

SUPREME COURT OF MARYLAND

Jacob Bennett v. Harford County, Maryland

No. 38, September Term, 2022 (Md. Apr. 5, 2023) · No. No. 38, September Term, 2022 · Decided April 5, 2023

SUMMARY

The Supreme Court of Maryland reversed a circuit court judgment holding that Jacob Bennett could not serve on the Harford County Council while employed as a teacher by the Harford County Board of Education. The Court held that Section 207 of the Harford County Charter and the doctrine of incompatible positions did not preclude his simultaneous employment and council service, and remanded for entry of declaratory and appropriate injunctive relief.

CASE DETAILS

COURT	Supreme Court of Maryland
WRITING FOR THE COURT	Per Curiam; Chief Justice Fader; Judge Watts; Judge Hotten; Judge Booth; Judge Biran; Judge Gould; Judge Eaves
JURISDICTION	Maryland
DECIDED	April 5, 2023
DOCKET	No. 38, September Term, 2022
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a declaratory judgment and injunction entered by the Circuit Court for Harford County; the Supreme Court of Maryland granted Bennett's petition for a writ of certiorari and expedited review.
PRECEDENTIAL VALUE	published
PARTIES	Jacob Bennett v. Harford County, Maryland

TOPICS

- municipal law
- statutory interpretation
- appellate procedure
- writ of certiorari

PRACTICE AREAS

- municipal law
- public employment
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether Harford County Charter § 207 precludes a public school teacher employed by the Harford County Board of Education from simultaneously serving as a member of the Harford County Council.
2. Whether the doctrine of incompatible positions precludes Bennett from simultaneously serving on the County Council and working as a teacher for the County Board of Education.

HOLDINGS

1. Neither § 207 of the Harford County Charter nor the doctrine of incompatible positions precludes Bennett from serving as a member of the Harford County Council while simultaneously being employed as a teacher by the Harford County Board of Education.

KEY QUOTATIONS

“the circuit court ruled that Section 207 and the doctrine of incompatible positions precluded Mr. Bennett from serving on the Harford County Council while employed as a teacher by the Harford County Board of Education.” (at 2)

“neither Section 207 of the Harford County Charter nor the doctrine of incompatible positions precludes Mr. Bennett from serving as a member of the Harford County Council while simultaneously being employed as a teacher by the Harford County Board of Education” (at 3)

FACTUAL BACKGROUND

Jacob Bennett was employed as a teacher by the Harford County Board of Education and won election to the Harford County Council for District F. Harford County sought to prevent him from serving on the Council while retaining his teaching position, relying on § 207 of the Harford County Charter. The circuit court concluded that the charter provision and the doctrine of incompatible positions disqualified Bennett, but the Supreme Court of Maryland rejected that conclusion.

PROCEDURAL HISTORY

Harford County sued for a declaration that Bennett was disqualified from serving on the Harford County Council while employed as a public school teacher and sought an injunction barring him from serving. Bennett answered and filed counterclaims seeking injunctive, mandamus, and declaratory relief. The circuit court ruled that Harford County Charter § 207 and the doctrine of incompatible positions barred Bennett from serving while employed by the Harford County Board of Education, entered declaratory and injunctive relief, and ordered him to terminate his employment. The Supreme Court of Maryland granted review, reversed, and remanded for entry of declaratory and any necessary injunctive relief consistent with its order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Circuit Court for Harford County must enter a declaratory judgment that Bennett is qualified to serve as a member of the County Council while simultaneously employed as a teacher by the County Board of Education, and any injunctive relief necessary and appropriate to implement and enforce that declaration. Costs are to be paid by Harford County, and the mandate is to issue forthwith.

OPINION

PER CURIAM.

Circuit Court for Harford County Case No. C-12-CV-22-000857 IN THE SUPREME COURT
Argued: April 4, 2023 OF MARYLAND* No. 38 September Term, 2022
____ JACOB BENNETT V. HARFORD COUNTY,
MARYLAND _____ Fader, C.J., Watts, Hotten, Booth,
Biran, Gould, Eaves, JJ. Pursuant to the Maryland Uniform Electronic Legal Materials
_____ Act (§§ 10-1601 et seq. of the State Government
Article) this document is authentic.

