

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ROBERT KERSEY, JR.,
c/o Justly Prudent
1140 3rd St. NE, Suite 2180,
Washington, DC 20002

Case No. 1:26-cv-1435

DEMAND FOR JURY TRIAL

Plaintiff,

v.

MARYLAND DEPARTMENT OF
NATURAL RESOURCES,
580 Taylor Ave.
Annapolis, Maryland 21401,

ADRIAN BAKER,
120 East Baltimore St.
Taneytown, Maryland 21787,

VERONICA BRUNS,
6 Mainsail Ct.
Middle River, Maryland 21220,

MURRAY HUNT,
29292 Dogwood View Rd.
Cordova, Maryland 21625,

Defendants.

COMPLAINT

Plaintiff Robert Kersey Jr. (“Kersey”), for his complaint against Defendants Maryland Department of Natural Resources (“DNR”), Adrian Baker, in his individual capacity (“Defendant Baker”), Veronica Bruns, in her individual capacity (“Defendant Bruns”), and Murray Hunt, in his individual capacity (“Defendant Hunt”), alleges the following:

1. Kersey commenced this action to seek redress for the substantial harm he suffered as a result of a coordinated conspiracy by officials within the Maryland Department of Natural

Resources and the Maryland Natural Resources Police to fabricate an anonymous disciplinary complaint against him, deliberately stall the investigation of those false allegations for over eight months, and ultimately prevent his return to the position of Deputy Superintendent (the second-highest rank in a 258-member state law enforcement agency) despite an independent investigation that fully exonerated him on every allegation.

2. Kersey is a Black law enforcement officer who dedicated 30 years of his career to the Maryland Natural Resources Police (“NRP”). On June 28, 2021, the Secretary of DNR appointed Kersey as the Deputy Superintendent of NRP, making him only the third African American to hold that position in the agency’s 153-year history. One year later, on June 27, 2022, and just three days before Kersey was scheduled to begin a mandatory 45-day administrative hiatus required for his reappointment, an anonymous letter containing ten fabricated allegations against him was submitted to NRP’s Internal Affairs Unit in deliberate violation of a federal consent decree that expressly prohibits the investigation of anonymous complaints against NRP officers.

3. The anonymous complaint was not the product of legitimate concern. It was the culmination of a retaliatory campaign triggered by Kersey’s public opposition to racially inflammatory testimony delivered by Defendant Bruns before the Maryland Senate Judicial Proceedings Committee on March 8, 2022. In that testimony, Defendant Bruns stated publicly that minority officers “do less on the written portion of the test,” implying that the most qualified promotion candidates were not minorities. Kersey, acting in his capacity as Deputy Superintendent and as a member of the NRP Black Officers’ Association, directly confronted those remarks. And within three months, the anonymous complaint was filed against him.

4. The federal consent decree that Defendants violated was not a minor administrative guideline. It was a permanent court order entered by the United States District Court for the District of Maryland (Case No. 1:94-cv-483), which was imposed specifically because the NRP had already engaged in documented racial discrimination against Black officers serious enough to warrant federal judicial intervention, and because NRP had already violated a prior 1986 settlement agreement addressing the same institutional failures. The consent decree contains no sunset clause and has never been vacated or modified by the Court. Upon information and belief, the consent decree remains in full force and effect.

5. In 2022, with this permanent federal court order governing their every disciplinary action, Defendants chose to use an anonymous complaint to destroy the career of the agency's highest-ranking Black officer.

6. Kersey's claims arise under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17, Section 1 of the Ku Klux Klan Act of 1871, codified as 42 U.S.C. § 1983, Section 3 of the Ku Klux Klan Act of 1871, codified as 42 U.S.C. § 1985(3), and the laws of the State of Maryland, including the Maryland Fair Employment Practices Act, Md. Code Ann., State Gov't § 20-601 *et seq.*

JURISDICTION AND VENUE

7. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343(a) because this case involves questions of federal law and because Kersey seeks damages for violations of his civil rights.

8. The Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367 because the claims form part of the same case or controversy under Article III of the United States Constitution. The state law claims share all common operative facts with Kersey's

federal law claims, and the parties are identical. Resolving Kersey's federal and state claims in a single action serves the interests of judicial economy, convenience, consistency, and fairness to the parties.

9. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because the Defendants are situated within this judicial district and a substantial part of the events or omissions giving rise to Kersey's claims herein occurred within this judicial district. Venue is also proper under 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices were committed in this judicial district, the relevant employment records are maintained in this judicial district, and there is no other judicial district that has a substantial connection to Kersey's claims.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Kersey filed a charge of discrimination with the Maryland Commission on Civil Rights ("MCCR"), Case No. 2211-0494, which was cross-filed with the United States Equal Employment Opportunity Commission ("EEOC") as Charge No. 12F-2023-00088. Kersey's administrative charge alleged race discrimination and retaliation by the Maryland Department of Natural Resources and the Maryland Natural Resources Police.

11. On June 6, 2024, the MCCR conducted a fact-finding conference on Kersey's charge. During the conference, MCCR Investigator Jalissa Hunter stated on the record, in the presence of DNR representatives, that she would be issuing a finding of probable cause. Investigator Hunter further stated that she was notifying DNR in advance of the probable cause determination so that the parties could begin working toward resolution. During that same conference, DNR representatives acknowledged that had they known the full extent of the evidence Kersey presented, the meeting "may" have been more of a settlement discussion.

12. Notwithstanding Investigator Hunter's stated conclusions, the MCCR subsequently issued a finding of no probable cause. The no-probable-cause determination was issued by a different decision-maker than the investigator who conducted the fact-finding conference and stated on the record that she would issue a probable cause finding.

13. On October 3, 2024, the EEOC issued a Determination and Notice of Rights, according substantial weight to the findings of the MCCR.

14. Kersey subsequently requested a Substantial Weight Review of the EEOC's determination. On January 20, 2026, the EEOC issued a second Dismissal and Notice of Rights following its review, confirming the dismissal of the charge and notifying Kersey of his right to file a civil action within ninety days of his receipt of that notice.

15. On September 27, 2024, Kersey filed a Request for Reconsideration with MCCR Director Cleveland L. Horton II, challenging the no-probable-cause determination and documenting Investigator Hunter's stated conclusions during the June 6, 2024 fact-finding conference. Upon information and belief, the Request for Reconsideration remains pending before the MCCR.

16. This Complaint is filed within 90 days of Kersey's receipt of the EEOC's January 20, 2026 Dismissal and Notice of Rights. Kersey has fully complied with all prerequisites for this Court to assume jurisdiction over his Title VII claims.

17. Kersey's claims under the Maryland Fair Employment Practices Act ("MFEP A") have been administratively exhausted through MCCR Case No. 2211-0494, and the statute of limitations for filing a civil action under MFEP A has been tolled during the pendency of the administrative charge.

THE PARTIES

18. Plaintiff Robert Kersey Jr. is a retired law enforcement officer who served the Maryland Natural Resources Police for 30 years, from 1992 through 2022. Kersey held the rank of Deputy Superintendent from June 28, 2021 through June 30, 2022. Kersey is African American, and he resides in Kent County, Delaware.

19. Defendant Maryland Department of Natural Resources is a principal department of the State of Maryland, established under Title 1 of the Natural Resources Article of the Maryland Annotated Code. The Maryland Natural Resources Police is a law enforcement agency within Defendant DNR that is responsible for enforcing the natural resources, conservation, and environmental laws of the State of Maryland. NRP employs approximately 258 sworn law enforcement officers. Defendant DNR is Kersey's employer for purposes of Title VII and the Maryland Fair Employment Practices Act, and it is the proper party in suits alleging employment discrimination by NRP. Defendant DNR's principal offices are located at the Tawes State Office Building, 580 Taylor Avenue, Annapolis, Maryland 21401.

20. Defendant Adrian Baker is the former Superintendent of the Maryland Natural Resources Police. As Superintendent, Defendant Baker served as the highest-ranking officer in NRP and was responsible for the overall management, operations, and disciplinary functions of the agency. Defendant Baker is named in his individual capacity for his personal participation in the unlawful conduct alleged herein, including his approval and furtherance of a fabricated anonymous investigation against Kersey in deliberate violation of a federal consent decree. Upon information and belief, Defendant Baker resides in the State of Maryland.

