



Committee: Directly to Council
Committee Review: N/A
Staff: Selena Mendy Singleton, Esq., Clerk of Council
Purpose: Final action – vote expected
Keywords: #CouncilAppointments

AGENDA ITEM #3.1
February 9, 2021
Action

SUBJECT

Appointment of member to the Merit System Protection Board (MSPB).

EXPECTED ATTENDEES

None.

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Not applicable.

DESCRIPTION/ISSUE

Angela Franco (Republican) resigned from the MSPB on December 31, 2020. Her second term expires in December 2021. Recruitment to fill her partial term began November 6 and five applications were received by the November 27 application deadline. One application was from a Democrat, who is ineligible. The news release was explicit in stating that the appointee could not be a Democrat.

The Council chose three candidates to interview and the interviews of Barbara Fredericks, Christopher Scott Maravilla, and Amit Sharma were conducted on February 2, 2021.

In addition to the vacancy of Ms. Franco (Republican), the other members of the Board are Harriet Davidson (Democrat), and Sonya Chiles (Democrat). By law, no more than two of the three members of the MSPB may be of the same political party.

DESCRIPTION/ISSUE

Attached for the Council's consideration is a draft resolution to appoint a member to the MSPB.

SUMMARY OF KEY DISCUSSION POINTS

Not applicable.

This report contains:

Draft Resolution	© A
List of applicants	© B
MSPB background	© C
News Release	©D-E
Letters of application & resumes:	Barbara Fredericks ©1 Christopher Scott Maravilla ©8 Amit Sharma © 13

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Resolution No.: _____
Introduced: February 9, 2021
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Appointment of Member to Merit System Protection Board

Background

1. Section 403 of the Montgomery County Charter requires the appointment of a Merit System Protection Board.
2. Angela Franco (Republican) has served on the Board since January 2016. Ms. Franco resigned in December 2020. Her second term expires on December 31, 2021.
3. By law, no more than two of the three members of the Merit System Protection Board may be of the same political party.
4. Current members of the Board include Harriet Davidson (Democrat), and Sonya Chiles (Democrat).

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Effective February 9, 2021, _____ is appointed as a member of the Merit System Protection Board until December 31, 2021, or until a successor has qualified and has been appointed.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council

**MERIT SYSTEM PROTECTION BOARD
2021**

To fill a partial term as a result of Angela Franco's resignation. Appointee cannot be a Democrat.

Applicants	Party Affiliation	
Barbara Fredericks Chevy Chase, MD 20815	Unaffiliated	
Christopher Scott Maravilla Rockville, MD 20850	Unaffiliated	
Amit Sharma Potomac, MD 20854	Unaffiliated	
Gabrielle Vetter-Taaffe Rockville MD 20852	Unaffiliated	
Democrats are ineligible		
Miguel Sapp Silver Spring 20906	Democrat	

MERIT SYSTEM PROTECTION BOARD

Membership: Three members who are qualified voters of the County are appointed by the Council. Not more than two members of the Board can be members of the same political party. No member shall hold political office or participate in any campaign for any political or public office during the member's term of office. Any member appointed to fill a vacancy occurring prior to the expiration of a term is appointed only for the remainder of that term.

Term: Three years. Board elects its own chair each year.

Compensation: Annual salary of the members for 2019 is \$8,045, and \$10,318 for the Chair. These salaries are changed, beginning on the first Monday in December of each year, by a percentage which is 50% of the percentage change in the Consumer Price Index.

Financial

Disclosure: Must file a public financial disclosure statement under oath.

Duties and Responsibilities:

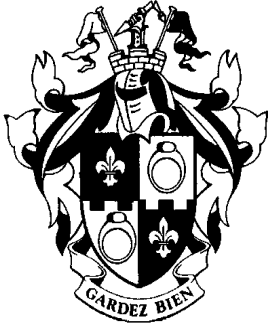
- Protect the merit system and protect employee and applicant rights guaranteed under the merit system.
- Hear and decide disciplinary appeals or grievances upon the request of a merit system employee who has been removed, demoted or suspended.
- Comment on any proposed changes in the merit system law or regulations.
- Review and study the administration of the County classification and retirement plans and other aspects of the merit system and transmit to the Chief Administrative Officer, Executive and Council its findings and recommendations.
- Conduct or authorize periodic audits of classification assignments made by the Chief Administrative Officer and of the general structure and internal consistency of the classification plan, and submit audit findings and recommendations to the Executive and Council.
- Meet and confer with the Chief Administrative Officer, and employees, and their organizations to review the need to amend the Personnel Regulations.
- From time to time, prepare and recommend to the Council modifications to the County's system of retirement pay.
- Conduct such special studies and audits on any matter relating to personnel as may be periodically requested by Council.
- Publish at least annually abstracts of its decisions, rulings, opinions and interpretations, and maintain a permanent record of its decisions.
- Annually review all personnel-related actions of the Fire and Rescue Commission and local corporations to insure reasonable uniformity.

Current Members:

Harriet Davidson (Dem) - term expires December 2020

Angela Franco (Rep) - term expires December 2021 – *resigned effective 12/31/20*

Sonya Chiles (Dem) - term expires December 2022



Montgomery County Council

For Immediate Release

November 6, 2020

FOR INFORMATION: Anne Brown
anne.brown@montgomerycountymd.gov

Montgomery County Seeks Applicants for Merit System Protection Board

Deadline to Submit Applications is Friday, November 27

ROCKVILLE, Md., Nov 6, 2020 – The Montgomery County Council is seeking applicants for a partial term on the Merit System Protection Board. The term to be filled is currently held by Angela Franco, who will be resigning effective December 31, 2020. Her term expires in December 2021. Applications for the position must be received no later than 5 p.m. on Friday, November 27.

In addition to Ms. Franco (Republican), other members of the Board are Harriet Davidson (Democrat), and Sonya Chiles (Democrat). By law, no more than two of the three members of the Merit System Protection Board may be of the same political party. The appointee for this position may be Republican, someone who declines to affiliate with a party, or a member of another party officially recognized by the Board of Elections. The appointee cannot be a Democrat.

Generally, the Board oversees the Merit System and protects employee and applicant rights guaranteed under the County Merit System. The Board processes appeals by issuing written decisions following review of written records or after conducting appropriate hearings.

The Board normally meets once per month during the day for approximately two hours, additional time is also required for preparatory work. Hearings are scheduled with consideration given to Board availability and held during the day. Duration of hearings are dependent upon issues of a given case and may last more than one day.

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The Board, on a periodic basis, also conducts special studies, audits, or inquiries of the administration of the merit and retirement pay systems and, in this effort, may compel the attendance of witnesses. The Board also provides comments on any proposed changes in Merit System law or regulations.

Members of the Board currently receive \$8,045 per year, which is adjusted annually to reflect 50 percent of the percentage change in the Washington Area Consumer Price Index. The Chair receives \$10,318 per year.

Boardmembers are restricted in political activity while serving. Section 403 of the County Charter states, in part: “No member shall hold political office or participate in any campaign for any political or public office during the member’s term of office.”

Members of County Boards, Committees and Commissions may not serve on more than one such group at a time.

Letters expressing interest, including a resume (no more than 4 pages in length) listing professional and civic experience, political party affiliation, home and office telephone numbers, and an email address should be addressed to: Council President Sidney Katz, County Council Office, 100 Maryland Avenue, Rockville, Maryland 20850, or emailed to county.council@montgomerycountymd.gov. Letters of application must be received no later than 5 p.m. on November 27, 2020. It is the Council’s policy not to consider applications received after the deadline. After the application closing date, Councilmembers will review the letters of application and select applicants to be interviewed.

Letters of application and resumes are made public as part of the appointment process (personal contact information is redacted). Interviews are open to the public and will be televised. A financial statement of assets, debts, income, and family property interests will be required of all applicants. Only the appointed candidate will be required to make the financial statement available for public review.

#

November 16, 2020

**Honorable Sidney Katz
Council President
Montgomery County Council Office
100 Maryland Ave.
Rockville, MD 20850**

**Re: Application for Member position at Montgomery County Merit System
Protection Board**

Dear Council President Katz:

Enclosed please find my resume in support of my application for the position of Member of the Merit System Protection Board. I believe my extensive experience dealing with the full range of legal issues involving the rights and obligations of civil service employees provides me with the tools to be an effective member of the Merit System Protection Board. I have no affiliation with a political party.

