

# H|P|K

HODES, PESSIN & KATZ, P.A.  
*Attorneys at Law*

901 DULANEY VALLEY ROAD  
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[lstelman@hpklegal.com](mailto:lstelman@hpklegal.com)

October 20, 2009

## Via First-Class Mail & E-mail

Andrea Krizner  
United Food and Commercial Workers Local 1994  
Municipal and County Government Employees  
Organization  
600 South Frederick Avenue, Suite 200  
Gaithersburg, MD 20877  
[akrizner@mcgeo.org](mailto:akrizner@mcgeo.org)

Dear Ms. Krizner:

As outside counsel for the Queen Anne's County Free Library, my office has been asked to respond to your September 23, 2009 e-mail request.<sup>1</sup> You indicated that your request was made in accordance with the Maryland Freedom of Information Act ("FOIA"). Because FOIA is a federal law, I will respond to your request under the Maryland Public Information Act ("MPIA"), Maryland Code Annotated, *State Government* § 10-611 *et seq.*, the state statute under which individuals may obtain records from Maryland State and municipal agencies.

As an initial matter, all three of your requests seek documents from the Queen Anne's County Government. Because the Queen Anne's County Free Library is an entity separate and distinct from the Queen Anne's County Government, the Queen Anne's County Free Library cannot provide you with documents that are in the care, custody and control of the Queen Anne's County Government. Accordingly, please refer requests for documents to the Queen Anne's County Government to Margie Houck, Custodian of Records, Queen Anne's County Government, 107 North Liberty Street, Centreville, Maryland 21617.

Your first request seeks documents concerning the "capacity and scope of the work Hodes, Pessin & Katz, P.A. Attorneys at Law is providing Queen Anne's County Public Library

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<sup>1</sup> My earlier correspondence, dated September 21, 2009, contained a typographical error. In it, I stated that I was responding on behalf of the Queen Anne's County Commissioners. Indeed, in that letter, I was responding to your September 3, 2009 MPIA request on behalf of the Queen Anne's County Free Library, a separate entity from the Queen Anne's County Commissioners. My apologies for the confusion.

and Queen Anne's County." To the extent that your request seeks documents that are in the custody and control of the Queen Anne's County Free Library, relevant documents are enclosed.

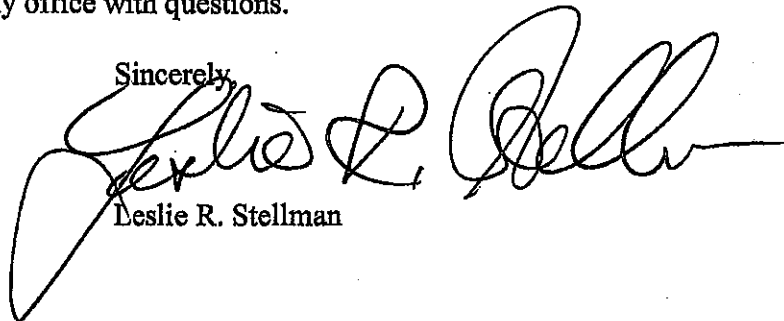
Your second request seeks "copies of any retainer agreements between Queen Anne's County and Queen Anne's County Public Library and Hodes, Pessin & Katz, P.A. Attorneys at Law." To the extent that your request seeks documents that are in the custody and control of the Queen Anne's County Free Library, relevant documents are enclosed.

Your third request seeks a "detailed list of all bills to Queen Anne's County and Queen Anne's County Public Library from Hodes, Pessin & Katz, P.A. Attorneys at Law. Including [sic] but not limited to hourly rate and billable hours for consultation, research materials, phone expenses, and any other miscellaneous charges." The Queen Anne's County Free Library has received one invoice, which is attached hereto. The substance of legal work identified in the invoice is subject to the attorney-client privilege and is therefore protected from disclosure by State Government Article, §10-615(1) as privileged records.

Pursuant to the State Government Article, 10-622, your client is entitled to an administrative review of a decision to deny access. If requested, such review will be conducted in accordance with State Government Article, §§10-205 through 10-221.

Please feel free to contact my office with questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie R. Stellman', written in a cursive style. The signature is positioned above the printed name 'Leslie R. Stellman'.

Leslie R. Stellman

cc: Charles V. Powers, Jr.

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September 10, 2009

Charles V. Powers, Jr.  
Director  
Queen Anne's County Free Library System  
121 South Commerce Street  
Centreville, Maryland 21617

## RETAINER AGREEMENT

Dear Mr. Powers:

It was good speaking with you this afternoon, and I look forward to appearing on the podium at the MALPA convention on October 1<sup>st</sup> in order to speak further about union activities that appear to be escalating among public libraries throughout the State.

This letter is intended to contain the terms of our attorney-client relationship. On behalf of the board of the Queen Anne's County Free Library System, you have agreed to retain the services of Hodes, Pessin & Katz, P.A., for the purpose of providing legal advice and counsel in connection with a current request for information made by a labor organization which seeks certain personnel records pursuant to the Maryland Public Information Act. The scope of our legal services at this time is limited to responding to that request and any related activities in connection with the library system's response to union demands, requests, and/or organizational activities. These legal services may also include personnel-related matters arising out of the course of the library's activities in responding to current union organizational attempts. To that effect, members of our firm have considerable experience appearing and representing public sector clients before the Maryland State Board of Education. We are prepared to do the same on behalf of your library board, should the need arise.

We are prepared to offer the library board discounted legal fees commensurate with the hourly fees we presently charge to the Queen Anne's and Kent County governments, which we represent from time to time in similar matters. Those rates, which are substantially reduced from our regular private sector rates of \$300 to \$400 per hour, are as follows:

\$255 for partners (including myself)

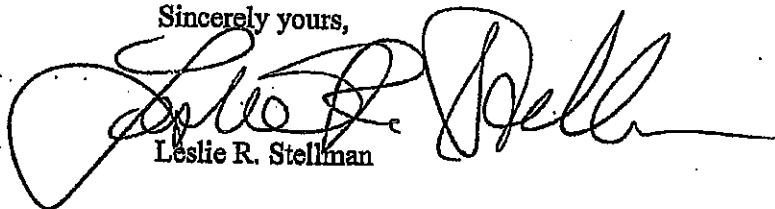
\$225 for associates

\$165 for paralegals

We bill our clients monthly, and invoices are due upon receipt. In addition to hourly fees, we charge for out-of-pocket expenses such as mileage and photocopying charges. Because your organization is in the private sector, we do not require a retainer for our services, which we estimate at an initial approximate \$1,000.00 in order to properly and competently respond to the MPIO request for which you have initially retained our services.

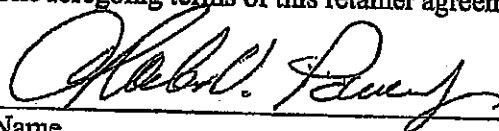
If the terms of this retainer agreement is satisfactory to you and your board, please so note by signing where indicated below. You can then fax, email, or mail a counter-signed copy of this agreement back to me, so that we can commence assisting you and your board.

Sincerely yours,



Leslie R. Stellman

The foregoing terms of this retainer agreement are acceptable:

  
Name

9/10/09  
Date

Administrator  
Title

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## CLIENT INVOICE

Queen Anne's County Free Library System  
Charles V. Powers, Jr., Director  
121 South Commerce Street  
Centreville, MD 21617

Page 2  
October 8, 2009  
Client # 027765.001  
Invoice # 370864

Matter Description: MPIA Request

	<u>Hours</u>	<u>Amount</u>
09/14/09 SKW	0.20	41.00
09/14/09 SKW	2.00	410.00
09/16/09 SKW	0.10	20.50
09/18/09 SKW	1.00	205.00
09/21/09 SKW	0.60	123.00
09/21/09 SKW	0.70	143.50
09/24/09 SKW	0.00	N/C
09/24/09 SKW	0.00	N/C
09/24/09 SKW	0.70	143.50

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 Charles V. Powers, Jr., Director  
 121 South Commerce Street  
 Centreville, MD 21617

Page 3  
 October 8, 2009  
 Client # 027765.001  
 Invoice # 370864

Matter Description: MPIA Request

	<u>Hours</u>	<u>Amount</u>
09/24/09 LRS	0.30	70.50
09/29/09 SKW	0.30	61.50
Current Services Rendered	5.90	\$ 1,218.50
Net Fees Billed		\$ 1,218.50
<b><u>Expenses:</u></b>		
09/21/09 Courier Expense - Federal Express Corporation		15.80
Total Expenses		15.80
Total Current Invoice		\$ 1,234.30
Balance Due		\$ 1,234.30

<b>Past Due Amounts</b>					
<u>0 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>90 - 120</u>	<u>121+</u>	<u>Total</u>
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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Page 1  
October 8, 2009  
Client # 027765.001  
Invoice # 370864

Matter Description: MPIA Request

Professional Services Rendered through September 30, 2009

Current Fees

Current Expenses

Total Current Due

Total Amount Due

\$ 1,218.50

\$ 15.80

1,234.30

\$ 1,234.30

**REMITTANCE**

PAYABLE WITHIN 30 DAYS OF INVOICE DATE.

PLEASE RETURN THIS PAGE WITH YOUR PAYMENT.

For your convenience, we also accept MasterCard, Visa and American Express: (please circle)

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
Billing address: \_\_\_\_\_  
Amount charged: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

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