parties or perhaps sit in on the many meetings that was conducted in reference to this project; and express your concerns, but as a County Administrator you abstain from doing that.
- As a County Administrator, I would, once again, suggest that you verify the accuracy of your statements and the processes before making statements.
- Alexis, I look forward to hearing from you within the next 2 weeks of this being my 3rd grievance inquiry. Per Mark's contract, I would like to remind you, as a third attempt, please send Mark's annual self-evaluation for a final Commissioner's review.

(April 2, 2020 email from T. Coates to M. Belton, cc's to A. Blackwell, R. Collins, C. Hunt with subject line: "Bryan's Road Senior/Rec Center funding response and Grievance (confidential)"⁵)

Belton said that he decided it was best for him to avoid interacting with Coates directly. He said that the situation was not ideal for either of them but there is such animosity toward him from Commissioner Coates that he had to take that approach. Belton said that he was using his Self-Evaluation as another means of addressing the situation. He said: "This is my second attempt to deal with the abusive environment issue."

Commissioner Amanda Stewart said during her interview in this matter that Coates is "very short" with Belton and very "dismissive" in closed session. She said that recently, with the last six months, "Mark Belton has stopped talking" unless he is called upon. Stewart said that in her view this has been caused by Collins and Coates. If Coates asks a question, Belton will answer but it is uncomfortable. Stewart said that Belton is one hundred percent professional; he answers the question but it's a tense conversation. Stewart said that if she asks Belton a question, the response is not so "tight." It's a light conversation, she said, "I can make a joke and he'll make a joke." Stewart said: "Commissioner Coates is not truthful." She added: "You could have the evidence in front of you and she [Coates] will lie. Stewart said she believes most of the staff is very guarded in their communication with her" as well.

When Commissioner Rucci was told that part of what his interview would cover was a concern by Belton that he was being subjected to an abusive hostile work environment created by

⁵ In this email, Commissioner Coates also took the trouble of identifying various staff members by their race noting "Recreational and Senior Directors (Eilleen and Dina (white)), Director of Planning (Jason Groth (white)), Director of PGM (Ms. Pomp[a] (white)), Director of Economic Development (Darrell (black) and Taylor (white)), Chief of Capital Services (John (black)) and other staff members (white), as well as yourself was invited."

Coates, Rucci said: "I would agree with that" adding "She hates him." Rucci said he had no idea why Coates feel the way she does about Belton because, he said, Belton is "just straight up." Referring to Coates, Rucci said: "She's just built up a vendetta against him"; "She don't like him at all." Rucci said that when Coates does not get something she wants, "she throws a tantrum." He said that Coates called him "ranting" about Belton and trying to get him to agree to vote to fire Belton. Commissioner Bowling said: "Commissioner Coates is very condescending to Mr. Belton." He said that he has seen some of the emails Coates has sent to Belton and "[s]he goes on rants."⁶

Commissioner Coates was interviewed in connection with John Stevens' various allegations, as was Mark Belton. She was also interviewed in connection with her allegations against Belton and his allegations against her, as was Belton.⁷ When Coates was informed that Belton had made a complaint that she had created an abusive hostile work environment for him, she responded immediately by calling Belton a racist and a liar. She also said that she believed that Belton had fabricated the allegations because of Stevens' and her allegations against him and in retaliation against her. She described Belton as "a habitual liar" and said she had called him on his lies. Asked for an example, Coates said that the examples were in her emails to Belton. However, even within the same interview and within minutes of making one claim, Coates would back away from assertions she made about Belton. For example, before calling Belton 'a habitual liar," Coates said that she thought they had had a pretty good relationship until she started defending John Stevens. She said: "I ended up getting turned on" for standing up for Stevens. Later in the interview, she said that Belton was a racist because of how he treated John Stevens and that it seemed as if the more she defended Stevens, the more Belton retaliated against him.

2. Thomasina Coates' Allegations against Mark Belton

Thomasina Coates has accused Belton of: 1) "first hand" discrimination against her as an African American Commissioner; 2) discrimination against Commissioner Amanda Stewart, the other African American female commissioner on the Board of County Commissioners; 3)

⁶ Bowling said he has heard that Coates calls staff late and night and goes on rants against them. He said he is concerned that Belton's complaint is just the tip of the iceberg in terms of potential liability for the county based on Coates' treatment of staff.

⁷ After she was interviewed regarding her allegations against Belton and his against her, Commissioner Coates called me and said that she had not understood that she was being interviewed about Belton's hostile work environment claim against her the second time she was interviewed. This was a baffling statement because she had addressed Belton's claims throughout the interview including by attacking him as a liar and a racist. I agreed to offer her an opportunity for additional follow up on May 8, 2020 at 10:00 a.m. I reached out to confirm the appointment on May 7 and Coates said that she needed to reschedule and wanted to have an attorney with her. We agreed to reschedule for May 11 at 10:00 am. which Coates then asked to reschedule for the afternoon of May 11. We agreed to 5:00 p.m. on May 11 and at 5:01 p.m. on May 11, Coates texted and asked to start at 5:30 p.m. We then rescheduled again for May 13 at 6:30 p.m. On May 13 at 6:30 p.m., Coates said she could not reach her attorney to patch her in on the call saying that she may have given the attorney the wrong date. I offered to reschedule through her attorney (whom she said was Karen Selby). Coates gave me the attorney's email address and telephone number. Emails to the attorney bounced back as undeliverable. A voice mail message at the attorney's number asked callers to text message her. My text message never received a response. To be clear, Coates had provided quite a full response to Belton's allegations when she was interviewed, despite her claim after the fact that she did not realize we were discussing his allegations against her.

favoritism toward white Commissioners Bowling and Rucci; 4) discrimination and retaliation against African American county employees particularly against John Stevens, Darrell Brown and Crystal Hunt; and 5) discrimination against African American residents of Charles County. As with her comments in response to Belton's claim of an abusive hostile work environment created by her treatment of him, Coates several times backed away from, changed or made inconsistent assertions when pressed on the basis of her claims against Belton.

a. Claim of Discrimination by Belton against Coates as an African American Commissioner and against Commissioner Amanda Stewart as the other African American Commissioner; favoritism toward white Commissioners Bowling and Rucci

Asked for details in support of her claims of discrimination against and against Commissioner Stewart, Commissioner Coates said that Belton treated her constituents poorly and deprived her of the attention for her projects that he gave to the white commissioners, Rucci and particularly Bowling. She used the example of Belton's removal of the CIP request related to a proposed Senior/Recreational Center at Bryan's Road from the list of items to be discussed at a capital budget meeting in early April 2020. Coates also complained that Belton had failed to abide by her request that he update her regularly on a list of projects she had provided him with on a spreadsheet for updating.

John Stevens submitted the CIP request related to the Senior/Recreational Center. When asked about it, Stevens told Belton that he submitted the request after meeting with Commissioner Coates about a proposal to have the center located in the Bryan's Road area. Stevens submitted the request because he believed Coates wanted him to submit it. However, as Belton explained in an email exchange with Coates on April 1, 2020, he pulled the CIP request based on advice from responsible staff that for various reasons they would not recommend the building of such a facility in that area of the county based on current needs including the fact that a similar facility at the Indian Head Senior Center was not being used to capacity. As Belton explained in the email, the staff recommendation was to monitor use over the coming year to see whether need justified a capital improvement request that that time. He also noted that the current owners of the property had obtained a use exception for a consolidated storage business at that facility which would make the property unavailable for use as a combined senior and recreational facility. Finally, given that Coates denied having requested that Stevens submit the request, it had been treated as a staff request which did not meet the criteria for such a request. As detailed above, Coates responded furiously to Belton's explanation. However, no information has been provided that would contradict Belton's explanation.⁸

With regard to his failure to update her on projects listed in the spreadsheet she provided, Belton said that the commissioners have assigned administrative staff who can contact department heads for project updates. He said that he works with the clerks weekly on agenda

⁸ Commissioners Bowling and Stewart described a closed session during which they discussed the potential Bryan's Road center and this CIP request. Stewart said that Coates falsely (in Stewart's view) denied having asked Stevens to submit the CIP request. As questioning continued, Stewart got up and left the closed session.

items to work on things the Board has approved and the Board prepares a list of goals and objectives which includes items that he needs to address. Belton said that early on he met with Commissioner Coates and gave her follow up on the items on her list but it is not feasible for him to serve as an administrator for each commissioner. He noted that he does not do updates of the type Coates is requesting for any of the commissioners. Commissioner Collins said that he was familiar with the issue of Commissioner Coates' spreadsheet, In his view, the conflict between Coates and Belton on this point is one that could have been finessed if Belton had used a different approach rather than being direct about the fact that it was not his role to update commissioners in the manner Coates requested. Collins noted, however, that he could see why Belton did not feel it fell to him to address the information requested on the spreadsheet because they are not normally things that would appear on the Board's weekly meeting agenda.

Commissioner Coates made only general allegations by way of support for her claim that Belton discriminated against Commissioner Stewart, the other African American woman on the Board of County Commissioners. She said, for example, that it always seemed that Commissioner Bowling, a white male, had a disproportionate number of items on Board agendas and that she often overheard Bowling and Belton exchanging comments about progress on Bowling's requests. Coates made similarly general comments regarding her claims that Belton favored Rucci over the African American female commissioners noting that she overheard Belton talking with Rucci about things he had accomplished for him. Coates also said that she believed Belton's efforts to assist Bowling with arrangements for a trip to Waldorf, Germany was racially motivated.

When asked about her working relationship with Belton, Commissioner Stewart said that it was important to understand the history of her working contacts with Belton. In 2014, she was part of an incoming set of commissioners that relieved Belton of his position as the then County Administrator. In 2018, Commissioner Collins as the incoming Board President informed her that Belton would be returning as County Administrator. There was a vote on Belton's contract and Stewart voted against it. When Belton started as County Administrator in this term, Stewart said, she did not want him in that position.

Having given that history, Stewart said that a year and a half later, she would describe her working relationship with Belton as "professional." She said: "If I have any concerns or questions I can email him," call him or stop by his office. It does not matter, she added, what time of day it is or whether it's on a weekend, Belton responds and provides her with the information she needs. Stewart said: "I know I can go to Mark because of his experience," adding: "He is very intelligent" and has a lot of contacts and connections at the state level which has been beneficial. Stewart said she had not had any experience of Belton that alarmed her. There were times, she said, when she felt Belton had not spoken up in meetings and when she asked him about it afterward, there was a backstory explaining why he had remained silent. In the specific incident she recalled, Belton remained silent in compliance with a request from Commissioner Collins. She said: "Mark is very careful about not throwing a commissioner under the bus because he works for all commissioners."

Asked for observations about Belton's relationships with the other commissioners, Stewart said that although Collins was the one who reached out and hired Belton and they

seemed to work well together early on, lately things between them have seemed "strained."⁹ Belton seemed to have a good relationship with Bowling, Stewart said adding "they communicate."

Asked about Coates relationship with Belton, Stewart said: "That's the problem right there." She said that about a year ago, Coates approached her and told her they needed to get rid of Belton. She said he was not responsive, that he was hostile and that people thought he was racist. These were Coates' comments, Stewart said. Stewart said that she approaches things by listening to people to try and figure out their intentions. Coates told her at the time that she would talk to Rucci to see if he would be on board to vote to get rid of Belton. She said Coates was always complaining to her about Belton until about February or March of this year when she realized that Stewart did not seem to be on her side. She said Coates called a closed session meeting and complained about Belton with Belton present. When Stewart pointed out proper procedure, Coates stopped communicating with her and has not approached her about getting rid of Belton since.

Nevertheless, Stewart said, sometime in March 2020, an individual named Cornell Posey went to her husband and said that Coates wanted him to talk with Commissioner Stewart to get her to vote to get rid of Mark Belton. That evening, Stewart had a speaking engagement at the Western Democratic Club meeting. Posey was there and told her that Coates wanted her to vote to get rid of Belton. Posey said during the course of this that if she wanted proof that Belton was a racist there were emails he could show her. Stewart said that Posey pulled out his phone but then did not show her anything; a sign Stewart noted that he actually did not have anything on his phone. Posey then brought up John Stevens in connection with Belton and she told him that she would not discuss personnel matters with him. Posey went on, talking about how Belton was ruining Stevens' good name. Stewart said he actually followed her and her husband out into the parking lot of the venue.

