



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry
Inspector General

Douglas H. Roloff, III
Deputy Inspector General

February 16, 2022

VIA EMAIL (kakiler@carrollk12.org)

The Honorable Kenneth A. Kiler
President
Carroll County Board of Education
125 North Court Street
Westminster, Maryland 21157

Management Alert Report (MAR): 004
OIGE Case: 22-0023-C

Dear Mr. Kiler,

The Maryland Office of the Inspector General for Education (OIGE) has received a complaint alleging that Carroll County Board of Education, a recognized state agency has misused educational funds to file a lawsuit against another state agency: the State Board of Education.

The OIGE respects a private citizen's right to challenge its government in a court of law. This freedom has been a cornerstone of our democracy. In this case, the OIGE will not debate the merits of the legal action brought by the Carroll County Board of Education and two of its members against the Maryland State Board of Education. This matter and the concerns raised will be decided by the Circuit Court of Maryland.

Due to this allegation, the OIGE would share with the Carroll County Board of Education and its members that there is case law which addresses intra-governmental disputes. In this case the Carroll County Board of Education is recognized as a state government agency and does not have standing to sue the State. There are several cases available, but the OIGE provides the following cases for the Board to review:

In *Baltimore County v. Churchill, Ltd.*, 271 Md. 1, 313 A.2d 829, the court set forth "the prevailing rule, that a subdivision or other arm of a state does not, in general, have standing to contest the constitutionality, under either the federal or state constitution, of any act of the state". 271 Md. at 7, 313 A.2d at 833. Additional supporting cites: *State v. Burning Tree Club*, 301 Md. 9, 18–26, 481 A.2d 785, 789–793 (1984); *State's Atty. v. City of Baltimore*, 274 Md. 597, 602, 337 A.2d 92, 96 (1975); *City of Baltimore v. Concord*, 257 Md. 132, 138–139, 262 A.2d 755,

758–759 (1970); *Duvall v. Lacy*, 195 Md. 138, 143, 73 A.2d 26, 27–28 (1950). See also *Williams v. Mayor of Baltimore*, 289 U.S. 36, 40, 53 S.Ct. 431, 432, 77 L.Ed. 1015, 1020 (1933).

While recognizing that there are exceptions to this rule, the court stated, “none of the exceptions is applicable to the present case.” 317 Md. at 45, 562 A.2d at 705. *State v. Bd. of Educ. of Montgomery County*, 346 Md. 633, 640, 697 A.2d 1334, 1337–38 (1997).

In closing, the OIGE is providing this Management Alert Report (MAR) to the members of the Carroll County Board of Education to ensure it takes the necessary steps to safeguard educational funds provided by the State of Maryland and manage them effectively and efficiently.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard P. Henry", is written over a light yellow rectangular background.

Richard P. Henry
Inspector General

cc: Carroll County Board of Education Members
Mr. Edmund O’Meally, Esq, Counsel to the Board of Education