

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

CLARENCE BELL 4624 Hawksbury Road Pikesville, MD 21208)	
)	
KATHLEEN CAHILL 203 Margate Road Lutherville, MD 21093)	
)	
JOSEPH MICHAEL COLLINS, SR. 115 Sunnymeadow Lane Reisterstown, MD 21136)	
)	
RUTH GOLDSTEIN 3226 Midfield Road Pikesville, MD 21208)	
)	
NOEL LEVY 11 Windsong Court Pikesville, MD 21208)	
)	
HOMAYOON AND MANZAR MOGHBELI 36 Brett Manor Court Hunt Valley, MD 21030)	
)	
PATRICIA VISSER 17403 Wesley Chapel Road Monkton, MD 21111)	
)	
Plaintiffs,)	Civil Action No. _____
)	
v.)	
)	
BALTIMORE COUNTY, MARYLAND c/o John E. Beverungen County Attorney Old Courthouse 400 Washington Avenue Towson, MD 21204)	
)	
Defendant.)	

VERIFIED COMPLAINT

Plaintiffs, Clarence Bell, Kathleen Cahill, Joseph Michael Collins, Ruth Goldstein, Noel Levy, Homayoon and Manzar Moghbeli, and Patricia Visser, by and through the undersigned counsel, hereby file this Verified Complaint against Baltimore County, Maryland and allege and state as follows:

NATURE OF THE ACTION

1. This action challenges a Baltimore County zoning regulation that unconstitutionally interferes with and unlawfully restrict Plaintiffs' First and Fourteenth Amendment rights by preventing Plaintiffs from displaying political campaign signs on their private property.

2. Current Baltimore County zoning regulations require that political campaign signs be removed within seven (7) days after the closing of the polls following any primary election by an unsuccessful primary candidate and any general election by all other candidates. A recent amendment to the Baltimore County zoning regulations, scheduled to become effective on February 3, 2007, further restricts the time during which Plaintiffs' can display most political campaign signs to forty-five (45) days prior to any primary election. Such provisions are tantamount to a ban on political speech for anywhere from seven to ten months each year and constitute a violation of the First and Fourteenth Amendments to the Constitution of the United States.

3. Plaintiffs bring this action to obtain declaratory relief and preliminary and permanent injunctions enjoining Baltimore County from enforcing the unconstitutional provisions of its zoning regulations.

JURISDICTION AND VENUE

4. This action arises under the First and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983. Jurisdiction is conferred upon the Court by 28 U.S.C. §§ 1331 and 1343. This Court also has jurisdiction, pursuant to 28 U.S.C. §§ 2201 and 2202, to declare the parties' rights and to grant all further relief found necessary and proper.

5. Venue is proper in this District, pursuant to 28 U.S.C. §§ 1391(b) and (c), because this claim arose and the Defendant resides in this District.

PARTIES

6. Plaintiff Clarence Bell resides at 4624 Hawksbury Road in Pikesville in Baltimore County, Maryland. Mr. Bell has lived in Baltimore County since 1989. Mr. Bell is a Republican state trooper who ran for Baltimore County Executive in 2006. Mr. Bell anticipates running for office again in the future. In addition, during the last election cycle, Mr. Bell had six signs in his yard supporting Republican candidates. Mr. Bell intends to place political signs in his yard regularly in future elections.

7. Plaintiff Kathleen Cahill resides at 203 Margate Road in Lutherville in Baltimore County, Maryland. With the exception of her time in college, Ms. Cahill has lived in Baltimore County her entire life. Ms. Cahill always puts political signs in her yard and wants to put a sign in her yard in support of Senator Barack Obama's presidential campaign in advance of the actual presidential election season. Ms. Cahill has never been a political candidate.

8. Plaintiff Joseph Michael ("Mike") Collins, Sr. resides at 115 Sunnymeadow Lane in Reisterstown in Baltimore County, Maryland. Mr. Collins has

lived in Baltimore County since 1983. Mr. Collins is a Republican who has run for office three times since 2000 – twice unsuccessfully (Maryland House of Delegates and Clerk of Court) and once successfully (Delegate to the Republican National Convention).

Although unsure whether he will run for office again, Mr. Collins is active in the Republican Party, usually puts five to six signs in his yard supporting Democratic and Republican candidates, and plans to support and work for Democrat Keifer Mitchell in his campaign for Mayor of Baltimore.

9. Plaintiff Ruth Goldstein resides at 3226 Midfield Road in Pikesville in Baltimore County, Maryland. Ms. Goldstein has lived in Baltimore County her entire life. Ms. Goldstein has worked in various campaigns, including Plaintiff Noel Levy's campaign for the Maryland House of Delegates, and always puts political signs in her yard. Ms. Goldstein still has a sign in her yard supporting Martin O'Malley's campaign for Maryland Governor. Ms. Goldstein testified against the amendment to the Baltimore County Zoning Regulations and Baltimore County Code that is at issue herein.

10. Plaintiffs Homayoon and Manzar Moghbeli reside at 36 Brett Manor Court in Hunt Valley in Baltimore County. Dr. and Mrs. Moghbeli are Iranian-American immigrants and U.S. citizens who have lived in Baltimore County for over 23 years. Although they have not done so before, Dr. and Mrs. Moghbeli, who are increasingly following local and national politics, intend to put political signs in their yard in the future.

11. Plaintiff Noel Levy resides at 11 Windsong Court in Pikesville in Baltimore County, Maryland. Mr. Levy has lived in Baltimore County since 1993. Mr. Levy is a Democrat who has run unsuccessfully for office twice since 2000 – once for

County Council (in 2002) and once for the Maryland House of Delegates (in 2006). In addition, Mr. Levy always puts political signs in his yard. Mr. Levy testified against the amendment to the Baltimore County Zoning Regulations and Baltimore County Code that is at issue herein.

12. Plaintiff Patricia Visser resides at 17403 Wesley Chapel Road in Monkton in Baltimore County, Maryland. Ms. Visser has lived in Baltimore County since 2001. Ms. Visser had a 26-year career with the federal government, during which time she did not post political signs in her yard. After her retirement, Ms. Visser began posting political signs in her yard and intends to do so in the future.

13. Defendant, Baltimore County, is a body corporate and a chartered county government in the State of Maryland, doing business in and having its principal place of business in Baltimore County, Maryland.

THE BALTIMORE COUNTY ZONING REGULATIONS

14. Baltimore County Zoning Regulations 450.4.14 and 450.7 and amendments thereto, which are scheduled to become effective on February 3, 2007, are at issue in this matter. Copies of the regulations and the amendments thereto are attached hereto as Exhibit A and Exhibit B, respectively.

15. On December 18, 2006, the Baltimore County Council (the "Council") approved Council Bill No. 139-06 (the "Amendment"), which amends provisions of the Baltimore County Zoning Regulations and the Baltimore County Code pertaining to "political campaign signs." Ex. B. The Council approved the Amendment over the objections of two plaintiffs, Ms. Goldstein and Mr. Levy, both of whom argued to the

Council that the Amendment would constitute an unconstitutional restriction on free speech. No one testified in favor of the Amendment.

16. Pursuant to Baltimore County Zoning Regulation 450.4.14, a "political campaign" sign is "a temporary sign displaying information about an electoral issue or a candidate for public office."

17. As described in Counsel Bill No. 139-06 (Ex. B), the Amendment is intended to provide for "the location of certain political campaign signs," to specify the "time and conditions for the erection and removal of such signs," to provide for "penalties for violations," and to "generally relate to political campaign signs."

18. The Amendment makes a number of changes to the Baltimore County Zoning Regulations and the Baltimore County Code. At issue here, the Amendment adds a provision to Baltimore County Zoning Regulation 450.7.F mandating that "[p]olitical campaign signs, if required by state law to contain an authority line on behalf of a candidate or political issue, may be erected on private property no earlier than 45 days prior to any primary election."

19. Pursuant to Md. Code, Election Law, § 13-401, the majority of political campaign signs are required to contain an authority line. Specifically, an authority line must appear on any "campaign material," whether published or distributed by a campaign finance entity or any other person. Md. Code, Election Law, § 13-401(a). As defined in Md. Code, Election Law, § 1-101(k)(1), "campaign material" means any material containing text, graphics, or other images relating to a candidate, a prospective candidate or the approval or rejection of a question that is published or distributed.

20. Baltimore County Zoning Regulation 450.7.F still provides that political campaign signs "must be removed within seven days after the closing of polls following any primary by any unsuccessful primary candidate and within seven days after the closing of the polls following any general election by all other candidates."

21. Thus, the Baltimore County Zoning Regulation 450.7.F, as amended, bans political speech for between seven to ten months out of the year, depending on whether or not the candidate is successful in the primary election.

IMPACT ON PLAINTIFFS

22. Plaintiffs are residents of Baltimore County and wish to display political campaign signs on their private property.

23. However, pursuant to Baltimore County Zoning Regulation 450.7.F and upon the February 3, 2007 effective date of amendment thereto, Plaintiffs are precluded from displaying the majority of political campaign signs on their property for between seven to ten months a year.