My entire career has focused on issues requiring knowledge of federal personnel law, including litigation before the federal Merit Systems Protection Board. I have had vast experience in all aspects of an administrative law practice, as a litigator representing both employees and managers, and as the highest ranking career attorney in a cabinet level department of the US government, supervising those who represented the department in administrative processes and providing advice on developing and monitoring effective human resource programs. I was a member of the Department of Commerce's Labor-Management Council, and the lawyer responsible for giving counsel on employee relations issues to the Secretary, Assistant Secretary for Administration, and all heads of bureaus and operating units

within the department. I personally litigated or supervised litigation in virtually every federal forum, including US district and appellate courts, the Merit Systems Protection Board, Equal Employment Opportunity Commission, and the Office of Special Counsel, as well as before both the Federal Labor Relations Board and the National Labor Relations Board.

I drafted or reviewed and approved hundreds of briefs and opinions, including formal final agency decisions. I took pride in ensuring that all legal opinions for which I was responsible were correct and clear to all who would read them, including those who did not have legal backgrounds. I am very aware that public support for government process is dependent on the public's belief that government procedures are fair and that government officials who make decisions have no personal interest in the result. Therefore, I always strived to ensure that all written opinions reflected a complete understanding of the issues and that the ultimate decision was based on sound legal principles.

I supplemented my experience as a personnel lawyer with an active teaching career, including my appointment as an adjunct professor at Georgetown University Law School, the Graduate School USA, and through speaking to and participating in academic conferences, interacting with professionals in local governments and representatives of governments outside the United States. Many of these presentations focused on efforts to improve the quality of the civil service. These experiences have provided me with an opportunity to see other approaches and challenges in administering an effective civil service system. They also demonstrated to me that the implementation and use of clear and fair rules for protecting civil servants is an important element in gaining the loyalty and enthusiasm of a government work force.

I have always been a great supporter of the work of those engaged in public service, and I appreciate the opportunity to be considered for this important position.

I look forward to answering any questions you may have concerning my application.

Very truly yours,

Barbara S. Fredericks

BARBARA S. FREDERICKS

CURRENT POSITIONS:

Consultant

Provide expert advice to organizations developing rule of law programs, primarily for governments seeking to initiate democratic institutions and improve the delivery of government services. Counsel government officials interested in building a strong civil service free of corruption and performing under the rule of law.

Board Member, Personnel Appeals Board of the United States Government Accountability Office (GAO)

With my fellow Board members, adjudicate disputes and issue decisions on cases alleging prohibited personnel practices, discrimination, political activity and unfair labor practices. Also oversee GAO's employment regulations, procedures and practices relating to anti-discrimination laws. The Board's authority combines the functions of the following Executive branch counterparts: the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority.

Faculty, Graduate School USA

Instruct Federal employees on the statutes and regulations that govern their responsibilities in conducting government business. Create new courses and edit existing materials. Topics include employment law, including discrimination based on race, gender, and age, and prohibited personnel practices in administering discipline in the workplace. Other topics include rules and responsibilities in dealing with labor organizations and the responsibilities of employees under the Freedom of Information Act and the Privacy Act .

PROFESSIONAL EXPERIENCE:

Commissioner, Montgomery County Maryland Ethics Commission **2015 – 2017**

With my fellow Commissioners, responsible for ensuring impartiality in conducting business for all elected officials, appointed officials and county career employees in Montgomery County, Maryland.

Assistant General Counsel for Administration U.S. Department of Commerce, **1990 – 2015**

Led a team of 70 professionals charged with implementing employment and labor laws and regulations, ethics, financial disclosure, and transparency, for over 60,000 employees at the U.S. Department of Commerce. Provided legal advice to the Secretary of Commerce, and senior Department officials in the following areas:

- **Employment and Labor Law:** Responsible for representation and advice in all areas of employment and labor law, including prohibited personnel practices involving both conduct and performance adverse actions, charges of employment discrimination, whistleblower protections, the Fair Labor Standards Act, handicap accommodations, workers' compensation, contract negotiations, representation hearings, and unfair labor practices. Represented the Department in administrative hearings, arbitrations and mediations, and in Federal court litigation. Appeared before the Merit Systems Protections Board, Office of Special Counsel, Federal Labor Relations Authority, and the Equal Employment Opportunity Commission. Worked with representatives of the Justice Department Office of Legal Counsel and Office of Personnel Management on issues of first impression. Prepared and delivered training on federal personnel and labor law issues to diverse groups of managers and employees to promote better working relationships and understanding of legal requirements.
- **Ethics:** As Department's Designated Ethics Official, responsible for issuing final decisions on all requests for legal opinions interpreting the Ethics In Government Act and related criminal statutes. Responsible for establishing and implementing a comprehensive ethics program for a diverse worldwide workforce. Directed the collection and review of financial disclosure forms. Developed training programs and issued formal opinions on all aspects of the subject, including political activities, employee conflicts of interest and post-employment issues. Supervised development of a series of publications on ethics rules. Provided ethics advice and training services to other U.S. government agencies.
- **General Law:** Served as Departmental Appeals Officer, responsible for ruling and issuing decisions on all formal appeals from requesters under the administrative appeal provisions of the Freedom of Information Act. Chief legal advisor to all Department officials on issues involving government transparency, records retention, classified materials, appropriations law, real estate, electronic commerce, and Departmental agreements. Conducted training in each of these areas.

Acting General Counsel, U.S. Department of Commerce

Served as Acting General Counsel during the Presidential transitions from January to May 2009 and from April to September 2013. Responsible for direction and supervision of the Commerce Department's entire legal program. Worked with the White House to implement procedures for orienting and advising incoming Cabinet Secretaries and other Presidential appointees on government-wide laws and regulations applicable to high level officials managing government programs and interpretation of laws and regulations governing programs under the jurisdiction of the Department of Commerce.

Adjunct Professor, Georgetown University Law School International Graduate Program, 2007-2013

Course Title: *Anticorruption Laws and Enforcement Mechanisms, An International Approach*, a course in comparative law and international enforcement mechanisms.

Guest Lecturer, George Washington University, School of Management
Speaker on U.S. laws and regulations.

Advisor/Expert on Government Employment, Ethics and Transparency

- *Developed programs in response to foreign government and international organization requests for assistance in developing laws and institutions to promote the professional civil service and rule of law.*
 - Organized and led delegations to establish rule of law training for government officials, including human resource professionals and government lawyers, journalists, and representatives of NGOs.
- *Speaker at international conferences and business association meetings, addressing rule of law, transparency, civil service reform, including:*
 - **Yale University School of Law, China Center:** seminars with academic groups at universities and government officials in Shanghai and Beijing
 - **U.S. Office of Government Ethics:** domestic and international meetings
 - **U.S. Agency for International Development:** presentations on application of US law and practice in various countries
 - **United Nations:** 2013 Middle East Anti-Corruption Conference
 - **National Committee on U.S.-China Relations:** participant with U.S. judges and scholars in annual dialogues on human rights issues
 - **U.S. Department of State:** U.S. representative presenting series of lectures on rule of law to government officials and NGOs
 - **Organization for Economic Cooperation and Development:** representative at International Anti-Corruption Conference (IACC) on subject of whistleblowing
 - **World Bank:** both international conferences and internal training
 - **National Academy of Public Administration:** lecturer
 - **Georgetown University Law School:** panel chair for conference on Foreign Corrupt Practices Act
 - **Asian Pacific Center for Security Studies:** instructor
- *Speaker on US implementation and interpretation of rule of law to international business groups –*
 - **Vietnam Chamber of Commerce,** Hanoi, Vietnam
 - **American Chamber of Commerce,** Cairo, Egypt
 - **American Chamber of Commerce,** Beijing, China
 - **American Chamber of Commerce,** Shanghai, China
 - **World Intellectual Property Organization,** Washington, DC
 - **American Information Center,** Alexandria, Egypt
 - **American League of Lobbyists,** Washington, DC
- *Speaker at universities on U.S. laws and regulations relating to government practices and rule of law:*
 - **William Richardson Law School, University of Hawaii,** Honolulu, Hawaii
 - **Alexandria University,** Alexandria, Egypt
 - **American Studies Institute,** Hong Kong

- **Peking University**, Beijing, China
- **China University of Politics and Law**, Beijing, China
- **ADA University, School of Public and International Affairs**, Baku, Azerbaijan
- **London School of Economics**, London, England
- **Zhejiang University**, Hangzhou, China

Deputy Assistant General Counsel for Administration, U.S. Department of the Treasury, Washington DC, 1983 – 1990

Managed office responsible for advice and representation of senior officials in the Office of the Secretary, United States Mint and the Bureau of Engraving and Printing. Areas of advice included ethics, appropriations, employment and labor law, Freedom of Information Act, Privacy Act, procurement law, and legislation.

Senior Trial Counsel, U. S. Postal Service, Office of Labor Law, Washington DC, 1979 – 1983

Advised and represented Postal Service on labor and employment matters. Appeared in various forums, including administrative agency proceedings, U.S. District Court, and the U.S. Court of Appeals, concerning all aspects of employment and labor law, including negotiations, arbitrations and as lead attorney in complex class action litigation.

Trial attorney, National Labor Relations Board, Washington DC, 1973 – 1979

Represented NLRB in unfair labor practice administrative hearings covering all aspects of labor law and in actions in U.S. District Court. Served as Hearing Officer, presided at hearings, and issued written decisions on representation matters.

Honors: Presidential Rank Award for Meritorious Service
 Commerce Department Gold Award (highest Departmental award)
 U.S. Office of Government Ethics Award for Outstanding Performance
 Award for Outstanding Ethics Training Program

Education: B.A., Case Western Reserve University, 1970, *magna cum laude*, Phi Beta Kappa; J.D., Boston University, 1973

Bar Membership: State of Maryland, 1973 - Present

November 23, 2020

County Council President Sidney Katz
County Council Office
100 Maryland Avenue
Rockville, MD 20850

C. Scott Maravilla

Dear President Katz:

Please accept the attached resume and cover letter in application for the open position on the Merit System Protections Board (MSPB). My political affiliation is Unaffiliated.

I have experience in employment law as a mediator for the Federal Aviation Administration (FAA) and the Federal Mediation and Conciliation Service's Shared Neutrals Program. The latter allows me to mediate employment matters at other federal agencies. The substantive work is similar to that of the MSPB. It involves grievances, termination, equal employment opportunity (EEO), and general workplace disputes.

I currently serve, and applied for reappointment, on the Alcoholic Beverage Advisory Board (ABAB). If selected for the MSPB, I would resign or withdraw my application.

I am very interested in continuing in public service with my local community as a member of the MSPB. As described below, my experience and interests are in working with others to build consensus and make recommendations. I believe that working as a member of the MSPB will provide me with the opportunity to learn about a new areas of employment law from the other members and staff. I will also be able to contribute my own skill set to the work of the MSPB.

I serve as an Administrative Judge and mediator at the FAA. My job involves presiding over hearings, analyzing issues in complex acquisition and claims cases, and issuing written decisions. I have mediated over 150 cases including large ones involving information technology (IT) and telecommunications contracts. I bring the parties together to exchange information and present positions. I have a high settlement rate because I emphasize collegiality and team building.

I also served on the City of Rockville Board of Appeals from 2006-2010 and 2018-2020. The Rockville Boards of Appeals adjudicates primarily requests for special exceptions to and violations of the City's zoning ordinances. During my first term on the Board, I participated in some of the City's most challenging appeals. Victory Housing, a request for a special exception to build affordable housing for the elderly in the County, had a hearing last several months (the Board meets the first Saturday). I became familiar with the City's and the County's relevant planning and zoning codes.

The position gave me a solid general knowledge of residential and commercial real estate in the County. Serving on the Board also means that I have to learn new issues, not

just in terms of the applicable law, but also architecture, urban planning, etc. The Board requires that we listen to oral arguments, which is the primary method of presenting a case. We also read briefs from the party with supporting evidence. Then in an open Working Session, discuss and make a ruling both orally and in the form of written decisions.

Being one of three members of the Board, I worked closely and collegially with the other members in resolving cases. We all worked well together and my former colleagues still serve as references. In one instance, myself and another member of the Board disagreed with the Chairman on the outcome of a case involving reforestation. I listened carefully to the position of the Chair and my other colleague whose position I agreed with. In the end, I helped forge a compromise decision by the Board that preserved our environment while not harming the small business.

Thank you for your time and consideration.