Commissioner Stewart said that Coates keeps making comments in closed session criticizing Belton for not doing things. She does not understand, Coates said, that some of the things she has asked for are not things for Belton to do; they are for staff to do. Stewart said that Coates is also out in public making statements critical of Belton and people repeat them. Asked what she thought Coates' motivation is regarding her actions toward Belton, Stewart said that she did not want to make an assumption and say that it is "just" because Belton is a white male. However, echoing comments Blackwell made regarding Coates, Stewart said that race does have something to do with it when it comes to Coates. She gave the example of an incident involving Julie Bryson. Stewart said that Bryson who is white came to her one day very upset because she had overheard Coates talking to a temp about Bryson and "making her out to be a racist." The attack on her character was upsetting to Bryson but even more so given that two or her three sons have a black father, Stewart said.¹⁰

⁹ Belton said during his interview, and Collins confirmed, that he had asked Belton to voluntarily resign. Collins said that the quality of Belton's work was excellent but he asked him to resign because he thought it would have been easier to have someone else in the position. Collins specifically referred to the tensions created by Coates who he said was determined to do everything she could inside and outside the building to make a case to remove Belton.

¹⁰ Stewart's description of this incident involving Julie Bryson is similar in some ways to a situation Blackwell described involving Jennifer Harris. An African American employee who reports to Harris was being counseled by

Bobby Rucci said that his work relationship with Belton was "fine." He said that if you ask Belton to look into something, he will do it and get back to you. He noted, however, that Belton has to work through the Board. He observed that this is something that Coates may not understand. Belton, Rucci said, goes by procedure and does well for the county. Rucci said that with the exception of Coates, in his observation, Belton had good working relationships with all of the Commissioners and is cordial with county government staff.

Commissioner Bowling said that he was "ecstatic" when Commissioner Collins announced that they would be bringing Belton back as County Administrator. He said that he knew Belton by reputation when he served on the Democratic Central Committee and Belton was the then County Administrator. Belton said that the structure of county government is that commissioners need to go through the County Administrator before tapping staff and he is a hands on person who likes to be in the office. For those reasons, he has a fair amount of contact with Belton. He judged the quality of Belton's work as "Impeccable." Belton said: "I'm very happy with him," referring to Belton. As Commissioner Stewart had, Bowling mentioned that Belton has a military background and said: "I like structure. I like chain of command." Those aspects of Belton's approach appealed to him. Bowling also said that he liked feedback including "not so good feedback" and appreciates Belton giving him feedback and advice on proposed approaches to projects he wants to undertake.

Asked to comment on Belton's working relationship with other commissioners, Bowling said: "I believe he treats everybody fair." He noted, as Commissioner Stewart herself had described in detail, that Stewart came around on Belton from having been involved in his firing in a previous administration to having a good working relationship with him. Bowling said that Stewart "challenged him a lot," referring to Belton but that she sees that Belton is responsive and helpful. He said: "I've seen that relationship do a 180" turn because of Belton's professionalism.

Bowling said, without being specifically asked, that one of the commissioners manipulates facts. He then said referring to Commissioner Coates: "I think she's a racist." Asked why he believed that, Bowling said: "Because I see a pattern with her." He said that when he was on the Central Committee with her, the group was very diverse. Bowling had been re-elected as Chair and Coates was Vice Chair. He told her that he was going to run for one more term and then step down. He asked for her support. As day or so before the election, he said, he started getting calls saying that Coates was calling people and telling them that he was a racist who did not like blacks and that they should support her for Chair. Bowling said he never confronted Coates about this. During the last election for County Commissioners, Bowling and Coates ran to represent different districts. He said it was a nasty campaign with racial allegations against him made by people who supported Coates.

her to improve performance issues related to organizational and managerial skills. The employee met with Harris and Megan Donnack and later mentioned it to Coates. Coates insisted on the employee being able to meet with Blackwell even though the employee did not want a meeting with the head of HR. Coates also insisted on being present during the meeting. The employee left and sometime shortly afterward, Blackwell said, Coates referred to Jen Harris' race and accused her of being racist without giving any specific facts to support the characterization. She simply made the assertion. Blackwell said two weeks later, she was in Harris' office and saw that her kids were bi-racial/African American.

When they started on the Board, Bowling said, things were tense. In the first week, staff told him a commissioner had accused an employee of being racist and of not seating her mother. They were having to pull video to check. Bowling said he later learned that the commissioner who made the allegation was Coates. She had accused the Acting Clerk of the allegedly racist action. Further detailing the pattern he had observed, Bowling said that when they were interviewing for the County Attorney position, Wes Adams and two others were interviewed. Adams was obviously well above the others in terms of qualifications. Coates wanted to do more interviews and asked if there were any minority candidates even if they were not as qualified. Bowling felt it was obvious why she did not want Adams for the job. Even though the discussions were supposed to be confidential, the information that the Board was interviewing Adams was out in the community shortly afterward.

