

Good afternoon members of the House of Delegates and Judiciary committee.

My name is David Myles. I currently serve as one of Rockville's City Councilmembers, work full-time as a pediatrician and was honorably discharged from serving active duty in the US Navy. I am providing testimony in support of House Bill 1183 in my personal capacity as someone who has called Maryland home since I moved to Baltimore in 2010 to complete a pediatrics residency at Johns Hopkins Hospital.

Despite a resume that may be impressive to some, I am still a Black man and have personally experienced the deliberate abuse and misuse of the Commissioner system on more than one occasion.

Just over a year ago, I was packing and cleaning my home in preparation for an overseas job interview the following day. As I was vacuuming, a group of officers with guns drawn and pointed at me entered my home to fulfill a warrant that had been issued on the false premise that there was a loaded gun in my home. The person who fraudulently submitted that petition to the Commissioner had already removed the ammunition. I seriously thought that I may be shot and killed in my home and I recall sending a text to my immediate family indicating to them that there are police in my home and that my mother is the primary beneficiary of my will. When the officers searched the home, they verified that there were no loaded guns. To say I was traumatized is an understatement. No Black man ever wants police in his home with guns pointing at him. After spending thousands of dollars on legal fees, I was able to have the fraudulently drafted protective order expunged from my record. Three months after this incident, you all thankfully passed SB340 last session which made it a civil liability to make false statements to authorities that could lead to bodily harm as this individual had done.

Months later, this same individual physically assaulted me while I was carrying my five-year old child by scratching, biting, shoving (as I was descending down stairs) and ultimately knocking me over as I tried to leave my home. That individual called 911 and, in a strange twist of fate, was himself arrested by police, charged with assault, jailed and processed after police collected evidence including photos and body worn camera footage. That individual also lost custody of my child and access to my home. Days after being released from jail, that individual went to a commissioner to file false charges and testimony inconsistent with the police report and directly contradicting reporting from a CPS interview of my child days later. That individual did not indicate that they were charged and arrested in their statement of charges to the Commissioner. As I was walking to pick my child up from school, I was contacted by the sheriff's department stating that there was a warrant issued for me. To say I was confused is an understatement as I already had a protective order against this individual that had been approved in District Court by a Judge the previous day. Up to that point, I had spent the previous four days attempting to keep to routines for my child—a child who had already witnessed their father being assaulted. It took approximately seven hours for me to be processed prior to my being able to return home.

The implications of this second false statement to the Commissioner and associated warrant have been much more costly. I knew I would have to spend thousands of more dollars in legal fees, but I wasn't prepared to have been placed on administrative leave at work, being disinvited from giving a previously scheduled speech to a national coalition of pediatricians on Capitol Hill, having the story of this warrant making it to print and TV media while I was running for re-election which inappropriately cast me as the perpetrator of my own assault. All this is the result of a Commissioner issuing a warrant based on false testimony plainly contradicted by an available police report, body worn camera footage and a ruling from the District Court Judge the day before. The charges against me were appropriately ultimately

dismissed but I got no apology, acknowledgement nor compensation from the Commissioner, States Attorney nor the State of Maryland.

As much time and resources as I have put into getting where I am professionally, I recognize that my reputation may never recover from this most recent inappropriately issued warrant. More important is the toll that this has had on my five-year-old child who is now having behavioral issues in school. And as much as I have been wronged by this broken Commissioner system, I hope to use whatever remaining resources I have to make sure that this system is changed so that it does not happen to anyone else. It is experiences like mine that make it that much more difficult and stigmatizing for men who have experienced domestic violence to take action and talk about it—especially a six-foot three inch cis-gendered Black man who, up until the aforementioned event, had a spotless record.

While I recognize the need to reduce barriers for people to file complaints, giving a Commissioner the ability to issue arrest warrants based on unverified (and sometimes patently false) testimony puts people's physical and professional lives at risk. These experiences have made it very clear that House Bill 1183 should be passed and enacted as soon as legislatively possible, and I hope that all members of this body will work toward that goal.

Thank you for your time.

Very respectfully,

A handwritten signature in cursive script that reads "David E. Myles, MD".

David E. Myles, MD

Rockville City Councilmember



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

March 5th, 2024

The Honorable Luke Clippinger.
Chair, Judiciary Committee
House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Support of HB1183 – Criminal Procedure - District Court Commissioners and False Statements

Dear Chairman Clippinger and Committee members,

I am writing to express my strong support for HB1183, which aims to amend certain provisions concerning Criminal Procedure – District Court Commissioners and False Statements within the state of Maryland. As Baltimore City's State's Attorney, I believe that this bill is crucial in enhancing the integrity of our legal system and safeguarding the rights of individuals.

