International Municipal Lawyers Association



e-News: Issue 16 August 10, 2017

Click Here To Print This Issue

Quick Links

IMLA Website
Webinar Calendar
Municipal Jobs Board
Become a Member
Join The IMLA Community

In This Issue: 8 Cases & This Just In

Defamation: No Award to Officers Alleging Defamation by City; Subsequent Acquittal and Reinstatement Cured Reputational Injury

Excessive Force: Breaking Window to Remove Recalcitrant "Sovereign-Citizen" Driver from Vehicle is Not Excessive under Totality of Circumstances

FLSA: No Obligation by Employers to Pay for Overtime Hours Where No Constructive Knowledge of Overtime and Employees Declined to Follow Reporting Procedures

Settlements: Party Offering Significant Settlement Amount in Status Meeting is Liable for Fees and Costs of Settlement Conference when Unilaterally Reducing Offer

Speech: Law Prohibiting All Robocalls except Where Caller Has Prior Consent of Recipient Does Not Violate First Amendment; Single Content-Based Exception Can Be Severed

State-Created Danger: Murders Committed by Disgruntled Resident Not "Foreseeable" or "Fairly Direct" Result of Enforcing Ordinances

Trials: Federal Court Lacks Jurisdiction to Consider Declaratory Judgment Action Brought by State's Executive Branch Against Legislative Branch

Trials: Officers Waived Right to Due Process Claims by Failing to Pursue Department Appeals Process

THIS JUST IN:Residents in Exclusive San Francisco Neighborhood Neglected to Pay Property Taxes on Their Privately-Owned Street. So a Couple of Sharp-Eyed Real Estate Investors Bought It

Defamation: No Award to Officers Alleging Defamation by City; Subsequent Acquittal and Reinstatement Cured Reputational Injury

Otto v. Williams, No. 16-3072 (3d Cir. July 27, 2017).

A group of Philadelphia police officers accused of corruption and labeled "scumbags" by city officials did not have a "stigma-plus interest" Due Process claim where legal proceedings after the allegedly defamatory statements resulted in acquittal, reinstatement and expungement of personnel records.

On July 29, 2013 various City of Philadelphia (City) police officers were indicted by a federal grand jury on corruption charges and ultimately were acquitted of 47 counts. Thereafter the

officers filed individual grievances pursuant to the City's collective bargaining agreement and ultimately through that process were reinstated with back pay and their personnel records were expunged. The officers then filed suit against the City and individual officials alleging a "stigma-plus interest" Due Process claim under the Fourteenth Amendment. The district court dismissed the claim, holding that the acquittal and the officers' reinstatements met due process standards.

The Third Circuit began with the standard (though uncommonly pursued) rule, that "to make out a due process claim for deprivation of a liberty interest in reputation, a plaintiff must *show a stigma to his reputation plus deprivation of some additional right or interest*." The court pointed out that it deems claims valid when "a public employer creates and disseminates a false and defamatory impression about the employee in connection with his termination" - the former being the stigma and the latter loss of employment being the due process right the employee was deprived of. However, in this case the Circuit pointed out that the stigma events complained of - namely, that City officials called the case the "worst corruption" seen in years and that the officers involved were "sick scumbags" - took place *before* the criminal trial, meaning the trial met the constitutional standard for clearing the names.

The fact that the comments were reprinted and rehashed by third-parties *after* the acquittal was immaterial to the fact that the reputation injury was already repaired by the trial which the officers were afforded. As a result of this finding regarding the criminal trial, the court declined to evaluate whether the arbitration process was also sufficient to repair the officers' reputations. As for the "plus" part of the equation - the liberty interest actually at issue - the court pointed out that "[t]he arbitration provided the officers with full reinstatement and back pay; their employment records were expunged of any reference to the alleged defamatory statements, and no employment decision could be based on the conduct for which the officers were acquitted, [meaning] the arbitration fully remedied the interest in the "plus" part of the claim."

The court then declined to provide the officers any further remedy - they argued they were entitled to financial remuneration beyond back pay - because "in this case the outcome of the criminal trial provided the officers with an adequate remedy to any reputational harm." The Circuit thus seemingly left the door cracked for the potential to provide an additional remedy in some future case, but that no such additional remedy was necessary "in this case."

LINK

Excessive Force: Breaking Window to Remove Recalcitrant "Sovereign-Citizen" Driver from Vehicle is Not Excessive under Totality of Circumstances

Ickes v. Grassmyer, No. 16-3605 (3d Cir. July 28, 2017).

A driver who presented an operator's license from the "Embassy of Heaven" and refused to exit his vehicle after a traffic stop could not bring an excessive force action where police broke his window in order to arrest him.

On July 18, 2017 Thomas Laskey (Laskey), a Pennsylvania state trooper, observed a vehicle travelling 70 mph in a 50 mph construction zone. He initiated a traffic stop, but the driver did not stop for at least a minute and then pulled into a secluded driveway. Laskey trooper asked for the driver's license and registration, but the driver refused to open the window or provide the proper documents until finally pressing them against the closed window. The trooper called for backup after discovering all the documents - driver's license, registration, and license plate - were issued by the "Embassy of Heaven" and were fraudulent. Other officers arrived who were familiar with the driver, Don Ickes (Ickes), and the "sovereign-citizen movement" he was affiliated with.

Ultimately the officers broke the vehicle window to get Ickes to exit the car and arrested him, charging and convicting him of a variety of offenses, including resisting arrest, harassment (arising out of his efforts to file a criminal complaint against Laskey), speeding, use of a fraudulent license plate and registration, and failure to yield to Laskey's vehicle and provide him with documents upon request. Ickes filed suit alleging various claims; the only one of which he appealed after dismissal was excessive force.

The Circuit Court began by sorting out the claims Ickes could not allege in the venue - namely, the validity of state law convictions - and the impossibility of using a civil rights action to challenge his conviction and sentence. Moving on to the merits of the excessive force appeal, the court laid out the requirements for Ickes to succeed, specifically it had to determine whether the force was objectively reasonable by balancing "(1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, (3) whether he is actively resisting arrest or attempting to evade arrest by flight, (4) the possibility that the persons subject to the police action are themselves violent or dangerous, (5) the duration of the action, (6) whether the action takes place in the context of effecting an arrest, (7) the possibility that the suspect may be armed, and (8) the number of persons with whom the police officers must contend at one time . . . ."

The court tackled its balancing task quickly, noting that the trooper clearly initiated a legitimate speeding stop, was entitled to ask for the driver's license and registration, correctly recognized that Ickes acted suspiciously in failing to use adequate pull-overs to stop in favor of a secluded driveway that was on the property of another sovereign-citizen movement member, and that the officers, once all on scene, were entitled to rely on one of the officer's personal knowledge of previous border-line violent interactions with Ickes. Finally, the court found the officers did in fact limit the force applied under the circumstances, using only as much as needed to extract Ickes from the vehicle and effectuate an arrest. The lower court was affirmed.

LINK

FLSA: No Obligation by Employers to Pay for Overtime Hours Where No Constructive Knowledge of Overtime and Employees Declined to Follow Reporting Procedures

Allen v. City of Chicago, No. 16-1029 (6th Cir. Aug. 3, 2017).

Affirming the district court, the Seventh Circuit has upheld the denial of a claim by 52 Chicago Bureau of Organized Crime officers for unpaid overtime accrued off-duty while using their Blackberries, finding that they failed to use the Bureau's established process for submitting overtime claims and finding no evidence that the Bureau discouraged such submissions.

Under the Fair Labor Standards Act (FLSA), employers are required to pay covered employees at one and one-half times their usual rate of pay if they are employed for longer than a specified hourly threshold. For law enforcement employees, that threshold is 171 hours per 28-day period. The FLSA defines "employ" broadly, meaning "to suffer or permit to work." This definition is intended to prevent evasion by employers who might issue written policies limiting overtime which are then ignored, or who might intentionally close their eyes to overtime work by their employees. In sum, the FLSA requires employers to pay for all work they know about even if they did not ask for it, did not want it and had a rule against doing it.

However, the employer does not have to pay for work it did not know about and had no reason to know about.

Plaintiffs Jeffrey Allen and 51 other members of the Chicago Police Department Bureau of Organized Crime (Bureau) brought an action against the City of Chicago based on unpaid time which they accumulated out of the office, doing undercover, information-gathering and similar activities on their Blackberry devices.

The Bureau had a process whereby officers could obtain "overtime compensation" by submitting "time due" slips to their supervisors which explained the overtime work for which they were seeking payment, and in fact the plaintiffs used the slips to obtain roughly 4,000 hours of overtime since 2010. But most of them had not submitted slips covering their off-duty Blackberry usage. They alleged that the Bureau perpetuated a culture which discouraged seeking overtime for Blackberry work.

The district court found that the plaintiffs had in fact worked overtime using their devices, but it saw insufficient evidence that their supervisors were aware plaintiffs had not sought payment for the Blackberry work. Although, in theory, the supervisors could have compared actual Blackberry emails, phone use and other indicia of hours actually worked against hours claimed on the time due slips, that task would have been overly onerous. The court found for the Bureau.

The Seventh Circuit agreed, finding that the supervisors could not have been "constructively aware" of plaintiffs' overtime work given these facts. Although plaintiffs argued that the case was unique and there were no applicable precedents, the Circuit cited a Sixth Circuit decision involving a nurse who was not compensated for her meal breaks because she usually did not work during them. The employer had a procedure whereby employees could report unpaid meal breaks, but the nurse had never used that process, only suing later to be paid for the interrupted lunchtimes. In that case, the Sixth Circuit held for the employer, finding that the employer had no further obligation to investigate the facts and did not have constructive knowledge of the situation.

The Seventh Circuit was unwilling to go as far as its sister Circuit's assessment in the nurse scenario, because that case essentially "equates reasonable diligence with a reasonable reporting process, implying that all an employer ever needs to do is establish a reasonable process for reporting overtime." (This is also the stance of the Ninth Circuit). The Seventh Circuit held that "the requirements of reasonable diligence depend on the facts of each case." But reasonable diligence "asks what the employer should have known, not what it could have known." Here, "plaintiffs also had to show that the Bureau actually or constructively knew they were not reporting [their] work." They had not made such a showing.

The Circuit conceded that there was some evidence to support plaintiffs position; the district court found that "many plaintiffs credibly testified that they did not submit" slips for off-duty BlackBerry work and some attributed this to the Bureau's culture or out of concern for their positions. Therefore, if the Bureau had won at summary judgment, "this appeal would present very different issues." But that was not the case. "[H]aving correctly proceeded to trial, the district court was not obliged to resolve conflicts in the evidence in plaintiffs' favor."

In sum, while not willing adopt wholesale the pure "reasonable process" standard applied by the Sixth and Ninth Circuits, the court nevertheless reached a comparable conclusion: plaintiffs had failed to demonstrate sufficient knowledge on the part of the employer to justify a retroactive claim for uncompensated overtime use of their Blackberries.

As IMLA Executive Director Chuck Thompson commented in an earlier note about the *Allen* decision, FLSA cases often present significant challenges for municipal employers. IMLA salutes Chicago City Attorney Ed Siskel and his team - Jonathon Byrer, Miriam Kasper and Benna Solomon - who collaborated on this big win for the Windy City!

LINK

Settlements: Party Offering Significant Settlement Amount in Status Meeting is Liable for Fees and Costs of Settlement Conference when Unilaterally Reducing Offer

Koehn v. Tobias, No. 16-3482 (7th Cir. Aug. 4, 2017).

Where employer-defendants stated in a status meeting that they would offer a retaliatory termination plaintiff $150,000 in settlement, causing the court to schedule a second settlement conference, and then recanted on the offer without any prior notice, the plaintiff was entitled to costs and fees for the second conference.

Peter Koehn (Koehn) filed suit under 42 U.S.C. § 1983, alleging that Lauri Tobias and Margaret Segerston, his former employers, unlawfully retaliated against him for exercising his First Amendment rights. Koehn ultimately lost at trial, but nevertheless filed a motion for defendants to pay his fees and costs for an ultimately futile and unnecessary settlement negotiation. The district court granted the motion and the defendants appealed.

Koehn argued, successfully, in the district court that the defendants had misled the court and him about a second settlement offer, stating they would offer $150,000. This amount was twice as much as was offered in the first settlement conference, leading the court to schedule a second settlement conference, for which Koehn's attorney accrued $3,744 in fees and $552.85 in costs to prepare and attend. The Seventh Circuit flatly disagreed with the defendants' first contention that the lower court was not clear about which of the three provisions of FRCP 16(f) was at issue - noting that even if the court did not use the precise language of the subsection at issue, the facts made it clear the issue was whether they participated in the settlement conference in *good faith*. Next, defendants argued that FRCP 16(f) does not permit a sanction based on a party's failure to inform the court or the other party of a change in settlement position. The defendants argued on appeal that the fact that their counsel offered a figure of $150,000 in a status conference before the lower court did not mean he intended to communicate that amount as a current settlement position or that coming to the second negotiation with a different number was something the defense was required to tell the court or plaintiff before the settlement conference.

The Circuit was not persuaded. Whether or not defense counsel *intended* to communicate a figure for negotiation at the status conference, both the court and plaintiff clearly acted based on the $150,000 figure, with the court even noting the $150,000 figure in the record and plaintiff remarking that if that number was up for discussion then settlement would be beneficial. In short, the Circuit agreed the defendants were free to change their posture before the settlement conference, but that the lower court did not abuse its discretion in sanctioning the defense for changing its position so drastically when it was clear the impetus for the second conference was, specifically, the figure offered at the status conference. The lower court was affirmed.

LINK

Speech: Law Prohibiting All Robocalls except Where Caller Has Prior Consent of Recipient Does Not Violate First Amendment; Single Content-Based Exception Can Be Severed

Gresham v. Swanson, No. 16-3219 (8th Cir. Aug. 2, 2017).

The Eighth Circuit has again upheld Minnesota's robocall statute, finding that its 1995 *Van Bergen* decision is still good law despite *Citizens United* and *Reed*; the statute does not prefer certain speech based on content-and exceptions to the wholesale robocall ban depend on a preexisting or consensual relationship between the caller and the subscriber, not on what the caller proposes to say. A more recent exception allowing for calls soliciting donations of clothing for veterans can be severed from the law, allowing the original statute to survive.

Minnesota's robocall statute (Minn. Stat. § 325E.27(a) (Robocall Law) provides that a caller may not make a robocall unless (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered. Subsection (b) then provides that subsection (a) does not apply to: (1) messages from school districts to students, parents, or employees, (2) messages to subscribers with whom the caller has a current business or personal relationship, or (3) messages advising employees of work schedules.

A more recent addition to subsection (b) of the Robocall Law also exempts "messages from a nonprofit tax-exempt charitable organization sent solely for the purpose of soliciting voluntary donations of clothing to benefit disabled United States military veterans and containing no request for monetary donations or other solicitations of any kind."

Victor Gresham, a political consultant and manager of Conquest Communications Group, LLC. (collectively Gresham) uses robocalls for political outreach. He argued that the Robocall Law unconstitutionally restricted him from making these calls in Minnesota, because it favors calls from certain callers based on the content of their speech. He sought a preliminary injunction against enforcement of the Robocall Law.

The district court denied the injunction, relying on the Eighth Circuit's decision in *Van Bergen v. Minnesota*, 59 F.3d 1541 (8th Cir. 1995), which had held that the original enumerated exceptions in the Robocall Law exempted certain groups based on their relationship with the caller and not based on the content of their speech. Those exceptions, reasoned the court, all rest on a single premise: that the caller has a relationship with the subscriber implying the subscriber's consent to receive the caller's communications. The exceptions merely identify groups of subscribers who already have consented to communications from the caller, making the Robocall Law a valid, content-neutral time, place, and manner restriction on speech.

On appeal the Eighth Circuit affirmed, finding the statute and its original exceptions to be a valid time, place, and manner limitation. The Circuit also considered the newer exception to the Robocall Law - the (content-based) allowance for messages from charitable organizations soliciting donations of clothing for disabled veterans, and like the district court, concluded that this additional exception was severable from the rest of the Robocall Law. Severability preserved the law, even if the veterans provision was severed:

> The balance of the statute pre-existed the amendment, and we presume that the Minnesota legislature would have retained the pre-existing statute without the later provision. The statute remains complete and capable of execution without the disabled-veterans exception. Therefore, the new exception's constitutionality does not affect whether Gresham is entitled to an injunction. With the amendment severed, we are left with the same statute that this court considered in *Van Bergen*.

Gresham argued that *Citizens United* and *Reed* abrogated *Van Bergen*. In *Citizens United*, the Supreme Court reiterated well-established principles that the First Amendment stands against attempts to disfavor certain subjects or viewpoints and that restrictions distinguishing among different speakers, allowing speech by some but not others are prohibited. And in *Reed*, the Court explained that speaker-based distinctions are not automatically content neutral, because laws favoring some speakers over others demand strict scrutiny when the legislature's speaker

preference reflects a content preference. Gresham complained pointedly that the relationship-based rationale relied on in *Van Bergen* did not survive *Reed's* instruction that statutes drawing speaker-based distinctions are not automatically content neutral. The Circuit disagreed: "Unlike the content-based restrictions in *Reed*, the permissions granted in the Minnesota statute do not reflect a content preference; they are based on an assumption of implied consent. The State does justify the statute in part based on an interest in protecting residential privacy against disruptive calls . . . but this interest is not grounded in a preference for certain content."

LINK

State-Created Danger: Murders Committed by Disgruntled Resident Not "Foreseeable" or "Fairly Direct" Result of Enforcing Ordinances

LaGuardia v. Ross Township, No. 16-3735 (3d Cir. Aug. 3, 2017).

A Pennsylvania Township and its officials are not liable to relatives of decedents murdered by a resident at a Township meeting in response to an alleged "campaign" against him by the Township to force him from his property, because the violence was not "foreseeable" or a "direct result" of the Township's actions under the state-created danger theory.

According to Frances LaGuardia and other associated plaintiffs, Ross Township, Pennsylvania (Township) had a long-running dispute with a resident, Rockne Newell (Newell). This included disproportionately enforcing zoning, environmental, and nuisance ordinances against Newell, all toward the ultimate goal of forcing him from his property so the Township could acquire it. Ultimately, according to the plaintiffs, this ongoing "twenty-plus-year multi-faceted campaign" was the impetus for Newell to open fire at a Township meeting, thereby killing and injuring relatives of the plaintiffs. The plaintiffs filed suit against The Township and associated individuals under a state-created danger theory, thus requiring they prove "(1) the harm ultimately caused was foreseeable and fairly direct; (2) the state actor acted in willful disregard for the safety of the plaintiff; (3) there existed some relationship between the state and the plaintiff; [and] (4) the state actors used their authority to create an opportunity that otherwise would not have existed for the third party's crime to occur." The district court dismissed the claim, prompting an appeal to the Third Circuit.

The plaintiffs' claim stumbled on the first element of the analysis. The Third Circuit held the harm here was not a "foreseeable" or "fairly direct" consequence of the Township's actions. Plainly put, the Circuit Court could not "conclude that Newell's act of murdering township residents at a public mass shooting was a direct or foreseeable consequence of enforcing zoning ordinances and satisfying a judgment" even if the municipal actors involved were aware that Newell was erratic and threatening times over the course of twenty years. The court recognized the tragedy of the situation, noting it did not intend to diminish the plaintiffs' suffering and the extraordinary impact the violence had on the community and plaintiffs in particular, but that "binding precedent of our own court and the Supreme Court of the United States limits the extent to which liability can be imposed on state or municipal actors based on the criminal actions of third parties." It affirmed the lower court.

LINK

Trials: Federal Court Lacks Jurisdiction to Consider Declaratory

Judgment Action Brought by State's Executive Branch Against Legislative Branch

City of South Bend v. South Bend Common Council, Nos. 15-3315 & 3385 (7th Cir. Aug. 1, 2017).

A federal district court improperly assumed jurisdiction over a declaratory judgment action brought by a city's executive branch against a city council seeking police department internal telephone recordings; the Seventh Circuit found that, just as branches of the federal government may not sue one another in federal court, so are branches of state and local governments restrained against such action.

The South Bend, Indiana (City) Police Department (PD) set up a system whereby some phone lines in the office had a recording device on them. This was done in the normal course of business. In 2005 an officer asked that his line be recorded. Over the years the phone line changed to another officer in the PD and the recording setup came along with the line. Time passed, and in 2011 a power issue required resetting the entire system, at which point some of the older recordings were heard by PD staff. The staff member that heard some recordings through this process interpreted them as "inappropriate" and passed them up to the Police Chief, who ultimately used some of the information to threaten an officer caught on some of the recordings.

The South Bend Common Council (Council) - the City's legislative arm - heard about the tapes and sought them. The PD refused to turn them over. That refusal led the Council to issue a subpoena to the City's executive officials to get the tapes. The City (not the Council) determined that complying with the Council's subpoena would violate the federal wiretapping statute, and chose to sue a constituent part of the City government to obtain a declaratory judgment from a federal court on the issue. The district court allowed the case to proceed, despite the fact that no stand-alone federal claim was presented with the declaratory judgment action and no federal case was pending.

The Seventh Circuit was not thrilled with this turn of events. First, it pointed out issues with the lower court's jurisdiction, noting that the declaratory judgment action was filed *before* a federal suit and that the lower court then *used the latter-filed suit to provide subject-matter jurisdiction for the initial declaratory judgment filing*. This bootstrapping of jurisdiction was not lauded, but without providing a holding on the legitimacy of this after-the-fact jurisdiction, the Seventh Circuit delved into the impossibility of the executive branch of a city's government suing the legislative branch. Neither the Court nor the parties could find any precedent indicating this was a justiciable case. The court delved into analogous examples it thought applicable, for example that one division of General Motors could not sue another, and a 1998 case in which the Seventh Circuit held that a state cannot sue one of its cities, because as far as the national government is concerned a state and all of its creatures is a unit.

The court then plainly held that "a city's legislative and executive branches are not distinct juridical entities; they are part of a single government." Just as a "suit by one whole branch of the federal government against another is not possible; a suit by the executive branch of a city versus the legislative branch is equally improper." It offered the parties a likely unhappy path to resolution, saying that "[s]tate courts may have authority to resolve an intramural dispute, but otherwise it must be worked out the same way Congress and the President resolve their differences: by politics." The Seventh Circuit vacated the judgment of the lower court and on remand instructed the federal court to dismiss the complaint, leaving the "state court now free to resolve the underlying dispute on its own, without regard to the vacated federal judgment."

LINK

Trials: Officers Waived Right to Due Process Claims by Failing to Pursue Department Appeals Process

Smith v. Township of Stafford, Nos. 16-3966 & 4231 (3d Cir. July 26, 2017).

Where two officers who were not promoted based on a Police Chief's assessment declined to pursue Police Department appeals processes-because that same Police Chief would oversee their appeal-they waived their right to pursue a Due Process claim in court.

Drew Smith and Michael Guadalupe worked as police officers in Stafford Township, New Jersey (Township). Both sought promotions - one to sergeant and one to lieutenant - and both were ultimately unsuccessful. To seek promotion the officers went through the Township's promotional assessment policy, a two-phase process requiring passing the first phase before graduating to the next. Neither officer pursued the appeals process set up by the Township, contending it would be futile because the appeals would have been reviewed by the Chief of Police, the same decision-maker whose decisions they contest, and instead filed suit. The district court rejected each case individually, holding the officers' due process rights were not violated, and the cases were consolidated on appeal.

The Third Circuit identified the merits of the cases as the officers' contentions that they had a "legitimate expectation of entitlement to the Police Department's compliance with the Township's promotional regulations." The court's answer to that question was never determined though, because the officers failed to initiate the appeals procedure. While the Court recognized the *possibility* of finding an appeals process futile, and thus waiving the officers' obligation to have pursued it, in these cases the Circuit found the officers' arguments as to futility lacked any evidentiary support or citation to sources. This left the Court "unwilling to hold as a matter of law" that the appeals process was inherently futile just because "the same decision-maker would review the appeal." The lower court holding was affirmed.

LINK

THIS JUST IN: Residents in Exclusive San Francisco Neighborhood Neglected to Pay Property Taxes on Their Privately-Owned Street. So a Couple of Sharp-Eyed Real Estate Investors Bought It.

As the *Washington Post* begins the saga:

"Can you buy a city street? Is that even possible?

Residents of Presidio Terrace, the oval-shaped privately owned street commonly known as one of the most exclusive communities in San Francisco, learned the answer the hard way."

It turns out that when a group of well-heeled San Francisco residents failed over a period of years to pay property taxes on the short loop of asphalt linking their homes and connecting to city's street complex, they opened the way for their road to be acquired at a tax sale, for $90,000. Now, a young couple owns the thoroughfare and adjoining rights of way, and is considering charging residents a fee to park in front of their own homes-one of which is on the market for $16 million. Much gnashing of teeth

has ensued.

LINK

IMLA

www.imla.org
51 Monroe Street
Suite 404
Rockville, MD 20850
202-466-5424