Yours truly,

Scott Maravilla

C. SCOTT MARAVILLA

BAR ADMISSIONS: New York, Court of Federal Claims

AMERICAN LAW INSTITUTE: Elected Member, March 16, 2010

SECURITY CLEARANCE: Secret

EDUCATION:

Georgetown University Law Center – Juris Doctor, *Cum Laude* 2000

- Class rank (estimated): Top 15% (GPA: 10.5/12.0)
- Awarded the Corpus Juris Secundum Award for the highest grade in Contracts and Corporations, received the CALI Excellence for the Future Award for the highest grade in Contracts, and selected to the Dean's List all three years.
- *Law and Policy in International Business*
- Clinical Attorney: Federal Legislation Clinic – represented the Consortium of Citizens with Disabilities before Congress which included drafting federal regulations related to the privacy of health care records, lobbying Congressional staff, and writing talking points.

University of London (King's College) – Master of Arts 1996

- Coursework focused on the Middle East and elementary Arabic.
- Master thesis, *Waiting for Asad: The Elusive Syrian-Israeli Peace*, awarded distinction.

The University of Texas at Austin – Bachelor of Arts, Special Honors 1994

- Major: Government, Minor: Middle Eastern Studies with a 3.2 cumulative GPA, 3.9 major GPA.
- Selected to Pi Sigma Alpha and Order of Omega Honors Societies and the Dean's List.
- Senior Thesis, *Interest Groups and Political Party Formation in Israel*, awarded honors.

LEGAL EXPERIENCE:

Federal Aviation Administration (FAA), Washington, DC 2008-present
Administrative Judge, Office of Adjudication (equivalent to an ALJ-03 position)

- Serve as an administrative judge adjudicating cases and serving as an alternative dispute resolution (ADR) mediator for bid protests, contract disputes, aviation enforcement appeals, and issues related to airport grant compliance for the FAA and, in certain matters, the Transportation Security Administration (TSA).
- Serve as a mediator in ADRs ranging from small cases involving self-represented litigants to multi-billion dollar protests using a variety of techniques including facilitative mediation and early neutral evaluation.
- Responsible for the conduct of status conferences, administrative hearings, making evidentiary rulings, and issuing interlocutory and final orders, and written decisions.
- Served as the mediator in over 125 cases.
- Authored over forty decisions.
- Lecturer for FAA Acquisition Law training with focus on the ODRA process.
- The Office of Adjudication adjudicates using the standards found in the Administrative Procedures Act pursuant to 49 U.S.C. 40110(d)(4) and 14 C.F.R Part 17.
- The position also requires the judge to manage a large caseload involving very large, complex matters, including:

1. Disposing of motions, discovery requests or similar matters;
2. Ordering the taking of depositions;
3. Holding prehearing conferences and alternative dispute resolution proceedings for the settlement or simplification of the issues;

4. Regulating the course of hearings;
5. Ruling upon offers of proof and receiving relevant evidence;
6. Administering oaths and affirmations;
7. Issuing subpoenas authorized by law;
8. Questioning witnesses, where necessary and appropriate;
9. Consider the facts in the record and arguments and contentions made, or questions involved; determine the credibility of witnesses; make findings of fact and conclusions of law; and
10. Make decisions and prepare written opinions to explain and justify decisions (Findings and Recommendations to the FAA Administrator).

- Written decisions in bid protests as long as 309 pages in Protest of Systems Atlanta, Inc., 10-ODRA-00530, 2010 ODRA LEXIS 24, and 104 pages in Protest of Carahsoft Corporation and Avue Corporation, 08-TSA-034, 2008 ODRA LEXIS 40.
- Served as an ADR neutral for contracts worth in excess of \$1.5 Billion involving the FAA's technologically cutting edge Next Generation of Air Traffic Control (NextGen).
- The Federal Rules of Evidence (FRE) and the Federal Rules of Procedure (FRP) do not directly govern FAA proceedings, but are followed as persuasive.

**Federal Aviation Administration (FAA), Washington, DC,
Acquisition and Commercial Law Division**

2005-2008

- Represented the FAA before the FAA Office of Dispute Resolution for Acquisitions (ODRA) in both ADR and in adjudication (most bid protests and contract disputes were resolved in ADR).
- Legal adviser to the Technical Operations Division, which provides communications and telecommunications services to the National Aerospace System (NAS), which included legal review of contracts, reimbursable agreements, other transaction agreements, and fiscal law and general acquisition law advice.
- Legal adviser on the contract administration of the FAA's Telecommunications Infrastructure (FTI) program consolidating and upgrading all the telecommunication services in the NAS.
- Drafted a legal opinion interpreting the use of funds for transitioning off of a particular telecommunications spectrum, which allowed the FTI program greater autonomy in achieving end to end connectivity for certain sites on the West Coast (Opinion was well received by the Office of Management and Budget, which oversaw the funding).
- Legal adviser on the contract administration of the FAA's Technical Support Services Contract (TSSC), the FAA's largest construction services contract, which included advising on award fees and contract interpretation issues.
- Legal adviser on the contract administration and the procurement planning for the FAA's NAS Implementation Services Contract (NISC), one of the largest support services contracts at the FAA.
- Specialized in the area of organizational conflicts of interest (OCI) and advised all FAA procurements on this issue, as needed.
- Lecturer for FAA Acquisition Law training (false claims, organizational conflicts of interest, and procurement integrity).

Regulations Division (Detailed)

2007-2008

- Drafted interpretation letters analyzing the Federal Aviation Regulations (FAR).
- Provided legal advice on administrative rulemakings.

Office of the Chief Counsel (Detailed)

2007

- Advised Chief Counsel Kerry Long on issues related to the federal preemption of aviation.

Clerk to Justice Dale Wainwright, Texas Supreme Court, Austin, TX

2003-2004

- Assisted with the Majority Opinion: IHS Cedars v. Mason.
- Assisted with the Majority Opinion: Diversicare General Partners, Inc. v. Rubio.
- Drafted memoranda to the Texas Supreme Court recommending whether or not to grant petitions for review.

Fried, Frank, Harris, Shriver & Jacobson L.L.P., New York, NY – Associate 2001-2003

- 9/11 Pro Bono: Co-represented the family of a firefighter with trust and estates matters including representation before the Victims Compensations Fund. Also conducted research on tax legislation related to 9/11, and drafted portions of the 9/11 group's practice manual.
- Pro Bono: Negotiated and drafted a general partnership agreement between two filmmakers involving intellectual property rights.
- Assisted in the representation of an investment bank during the New York Attorney General's and the NYSE's investigations of analyst-banker conflicts of interest over market research.
- Assisted in the representation Banc of American Securities in the IPO of Red Robin Gourmet Burgers, Inc.
- M&A: Assisted in the representation of Wrigley in its bid to acquire Hershey (deal died when the Hershey's Trust decided against selling its shares).

**Clerk to the Late Judge Roger B. Andewelt,
U.S. Court of Federal Claims, Washington, DC**

2000-2001

- Assisted with the Opinion: Schwan Sales Enterprises v. United States.
- Drafted bench memoranda to the judge, and assisted with preliminary opinions and orders.

LEGAL INTERNSHIPS:

**White & Case, L.L.P., Washington, DC
Summer Associate (Offer Extended)**

Summer 1999

- Pro Bono: drafted employment contracts and incorporation documents for independent filmmakers, and 501(c)(3) forms for a charitable organization aiming to raise funds for the treatment of indigent women with breast cancer.
- Drafted memoranda for an international arbitration proceeding on issues related to NAFTA and contract rights.
- Drafted memoranda on international tax law including transfer pricing and royalty payments.

**The White House, Office of Counsel to the President, Washington, DC
Legal Intern**

Spring 1999

- Assisted White House attorneys in the impeachment trial before the Senate.
- Vetted nominees to the federal judiciary.
- Wrote memoranda on executive branch-related topics including a comparison of attorney-client privilege to executive privilege.

Export-Import Bank of the United States, Washington, DC – Legal Intern Summer 1998

- Drafted a credit agreement for a \$400 million oil refinery project in Mexico.
- Drafted memoranda on foreign expropriation, Ukrainian commercial law, and the FSIA.

COLLOQUIA/WORKSHOPS:

The Other Don't Ask, Don't Tell: Adultery under the Uniform Code of Military Justice after
Lawrence v. Texas
(St. Mary's Law School, presented to the faculty on April 28, 2008).

JUDICIAL CITATIONS:

Marrerro v. Feintuch, 2011 N.J. Super. LEXIS 10 at 23 (January 25, 2011) citing and quoting
Monday Morning Lawyering: Proximate Cause and the Requirement of Actual Innocence in a
Criminal Defense Malpractice Action, 16 Widener L.J. 131, 133 (2006).

VIA E-MAIL (county.council@montgomerycountymd.gov)
AND FIRST-CLASS MAIL

November 23, 2020

The Honorable Sidney Katz
Council President
County Council Office
100 Maryland Avenue
Rockville, Maryland, 20850

Re: Merit System Protection Board Vacancy

Dear President Katz:

Please accept this letter and my enclosed resume for consideration for the vacancy within the Merit System Protection Board.

I am an employment attorney with fifteen (15) years of experience and have extensive knowledge in employment/personnel matters. I represent clients in employment matters before federal and state courts and administrative agencies including, but not limited to, the U.S. Equal Employment Opportunity Commission, U.S. Merit Systems Protection Board, Maryland and District of Columbia Offices of Administrative Hearings, Prince George's County Human Relations Commission, and the D.C. Office of Employee Appeals.

In addition, I currently serve on the Montgomery County Commission on Landlord-Tenant Affairs as a Public Member. Finally, I am a life-long resident of Montgomery County, a proud product of Montgomery County Public Schools, and am unaffiliated with any political party.

I would be pleased to discuss my qualifications further. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Amit K. Sharma

AMIT K. SHARMA

Legal Experience

THE McCOLLUM FIRM, LLC, College Park, Maryland

Associate

December 2005 - Present

- Represent employers in court and administrative litigation of claims for employment discrimination and retaliation (Title VII), violations of the Family and Medical Leave Act, the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and wrongful termination,
- Counsel clients in wide range of civil litigation matters including labor and employment disputes, civil rights, complex litigation, business conflicts, contract disputes, products liability, personal injury, probate litigation, and administrative law.
- Substantial experience in all aspects of civil litigation including client relations and management, developing strategy, drafting pleadings, preparing and responding to discovery requests, fact and expert witness depositions, motions practice, trial, post-trial practice, and appeals.
- Prepare and negotiate corporate contracts and agreements and work extensively with in-house counsel and human resource departments regarding various transactional, personnel, and litigation matters.

THE HONORABLE ALEXANDER WILLIAMS, JR., U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND, Greenbelt, Maryland

Judicial Intern

Summer 2004

- Researched dispositive motions and drafted memoranda in various cases involving Title VII, Family and Medical Leave Act, Equal Employment Opportunity Act, § 1983, abstention doctrine, 11th Amendment state immunity, and petitions for post-conviction relief.

THE HONORABLE J. RAMSEY JOHNSON, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, Washington, D.C.

Judicial Intern

October 2003 – May 2004

- Researched motions and drafted memoranda relating to domestic relations and juvenile cases.

U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, Washington, D.C.

Intern

Summer 1999

- Assisted attorneys in preparing appellate briefs by formulating case summaries.

Education

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, D.C.

Juris Doctor, May 2005

- Member, Public Justice Advocacy Clinic

UNIVERSITY OF MARYLAND, College of Behavioral and Social Sciences, College Park, Maryland

Bachelor of Arts, Government & Politics and Psychology, May 2002

- Graduated *cum laude* after only two years of enrollment
- Member, Golden Key International Honour Society
- Member, The National Society of Collegiate Scholars

Bar and Court Admissions

- Maryland, 2005
- District of Columbia, 2007
- United States District Court for the District of Maryland, 2006
- United States District Court for the District of Columbia, 2006
- United States Court of Appeals for the Fourth Circuit, 2006
- United States Court of Appeals for the District of Columbia Circuit, 2006
- United States Court of Federal Claims, 2016

Memberships/Appointments/Selections

- Selected to the Maryland and Washington, D.C. Super Lawyers Rising Star listing from 2014 – 2021.
- Member of the Peer Review Committee for the Attorney Grievance Commission of Maryland.
- Public Member Commissioner on the Montgomery County Commission on Landlord-Tenant Affairs, which serves as quasi-judicial body that renders decisions regarding landlord-tenant complaints.
- Licensed Maryland Real Estate Broker
- Serve on the Board of Directors for the Capital Area Realtors Federal Credit Union