House Bill 1183 proposes several important changes, the most significant being the prohibition of District Court commissioners from issuing arrest warrants to individuals. This measure ensures that only authorized personnel with proper training and legal understanding can initiate the arrest process, thereby reducing the likelihood of wrongful arrests and protecting individuals from potential abuses of power.

Additionally, the bill seeks to amend penalties for making false statements or reports to governmental officials regarding criminal activities or public safety concerns. By increasing the maximum imprisonment term from 6 months to 3 years and raising the maximum fine to \$500, this legislation if made law will deter individuals from fabricating information that could lead to unnecessary investigations or legal actions.

Furthermore, HB1183 reinforces the responsibilities of District Court commissioners in upholding constitutional rights, determining probable cause, and ensuring due process for all individuals brought before them. These provisions underscore the importance of fair and impartial judicial proceedings, thereby promoting public trust and confidence in our legal system.

In conclusion, I urge you to lend your support to HB1183 and to advocate for its passage. By enacting these proposed reforms, we can strengthen the administration of justice,



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

protect the rights of Maryland residents, and uphold the principles of fairness and accountability within our legal framework.

Thank you for considering my views on this important matter. I look forward to seeing positive progress on this bill and its eventual implementation for the betterment of our community.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

By: Hassan Giordano
Chief, External Affairs Committee

On January 28, 2024, unbeknownst to me the father of my son made four serious felony allegations including child abuse against me to the Prince George's Commissioner. With those allegations having been filed, all based on a series of false allegations filed against me three days earlier in Petition for an Emergency Protective Order in a Custody matter, a warrant was issued for my arrest. No prosecutor or magistrate conducted any investigation. The Commissioner just issued warrants for my arrest. Just like that, I was facing up to 25 years in prison.

On February 5, 2024, a Family Court judge denied the Petition for Emergency Protective Order on the basis that the statutory requirements had not been met. Based on the same set of false allegations filed in the Child Protective Services investigation, a temporary order was issued giving custody of my son to the same man who knowingly filed false charges against me. By the time the Emergency Protective Order was denied, I had not seen and had not spoken to my son for 3 weeks. It was at this hearing that I was told by the magistrate that my son's father had filed criminal charges against me.

The next day on February 6th, my son's father went to his school and took him from his school in violation of the Custody Order. I called the police to make a report, to get him back. The officers were nice and kind, but after he ran my name. He informed me that there were warrants out for my arrest, and he had to take me. I was devastated as my older cousin and mother witnessed me being placed under arrest.

Fear and Confusion describes what I felt immediately. I did not do anything. When he told me what my charges were, it was again my son's father using the judiciary system to abuse and harass me. This time I had handcuffs on. For months, my son's father sent both my son and me text messages threatening to have me put in jail. After months of stalking, threatening, and tormenting me and my son, he had finally delivered on his vile and evil promises.

I was denied bond that night. When I was arrested, my family did not know what to do, but they knew they had to move fast. My family had less than 24 hours to find a lawyer to represent me. My fiancé found the amazing Megan Coleman, who represented me. Megan had even less time to get up to speed on the details of my case. At my bond hearing on February 8th, Megan succeeded in presenting some of the text messages which showed that my son's father had created a totally false narrative to justify having me locked up. The prosecutor, who was the head of PG County's Domestic Violence unit, the Judge, and Megan, all could see that the allegations simply were not ringing true. I was granted pre-trial release, which had I not been, I might have been in jail until a pre-trial conference, which was scheduled for March 7th. Even though I was granted pre-trial release on February 8th, it would be another week before I was allowed to leave the PG County Corrections Center.

February 14, 2024, I was given the greatest Valentine's Gift. I was released that night with all charges dropped by February 16th.

After spending a week in jail and knowing just how easy it would be for my son's father to file the same, similar, or even totally different false allegations against me, I am carrying fear, uncertainty, and embarrassment. How is someone allowed to bring charges against someone based solely on false allegations unsupported by any evidence and have them locked up?

I come from a praying and supportive family and the Holy Spirit moved in our favor. If my parents did not have the finances, I likely would still be locked up inside the PG County Correctional Center, awaiting my court hearing and trying to figure out a way to prove my innocence.

I wake up and go to bed fearing that I will be arrested again because my son's father can make false claims to the commissioner and manipulate the judiciary system. He's done it in the Family Court system multiple times, and he's succeeded in doing the same in the criminal court system this time. I fear everyday of losing my freedom and my son.



Testimony for the House Judiciary Committee

March 5, 2024

HB 1183 - Criminal Procedure - District Court Commissioners and False Statements

OLIVIA SPACCASI
PUBLIC POLICY PROGRAM
ASSOCIATE

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The ACLU of Maryland supports HB 1183, which would limit the issuance of arrest warrants to those generated in response to a statement of charges application solely by a police officer or states attorney. Currently, District Court Commissioners can issue arrest warrants based on a statement of charges application by anyone. As a result, innocent people can be arrested and entangled in the criminal legal system based on these applications alone. By limiting the issuance of arrest warrants to those generated in response to law enforcement or states attorney's statement of charges filing as opposed to those filed by any member of the public, necessary safeguards will be established and the process will be insulated from those looking to weaponize the criminal legal system against other civilians.

If you have had a crime committed against you, there are two main routes for redress through the criminal legal system. Firstly, one can file a police report. Secondly, one can file an *Application for Statement of Charges* with a District Court commissioner.¹ This path is utilized by many people and often abused. A 2014 report by the Commission to Reform Maryland's Pretrial System showed that in 2012, citizen complaints comprised 42.8% of the total charging documents issued by District Court Commissioners. In Prince George's County citizen complaints comprised 60% of charging documents.²

While people are encouraged to take the first route, people can and do file such applications and arrest warrants are often issued without any investigation or review conducted by law enforcement or the states attorney's office. That is because a thorough investigation is not a standard part of the process for consideration of citizen-initiated applications for statement of charges. This practice can lead to a runaway train of consequences for the

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<https://www.mdcourts.gov/sites/default/files/courtforms/district/forms/criminal/dccr001br.pdf/dccr001br.pdf>

² <http://goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>



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accused individual, who can be arrested based solely on the details in the application. These applications do warn against making false statements and such statements are punishable by imprisonment for up to 6 months, however there are few safeguards in place to ensure that these applications are properly vetted. Limiting the issuance of arrest warrants to those issued based on law enforcement or states attorney applications will establish a much-needed safeguard to ensure people are not arrested and entangled in the justice system without proper due diligence.

Moreover, HB 1183 will not diminish protections for victims of domestic violence or limit the routes through which they can find redress for the harm done to them. Under Md. Code, Crim. Proc. § 2-204, police officers do not need a warrant to arrest a person suspected of domestic violence under various circumstances. HB 1183 aims to establish a crucial checkpoint to mitigate the harm caused by wrongful arrests and unsubstantiated accusations, thereby promoting a more equitable and just society.

Additionally, we urge the Committee to consider a friendly amendment that would remove the increase in potential incarceration from 6 months to 3 years. Such increases in penalties are not proven to dissuade criminal conduct. Rather, the risk of being caught for criminal conduct is a more powerful deterrent. The rest of the bill ensures that accusations of criminal conduct are properly vetted through law enforcement investigatory procedures, deterring people from making false statements in the first place.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 1183.



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH A. LOTRIDGE
DEPUTY PUBLIC DEFENDER

POSITION ON PROPOSED LEGISLATION

Bill: House Bill 1183 - Criminal Procedure - District Court Commissioners and False Statements

Position: Favorable, with amendments.

Date: 02/29/2024

The Maryland Office of the Public Defender urges a favorable report on House Bill 1183, with an amendment to the penalty provision.

Currently in Maryland anyone can walk into a District Court Commissioner's Office and make allegations that another has committed a crime, resulting in a commissioner issuing not only criminal charges but a warrant for a person's arrest. That warrant can issue without any investigation being made into the allegations. While the Office of the State's Attorney may later determine that there is not sufficient evidence to prosecute the case, or even that the allegations were completely without merit, the harm inflicted by the issuance of the warrant rarely can be undone.

By limiting the circumstances in which a District Court Commissioner can issue an arrest warrant to those instances where an application for statement of charges is made by a police officer or a State's Attorney, House Bill 1183 adds a much needed check to a system that is too often abused.

The current system, in which anyone can essentially cause an arrest warrant to be issued, is routinely abused. Individuals make false allegations for all sorts of reasons. Some hope to have another arrested as retaliation for making true accusations against them. Others have mastered using this unique quirk in our legal system as a method of harassing their enemies. Still others abuse the current system to cause their legal adversaries to miss crucial court dates or other important events.

Take the instance of a Jasmine,¹ a woman our office represented who was the victim of domestic assault at the hands of her ex-husband. The week before Jasmine's ex-husband's trial date, where she was to testify as to the abuse he had inflicted upon her, the ex-husband filed a false application for statement of charges against Jasmine, leading to her arrest. The arrest caused her to miss the trial date where she was scheduled to testify against her husband. The charges against Jasmine were later dismissed, but the damage had already been done.

¹ Jasmine is not the true name of this client, whose name is being withheld to protect her identity.

Another example is that of Nina², who was charged on 19 separate occasions over a period of three years by the same individual, also an ex-boyfriend, of crimes she claimed were false. In all 19 of these instances the State's Attorneys Office ultimately dropped the cases against her, however, the damage inflicted by the false charges and the multitude of unnecessary arrests was devastating. She lost jobs, was put in situations where she had no one to care for her minor child, and walked around in fear, traumatized, worried that she was always at risk of being arrested again due to false allegations by her harasser.

The modest reform in House Bill 1183 would make to Courts and Judicial Proceedings § 2-607 would not fundamentally alter Maryland's charging system. People still could apply for statements of charges against others through the District Court commissioner, in addition or instead of what most people do when they are victim of a crime, i.e., call the police. The amendment would simply put an additional limit on the circumstances in which an arrest warrant, rather than a criminal summons, would issue to those where the Police or the State's Attorney's Office are the ones initiating the charges.

The Office of the Public Defender supports this Bill, with one exception, which is that we are opposed to increasing the maximum penalty provision for making a false statement under Criminal Law § 9-503 from six months to three years. The crime of making a false statement to a law enforcement officer under Criminal Law § 9-501 carries a maximum six months. The two like offenses should carry like penalties. Thus, we encourage an amendment to strike the three year penalty provision.

A six month penalty is further supported by the social science research that consistently demonstrates that increasing enforcement, not increasing maximum penalties, is the more effective approach to deterring crime.³ In our experience, Criminal Law § 9-503 is rarely enforced. A refocused effort on the enforcement of this law already on the books should be prioritized and attempted before considering increasing the maximum penalty for violating Criminal Law § 9-503.

For the foregoing reasons, the Maryland Office of the Public Defender urges this committee to issue a favorable report on House Bill 1183.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

² Nina is not the true name of this client, whose name is being withheld to protect her identity.

³ <https://www.ojp.gov/pdffiles1/nij/247350.pdf>



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Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **March 5, 2024**

BILL NUMBER: **HB 1183**

POSITION: **Favorable with Amendment**

The Maryland State's Attorneys' Association (MSAA) supports House Bill 1183 with the inclusion of an amendment that would permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in MD. CODE ANN., PUB. SAFETY ("PS") § 5-101(c), has occurred.

Maryland is one of a minority of states that permit civilians to institute criminal cases – by applying for a statement of charges with a district court commissioner, a civilian can begin the criminal process without the involvement of law enforcement officers or prosecutors. Although this process serves a number of important purposes, because these charges are often issued without the involvement of the institutions our communities trust to conduct thorough investigations into criminal allegations, it is important for the General Assembly to establish guardrails to prevent abuses.

HB 1183 provides two such guardrails – first, it increases the penalty for knowingly making a false report of a crime from six months to three years, disincentivizing those that would seek to weaponize the machinery of the State for unlawful gain, and second, it prevents a district court commissioner from issuing a warrant unless the charges were applied for by a law enforcement officer or a State's Attorney, recognizing that the enormously disruptive consequences of being served with a warrant would be generally inappropriate given the lack of a formal investigation into the allegations.

There are some circumstances, however, that necessitate immediate action, even when prosecutors and police officers have not been involved. If a crime victim feels unsafe reporting a serious crime to authorities and wishes to go directly to a district court commissioner, that commissioner should be empowered to act swiftly when circumstances so require. By amending HB 1183 to permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in PS § 5-101(c), has occurred, this bill would balance the need to protect the safety of crime victims with the rights of the accused in criminal cases instituted through the commissioner complaint process.



BILL NUMBER: HB1183

TITLE: Criminal Procedure – District Court Commissioners and False Statements

COMMITTEE: Judiciary

HEARING DATE: March 5, 2024

POSITION: Oppose

TurnAround, Inc. is the designated rape crisis center for Baltimore City and Baltimore County, and a comprehensive domestic violence center. Crisis response, victim-centered advocacy, legal referrals, trauma therapy, and community education are core components of the agency's work. TurnAround is the designated Regional Navigator for Baltimore County and Howard County providing services to Human Trafficking survivors. TurnAround is a member of the Maryland Coalition Against Sexual Assault (MCASA), the Maryland Network Against Domestic Violence (MNADV) and the Maryland Human Trafficking Taskforce (MHTTF).

House Bill 1183 would prohibit a District Court Commissioner from issuing an arrest warrant to an individual other than a police officer or a State's Attorney. It would also increase the penalty for making a false statement or report to a certain governmental official or unit from 6 months to up to 3 years imprisonment.