21. Defendant Veronica Bruns is a sworn law enforcement officer employed by the Maryland Natural Resources Police. At all times relevant to this Complaint, Defendant Bruns

served as the Treasurer of the State Law Enforcement Officers Labor Alliance (“SLEOLA”), the exclusive collective bargaining representative for NRP officers. Defendant Bruns is named in her individual capacity for her personal participation in the unlawful conduct alleged herein, including her role in the creation of the anonymous complaint filed against Kersey and her retaliatory actions following Kersey’s public opposition to racially inflammatory statements she made during testimony before the Maryland Senate Judicial Proceedings Committee. Upon information and belief, Defendant Bruns resides in the State of Maryland.

22. Defendant Sergeant Murray Hunt is a sworn law enforcement officer employed by the Maryland Natural Resources Police. Defendant Hunt is named in his individual capacity for his personal participation in the unlawful conduct alleged herein, including his documented efforts to solicit false statements from a civilian employee for the purpose of preventing Kersey’s return to the Deputy Superintendent position. Upon information and belief, Defendant Hunt resides in the State of Maryland.

BACKGROUND

23. In 1992, Kersey joined the Maryland Natural Resources Police as a member of the 42nd Basic Recruit Class. Over the course of 30 years, Kersey served across all four regions of Maryland, administered NRP’s Joint Enforcement Agreement Program with federal agencies, served as Bureau Chief of the Special Operations Division, and represented NRP on the Atlantic States Marine Fisheries Commission Law Enforcement Committee.

24. Kersey served as President of the Fraternal Order of Police, is a graduate and member of the National Association of Conservation Law Enforcement Chiefs, and is a member of the NRP Black Officers’ Association (“BOA”). The BOA is an organization of minority

officers within NRP that advocates for the fair treatment and advancement of Black officers within the agency.

25. On June 28, 2021, Secretary of DNR Jeannie Haddaway-Riccio announced Kersey's appointment as the Deputy Superintendent of NRP. In her official announcement, Secretary Haddaway-Riccio stated that Kersey's "tenure and extensive professional experience" would be a "great benefit to our department." The announcement specifically noted Kersey's membership in the Black Officers' Association and his community engagement work.

26. Kersey was only the third African American to hold the position of Deputy Superintendent in NRP's 153-year history. The Deputy Superintendent is the second-highest-ranking position in a 258-member state law enforcement agency.

27. As Deputy Superintendent, Kersey was responsible for, among other things, the overall operations of NRP, oversight of the Internal Affairs Unit, supervision of Bureau Chiefs, and management of personnel assignments. Defendant Baker, who served as Superintendent, was Kersey's direct supervisor.

28. During Kersey's tenure as Deputy Superintendent, Defendant Baker rated him as "Outstanding" in all job functions on his performance evaluation, including in the categories of Problem Solving and Decision Making.

29. Prior to the events giving rise to this Complaint, Kersey had served for nearly 30 years without a single blemish on his disciplinary record.

The Federal Consent Decree

30. In or around 1985, the Black Natural Resources Police Association, *et al.*, filed suit against the Maryland Department of Natural Resources in the United States District Court for the District of Maryland, Civil No. H-85-809, alleging systematic racial discrimination

against Black officers throughout the ranks of NRP. That lawsuit resulted in a settlement agreement between the parties in or around 1986.

31. Within approximately five years of the 1986 settlement agreement, the same institutional failures continued. The BOA initiated a second action against DNR, which resulted in a federal consent decree entered by the United States District Court for the District of Maryland (Case No. 1:94-cv-483), approved on or about April 5, 1996 (the “Consent Decree”). Attached hereto as Exhibit 1 is a true and correct copy of the Consent Decree.

32. The Consent Decree expressly states that it “contains the entire understanding of the parties, and supersedes the prior 1986 settlement agreement between the parties.” The Consent Decree was thus the product of two separate legal actions arising from the same institutional pattern of racial discrimination against Black officers within NRP.

33. Section B of the Consent Decree (Disciplinary Procedures) establishes explicit requirements that govern every investigation of an NRP officer. Those requirements include, among other things: (a) all complaints against NRP officers must be in writing; (b) the identity of the complainant must be provided to the subject officer; (c) the identity of the charging officer must be provided to the subject officer; and (d) anonymous complaints are expressly prohibited from serving as the basis for an internal affairs investigation.

34. These protections were imposed because NRP had an established, documented history of using the disciplinary process as a weapon against Black officers. The Consent Decree’s disciplinary procedures were specifically designed to prevent NRP from subjecting Black officers to investigations premised on unsubstantiated or fabricated allegations by ensuring transparency and accountability in the complaint process.

35. The Consent Decree contains no sunset clause, no termination date, no expiration date, and no conditions under which the decree automatically expires. The Review and Compliance provision of the Consent Decree requires that it “shall be formally reviewed by the Mediation Group and the Superintendent eighteen months after the Consent Decree is signed and thereafter as needed” (i.e., indefinitely). The mediation group meetings between the BOA and the NRP Superintendent are required “in no event fewer than every four months,” with no end date. The dispute-resolution mechanism contained in the Consent Decree assumes perpetual enforceability.

36. Upon information and belief, no federal court has vacated, modified, or terminated the Consent Decree since its entry in 1996. The Consent Decree remains in full force and effect.

37. At all times relevant to this Complaint, Defendant Baker, as Superintendent of NRP, was aware of the Consent Decree and its requirements, including the express prohibition on investigating anonymous complaints against NRP officers.

The Retaliatory Motive: Corporal Bruns’s Testimony and Kersey’s Response

38. On March 8, 2022, Defendant Bruns testified before the Maryland Senate Judicial Proceedings Committee in her capacity as Treasurer of SLEOLA in support of Senate Bill 673, which concerned the authority of the Secretary of DNR over NRP employees, including the promotional process.

39. During her testimony, Defendant Bruns made public statements regarding the performance of minority officers on promotional examinations. Specifically, Defendant Bruns stated: “If you’re familiar, many minorities are actually known to . . . do less on the written portion of the test. So that’s something that we worked on that we did put it up to a ‘three-

pronged' test where there is a resume, a written and an oral portion of the test." Defendant Bruns's statement implied that accommodations were made for minority officers because they could not perform as well as non-minority officers on written examinations, and that the most qualified candidates for promotion were not minorities.

40. On March 9, 2022, BOA President Steven Muse sent a letter to SLEOLA President Brian Gill characterizing Defendant Bruns's testimony as "offensive and borderline racist" and demanding that SLEOLA issue a written apology to its membership and to the Judicial Proceedings Committee. In his letter, President Muse stated that he had received calls from both minority and white officers whose reactions "varied from anger to embarrassment that their SLEOLA Executive Board representative made the racist statements." Attached hereto as Exhibit 2 is a true and correct copy of Mr. Muse's Letter, dated March 9, 2022.

41. On March 21, 2022, Kersey sent a memorandum to SLEOLA President Gill cancelling a scheduled labor-management meeting. In the memorandum, Kersey stated that he had listened to Defendant Bruns's testimony and "heard several statements made by her that I consider offensive and disparaging to minority officers in the Natural Resources Police as well as all minority officers in all agencies represented by SLEOLA." Kersey noted that he had "received numerous calls from officers throughout the rank and file that found these remarks offensive," and that after two weeks, SLEOLA had still not taken a stance regarding the matter.

42. Defendant Baker saw the memorandum and did not object to it being sent.

43. Kersey's actions in response to Defendant Bruns's racially inflammatory testimony, including his cancellation of the labor-management meeting and his broader advocacy on behalf of minority officers through the BOA, constituted opposition to conduct that a reasonable person could believe violates Title VII of the Civil Rights Act of 1964.

44. Three months after Kersey's protected activity, on June 27, 2022, an anonymous complaint was filed against him. The temporal proximity between Kersey's protected activity and the filing of the anonymous complaint gives rise to an inference of retaliatory motive.

The Anonymous Complaint and Consent Decree Violation

45. On June 27, 2022, an anonymous letter containing ten allegations against Kersey was submitted to the NRP Internal Affairs Unit and designated as IAU Case No. 22-06006. The anonymous letter was received by representatives of two employee groups, SLEOLA and the Fraternal Order of Police, and forwarded to Defendant Baker. Attached hereto as Exhibit 3 is a true and correct copy of the Anonymous Letter.

46. The anonymous letter was submitted just three days before Kersey was scheduled to begin a mandatory 45-day administrative hiatus, which was required by the Department of Budget and Management as a condition of his reappointment to the Deputy Superintendent position following his retirement from state service. Upon information and belief, the timing of the anonymous letter was calculated to ensure maximum disruption to Kersey's anticipated return to the Deputy Superintendent position.

47. On June 28, 2022, Defendant Baker informed Kersey of the anonymous letter and presented him with the allegations on an NRP-805 complaint form, which is the agency's official form used to advise an officer that he or she is under investigation. Kersey reviewed the allegations and observed that none of the ten allegations identified any violation of NRP or DNR policy or procedure, nor did any allege criminal wrongdoing. The allegations instead questioned Kersey's character and decision-making over a period of approximately seven years.

48. The investigation of the anonymous complaint violated the Consent Decree in multiple respects. The complaint was anonymous, and no complainant was identified. The

identity of the complainant was never provided to Kersey. Section B of the Consent Decree expressly prohibits the investigation of anonymous complaints against NRP officers. Defendant Baker knew at the time he received the anonymous letter that the Consent Decree prohibited the investigation of anonymous complaints. Despite this knowledge, Defendant Baker approved the opening of an internal affairs investigation based on the anonymous letter.

49. Defendant Baker further failed to follow NRP's own internal procedures for processing complaints. Under NRP Policy NRP-800, upon receipt of a complaint, a Notice of Allegation should have been generated and the facts reviewed for accuracy. Had Defendant Baker followed the NRP-800 process, the allegations would have been reviewed against existing Internal Affairs records, which would have established that the allegations were false. Instead, Defendant Baker bypassed the NRP-800 preliminary review process and approved the investigation without any verification of the allegations contained in the anonymous letter.

50. Defendant Baker's decision to bypass the NRP-800 process was deliberate. This was the only investigation since the implementation of the NRP-800 process in which an anonymous complaint was forwarded for investigation when both the complainant was unknown and the details of the allegations were known to be false by the officials who approved the investigation.

51. The anonymous letter contained detailed information about the internal operations of the NRP Internal Affairs Unit that could only have originated from within the IAU chain of command. Upon information and belief, Major Lloyd Ingerson, who served as the IAU Bureau Chief, was the source of the detailed inside information contained in the anonymous letter, based on the specificity of the operational knowledge reflected in the letter and Ingerson's position as

the only individual outside the anonymous letter's apparent chain of authorship with access to that information.

52. Upon information and belief, Defendant Bruns was involved in the creation of the anonymous letter. This belief is supported by the following facts: (a) Defendant Bruns was within Major Ingerson's direct chain of command and had access to the IAU operational information reflected in the anonymous letter; (b) Defendant Bruns subsequently contacted the independent investigator assigned to examine the allegations directly, using information drawn from the contents of the anonymous letter; and (c) Defendant Bruns had a direct and personal retaliatory motive against Kersey arising from his public confrontation of her racially inflammatory testimony before the Maryland Senate Judicial Proceedings Committee, as described in paragraphs 38 through 44.

53. Upon information and belief, Defendant Hunt was involved in the creation of the anonymous letter. This belief is supported by the fact that Defendant Hunt contacted civilian employee Marcia Dykes and solicited false statements against Kersey for the purpose of preventing the department from returning Kersey to the Deputy Superintendent position. Defendant Hunt's documented solicitation of false statements constitutes an overt act in furtherance of the conspiracy to deprive Kersey of his civil rights.

54. The anonymous letter named both Kersey and Defendant Baker as participants in alleged misconduct. Despite being named in the same anonymous complaint, Defendant Baker was never investigated. Only Kersey, the Black Deputy Superintendent, was subjected to an investigation based on the anonymous letter. Defendant Baker, the Caucasian Superintendent, was not.

55. On June 30, 2022, Kersey met with Defendant Baker for his exit interview. Defendant Baker signed Kersey's NRP-490C retirement form, classifying Kersey as retiring without prejudice and eligible to receive his law enforcement retirement credentials and to purchase his agency handgun. This classification was consistent with Kersey's 30-year record of service without disciplinary action.

56. On June 30, 2022, Kersey and Corporal Roderick Brown, who is also Black, both retired from the NRP. Both Kersey and Corporal Brown were participants in NRP's Deferred Retirement Option Program ("DROP"), which requires an officer to provide five years' advance notice of their intended retirement date. Kersey and Corporal Brown both provided the five-year advance notice in accordance with the DROP requirement. Neither Kersey nor Corporal Brown received their retirement credentials on their date of retirement, despite Defendant Baker's established practice of providing credentials to retiring officers on their last day of service. No non-Black officer who retired during this period was denied retirement credentials on their date of retirement. NRP had been aware of both officers' retirement dates for five years prior to June 30, 2022, and had no administrative justification for any delay in preparing their retirement credentials. The failure to timely issue retirement credentials to Kersey and Corporal Brown is consistent with his broader pattern of racially disparate treatment in the administration of officer separations.

The Eight-Month Delay

57. Despite receiving the anonymous complaint on June 27, 2022, DNR did not commence a meaningful investigation of the allegations against Kersey until on or about August 23, 2022, nearly two months after the complaint was filed. Even after that date, the investigation remained unresolved for months.

58. Upon information and belief, the Maryland Department of General Services Capital Police (“DGS Capital Police”) was assigned to conduct the investigation. Upon further information and belief, the DGS Capital Police were directed by officials within the prior DNR administration to slow-walk the investigation. The suspected purpose of the directive to delay the investigation was to prevent Kersey from returning to the Deputy Superintendent position.

59. Upon information and belief, DNR officials were required to identify an outside agency to handle the investigation because NRP could not investigate its own Deputy Superintendent internally. Multiple agencies declined to accept the investigation because, upon information and belief, they recognized that investigating an anonymous complaint violated the Consent Decree. DNR ultimately located the DGS Capital Police to handle the matter only after other agencies refused.

60. During the eight-month period from June 27, 2022 through February 2023, Kersey remained in administrative limbo. The results of his Internal Affairs investigation were listed as “pending,” which effectively prevented him from securing comparable employment in law enforcement. No law enforcement agency will hire a command-level officer with an open disciplinary investigation. Kersey applied for and was denied consideration for several high-level executive law enforcement positions during this period solely because of the pending investigation.

61. During this same period, Defendant Baker and Secretary Haddaway-Riccio had previously authorized Kersey to attend two professional conferences in his capacity as the returning Deputy Superintendent: the Maryland Chiefs Conference in September 2022 in Ocean City, Maryland, and the Atlantic Marine Fisheries Conference in November 2022 in New Jersey. Both conferences were approved by Defendant Baker and Secretary Haddaway-Riccio, who

were required to authorize all conference attendance and travel for Bureau Chiefs and executive-level personnel. The authorization of these conferences is consistent with DNR's contemporaneous expectation that Kersey would return to the Deputy Superintendent position.

62. On September 1, 2022, sixty-two days after his retirement, Kersey sent an email to Defendant Baker inquiring about his law enforcement retirement credentials and LEOSA card, which would allow him to carry his handgun as a retired law enforcement officer. Defendant Baker responded: "Thanks for reminding me. I will get back to you when I can."

63. On September 7, 2022, Defendant Baker informed Kersey that because of the "ongoing allegations" against him, the issuance of his retirement credentials would be contingent upon the conclusion of the investigation. This response directly contradicted the NRP-490C retirement form that Defendant Baker had signed on June 30, 2022, classifying Kersey as retiring without prejudice and eligible to receive his credentials.

64. Maryland Public Safety Article § 3-513 requires that a law enforcement agency provide a retiring law enforcement officer with an identification card within 45 days after the officer retires from the agency. Defendant Baker's refusal to issue Kersey's credentials violated this statutory requirement. Defendant Baker based his refusal on an investigation that he knew was premised on a fabricated anonymous complaint filed in violation of the Consent Decree.

The Independent Investigation and Exoneration

65. The investigation of Kersey's anonymous complaint did not move forward in any meaningful way until Kersey personally contacted the newly appointed DNR Secretary, Josh Kurtz, in early February 2023 and explained what the prior administration had done. Secretary Kurtz indicated that he could not believe it and stated that he would make calls to resolve the matter.

66. On February 6, 2023, over eight months after the anonymous complaint was filed, Captain Bryan Waser assigned Sergeant Warren Smith of the Maryland Department of General Services Capital Police as an independent investigator to conduct an outside review of the allegations against Kersey.

67. Sergeant Smith conducted a thorough independent investigation of all ten allegations contained in the anonymous letter. During the course of his investigation, Sergeant Smith interviewed relevant witnesses and reviewed applicable records.

68. Internal Affairs Commander Lieutenant Benjamin Lillard confirmed to Sergeant Smith that the allegations involving the Internal Affairs Unit were invalid and that he had never witnessed any unprofessional behavior on Kersey's part.

69. The most central allegation in the anonymous letter was that Kersey had shielded a personal friend from an IAU investigation. Sergeant Smith's investigation determined that this allegation was, in his words, "so over the top" because Kersey was in fact the Deputy Superintendent who had directed Major Brian Rathgeb to send that very allegation to the Internal Affairs Unit for investigation. Kersey had not shielded anyone from investigation; he had initiated the investigation that the anonymous complaint falsely claimed he had suppressed.

70. The independent investigation further revealed that Acting Lieutenant Colonel Brian Rathgeb, the one witness whose testimony would have immediately disproven the most serious allegation against Kersey, was deliberately excluded from the investigation. Major Ingerson and Defendant Baker had elected not to follow the NRP-800 process, which would have required Acting LTC Rathgeb's participation. The deliberate exclusion of the one witness who could have immediately exonerated Kersey further demonstrates that the investigation was not conducted in good faith.

71. Sergeant Smith closed all ten allegations against Kersey. The independent investigator found that the case had no merit. The investigation was returned to NRP.

72. Upon information and belief, the independent investigation also found that the anonymous complaint was a deliberate attempt to prevent the return of a strong Black leader to the Deputy Superintendent position. This finding, made by an independent investigator from an outside agency, directly supports Kersey's contention that the anonymous complaint was motivated by racial animus and retaliatory intent.

73. Despite Kersey's complete exoneration on all ten allegations by an independent investigator, DNR did not return Kersey to the Deputy Superintendent position. Kersey was instead forced into retirement without ever being permitted to resume the duties of the position he had legitimately earned.

Racially Disparate Disciplinary Treatment

74. The manner in which Kersey's anonymous complaint was investigated stands in stark contrast to the manner in which complaints against similarly situated white officers were handled during the same period. The comparative discipline records reveal a pattern of racially disparate treatment in NRP's internal affairs process.

75. Officer Cody Thorne, a Caucasian NRP officer, was the subject of IAU Case No. 21-03006. The complaint against Officer Thorne was reported on March 20, 2021. The initial investigation was completed within eight days of receipt of the complaint. The initial finding on all charges was non-sustained, described as "just a case of boys being boys." A follow-up investigation was completed between July and August 2021, at which point all allegations were sustained.

76. Sergeant Bradley Lowe, a Caucasian NRP sergeant, was the subject of IAU Case No. 22-09010. The complaint against Sergeant Lowe was reported on September 6, 2022, and alleged that Sergeant Lowe had made racial and sexist comments during three separate incidents. Specifically, Sergeant Lowe was alleged to have stated that a Black lieutenant “was promoted . . . because he was black and doesn’t deserve it,” that another Black sergeant “can’t write a complete sentence let alone speak a complete sentence and was only promoted because of the BOA,” and that he was “tired of women and minorities getting actively recruited for those positions” by Kersey. Sergeant Lowe was further alleged to have spoken negatively about the Black Officers’ Association and the Black Lives Matter movement.

77. The investigation of Sergeant Lowe’s complaint was completed in less than one month. Despite the documented allegations of racial and sexist remarks directed at Black officers, Defendant Baker non-sustained all allegations against Sergeant Lowe. The stated justification for the non-sustained finding was that Sergeant Lowe was “just upset that he wasn’t promoted.”

78. By contrast, Kersey, a Black Deputy Superintendent, was subjected to an investigation that lasted over eight months, was premised on an anonymous complaint filed in deliberate violation of the Consent Decree, and proceeded despite Defendant Baker’s and Major Ingerson’s acknowledged awareness that the allegations were false. The independent investigator ultimately closed all allegations and found the case to have no merit.

79. The contrast in the handling of these investigations is stark. