



**Frederick County
Government
Frederick, Maryland**

News Release

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COUNTY TO PROCEED TO TRIAL CONCERNING SALE OF CITIZENS CARE & REHABILITATION CENTER AND MONTEVUE ASSISTED LIVING FACILITY

FREDERICK, MD – Circuit Court Judge Theresa Adams today issued opinions in the litigation brought by the opponents to the sale of the Citizens Care & Rehabilitation Center and Montevue Assisted Living facility. In one opinion, she dismissed the lawsuit filed as an administrative challenge to the June 25, 2013, resolution of the Frederick Board of County Commissioners (BOCC) authorizing the sale of the facility.

In a separate opinion, Judge Adams granted the county's Motion for Summary Judgment on two of the counts, but denied the motion as to the remaining four counts. This allows these four claims in the Declaratory Judgment lawsuit to proceed to trial.

Board President Blaine Young commented, "We were hoping to get all counts dismissed, but we went into this with our eyes wide open and anticipated that we would go to trial. When you put this in the perspective of our current budget challenges, consider that we have people competing for funding for schools, police officers, fire fighters, roads and many other core government projects. We just can't continue to run the deficits that we're running at a nursing home like we have done in the past and still meet our many other needs."

The opponents alleged six claims in the lawsuit:

- The BOCC usurped the powers of the nursing home board of trustees.
- The county violated its purchasing rules in retaining Marcus and Millichap.
- The BOCC did not comply with state law in adopting the resolution authorizing the sale.
- The language in the 1828 deed constitutes a restrictive covenant limiting the use of the land to "for the benefit of the poor of said county."
- The county violated state and Frederick City law by agreeing to sell land using an unrecorded plat.
- The BOCC violated the Open Meetings Act by meeting in closed session to discuss the Board of Public Works grant.

(more)

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On behalf of the BOCC, the Frederick County Attorney's Office filed a Motion for Summary Judgment seeking to have the court rule in the county's favor before trial. Judge Adams granted the motion as to counts one and three (BOCC did not usurp the nursing home board's powers and did not violate state law in adopting the resolution), but denied the motion as to the remaining four counts.

The judge also dismissed the separate lawsuit attempting to challenge the BOCC's adoption of the resolution as an administrative action.

For additional information, contact County Attorney John Mathias as 301-600-1030 or via e-mail at jmathias@FrederickCountyMD.gov.

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