

Steve Kanstoroom

Subject: FW: Investigation of MNCPPC Called for By CountyElectedOfficials

-----Original Message-----

From: Lewis, Adrienne [<mailto:Adrienne.Lewis@montgomerycountymd.gov>]
Sent: Thursday, May 31, 2007 5:49 PM
To: Steve Kanstoroom
Subject: FW: Investigation of MNCPPC Called for By County Elected Officials

Adrienne Gude Lewis, Legislative Aide
Office of Councilmember Marc Elrich
Montgomery County Council
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-----Original Message-----

From: Douglas Gansler [<mailto:dgansler@oag.state.md.us>]
Sent: Thursday, May 31, 2007 5:48 PM
To: Lewis, Adrienne
Subject: Re: Investigation of MNCPPC Called for By County Elected Officials

Probably best to touch base with Dan Barnett on that.

-----Original Message-----

From: "Lewis, Adrienne" <Adrienne.Lewis@montgomerycountymd.gov>
To: Gansler, Douglas <dgansler@oag.state.md.us>

Sent: 5/31/2007 5:33:57 PM
Subject: RE: Investigation of MNCPPC Called for By County Elected Officials

Okay, I'm afraid to ask why....
Adrienne

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-----Original Message-----

From: Douglas Gansler [<mailto:dgansler@oag.state.md.us>]
Sent: Thursday, May 31, 2007 5:27 PM
To: Lewis, Adrienne

Subject: Re: Investigation of MNCPPC Called for By County ElectedOfficials

Actually, press is not good in this case.

-----Original Message-----

From: "Lewis, Adrienne" <Adrienne.Lewis@montgomerycountymd.gov>

Sent: 5/31/2007 5:02:05 PM

Subject: FW: Investigation of MNCPPC Called for By County Elected Officials

This is number 1 of a series of 3 articles in The Examiner about projects I have been working on. Also, The Washington Post had an article in the Maryland Section today on page 3 "Probe Sought of County's Planning Department".

Press is good!

Adrienne

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http://www.examiner.com/a-754001~Man_claiming_to_be_engineer_signs_off_on_projects.html
Local - Man claiming to be engineer signs off on projects
May 30, 2007
by Dena Levitz, The Examiner

(Greg Whitesell/Examiner)

The Overlook, one of the many housing options at Leisure World in Silver Spring, as seen on Tuesday. Lee Sutherland, who was involved in the building of Leisure World, is reportedly not licensed as an engineer but signed off on a number of projects as such.

WASHINGTON (Map, News) - A man claiming to be an engineer has been working on major construction projects in Montgomery County and the greater D.C. area for nearly five decades without a professional license, according to Maryland authorities.

Milne Lee Sutherland of the Silver Spring firm Sutherland Associates describes himself in his 2007 resume as an engineer who has worked on major regional projects such as D.C.'s Veterans Hospital and the 2,000-acre residential community of Leisure World in Silver Spring. He also listed himself as engineer in a host of smaller, preliminary plan applications for construction projects in Montgomery County, according to documents on file at Montgomery County Department of Parks and Planning's offices.

Liz Williams, a spokeswoman for the Maryland Department of Labor and Licensing Regulations, told The Examiner that Sutherland is not licensed

In any of the two dozen engineering-related fields for which her agency provides credentials. Without an engineering license, Maryland law forbids anyone to call himself either a "professional engineer" or "engineer." Doing so is a misdemeanor punishable by up to a \$500 fine or six months in prison for each offense. When reached by phone this week, Sutherland said he would not comment on his status as an engineer.

Top officials with Parks and Planning said Tuesday that they are aware Sutherland does not have a license. For that reason, his work must be signed off on by a licensed engineer, according to Gwen Wright, acting chief of the countywide planning division. Up until a few years ago, though, planners were not vigorously checking plans against a list of state-licensed engineers, she said, so it's possible Sutherland could have signed off on a plan as an engineer.

"I cannot tell you that there have been plans that came through that were not signed by a licensed engineer. We don't know," Wright said. "What we can tell you is that in the last several years we do have a heightened level of vigilance on this, and we would not accept a plan from Mr. Sutherland because we know he is not a licensed engineer."

State Del. Herman Taylor, D-Montgomery County, told The Examiner that members of his staff independently concluded that Sutherland lacks the legal credentials to call himself an engineer. Taylor added that the case "has been the smoking gun to me" of serious deficiencies in the way Maryland National Capital Parks and Planning verifies construction permits, and that he believes all of Sutherland's projects must now be reviewed for problems.

"Any reasonable-minded person would believe it would lead to a look at The integrity of other projects," he said. "If you were having work done in your office, who would want to hire a person who's not a licensed professional by the state of Maryland?"

According to Williams, a formal complaint has been lodged against Sutherland, which the labor and licensing department is investigating. She would not elaborate on her agency's investigation because it is still open. She said that the labor and licensing department's power is limited to the scope of complaints leveled against a professional. So the only way her agency would order a full review of an unlicensed engineer's projects would be if complaints specifically alluded to problems with the work.

The discovery that Sutherland has apparently been working without an engineering license was made by Ashton resident Steve Kanstoroom more than a year ago. Kanstoroom told The Examiner that in the mid-1990s Sutherland did engineering work on his home, including topographic mapping and drainage studies. The work was somewhat faulty, he said. But Kanstoroom began inquiring about Sutherland's expertise only when a number of Bethesda residents familiar with Kanstoroom's prior work in fraud detection for the Department of Justice asked for his help.

In addition to finding plan applications that Sutherland signed under the heading of "engineer," Kanstoroom also provided to The Examiner an affidavit from Sutherland's former business partner, Jeffrey D. Lawrence, indicating that Sutherland has never been licensed. Lawrence told The Examiner Tuesday that his former partner has no formal degrees or certifications.

