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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND HAND DELIVERY

John S. Mathias, Esquire
County Attorney
Frederick County Government
12 E. Church Street
Frederick, MD 21701

Re: Local Government Tort Claims Act Notice

Dear Mr. Mathias:

I represent Sgt. Amanda J. Ensor and am writing on her behalf to give notice of claims pursuant to the Local Government Tort Claims Act, claims under the Maryland Tort Claims Act, claims for unliquidated damages, and other employment law claims. My client's name and address are: Sgt. Amanda J. Ensor, My name, address and phone number are stated on the letterhead above. Frederick County employees involved are: Captain Ronald Hibbard, Lt. Jeffrey Eyler, Lt. Gregory Warner, and Lt. Jason Null. Also involved is Sheriff Charles A Jenkins, an employee of the State of Maryland. All of the aforementioned employees have a work address of: Frederick County Sheriff's Office, Frederick County Law Enforcement Center, 110 Airport Drive East, Frederick, MD 21701.

The facts from which Sgt. Ensor's claims arise and the nature of her claims are as follows. Until January 2019, Ms. Ensor was the only female sergeant of Patrol Team Operations with the Frederick County Sheriff's Office (Sheriff's Office). As the Sergeant of Patrol Team 1, she was in charge of all discretionary calls. She oversaw between 15 and 30 deputies and provided supervisory responses on calls involving overdoses, deaths, serious crashes, and any crime involving communication with the States Attorney's Office, such as rape and homicide. In January 2019, Sgt. Ensor was reassigned to the Frederick County Courthouse with the Court Security Unit to an "emergency" position created to accommodate her assignment. In reality, there was no emergency; this was a demotion. The circumstances leading to her demotion give rise to her claims.

Sgt. Ensor has been an outstanding employee with the Sheriff's Office for 17 years. On October 1, 2018, she underwent major surgery to her shoulder and arm to repair a torn labrum. As a consequence of her surgery and recovery, she was on Family and Medical Leave Act ("FMLA") leave from October 1, 2018 through December 15, 2018. While Sgt. Ensor was on FMLA leave, Lt. Warner served her at home on November 15, 2018, during a snowstorm, with documents commencing an internal investigation against her. She was ordered by Lt. Warner to

come to the Sheriff's Office, while she was still recuperating on leave, to submit to an interrogation. Despite being informed by Sgt. Ensor's attorney that the Sheriff's Office cannot conduct an interrogation while Sgt. Ensor is off duty and on leave, Lt. Warner and Sheriff Jenkins insisted that she report for the interrogation.

She complied as directed and learned the investigation concerned a prank video she participated in with two other officers and the Dobre brothers in September 2018. The Dobre brothers are famous YouTubers who live in Frederick County. They travel the world singing songs about anti-bullying and have a large following on YouTube. They asked if the Sheriff's office would "prank" their brother, Marcus, by arresting him at their residence. Marcus was in on the prank. Sgt. Ensor did not record the video or post it on any social media sites. She participated in the staged prank to promote a positive relationship with the Dobre brothers in the community and to show that the police can interact with the public and have fun. Having served as the Police Information Officer in 2016, Sgt. Ensor had engaged in similar community building activities; thus, she was comfortable with the request, and she observed all appropriate boundaries. To the best of Sgt. Ensor's knowledge, no citizen complained about the video. In fact, it has had over 2.5 million views and 90,000 "likes" as of a few months ago.

During the interrogation, Sgt. Ensor was served with a notice temporarily removing her from patrol duties and transferring her to the Frederick County Courthouse at 100 West Patrick Street, Frederick, MD 21701 pending the completion of the investigation. The investigation concluded with the Sheriff's Office suspending Sgt. Ensor for three weeks without pay, which suspension she served from February 4 through February 22. Additionally, she was required to turn in her agency issued vehicle, keys, weapons, IDs and MPTC card for 30 working days.

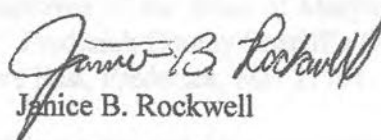
Furthermore, Capt. Hibbard, at Sheriff Jenkin's direction and/or approval, permanently transferred Sgt. Ensor to the Frederick County Courthouse. To do so, the Sheriff requested the County Executive's approval for an emergency reclassification of the sworn Court Security Corporal's position to a sworn Court Security Sergeant's position. He represented in his March 5, 2019 letter to County Executive, Jan Gardner that "changes in the law have necessitated an increased number of sworn personnel in Court Security." In fact, no additional sworn personnel have been added to Court Security. The false representation was made solely to demote Sgt. Ensor. This was confirmed by Lt. Null on March 21, 2019 when he told Sgt. Ensor that the only way they could reclassify her position was to show that they needed another Sergeant's position at the Courthouse. He said although SPO Sgt. Dana Hubble, who has been with the agency for 30 years and is the direct supervisor of the Court Security Unit, is truly in charge, if HR were to come over and ask her, she would have to say that she was in charge of the unit. Really, he said she was in charge only of the sworn personnel.

Since being transferred to the Courthouse, Lt. Null has harassed, discriminated and retaliated against Sgt. Ensor in a multitude of ways. Sgt. Ensor has been held to standards to which the male employees, who are her subordinates, are not held, including, but not limited to prohibiting her from leaving the Courthouse for even a lunch break.

That the Sheriff's Office internal investigation against Sgt. Ensor was merely a pretext for discrimination and harassment against her became abundantly evident by the Sheriff's handling of a similar prank in which Lt. Eyler participated around the same time as the Dobre brothers. Specifically, on June 20, 2018, Lt. Jeffrey Eyler and Deputy Doug Story responded to a call for an alarm at the Frederick Christian Fellowship Church in Frederick during an evening church session. A young female met them outside the church and asked them to place her in handcuffs and pretend to arrest her by walking her inside, in handcuffs, in front of the entire congregation to "prank" them. Lt. Eyler agreed and placed the female in handcuffs. He proceeded to walk her into the church, past all the members of the congregation, to the front of the church. Sgt. Ensor sought an internal investigation against Lt. Eyler for violating the same rules for which she was so harshly punished. She submitted the paperwork to her then supervisor, Lt. Null on February 26, 2019. By March 7, 2019, she received a letter from Sheriff Jenkins stating that the appropriate action was taken. Upon information and belief, Lt. Eyler was not reprimanded or punished in any way. Another lieutenant advised that Lt. Eyler's internal investigation was "quashed." It appears no investigation was conducted.

The Sheriff's Office "discipline," retaliation and harassing treatment of Sgt. Ensor are the direct result of her exercising her right to use FMLA leave and/or discrimination on the basis of her sex, gender and disability. Sgt. Ensor's damages include lost pay, lost benefits, lost shift differential, lost future earnings, pain and suffering, humiliation, and pecuniary losses. She seeks damages in the amount of \$684,000.00.

Very truly yours,


Janice B. Rockwell

cc: Sgt. Amanda J. Ensor

JBR/ml