

The Ethics Commission for  
The City of Hagerstown, Maryland  
c/o City Clerk, 1 E. Franklin Street, 2<sup>nd</sup> Floor  
Hagerstown, MD 21740

**COMPLAINT**

The Undersigned, hereafter known as the Complainant, pursuant to Chapters 33 and 35 of the Code of the City of Hagerstown, hereby files the following complaint against:

Emily Keller, hereafter known as Respondent, a person subject to the City of Hagerstown Code of Ethics pursuant to §33-2.

It is alleged that Respondent has violated the following provision(s) of the Ethics Law: \_\_\_\_\_

33-3 E(1)(2)

The facts upon which this complaint is based are as follows: (Please also attach any relevant supporting documentation.) Please see attached documentation.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE FACTS RECITED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

Name Robert Zellner

Address: 17721 Stone Valley Drive

(Please Print)  
Signature: [Signature]

Hagerstown MD 21740

Date 12/7/22

Contract info (phone and/or e-mail):  
\_\_\_\_\_  
\_\_\_\_\_

For purposes of context and background, I submit the following. I have a relationship with Mayor Emily Keller that extends back into our childhood. I have been deeply involved, for many years in Washington Goes Purple. There came a time when I extracted myself from Washington Goes Purple. I thought that my parting was amicable. In the last one year and into just this past weekend I have discovered not only was it not viewed by Ms. Keller as amicable. But she has actively used her prestige of power and influence as Mayor to damage me personally and professionally. Mayor Keller has spewed terrible lies about me to members and peers in the recovery community in the last Fourteen (14) months. This is the community in which I am educated and employed. I have notified Mayor Keller, in writing over the last year to not contact me. And, not to contact any one about me.

The 2 specific occasions in which she used her prestige, power and influence as Mayor are as follows;

- 1) On or about September 5, 2022 I was contacted by a member of management at ADAC. I provide paid contractual services for ADAC. I conduct peer process groups there in group settings. Keisha Clopper the CFO of ADAC stated that Mayor Keller had called her, my boss, to complain about how I was conducting my groups. She was concerned about things I was saying in these groups. She asked that Ms. Clopper seek to have me censored or removed. Mayor Keller placed this call in her capacity as Mayor. Hoping that the prestige of her position would pressure and persuade ADAC to remove me from employment. This act was a direct violation of Section 33-3 (E) (1) and (2) of the Code of Ethics. Prior to doing this Mayor Keller had been told by me, in writing, not to contact me and not to discuss me with anyone.
- 2) On or about September 27, 2022 my boss Julie Magers, CEO of Justice and Recovery Inc, my primary employer, called me and said we need to have a conversation. We had a telephone conference. She said that she had been contacted by Brooke Grossman. Ms. Grossman had reached out to her to complain about a TikTok video that one Julie's other employees had created. But, instead of discussing the employee that made the TikTok video, Ms. Grossman used the call to bad mouth me. She wanted me investigated. And, action taken against me. I reached out to one of my mentors about this situation. Tina Nash. Ms. Nash contacted Brooke Grossman. Ms. Nash inquired as to why if the TikTok was truly her concern, did my name even come up. As I had zero involvement in the video. Brooke shared that she had been contacted and directed by "Mayor Keller" to call my employer and lodge the complaint against me. Mayor Keller told Brooke that she knew I was behind the video. She stated that she wanted action taken against me. She knew she couldn't contact my boss herself as we had just had the ADAC incident. Brooke stated she knew that it was a mistake after she did it and contacted Mayor Keller and told her she did not want to be involved further. There are email and text messages to support this, Mayor Keller used her prestige, power and influence to direct Brooke Grossman to place this call. Ms. Grossman was at the time running for delegate. She was actively seeking Mayor Keller's support and endorsement.

Mayor Keller knew that she had controlling power over Ms. Grossman in this situation. She used her prestige of office in this situation. A direct violation of 33-3 (E) (1) and (2).

After this incident I had my attorney send Mayor Keller a cease-and-desist letter.

These actions and statements were all taken or made in her capacity as Mayor. These actions are all in violation of the code of ethics

**The Law Offices of Kristina M. Caudle, LLC**

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Highland, Maryland 20777  
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**NOTICE TO CEASE AND DESIST  
NOTICE OF NO CONTACT**

From: Ms. Robert Zellner  
17721 Stone Valley Drive  
Hagerstown, Maryland 21740

To: Ms. Emily Keller  
120 E. Oak Ridge Drive, Ste 400  
Hagerstown, Maryland 21740

Ms. Emily Keller  
City of Hagerstown, City Hall  
1 E. Franklin Street  
Hagerstown, Maryland 21740

Date: 10/05/2022

Dear Ms. Keller,

My office represents Mr. Robert Zellner. This letter has been served as notice of your unwarranted harassment activities, or the equivalent thereof, directed at my client. It is my client's understanding that at your direction a current local Democrat candidate contacted his employer regarding his alleged involvement in a TikTok video that my client neither appeared in nor directed. My client has serious concerns that if this telephone call was placed at your urging in your capacity as Mayor for the City of Hagerstown you have seriously overstepped as it is my client's understanding that the TikTok video dealt with services provided and/or not provided by a county health department and did not reference the City of Hagerstown in any manner. A phone call of this nature can have detrimental repercussions to my client's reputation and future employment.

This is written notice providing you with a reasonable warning or request to stop on behalf of Mr. Robert Zellner pursuant to Md. Ann. Code, Criminal Law, § 3-803(a)(2), "Harassment" (2022). The previously conducted action is unwanted, unwelcome, and has become unbearable.

My client is further providing notification that you are to have no contact with him in person or via telephone, text message, email, mail, social media, or through a third (3<sup>rd</sup>) party.

Failure to immediately comply with this cease and desist notice and/or no contact notice will leave my client no alternative but to pursue any and all available legal remedies, including, but not limited to, filing a petition seeking a peace order pursuant to Md. Ann. Code, Courts & Judicial Proceedings, § 3-1503(a)(1)(v), "Harassment" (2022), seeking criminal charges with the Washington County District Court Commissioner pursuant to Md. Ann. Code, Criminal Law, § 3-803(a)(2), "Harassment" (2022), and/or filing a civil suit seeking monetary damages, filing fees, court costs, and attorney's fees.

Respectfully,

Kristina M. Caudle

cc: File



# CITY OF HAGERSTOWN, MARYLAND

## City Ethics Commission

One East Franklin Street • Hagerstown, MD 21740

Telephone: 301.739.8577 • TDD: 301.797.6617 • Website: [www.hagerstownmd.org](http://www.hagerstownmd.org)

February 7, 2023

### DECISION ON COMPLAINT AGAINST MAYOR EMILY KELLER

On or about December 7, 2022, the Ethics Commission for The City of Hagerstown, Maryland received a Complaint from Robert Zellner alleging that then Mayor Emily Keller had violated provision 33-3(E)(1) and 33-3(E)(2) of the City of Hagerstown Ethics Code. A Hearing was set on this matter for February 6, 2023 at 6:00PM. On February 6, 2023 at approximately 12:00PM, the Ethics Commission received notice from Complainant Robert Zellner that he did not wish to proceed with his Complaint.

Upon advice of counsel, the Ethics Commission determined that it was obligated to proceed with the Complaint and reach a determination as to its merits even if the Complainant no longer wished to proceed. Chapter 35-4(C) of the Code of the City of Hagerstown provides that the Ethics Commission shall be responsible to “process and make determinations as to complaints filed by any person alleging violations of this chapter and Chapter 33, Ethics Code of.” As such, once a complaint is presented to the Ethics Commission, the Commission has an ongoing obligation to the residents of the City of Hagerstown to determine the validity of such complaint.

On February 6, 2023 at 6:00PM, the Ethics Commission heard the matter of the Complaint against former Mayor Emily Keller. Complainant was not present. Counsel for former Mayor Emily Keller was present.

The Complaint before the Ethics Commission alleged a violation of Section 33-3(E)(1) and 33-3(E)(2) of the Ethics Code. Said sections of the Ethics Code provide as follows:

“E(1): An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

E(2): This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.”

Having reviewed the Complaint, the Ethics Commission determined that the Complaint, on its face, did not present any allegation that Mayor Keller’s alleged actions were taken for her private gain or for the private gain of another. Additionally, the Complaint failed to allege any actual private gain by Mayor Keller or another individual as a result of Mayor Keller’s alleged actions. Because the Ethics Commission was not presented with any evidence or allegation of a



necessary component of Section 33-3(E) of the Ethics Code, the Ethics Commission has determined that former Mayor Emily Keller did not violate the Ethics Code as alleged in the Complaint.

The Ethics Commission recognizes that allegations of potential conflicts of interest on the part of one (1) or more members of the Ethics Commission to hear this case were raised in and/or to various media outlets. However, at no time did the Ethics Commission receive any correspondence from Complainant or any other individual setting forth specific conflict of interest concerns with factual support. As such, there was no conflict of interest matter before the Ethics Commission for determination.

2-8-23

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Joseph Jefferson, Chairman