However, Lawrence said, he was not aware of Sutherland signing documents as a professional engineer while the two worked together at Development Consultants Group between 1977 and 1995. "We had a licensed engineer on staff, but your licensed engineer does not do all the work," he said. "[Sutherland] did do some engineering work on projects."

Sutherland's 2007 resume uses the term "engineer" in his job description twice on the cover page. The section listing off his major projects additionally states that he was the "project engineer" on Leisure World for five years. Other projects mentioned are White Flint Shopping Mall, D.C.'s Providence Hospital, D.C.'s Veterans Hospital and Takoma Park's Adventist Hospital. The resume does not explicitly say whether Sutherland was an engineer on additions to these facilities. At this point there have been no reports of problems with any of these structures.

If you have more information about Montgomery County Parks and Planning or licensing requirements, call Dena Levitz at 202 459-4963.

Project Roster

M. Lee Sutherland, who has portrayed himself as an engineer even though he's not licensed as one, has racked up a long list of area projects. His resume explains his roles in the following along with descriptions:

- > White Flint Shopping Mall: "Coordination of the Metro System Construction cut and cover operation through the site and design of an underground stormwater and management detention system"
- > Providence Hospital: "Addition of a new power plant, materials handling facility, kitchen area and associated site improvements"
- > Veterans Hospital: "Addition of a 160-bed clinic, 750 car parking garages and nuclear medicine facility at existing hospital on North Capital Street, including utilities and landscape design"

Source: Sutherland's resume, on file at Montgomery County Parks and Planning

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http://www.examiner.com/a-755979~Officials__critics_decry_lack_of_oversight_of_Park_and_Planning_Commission.html

Officials, critics decry lack of oversight of Park and Planning Commission
May 31, 2007
by Dena Levitz, The Examiner

Montgomery County (Map, News) - The Maryland-National Capital Park and Planning Commission, by its own description and allegations of its critics, answers to nobody in state and county government. The problem that frustrates some elected officials is that the county appoints the board that runs the commission and pays the commission's salaries but it cannot

compel Montgomery County Park and Planning to investigate citizen complaints about the application process.

Park and Planning spokeswoman Nancy Lineman told The Examiner state law established the commission in 1927. Montgomery County Park and Planning, within the larger commission, is not considered a county agency, nor does it answer to the state. "If you're talking about one all-powerful agency having oversight, that's not the way the agency works," she said.

Lineman described the relationship between the County Council and Park and Planning as collaborative. The council selects Planning Board members and determines how much of the county's budget will go to Park and Planning.

Council members also can direct broad action, as they did in asking Park and Planning to recommend a new growth policy by a particular date.

"We are their main resource and research arm into land use and park management issues," she said. "But for a member of the council to tell [Park and Planning] to do something about a specific case, that's not appropriate." The role of the county's inspector general is similar, Lineman said, in that he can perform an audit, "but that doesn't mean if he makes suggestions, we have to do it."

Del. Karen Montgomery, D-Montgomery County, said she has written to Park and Planning officials for more than a year seeking answers about the inspection process and calling for reform. However, so far her requests have gone unanswered, she said, and she has no authority to make any demands. "When I make an inquiry, usually it's settled," Montgomery said. "Frankly I'm shocked that this is still up in the air."

Council Member Marc Elrich has also written a handful of letters asking Park and Planning to provide information and further review of land-clearing cases involving constituents. The requests have not been honored, however, and Elrich is asking Attorney General Doug Gansler to step in. "The County Council is not an investigatory agency and given the gravity of the allegations ... I respectfully request the assistance of your office," he wrote.

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<http://www.washingtonpost.com/wp-dyn/content/article/2007/05/30/AR200705>

3001196.html

Probe Sought Of County's Planning Department

By Miranda S. Spivack

Washington Post Staff Writer

Thursday, May 31, 2007; Page GZ03

Two county lawmakers have asked Attorney General Douglas F. Gansler (D)

to open a probe of the planning department after Olney resident Steven Kanstoroom alleged that the planning board and staff are making decisions based on faulty documents and failing to take appropriate steps to prevent fraud.

Del. Herman Taylor has written to Gansler asking him to review issues raised by the planning department's reluctance to halt two development projects next to Kanstoroom's home. The planning board has to give permission before many projects can be built. Taylor said late last week that the AG's office has assured him it is examining the claims. Kanstoroom argues that planners rely on sometimes inaccurate documents from builders and their contractors.

In his letter, Taylor (D-Montgomery) said the building projects "were predicated on false and misleading documents" and resulted in "a large illegal forest clearing." He said more destruction "appears imminent." He said that the problems Kanstoroom found with allegedly faulty documents "appear to potentially affect a large number of county residents."

Similarly, County Council member Marc Elrich (D-At large) also has written to Gansler to urge his office's involvement. The allegations, he said, "are credible and warrant an investigation."

Rose Krasnow, head of development review for the planning department, said agency officials think they have given appropriate attention to Kanstoroom's claims. They have made some internal changes to more closely vet documents for accuracy, fined a neighbor of Kanstoroom's \$500 for illegal tree cutting and asked the neighbor to replant. "We feel we have completely responded ... Our job is to make sure that all the parties have been dealt with fairly," she said.

Kanstoroom, who had been prodding the state's Department of the Environment to take steps to stop illegal dumping on property owned by Pepco and the Washington Suburban Sanitary Commission, was recently awarded the "civil justice award" from the Maryland Trial Lawyers Association for helping victims of Hurricane Isabel and for his assistance on legislation in the General Assembly that makes it easier for victims to recover payments from insurers.