As noted, Coates cited to what she viewed as Belton's efforts to assist Bowling with efforts to take a trip to Waldorf, Germany as evidence of racially motivated favoritism. Based on what Coates claimed during her second investigative interview, the only possible connection to racial bias would be that Germany is in Europe and considered a white country and the trip was in Coates' view being equated with an economic development trip planned for Mozambique, an African country. Coates said that the trip to Mozambique had been planned a year in advance and a couple of months before it was scheduled to take place, she said, Belton sent an email saying that if the county was going to Mozambique it could go to Waldorf, Germany. Asked if she viewed that as racist, Coates said: "Absolutely." In fact, even if one were inclined to view this alleged statement about the two trips as racist, no email with the content Coates described has been provided. Coates provided an email chain running from January 23 through February 6, 2020 with subject line: "Fwd: Congratulations." The chain did not contain a note from Belton. More significantly, however, there appears to be no reasonable basis to make an inference of racist intent from the fact that Bowling wanted to make a trip to Waldorf, Germany by accepting the invitation to an anniversary festival from the sister city to Waldorf, Maryland.

Bowling said that the invitation from Waldorf, Germany had come to Commissioner Collins' office the previous month and for some reason was overlooked. Former Commissioner and state delegate Sally Jameson called Bowling about the trip which she and others planned to make. The discussion about the trip occurred in a Board meeting in open session. Coates in her interview and email regarding the trip repeatedly characterized it as an unethical trip because there was some question about the appropriate funding source for the trip. This too was discussed in open session as memorialized on the video recording of the February 4, 2020 Board of County Commissioners meeting.

Based on the video, the issue of the Waldorf, Germany trip came up after a presentation by Darrell Brown and his staff about planning for an economic development trip to Mozambique. Brown pushed back at length against characterizing the trip to Waldorf, Germany as an economic development trip. However, Bowling, Stewart and Collins in turn noted the longstanding sister city relationship between Waldorf, Germany and Waldorf, Maryland. In the end, it was decided that they would seek guidance on how the trip should be classified including whether it was for tourism promotion as well as the proper funding source for the trip. Belton described the circumstances around the Waldorf trip invitation and the discussion during the Board open session consistently with what is memorialized in the recording of the meeting. He

added that Bowling had asked him if he wanted to go on the trip as well. Belton wanted to go but he had a conflict and, he said, he wanted to avoid any perception that white people were going to Germany while African Americans were going to Mozambique. Both trips were canceled in light of the COVID-19 pandemic.

The version of the email chain regarding the Waldorf trip that Coates provided ended before a message she had written to an unknown recipient. A version of the January 23 through February 6, 2020 email chain with subject line: "Fwd: Congratulations" was provided by John Stevens in connection with his various allegations. (See Appendix A - - item 55). The version provided by Stevens ends with three messages after Bowling's message. The first is an "FYI" from Belton to Deb Hall, Darrell Brown and Minnick followed by a second "FYI" from Brown to Coates. Three days later, on February 9, 2020 just after 1:00 AM, Coates forwarded the message to unknown recipients with the following message:

Look at this unethical racist crap between Mark and the white racist commissioner, Bowling who shot a black man in the back. Mark equated and justified this party trip for this Bowling Commissioner to a trade trip Economic Development going to Africa on a business trade trip. That Mark and Bowling is the worst.

(February 9, 2020 email from T. Coates to Undisclosed Recipients with subject line: "Fwd: Congratulations")

As noted above, Belton said that because of Coates' hostility and abusive approach in her interactions with him, he believes he is required to minimize contact with her where possible in order to focus on his work. He said that he believes this posture is reciprocated by Coates toward him. Belton said that he learns from staff what Coates is doing because she does not inform him. He said that her behavior is almost classic hostile abusive treatment in the workplace and it has affected him personally. Belton said he has a more normal, cordial relationship with the other commissioners. He also believes that despite some challenges, he has a good working relationship with Commissioner Collins particularly during recent developments related to the pandemic.

