



**Former Senator Theatre owner Tom Kiefaber defies City Hall's hush clause
Joins Friends of The Senator to declare BDC is rife with fraud and collusion**

FOR IMMEDIATE RELEASE

Baltimore, MD
July 16th, 2010

Friends of The Senator (FOTS) announced today that the 2100+ member advocacy group has denounced the Baltimore Development Corporation's (BDC) manipulation of The Senator Theatre's acquisition at auction on behalf of the City, and its subsequent RFP plan for the Senator Theatre, as a corrupt process rife throughout with collusion, fraud, and deceit.

The advocacy group has repeatedly implored Mayor Rawlings-Blake to investigate the allegations, based on the results of the FOTS investigative research, provided to her and her staff.

The FOTS raised a number of concerns publicly in 2009, claiming that then Deputy Mayor For Economic Development Andrew Frank, formerly of the BDC, President M. J. Brodie of the BDC, Vice President Kimberly Clark of the BDC, Councilman Bill Henry of the 4th district, and Robert Embry, President of the Abell Foundation, colluded in duplicitous efforts to acquire site control of The Senator Theatre, and violated ethical boundaries with impunity.

The collusion and fraud involved the intentional release of misinformation and smears to discredit and defame The Senator's owner, deceive the public, and inhibit potential bidders, manipulating the city agencies and the CHAP commission. The effort succeeded in facilitating The Senator Theatre's acquisition by the city at auction, costing the taxpayers \$950,000, but violated the owner's civil and private property rights in the process. Similar tactics of manipulation and deceit proceeded to infect and invalidate the BDC's subsequent RFP process.

"The BDC's RFP recommendation to Mayor-Rawlings-Blake for The Senator's future is the preordained outcome of a fraudulent RFP process, and beyond that, the plan itself is also heavily flawed, regressive and an unacceptable burden on the taxpayers," said FOTS Managing Director Laura Perkins. "To enact the plan would be a fiasco, for all the surrounding business owners that have been ignored by the BDC, and for The Senator and its future," she added.

The group, in alliance with local, regional, and national preservation organizations, endorses an established professional methodology, and recommends collaborative input and guidance from experts in the specialized field of historic theatre redevelopment, who have achieved great success with scores of enhanced and restored historic theatres across the nation.

In a February - March 2010 [open letter](#) campaign to Mayor Rawlings-Blake, FOTS members protested a glaring lack of expert guidance by historic theatre redevelopment professionals in the BDC's RFP process. The FOTS were joined in their open letter appeals to City Hall by the prestigious preservation organizations [Baltimore Heritage](#), [Preservation Maryland](#), the [Theatre Historical Society of America](#) (THSA) and the [National Trust for Historic Preservation](#), among hundreds of other concerned individuals and theatre preservation groups.

The FOTS group asserts that its investigative research and interviews, coupled with a timeline of events, support their claim that the BDC's Senator Theatre RFP process was a sham, preordained at the highest levels to install Charles Theatre operator James "Buzz" Cusack in The Senator, at inordinate expense to the taxpayers. The result of the fraudulent RFP process is a plan for The Senator's future that's deficient and lacks credibility.

The FOTS group cites three glaring examples, among the many revealed through its investigations, to support claims that the entire competitive Senator RFP process was tainted by subterfuge and collusion to produce a fraudulent pre-selected outcome.

1. In 2009, the Baltimore-based League of Historic American Theatres (LHAT), the nation's premiere organization for historic theatre redevelopment, contacted BDC officials on several occasions, offering unprecedented access to the League's board of directors and the organization's vast body of knowledge. LHAT graciously offered to assist and advise the agency regarding The Senator Theatre, and identify the best methodology to ensure optimal redevelopment results.

The BDC repeatedly rejected the offer, raising numerous eyebrows at LHAT.

2. In January of 2010, at the request of the FOTS representative and the sole business community representative on the RFP citizen advisory panel, the BDC solicited two sets of written responses from The League's board of directors, intended to clarify numerous aspects of the Cusack first-run film policy RFP. Both sets of answers, provided to the BDC by experts in modern film exhibition, were negative assessments of the Cusack plan, based on seismic industry shifts that rendered The Senator obsolete and outmoded as a first-run film venue.

One set of expert [responses](#), provided to the BDC by LHAT board member John Bell, executive director of the historic Tampa Theatre, was passed on to the citizen panel. The second set of responses, reported to be more critical and detailed regarding the Cusack RFP, threatened to derail the agency's predetermined RFP outcome. BDC leadership, in an egregious breach of the public trust, ordered the critical document to be concealed, and the citizen advisory panel was never informed of its existence.

3. As the end of the BDC RFP process approached, excitement was building among the business owners in the commercial district, and also the FOTS, regarding the innovative, multi-faceted Towson University/WTMD RFP -- the clear front-runner between the two RFPs in contention. The TU RFP was preferred by many residents as well.

When it appeared that the progressive TU plan would soon emerge victorious, based on the RFP's objective merits, the FOTS learned to their dismay that Robert Embry of the Abell Foundation had arranged for a hush-hush meeting with Towson University President Robert Caret. The FOTS group became deeply concerned that a "Nancy Kerrigan" fix would now take place to eliminate the favored victor from official consideration. The group's fears grew when it was confirmed that BDC President M.J. Brodie was to accompany Mr. Embry to the ominous meeting.

After the pivotal meeting with President Caret, news reports confirmed the expected result, when, just short of the goal line, TU announced an abrupt withdrawal of its RFP from further consideration, citing vague 11th hour economic concerns.

On May 6th, The FOTS leadership met with Mayor Rawlings-Blake and her senior staff to apprise them of the information revealed from its ongoing research and investigations. To date, the Mayor's office has not acted on the [allegations](#) of fraud and collusion, and the abuse of the public trust involving a million dollars in public funds.

In summary, the FOTS allege that The BDC has developed a notorious reputation among historic preservation groups nationwide, for its anti-preservation stance in scores of real estate projects over the years. The FOTS cite the BDC's embedded culture of corruption and sordid history of ethical violations, criminal actions including extortion, fraudulent practices, bid-rigging, no-bid contracts, collusion, coercion and concealed transactions involving substantial sums in scarce taxpayer funds, in the past decade under the direction of long term BDC President, M. J. Brodie.

The BDC, under President Brodie's leadership, has also steadfastly refused to allow a single professional member of the preservation community a seat on their board for over a decade, despite repeated requests to do so. (Click through for requests from [Baltimore Heritage](#), [National Trust for Historic Preservation](#).)

"For that pugnacious anti-preservation stance alone, Andrew Frank should have never given the disreputable quasi-public agency oversight of any issues related to The historic Senator Theatre, a celebrated and irreplaceable National Historic Landmark," said former owner Thomas Kiefaber.

"Historically, The BDC's most effective tactic is to suppress information and skirt public awareness of their activities, with a shrouded, back room approach to conducting the public's business. They routinely deny the public accountability for the millions in taxpayer funds they

manipulate with impunity,” said Kiefaber. “The BDC’s legacy is all about secrecy and subterfuge, and this corruption can no longer be tolerated, with Baltimore City facing the worst financial crisis in its history,” he added.

“The BDC leadership instructed the City Law Department to only allow us the time to present the first-run anticipated blockbuster film ‘Eclipse,’ which we booked at The Senator, if I signed an extension document that includes a restrictive ‘hush clause’ attempting to muzzle me from discussing these matters in an open and transparent manner.”

The hush clause reads: “You will not make during the period of the extension, any statements, written or verbal, or cause others to make any statements, written or verbal, that defame, disparage or in any way criticize the City, any City employee, Baltimore Development Corporation or any employee of BDC during the period of the extension. It is agreed that this prohibition extends to statements, written or verbal, made to anyone, including but not limited to the news media, persons associated with the Theatre, or employees.”

“The goal is to quickly yank me and the FOTS from The Senator, without public accountability and oversight of the flawed, deficient deal they have concocted with a crony. The deal will never pass muster with the board of estimates, with taxpayer awareness and oversight. Installing the Cusack team in The Senator Theatre prematurely, without a completed deal being approved, is a desperate attempt to conceal the facts and continue to scam the taxpayers, for whatever their ulterior purposes may be,” declared Kiefaber.

“In response, I reject the validity of the entire sordid process orchestrated by the BDC, including their offensive ‘hush clause,’ and I am exercising my rights as a citizen to speak openly in defense of the truth, and let the chips fall where they may,” he added.

The FOTS group now calls publicly for Mayor Stephanie Rawlings-Blake to demonstrate her administration’s often avowed intolerance of shrouded deals and lax procedures. The public trust must be restored by City Hall, by ensuring that open, transparent accountability will be practiced by all city agencies, including the BDC, historically one of the city’s most egregious repeat offenders.

The FOTS group is releasing formerly confidential information regarding the theatre, the city’s acquisition, and the Cusack proposal on its web site at www.thepeoplestheatre.us

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