2023-04-05 09:08-04:00 PER CURIAM ORDER _____
Filed: April 5, 2023 Gregory Hilton, Clerk * At the November 8, 2022 general election, the voters
of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of
Maryland to the Supreme Court of Maryland.

The name change took effect on December 14, 2022. * IN THE * JACOB BENNETT SUPREME
COURT * v. OF MARYLAND * HARFORD COUNTY, MARYLAND No. 38 * September Term,
2022 * PER CURIAM ORDER Upon consideration of the filings by Jacob Bennett, the appellant,
and Harford County, Maryland, the appellee, and oral argument conducted on April 4, 2023,
Whereas, Mr. Bennett is a teacher in Harford County Public Schools and is in the employ of the
Harford County Board of Education; and Whereas, in the 2022 General Election for Harford
County Council Members, Mr. Bennett won election to serve as the Councilmember for District F;
and Whereas, on December 9, 2022, Harford County brought suit in the Circuit Court for Harford
County seeking a declaratory judgment that Mr. Bennett is not qualified to serve on the Harford
County Council while employed as a teacher by the Harford County Board of Education and an
injunction barring him from serving on the Council; and Whereas, on December 21, 2022, Mr.
Bennett answered the County's complaint, contending that he is not an employee of the County or
of the State, but of the County Board of Education; and Whereas, on the same day, Mr. Bennett
filed a counter-claim against the County, seeking injunctive relief enjoining the County from
preventing him from being a member of the County Council, a writ of mandamus requiring the
County to onboard him, and declaratory relief establishing that § 207 of the Harford County
Charter does not disqualify him from serving as a Member of the County Council by virtue of him
working for the County Board of Education as a public school teacher; and Whereas, Section 207
of the Harford County Charter provides, in relevant part: "During the term of office, the Council

member shall not hold any other office of profit or employment in the government of the State of Maryland, Harford County, or any municipality within Harford County”; and Whereas, on February 15, 2023, after a hearing, the circuit court ruled that Section 207 and the doctrine of incompatible positions precluded Mr. Bennett from serving on the Harford County Council while employed as a teacher by the Harford County Board of Education.

On the same day, the circuit court entered a declaratory judgment and order in which it: (1) declared that Section 207 “applies to public school teachers employed by the Harford County Board of Education”; (2) declared that Mr. Bennett, due to his employment with the Harford County Board of Education, “is not qualified to be a member of the Harford County Council”; (3) ordered Mr. Bennett to “cure his lack of qualification... by terminating his employment with the Harford County Board of Education”; and (4) enjoined Mr. Bennett from acting as a member of the Harford County Council “unless and until he cures his lack of qualification”; and Whereas, Mr. Bennett noted an appeal from the circuit court’s judgment and thereafter sought review in this Court by filing a petition for writ of certiorari, which this Court granted; and 2 Whereas, the parties jointly moved for expedited consideration of this matter, which this Court also granted; and Whereas, on April 4, 2023, this Court held oral argument, Now, therefore, for reasons to be stated later in an opinion to be filed, it is this 5th day of April, 2023, by the Supreme Court of Maryland, a majority of the Court concurring, ORDERED, that the Declaratory Judgment and Order issued by the Circuit Court for Harford County on February 15, 2023 is hereby REVERSED; and it is further ORDERED, that neither Section 207 of the Harford County Charter nor the doctrine of incompatible positions precludes Mr. Bennett from serving as a member of the Harford County Council while simultaneously being employed as a teacher by the Harford County Board of Education; and it is further ORDERED, that this case is remanded to the Circuit Court for Harford County for entry of: (1) a declaratory judgment that Mr. Bennett is qualified to serve as a member of the Harford County Council while simultaneously being employed as a teacher by the Harford County Board of Education; and (2) any injunctive relief that may be necessary and appropriate to implement and enforce that declaratory relief; and it is further ORDERED, that costs are to be paid by Harford County and the mandate is to issue forthwith. /s/ Matthew J. Fader Chief Justice 3