Asked specifically if he believed Coates' treatment of him was related to his race, Belton said that her behavior is motivated by race but not necessarily in a direct way. He noted that since his first meeting with her, Coates has been upset with him because he is not a willing ally in making race based decisions to advance her agenda. Somehow seeing a distinction Belton said he does not think Coates treats him this way because he is white.

b. Claims of alleged discrimination against African American County Employees and County Residents

Commissioner Coates alleged that Belton discriminated against African American county government staff, most notably John Stevens.¹¹ She also named Darrell Brown and Crystal Hunt

¹¹ As previously noted, Stevens various allegations on his own behalf were the subject of a separate investigation. Aspects of projects involving the Bryan's Road Senior Center/Recreational Center and the Bracy property were

as alleged victims of such discriminatory treatment by Belton. During her interview in this matter, Coates also included individuals who had grievances or other complaints pending even if those complaints had nothing to do with alleged actions by Belton. Coates named Anthony Johnson and Stephon Johnson as two such employees. When asked directly, Coates acknowledged that part of the basis for her claim that Belton discriminates against African American county employees is based on the existence of pending complaints even if Belton is not named in the claims.

When pressed for details of her claim involving Crystal Hunt, Coates first said that Hunt could speak to that herself quickly adding: "I don't have a personal vendetta against Mark Belton." She said that she just had a problem with him allegedly not helping constituents of color, noting that, according to Coates, he called one of her constituents crazy. Asked again about any basis for the claim that Belton discriminated against Crystal Hunt, Coates said that Hunt had shared insights with her and seemed to think Coates was correct to have concerns about Belton. Alexis Blackwell indicated that when she met with Coates about her complaints regarding Belton, she was similarly vague about the basis for her claim that Belton discriminated against Hunt referring broadly to inappropriate conversations, according to Blackwell's notes.

With regard to Brown and Stevens, Coates alleged that Belton retaliated against them for their efforts to help her with constituents. Both Stevens and Brown attended a meeting Coates held about the possibility of a Senior/Recreational Center in the Bryan's Road area. Other county staff including white department heads and their staff also attended the meeting. Coates claimed that Belton acted in a racist manner because he later criticized Stevens and Brown to Commissioner Collins for attending the meeting but did not criticize the two white component heads who attended, Dina Barclay and Eileen Minnick.

Belton said that, pursuant to his directive to them, Stevens, Brown, Barclay and Minnick should all have informed him about the meeting in at least some detail as relevant to their departments. Minnick and Barclay did that with Barclay providing usage information about senior centers. Brown told Belton about the meeting and that his staff would be providing some numbers but he also said that he did not think anything would come of the meeting. Belton said that he never heard anything from Stevens about the meeting until he submitted a CIP request for an old Safeway building in the Bryan's Road area. When Belton asked Stevens why he had submitted the request, Stevens said it was his impression that Coates wanted him to submit the request. Belton said that at his weekly meeting with Commissioner Collins, he told Collins about the issue of the senior center and that he had a problem with Stevens having submitted the request because he believed a commissioner wanted him to submit it. He told Collins he also had a problem with Darrell Brown because Brown told him that he did not think anything would come of the meeting when something significant did come of the meeting and he had had his staff doing research on it. Belton said that Coates apparently then told Collins that there had been two white women at the meeting as well and suggested that Belton's criticism had been racially biased. Belton said that Collins called him and was very upset until he explained why he had not mentioned Minnick and Barclay's involvement in the meeting.

address in the report of that investigation. Aspects of those projects discussed in this section of this report involve developments not included in Stevens' allegations.

During his interview in this matter, Collins said that he had gotten upset with Belton because his description of the meeting gave him the sense that Stevens, Coates and another individual were meeting about the senior center when the meeting actually included other people Belton did not mention. He said that he told Belton afterward that he had framed the event inaccurately. Collins said: "I was pretty heated" and actually raised his voice at Belton because he believed that County Administrator had been disingenuous. Coates had cited this incident as resulting in Collins having seen that Belton was a racist. However, during his interview in this matter when asked if he saw a racial component to the situation, Collins said: "I could not pinpoint that as being racial." He said that Belton "is a procedures guy" and would have had the same reaction if Stevens were white. It was, Collins said, an issue of defying authority. Collins added that he has not seen any thread of racial bias in the way Belton operates.

Coates' claimed that Belton was biased against African American county residents because he did not want to help residents Jonita and Tyrone Bracy with issues related to their property even though he had helped white residents Mary and Bill Sandy with permitting issues related to an establishment called the Nanjemoy Store. Coates provided a February 11 – 12, 2019 email exchange with Belton in which she forwarded a request for assistance she had received from the Sandys. Belton responded that he would arrange a meeting to see what could be done. Coates said that this contrasted with Belton's approach to black residents such as the Bracys and a resident named Angela Peden who had had problems getting approval for an above ground swimming pool on her property.

Belton said that he only gets involved in permitting issues if a commissioner brings it to his attention. He said that in the situations involving the Sandys, the Bracys and Ms. Peden, Commissioner Coates brought issues to either his or his department heads' attention. Belton said that Mr. Sandy is a builder with a reputation of doing work without getting all the permits he needs. In the case of the Nanjemoy store, the county inspectors had to work with Sandy to find a way to correct problems. Belton said that "on almost every occasion" he will back his professional staff in terms of their assessment of the correct course of action. He said that he took the same approach with the Sandys as he took with the Bracys and with Ms. Peden. He noted that Sandy is a builder and that he does not know the race of the owner of the Nanjemoy store if Sandy did not own the store.

Coates accused Belton of calling Mrs. Bracy crazy and said that was evidence of his racial bias against her. Coates alleged that Collins told her that Belton referred to Bracy as crazy and that in a closed Board session Belton called her crazy. Commissioner Collins said that Mrs. Bracy was very vocal and very demanding. He noted: "That was a really ugly period," referring to the height of activity related to the Bracy property. Collins said he had no recollection of anyone on staff referring to Mrs. Bracy as crazy, partially he said because they would have wanted to avoid any perception that their remark would be viewed as racially motivated. With regard to whether anyone referred to Mrs. Bracy as crazy during a closed session, Collins said "if people didn't say it, people probably reached that conclusion." He said that he does not think he said it out loud but that is the conclusion he reached regarding Mrs. Bracy. Collins' comments in this regard were similar to those made by Commissioners Bowling, Stewart and Rucci. In addition, Bowling, Stewart and Rucci each said that Belton would never have made such a remark. Rucci said: "I don't think Mark would speak like that. That's not the way Mark talks." Asked whether she recalled Belton saying Bracy was crazy, Stewart said: "Oh, no. That man is always professional."

Asked whether Belton had called Mrs. Bracy crazy, Bowling said: "No"; adding that there is no way staff would have made such a remark and that it would have been out of character for Belton in particular to say that.

3. Coates' Communications with Individuals Outside County Government Intended to be Derogatory of Belton

Belton has noted that Coates has made derogatory and disparaging remarks about him to individuals outside of county government and to county government staff, undermining his reputation and his ability to conduct county business. As also detailed above, staff has documented disparaging remarks Coates made in front of county residents, Maryland state employees and county employees during a site visit at the Bracy property while Belton was not present. Commissioner Stewart also described a series of derogatory and defamatory comments made to her by an individual aligned with Coates at an outside event. Commissioners Collins, Bowling and Stewart all made comments about their general awareness that Coates has been making disparaging comments about Belton in the community. In addition, in an email provided by John Stevens in connection with the investigation of his claims, Commissioner Coates referred to Belton as unethical and a racist to an undisclosed group of email recipients.

Coates also provided three emails with individuals outside of county government on which she was either the sender or recipient sharing purportedly negative information about Belton. Two of the three emails were between Coates and Gaylord Hogue. Hogue is President of the Black Caucus of Charles County, Maryland (BCCCM). On October 10, 2020, Hogue on behalf of the group sent an email to the Board of County Commissioners which stated in part that African Americans in Charles County would suffer racism because of the appointment of Republicans to important positions in county government. The reference was understood to be to Belton and County Attorney Wes Adams. The BCCCM email asserted that "Blacks and of Charles County are on our way to four more years of the same discriminating County government policies of the last eight years and longer." On October 25, 2020, Belton responded to the email with a lengthy letter to Hogue in which he stated the value of proceeding with collaboration and inclusion. He also strongly defended himself against Hogue's allegations.