24. Plaintiffs believe that such preclusion infringes on their freedom of speech and expression under the First Amendment.

25. Certain of the Plaintiffs also believe that Baltimore County Zoning Regulation 450.7.F, as amended, unfairly and improperly supports incumbents in elections.

26. For instance, as previously stated, Mr. Bell anticipates running for office again in the future. He believes that Baltimore County Zoning Regulation 450.7.F, as amended, will limit his ability to obtain name recognition as a non-incumbent.

27. Likewise, Mr. Levy, who recently ran for the Maryland House of Delegates, believes that Baltimore County Zoning Regulation 450.7.F, as amended, favors incumbents and makes it difficult for non-incumbents, like himself, to gain name recognition.

CLAIM FOR RELIEF

28. Plaintiffs re-allege and incorporate each of the allegations set forth in Paragraphs 1 through 27 of this Verified Complaint as if fully stated herein.

29. Baltimore County Zoning Regulation 450.7.F is an unlawful prior restraint on free speech and, as such, is unconstitutional on its face under the First and Fourteenth Amendments of the Constitution of the United States.

30. Moreover, Defendant's enforcement of Baltimore County Zoning Regulation 450.7.F would constitute an unlawful restraint on free speech and, likewise, would violate Plaintiffs' rights under the First and Fourteenth Amendments of the Constitution of the United States.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

(a) Declare that Baltimore County Zoning Regulation 450.7, and amendments thereto scheduled to become effective on February 3, 2007, constitute a prior restraint on free speech in violation of the First and Fourteenth Amendments of the United States Constitution;

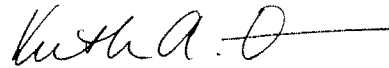
(b) Preliminarily and permanently enjoin Defendant from enforcing Baltimore County Zoning Regulation 450.7;

(c) Award Plaintiffs their attorneys fees and costs in pursuing this action, pursuant to 42 U.S.C. § 1988; and

(d) Grant such other relief as the Court may deem just and proper under the circumstances.

Date: February 2, 2007

Respectfully submitted,



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*Counsel for Plaintiffs Clarence Bell,
Kathleen Cahill, Joseph Michael Collins,
Sr., Ruth Goldstein, Homayoon and Manzar
Moghbeli, Noel Levy, and Patricia Visser*

VERIFICATION

I, Clarence Bell, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date: 1-31-07



Clarence Bell

VERIFICATION

I, Kathleen Cahill, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual avcrments are true and correct to the best of my knowledge and belief.

Date: 1/31/07

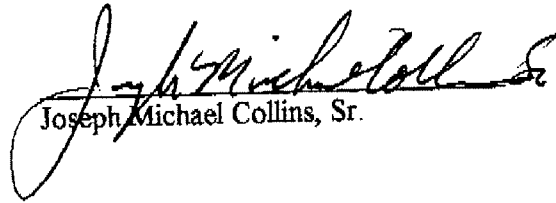

Kathleen Cahill

VERIFICATION

I, Joseph Michael Collins, Sr., a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date:

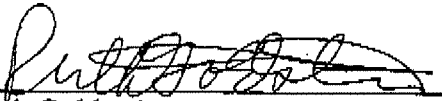
1/31/07


Joseph Michael Collins, Sr.

VERIFICATION

I, Ruth Goldstein, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date: 2/1/07


Ruth Goldstein

VERIFICATION

I, Noel Levy, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

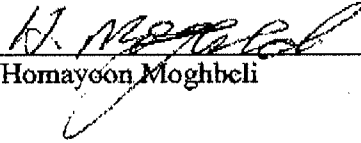
Date: 1/31/07

Noel Levy
Noel Levy

VERIFICATION

I, Homayoon Moghbeli, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date: 11/31/07




Homayoon Moghbeli

VERIFICATION

I, Manzar Moghbeli, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date: 1/31/07

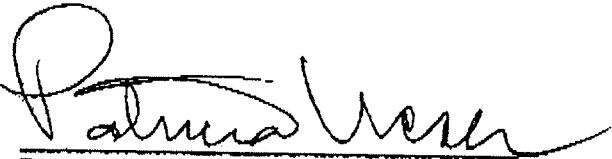

Manzar Moghbeli

VERIFICATION

I, Patricia Visser, a resident of Baltimore County, have read the Verified Complaint and declare under penalty of perjury under the laws of the United States that the foregoing factual averments are true and correct to the best of my knowledge and belief.

Date:

2/1/2007


Patricia Visser