The impact of this legislation, if passed, could be devastating to a victim of domestic violence. Victims escaping domestic violence need as many pathways to safety as possible. Access to the District Court Commissioners is one of the pathways to safety utilized by victims of domestic violence in Maryland, and HB 1183 could put victims at greater risk. There are a variety of reasons why a victim may go to a District Court Commissioner rather than law enforcement including that their abuser has made it impossible for them to call 911. As a direct service provider, we often support survivors as they press charges through the Commissioner's office after an abusive incident, at times in conjunction with filing a protective order.

Domestic violence is already vastly underreported. We should not risk the safety of victims and remove the ability for District Court Commissioners to issue arrest warrants when presented with the requisite probable cause that the defendant committed the underlying charge and other factors are met, such as probable cause to believe that the defendant poses a danger to another person or to the community. Leaving an abuser is often the most dangerous time for a victim of

domestic violence. Therefore, the removal of the possibility for a commissioner to issue an arrest warrant could be incredibly dangerous for a victim of domestic violence.

One of the many reasons that a victim of domestic violence might not report abuse is due to subsequent violence they might experience if it is reported. By only permitting the issuance of a summons a victim might not be able to escape to safety. The abuser will be on notice that the victim reported the abuse and that a criminal case is pending. The blanket removal of the ability for a District Court commissioner to issue an arrest warrant if it is needed for the safety of others could jeopardize the safety of the victim.

For the foregoing reasons, TurnAround respectfully requests an unfavorable report.



House of Ruth Maryland

Domestic Violence Legal Clinic

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Bill No.: House Bill 1183
Bill Title: Criminal Procedure – District Court Commissioners and False Statements
Committee: Judiciary
Hearing Date: March 5, 2024
Position: **UNF**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 1183 would prohibit District Court commissioners from issuing an arrest warrant to anyone but a police officer or State’s Attorney. **We urge the House Judiciary Committee to unfavorably report on House Bill 1183.**

The ability to apply for a statement of charges with a District Court Commissioner is an important safety tool for victims of domestic violence. Many victims are unable to call 911 during an abusive incident, either because the abuser takes away or destroys their phone or threatens to kill the victim if they attempt to call 911. Their only recourse in such instances is to go to a District Court Commissioner at the first safe opportunity to do so and apply for a statement of charges. Even when victims are able to call 911 in the midst of an incident of abuse, very often the abuser has fled the scene before police arrive. Victims should not have to rely upon law enforcement or the State’s Attorney’s Office to make the decision to file criminal charges in order to seek redress for these incidents.

In addition to needing the option to file charges for an incident of abuse, many victims also need the opportunity to file charges for violations of protective orders. Curtailing this ability will remove another important safety tool from victims of domestic violence and will lessen accountability for perpetrators of abuse.

The House of Ruth urges the House Judiciary Committee to report unfavorably on House Bill 1183.



BILL NO: House Bill 1183
TITLE: Criminal Procedure - District Court Commissioners and False Statements
COMMITTEE: Judiciary
HEARING DATE: March 5, 2024
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 1183.**

House Bill 1183 would prohibit a District Court Commissioner from issuing an arrest warrant to an individual other than a police officer or a State's Attorney. It would also increase the penalty for making a false statement or report to a certain governmental official or unit from 6 months to up to 3 years imprisonment. The impact of this legislation, if passed, could be devastating to a victim of domestic violence.

Victims escaping domestic violence need as many pathways to safety as possible. Access to the District Court Commissioners is one of the pathways to safety utilized by victims of domestic violence in Maryland, and HB 1183 could put victims at greater risk. There are a variety of reasons why a victim may go to a District Court Commissioner rather than law enforcement including that their abuser has made it impossible for them to call 911. Domestic violence is already vastly underreported. We should not risk the safety of victims and remove the ability for District Court Commissioners to issue arrest warrants when presented with the requisite probable cause that the defendant committed the underlying charge and other factors are met, such as probable cause to believe that the defendant poses a danger to another person or to the community.

Leaving an abuser is often the most dangerous time for a victim of domestic violence. Therefore, the removal of the possibility for a commissioner to issue an arrest warrant could be incredibly dangerous for a victim of domestic violence. One of the many reasons that a victim of domestic violence might not report abuse is due to subsequent violence they might experience if it is reported. By only permitting the issuance of a summons a victim might not be able to escape to safety. The abuser will be on notice that the victim reported the abuse and that a criminal case is pending. The blanket removal of the ability for a District Court commissioner to issue an arrest warrant if it is needed for the safety of others could jeopardize the safety of the victim.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1183.**

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