The same day, October 25, 2019, Commissioner Coates exchanged emails with Hogue one of which contained a link to an article from the *Baltimore Sun* about Belton's departure from his position as Secretary of the Maryland Department of Natural Resources to take the County Administrator's position in Charles County. The second email included a link and an attachment to a March 2013 discussion of cases Belton had filed as a plaintiff that was published in a Law Review associated with the Reserve Offices Association (ROA).¹² During her investigative

¹² There is nothing unfavorable included in the *Baltimore Sun* article. The Law Review article described two lawsuits Belton filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA). He filed a lawsuit against Page County, Virginia after officials there declined to reappoint him following two four year terms as County Administrator because he had taken leave in order to fulfill required reserve officer duty. He filed the second lawsuit against Halifax County for declining to hire him for the same reason. According to the law review article, in both cases, Belton obtained correspondence (a letter and an email) in which county officials explicitly stated these reasons impacted their decision which is a clear violation of USERRA. Belton said in his

interview in this matter, Coates said that the information was forwarded to her by Hogue. However, the emails she provided identify Coates as the sender providing information to Hogue. Coates said that Hogue, whom she described as an outspoken activist regarding black and minority matters, was concerned as a member of the BCCCM with the developments he detailed in the email concerning county government appointments. Coates said that she did not read either of the articles forwarded in the emails. Although Coates maintained that she had been the recipient, not the sender of the emails, she noted that the email exchange occurred once she had seen the response letter Belton sent to Hogue. She said she had known Hogue for "aeons" and did believe he would send the information to others.

Coates also provided a copy of a September 26, 2019 email she received from Mrs. Bracy with the subject line: "law suit" which attached a federal district court decision in a case in which Belton was the named defendant in his capacity as then Secretary of the Maryland Department of Natural Resources.¹³ Coates said in her interview that she did not read that attachment either. However, in her email forwarding the email and attachment to me, there is a note apparently from Coates to unknown recipients which reads:

OMG! Someone sent this document to me. A very interesting, but disturbing read. It was not disclosed to us that Mark was in an active civil lawsuit when he was appointed as County Administrator here in Charles County. This is very disturbing and news worthy.

Findings and Conclusion:

Regarding Mark Belton's Allegations against Commissioner Thomasina Coates:

Mark Belton's allegation that he has been subjected to an abusive hostile work environment created by Commissioner Thomasina Coates has been substantiated. Belton's allegation that he has suffered from the effect of Coates' having made disparaging and false comments about him to county government employees and to county residents and state officials has also been substantiated. The information obtained through this investigation that supports these conclusions is overwhelming. The abusive email correspondence from Coates to Belton speaks for itself. In addition, every other member of the Board of County Commissioners described Coates as abusive in her communication and treatment of Belton. All of the other commissioners agree on the high quality of Belton's work with all but Commissioner Collins putting a premium on his careful approach to process and procedure. There is concrete evidence of Commissioner Coates' lack of credibility including clear black and white falsehoods. There is similarly strong direct evidence

interview in this matter: "I had to set the example" by enforcing his rights under the law at a time when reservists were increasingly being called up for duty and having to take leave from their regular employment. Both cases settled before going to court.

¹³ This lawsuit involved an employee's challenge to discipline which she alleged was imposed as a penalty for private speech in a social media posting. There were no allegations of discrimination involved. The case was settled confidentially after Belton left the DNR and he is not privy to the details of the settlement.

of Commissioner Coates racial biases. There are factors present that increase the county's potential liability exposure given that Coates' infractions were so open and flagrant and recognized by the Board. Both Human Resources and the Board President tried to address Coates' abusive tone and approach regarding Belton but their efforts failed and the conduct escalated and continued. It also appears likely that it was known to other commissioners that Coates was making defamatory statements about Belton publicly in the community. Finally, and perhaps most troubling in terms of liability exposure, is the fact that when efforts to get Coates to improve her behavior failed, Belton was approached about resigning.

Regarding Commissioner Coates Allegations against Mark Belton:

Commissioner Coates' allegations that Mark Belton: racially discriminates against her and against Commissioner Stewart as African American female commissioners; shows favoritism to the white male Commissioners Rucci and Bowling; and discriminates against African American county employees and residents have not been substantiated. Every other commissioner on the Board of County Commissioners, including Commissioner Stewart, praised Belton for his excellent work and responsiveness with most praising his careful attention to proper process and procedure. Each of them, including Board President Commissioner Collins, stated that they had not seen evidence of racism in Belton's approach to county residents or employees. In addition, the information reviewed through this investigation establishes that there were non-racially motivated reasons for actions taken or recommended by Belton.

In contrast to the information provided regarding Belton, this investigation revealed many examples of direct racial bias and lack of credibility on the part of Commissioner Coates. It is reasonable to conclude as a result of this investigation that Commissioner Coates' actions have exposed the county to a serious risk of liability and may have exposed her individually, and possibly others, to civil liability as well.