

Friday, September 10, 2010

Police Call for Investigation of Duchy Trachtenberg (Updated)

Fraternal Order of Police Lodge 35 has called on the Maryland Attorney General, the State's Attorney of Montgomery County and the U.S. Attorney for Maryland to investigate Council Member Duchy Trachtenberg's conduct as Treasurer of Maryland NOW. Following is their letter, as well as a few attachments.

September 9, 2010

Douglas Gansler
Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

Dear Mr. Gansler:

The Board of Directors of Fraternal Order of Police, Montgomery County Lodge 35 has directed that I write to you requesting an investigation as explained below. In making this request, we want to be clear that we are not alleging that any crime has been committed by anyone in this matter.

Since December 4, 2006, Marie "Duchy" Trachtenberg has been an elected member of the Montgomery County Council. She is a public official who serves as chair of the Management and Fiscal Policy Committee of the Montgomery County Council and in that capacity heads the County Council's Audit Committee.

From sometime prior to December 2006 until December 15, 2008, Councilmember Trachtenberg served as treasurer of Maryland National Organization for Women ["NOW"]. Maryland NOW is an organization with an address in Silver Spring, Montgomery County, Maryland. We do not know if the matters, *infra*, involve more than one state or more than one political subdivision within Maryland.

Based upon information believed to be credible, reliable and accurate, the past president of Maryland NOW, in her capacity as president of Maryland NOW, made serious allegations against Councilmember Duchy Trachtenberg, former treasurer of Maryland NOW.

Those allegations are detailed in a document titled, "National Organization For Women Grievance Committee Decision" in the matter of Maryland NOW v. Duchy Trachtenberg, dated November 9, 2009. Decision attached.

According to the decision, Councilmember Trachtenberg failed to turn over records that she maintained as a fiduciary. Further, it is alleged that "Ms. Trachtenberg regularly utilized Maryland NOW's ATM card to make cash withdrawals [and] used the ATM card to make regular purchases at retail outlets including but not limited to Lord & Taylor, Victoria's Secret, Filenes Basement, Target, Williams Sonoma, [theaters and food stores] and numerous dining establishments."

The decision further states that "according to SunTrust Bank records, Ms. Trachtenberg wrote numerous checks to herself ... and numerous checks to her husband ..." No documentation or expense reports justifying these expenses were provided, according to the decision.

The decision concludes that "Maryland NOW is unable to determine whether the \$19,345.26 Ms. Trachtenberg returned to Maryland NOW at the end of her term as Treasurer represents the full amount owed to the organization." (According to the decision, only \$494.73 of this sum was from the authorized NOW account at SunTrust, the remainder was in the form of a cashier's check "from Bank of America a bank at which Maryland NOW had no account.")

We make no claim as to the accuracy of these allegations and must presume that Councilmember Trachtenberg is innocent of any wrongdoing or inappropriate conduct. We do, however, note that in a January 20, 2010 article which appeared in the Gazette newspapers, it is reported that Bruce Bender, "[a]n attorney representing Montgomery County Councilwoman Duchy Trachtenberg has asked the Maryland Chapter of the National Organization for Women to dismiss a claim that Trachtenberg mishandled money while serving as treasurer of the organization." The article refers to "a Dec. 9 [2009] letter to Terry O'Neill, national president of NOW [from Mr. Bender who reportedly] called concerns raised about Trachtenberg's bookkeeping 'totally frivolous.' He requests that NOW 'dismiss the grievance' and that NOW members stop discussing the matter with the media."

We expect that our motives will be questioned. but suggest that we had no part in the allegations against Councilmember Trachtenberg, the grievance against her, or the Grievance Committee Decision. Furthermore, we had no part in the January 20, 2010 Gazette article; the September 1, 2010 article on Maryland Politics Watch, or the May 2009 proposed amendments to

Maryland NOW's bylaws which track the matters addressed in the grievance decision. See attached.

This is not an issue of our making. The focus ought to be on the conduct of Councilmember Trachtenberg, not on messengers.

Indeed, on her County Council web page, Councilmember Trachtenberg says, "As MFP Chair, [her] primary mission is the stewardship of the County's fiscal health. [Councilmember Trachtenberg] guides the yearly budget-making process to ensure the protection of the County's long-term stability while funding essential priorities and protecting the vulnerable, with transparency, equity and fiscal responsibility."

In fairness, we take note of praise of Councilmember Trachtenberg by NOW president Terry O'Neill, a former aide to Councilmember Trachtenberg. See attached.

In all good conscience, we consider these allegations to be serious and call upon you and your office to fairly, impartially, and objectively investigate this matter and to take such action as is appropriate.

"As MFP Chair, Councilmember Trachtenberg's primary mission is the stewardship of the County's fiscal health."
http://www.montgomerycountymd.gov/tratmpl.asp?url=/content/council/mem/trachtenberg_d/about.asp

We believe that this request of independent prosecutors for such investigations is not only appropriate but fully consistent with Councilmember's own stated priorities of "transparency, equity and fiscal responsibility." Id.

Similar requests are being made to the Montgomery County State's Attorney and the United States Attorney.

Sincerely,

Denise Gill Acting Secretary

cc:
John McCarthy
State's Attorney
Montgomery County, Maryland
Judicial Center, 5th floor
50 Maryland Ave.

Rockville, MD 20850

Rod J. Rosenstein
United States Attorney
U.S. Attorney's Office
District of Maryland
36 S. Charles Street 4th Fl.
Baltimore, Md. 21201

Here is a copy of the letter on letterhead.



Montgomery County Lodge 55, Inc.

18512 Office Park Drive
Montgomery Village, MD 20886

Phone: (301) 948-4206
Fax: (301) 986-0317

September 9, 2010

Douglas Gaudin
Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

Dear Mr. Gaudin:

The Board of Directors of Fraternal Order of Police, Montgomery County Lodge 55 has directed that I write to you regarding an investigation as explained below. In making this request, we want to be clear that we are not alleging that any crime has been committed by anyone in this matter.

Since December 4, 2006, Marie "Ducky" Trachtenberg has been an elected member of the Montgomery County Council. She is a public official who serves as chair of the Management and Fiscal Policy Committee of the Montgomery County Council and in that capacity heads the County Council's Audit Committee.

From sometime prior to December 2006 until December 15, 2008, Councilmember Trachtenberg served as treasurer of Maryland National Organization for Women ("NOW"). Maryland NOW is an organization with an address in Silver Spring, Montgomery County, Maryland. We do not know if the matters, infra, involve more than one state or more than one political subdivision within Maryland.

Based upon information believed to be credible, reliable and accurate, the past president of Maryland NOW, in her capacity as president of Maryland NOW, made serious allegations against Councilmember Ducky Trachtenberg, former treasurer of Maryland NOW.

These allegations are detailed in a document titled, "National Organization For Women Governance Committee Decision," in the matter of Maryland NOW v. Ducky Trachtenberg, dated November 9, 2009. Decisions attached.

According to the decision, Councilmember Trachtenberg failed to turn over records that she maintained as a fiduciary. Further, it is alleged that "Ms. Trachtenberg regularly utilized Maryland NOW's ATM card to make cash withdrawals (and) used the ATM card to make regular purchases at retail outlets including but not limited to Lord & Taylor.

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Victoria's Secret, Fitness Basement, Target, Williams Sonoma, (fisheries and food stores) and numerous dining establishments."

The decision further states that "according to SunTrust bank records, Ms. Trachtenberg wrote numerous checks to herself ... and numerous checks to her husband ..." No documentation or expense reports justifying these expenses were provided, according to the decision.

The decision concludes that "Maryland NOW is unable to determine whether the \$19,345.26 Ms. Trachtenberg returned to Maryland NOW at the end of her term as Treasurer represents the full amount owed to the organization." (According to the decision, only \$184.73 of this sum was from the authorized NOW account at SunTrust, the remainder was in the form of a cashier's check from Bank of America a bank at which Maryland NOW had no account.")

We make no claim as to the accuracy of these allegations and must presume that Councilmember Trachtenberg is innocent of any wrongdoing or inappropriate conduct. We do, however, note that in a January 20, 2010 article which appeared in the Gazette newspaper, it is reported that Bruce Bender, "late attorney representing Montgomery County Councilwoman Diaby Trachtenberg has asked the Maryland Chapter of the National Organization for Women to dismiss a claim that Trachtenberg mis-handled money while serving as treasurer of the organization." The article refers to "a Dec. 9 [2009] letter to Terry O'Neill, national president of NOW (from Mr. Bender who reportedly) raised concerns raised about Trachtenberg's bookkeeping, 'totally fraudulent'." He requests that NOW "dismiss the grievance" and that NOW members stop discussing the matter with the media."

We expect that our review will be questioned, but suggest that we had no part in the allegations against Councilmember Trachtenberg, the grievance against her, or the Grievance Committee Decision. Furthermore, we had no part in the January 20, 2010 Gazette article, the September 1, 2010 article on [Maryland Politics Blog](#), or the May 2009 proposed amendments to Maryland NOW's bylaws which track the manner addressed in the grievance decision. See attached.

This is not an issue of our making. The focus ought to be on the conduct of Councilmember Trachtenberg, not on messengers.

Indeed, on her County Council web page, Councilmember Trachtenberg states, "As MFP Chair, [my] primary mission is the stewardship of the County's fiscal health. [Councilmember Trachtenberg] guides the yearly budget-making process to ensure the protection of the County's long-term stability while finding essential priorities and promoting the vulnerable, with transparency, equity and fiscal responsibility." In fairness, we take note of praise of Councilmember Trachtenberg by MFP president Terry O'Neill, a former aide to Councilmember Trachtenberg. See attached.

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In all good conscience, we consider these allegations to be serious and call upon you and your office to fairly, impartially, and objectively investigate this matter and to take such action as is appropriate.

"As MFP Chair, Councilmember Trachtenberg's primary mission is the stewardship of the County's fiscal health."

http://www.montgomerycountymd.gov/centralweb/arc/councilmembers/trachtenberg_about.asp

We believe that this request of independent prosecutors for such investigations is not only appropriate but fully consistent with Councilmember's own stated priorities of "transparency, equity and fiscal responsibility." Id.

Similar requests are being made to the Montgomery County State's Attorney and the United States Attorney.

Sincerely,



David Gill
Acting Secretary

cc:
John McCarthy
State's Attorney
Montgomery County, Maryland
Judicial Center, 5th Floor
50 Maryland Ave.
Rockville, MD 20850

Rud F. Rosenstein
United States Attorney
U.S. Attorney's Office
District of Maryland
26 S. Charles Street, 4th Fl.
Baltimore, Md. 21201

Here is a copy of the NOW grievance decision referenced in the letter.

NATIONAL ORGANIZATION FOR WOMEN
GRIEVANCE COMMITTEE DECISION

Maryland NOW v. Debra Trachtenberg

November 9, 2009

On January 26, 2009, Barbara Hays, in her capacity as the President of Maryland NOW filed a grievance against Debra Trachtenberg, former Treasurer of Maryland NOW. The grievance alleged that after her term as Maryland NOW Treasurer ended, Ms. Trachtenberg had failed to turn over files containing financial records of Maryland NOW from her term as Maryland NOW Treasurer. Ms. Trachtenberg served as Maryland NOW Treasurer from sometime in Maryland NOW's 2005-2006 program year through her resignation effective December 13, 2008. The grievance alleged that at the end of her term as Maryland NOW Treasurer, Ms. Trachtenberg closed Maryland NOW's bank account and issued two checks to Maryland NOW, one in the amount of \$494.73 from SunTrust Bank where Maryland NOW kept its account, and the other, a cashier's check in the amount of \$18,850.53, from Bank of America, a bank at which Maryland NOW had no account. The grievance alleged that Ms. Trachtenberg failed to supply Maryland NOW with accounting records from which they would be able to decipher whether these amounts represented the full amount of the Maryland NOW treasury.

The grievance was accepted by the NOW Executive Committee and a grievance committee consisting of three members of the National NOW Board was established. Grievance committee members include Justine Andronici, Mid-Atlantic Region, Erin Bratley, Northeast Region, and Christina Millham, Mid-South Region. Ms. Trachtenberg failed to respond to numerous attempts by the Grievance committee to mediate the dispute. A hearing was scheduled for October 11, 2009, all parties were notified. The hearing was held on October 11, 2009 at the National NOW Action Center in Washington, D.C. Ms. Hays attended the hearing on behalf of Maryland NOW and presented evidence to the committee. Ms. Trachtenberg did not attend. The Grievance committee carefully reviewed all the evidence provided, including testimony presented at the grievance hearing and documentation provided by Ms. Hays including extensive bank account records from Ms. Trachtenberg's term as Maryland NOW Treasurer.

After careful review of all of the evidence, it became apparent to each of the members of the grievance committee that despite numerous promises, including in writing, that she would turn over files to Maryland NOW, Ms. Trachtenberg failed to do so. For example, in an email dated December 17, 2008, from Ms. Trachtenberg to Ms. Hays, Ms. Trachtenberg promised to have the "boxes" of Maryland NOW files dropped off at the Action Center. To date, no such transfer has occurred.

Furthermore, the SunTrust bank account records provided by Ms. Hays raised grave concerns about Ms. Trachtenberg's management of Maryland NOW's treasury during her term as Treasurer. According to the SunTrust Bank records for Maryland NOW's account provided by Ms. Hays, Ms. Trachtenberg regularly utilized Maryland NOW's ATM card to make cash withdrawals. Ms. Trachtenberg also used the ATM card to make regular purchases at retail

outlets including but not limited to: Lord & Taylor, Victoria's Secret, Filson Basement, Target, Williams Sonoma, AMC Theaters, Regal Cinemas, Whole Foods Market, Giant Foods and numerous dining establishments. Furthermore, according to the SunTrust Bank records Ms. Trachtenberg wrote numerous checks to herself (\$2,000, \$1,200, \$300, \$98, \$700, \$300) and numerous checks to her husband (\$1,000, \$600, \$800, \$500, \$700, \$1,000, \$600, \$500). To date, Ms. Trachtenberg has provided no expense reports or accounting documentation to Maryland NOW concerning these expenses. Without documentation as to the purposes of these expenses, Maryland NOW is unable to determine whether the \$19,345.26 Ms. Trachtenberg returned to Maryland NOW at the end of her term as Treasurer represents the full amount owed to the organization.

Resolution

Although Ms. Trachtenberg is still currently a member of NOW, given the startling evidence provided by Ms. Hays in the course of the grievance procedure, the committee has come to the conclusion that should Ms. Trachtenberg decide to renew her membership with the organization, she will not be permitted to hold elected or appointed leadership positions or staff positions at the local, state regional or national level of NOW for the duration of her membership.

Furthermore, Ms. Trachtenberg is directed to immediately return all files related to her tenure at Maryland NOW to the Maryland NOW executive committee immediately so that the organization may carry out its fiduciary responsibilities.

Here is a copy of the recommended Maryland NOW bylaws changes that were considered after Trachtenberg left as their Treasurer.

Maryland NOW Times

Volume 1, Issue 1

September, 2008



Maryland NOW
Barbara Hays, President
Debra Bell, Anne Hill, President
Mary Jo Smith, Treasurer
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Maryland NOW Sets Annual Meeting May 16th

Our annual meeting is always a time to reflect on the past, to look at the opportunities we have as an organization to reflect on our work, and think about what we need to do in the coming year.

The signature of the 2008 presidency is clear, and we are excited to have much more to do. Our agenda is to move the simple things, but doing what our President wants, immediately. Having a national leader who takes responsibility for problems and solutions in the education, and just the fact that we have a national leader who is watching history for made in good history.

Sometimes for progressive groups like NOW, a meeting like the National NOW Conference is a good idea to take a break.



Portrait of a woman, likely a member or officer.

Sometimes we are surprised to find a group in membership or leadership. Sometimes the things we are doing are "not so good."

However, we hope our members do realize that it's really for them, and that there is still much to do. Getting back to business, we're charged to carry out our duties in order to continue, and we hope that you will decide to join.

Our agenda is to get you involved in the opportunities we've got going on, and then a little more about what's ahead. We'll be meeting with you and with national leadership and action.

Kate Gandy, MD's national president, will give us her perspective on the future of NOW. We'll be hearing from national leadership after we hear from our members and our members of national committees before we get into our own business. At the close of our meeting, we will have a reception, featuring a luncheon for our support and leadership.

National NOW Conference Elects Officers - June 19-21

The National Organization for Women's annual conference will be held in Washington, DC, on June 19-21. This year's conference will be held in early June, but each conference provides opportunities to meet, network, and plan - and of course, to be involved in the policy making and special sessions of the organization. Workshops are held on Friday and Saturday, but Sunday's agenda is reserved for policy and action resolutions which are discussed and voted upon by the delegates.

If you would like to attend, please contact your chapter leadership to learn how to obtain one of the chapter's delegate positions.

SUMMARY OF PROPOSED BYLAW CHANGES

The following proposed changes will be considered at the 2008 National NOW Conference. We are requesting that you contact your chapter leadership to discuss the proposed changes and to provide input on the proposed changes.

- Change 1: Clarify the definition of "Member" and "Associate Member" and the definition of "Member."**
This change clarifies the definition of "Member" and "Associate Member" and the definition of "Member." The change is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 2: The definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 3: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 4: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 5: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 6: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 7: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 8: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 9: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.
- Change 10: Amend the definition of "Member" and "Associate Member" and the definition of "Member."**
The definition of "Member" and "Associate Member" and the definition of "Member" is proposed in the current bylaws, including the definition, and that the President's report in the past has been a summary of these rules.

The Gazette article can be found [here](#) and the MPW post referenced in the letter can be found [here](#).

Update: The Gazette also [has this story](#). [Gazette PDF File](#).

Posted by Adam Pagnucco at [9:00 AM](#) 