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October 17, 2016

Mr. Raymond A. Hein, Deputy Bar Counsel
Maryland Attorney Grievance Commission
200 Harry S. Truman Parkway, Suite 300
Annapolis, Maryland 21401

Re: David Kendall, Cheryl Mills, and Heather Samuelson

Mr. Hein:

I write in response to your September 27, 2016 letter regarding attorneys David Kendall, Cheryl Mills, and Heather Samuelson. In that letter, you wrote that as follows:

It appears that you have no knowledge of the allegations presented in your correspondence, nor are you a personally aggrieved client or party possessing material information that would assist this office in reviewing such allegations. Under these circumstances, we decline to conduct an investigation of the named attorneys with you designated as the complainant.

In the following paragraph, you imply that the commission is perhaps investigating on its own initiative, but you do not confirm that one way or another.

Your response to my grievances does not comply with Maryland law. Maryland Rule 19-711(a) permits *any* person to file a bar grievance. According to the following subsection, "Bar Counsel *shall* make an appropriate investigation of every complaint that is not facially frivolous or unfounded." Maryland Rule 19-711(b)(1)(emphasis added).

If Bar Counsel concludes that the complaint is either without merit or does not allege facts which, if true, would demonstrate either professional misconduct or incapacity, Bar Counsel shall dismiss the complaint and notify the complainant of the dismissal. Otherwise, subject to subsection (b)(3) of this Rule, Bar Counsel shall (A) open a file on the complaint, (B) acknowledge receipt of the complaint and explain in writing to the complainant the procedures for investigating and processing the complaint, (C) comply with the notice requirement of section (c) of this Rule, and (D) conduct an investigation to determine whether reasonable grounds exist to believe the allegations of the complaint.

Maryland Rule 19-711(b)(2). Nothing in the statute permits your office to dismiss my complaint for reasons unrelated to the merits. And that is true even if your office intends to file its own grievance.

Of course, neither I nor the public have any guarantee that your office is actually going to file the grievance. Even if it does, that special handling creates an appearance of impropriety. Namely, it appears that the commission is showing political favoritism toward the respondent attorneys because of their relationship to Presidential candidate Hillary Clinton, keeping the entire matter secret in order to save them and Mrs. Clinton from embarrassment.

Since the requirements of Rule 19-711 are mandatory, I believe I have grounds for seeking mandamus relief from the Maryland Court of Appeals. Please let me know not later than October 24, 2016 via email (tyclevenger@yahoo.com) or fax (979-530-9523) whether your office intends to comply with the law. If I do not receive a response by then, I will likely proceed with a request for mandamus relief.

Thank you for your attention to these matters.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger