



**Peter Franchot**  
Comptroller

December 17, 2015

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House, H-107  
Annapolis, MD 21401-1991

Dear President Miller:

Thank you for your December 15<sup>th</sup> response to my request for a joint hearing of the General Assembly on the need for air conditioned public school classrooms in Baltimore City and Baltimore County. Bearing in mind that my request was based upon your expressed desire for “further consultation” on this matter of growing urgency, I was quite taken aback by the hostile tenor of your response. Allow me, if you would, to respond.

While I always stand ready to engage you in a candid exchange of ideas, I will not allow you to unfairly and inaccurately disparage the work of my award-winning office. The Office of the Comptroller has earned both statewide and national recognition, over the course of time, for our commitment to exceptional taxpayer service.

Whether it is by issuing refunds to the vast majority of taxpayers within three business days, utilizing both highly skilled personnel and state-of-the-art technology to recapture more than \$4.3 billion in delinquent tax receipts, or demonstrating national leadership in the effort to protect Maryland taxpayers from the harmful effects of tax fraud and identity theft, our reputation reflects our time-honored commitment to what I call the “**Three Rs**”: **Respect, Responsiveness and Results**. In addition to receiving the acclaim of our national peers, I feel that our approach to these core responsibilities of the office was validated in last year’s elections, when I was re-elected with 63 percent of the electorate and was honored to be the only statewide candidate to receive more than one million votes.

This, in what otherwise proved to be a very bad year for Maryland Democrats as a whole, for legislative candidates in competitive districts throughout our state, and particularly for state and local candidates in Calvert County, where your political tutelage catapulted our party’s gubernatorial nominee to 30 percent of the general election vote.

Your unwarranted attack on the work of my office is surprising, given that my team has always responded with due alacrity to constituent matters that are referred to us by your office, and by your colleagues within both legislative chambers. It was also surprising because, even in the midst of our occasional disagreements through the years, you have always taken great pains to praise the work of our office, for which I have always been appreciative.

Based upon some of your more recent private comments to me – the contents of which I shall not repeat for fear that they shall be reposted in family media outlets – my sense is that your sudden

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and newfound concerns over the performance of my office are actually based upon my well-documented willingness to reach across partisan lines to work with Governor Hogan on fiscal matters of great importance to Maryland taxpayers. Rather than joining your efforts to launch the 2018 gubernatorial election three years early – as painfully awkward and as maladroit as they have been, to date – I am pleased to work collaboratively with the Governor in a shared effort to hold the line on excessive spending, unsustainable debt and higher taxes on consumers and small businesses. While the Governor and I obviously don't agree on everything, as the Board of Public Works transcripts shall reflect, I believe our mutual willingness to put party affiliations aside for the sake of Maryland's fiscal and economic health is viewed by most Marylanders as a refreshing change of pace.

That said, members of our leadership team and I routinely consult with members of the General Assembly on the work of our office, and in fact are in the process of building legislative support for our Taxpayer Protection Act, which if approved will provide my office with even greater legal and administrative tools to detect and prevent tax fraud. In this day and age, when financial criminals are more brazen and sophisticated than ever before, and national events have exposed the vulnerability of our most private personal information, it is my hope that you will see fit to set our momentary differences aside and endorse this vital legislation. In that spirit of consultation and dialogue, I will be happy to bring our team to a future legislative hearing on this and other issues of shared interest. What I will not accept, however, are efforts to diminish the work of my office, through rumors that lack documentation or credibility, by someone who customarily demonstrates an interest in taxes only when he believes it's time to raise them.

As a Member of the Board of Public Works, which is ultimately responsible for approving the State of Maryland's school construction program, I must respectfully insist that this hearing, should it come to fruition, also include the matter which inspired our conversation, which is the inexcusable lack of air conditioning in hundreds of classrooms throughout Baltimore City and Baltimore County. As I mentioned in my first letter, the sweltering conditions in these classrooms have caused children, teachers and employees to become nauseous and sick, and in some instances have even caused people to faint. In a state that places a high premium on public education, and takes due pride in the quality of the learning experience offered by our public schools, these unsafe and unhealthy conditions are simply unacceptable.

Due in part to my efforts to raise awareness of this issue at the Board of Public Works, and due largely to Governor Hogan's impressive leadership on it, the IAC – the state board that oversees the school construction process for the State of Maryland -- was recently poised to adopt a change of policy, one which would allow local school systems to apply state funds to the installation of portable air conditioning systems as a means of providing temporary relief. That suddenly changed at the last minute, when your handpicked appointee to the board – former state delegate and prominent Prince George's County attorney Timothy Maloney – requested a deferral of the vote, citing the desire of the legislature for consultation on the matter.

Having made your point in such an abrupt and highly irregular manner, I would strongly encourage you to follow through and demonstrate a sincere interest in the working conditions within these state-funded school buildings. To reflexively dismiss the needs of these children, teachers and public school employees – as you did in your letter-- is a moral affront to innocent people who shouldn't have to risk their well-being in order to go to work or receive a public school education. If, as I suspect, your actions were motivated by political concerns rather than stewardship of the public interest, I'll also note that this would put our party squarely on the

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wrong side of a deeply meaningful education issue at a time when the party is laboring to remind Marylanders of our proud tradition of commitment to better schools.

Put more directly, Senator, it would be a staggering display of political incompetence that neither your caucus members nor the Democratic Party as a whole can afford right now.

It is in this hopeful spirit of shared purpose that I call for an end to this cycle of public correspondence, and instead ask that we now dedicate our shared talents to providing a better, safer and healthier working environment to those who now endure unnecessary suffering. That would begin with a joint public hearing of the legislature on the magnitude of the problem, continue with an affirmative vote of the IAC to allow state funds to be applied to temporary relief from the staggering heat, and conclude by applying your considerable political influence to those local officials who, for inexplicable reasons, have proven resistant to the clear needs of those they represent.

I look forward to hearing from you and, in case we don't speak in the days to come, I'd like to wish you and your beautiful family a Merry Christmas.

Sincerely,

A handwritten signature in black ink that reads "Peter Franchot". The signature is written in a cursive, flowing style.

Peter Franchot  
Comptroller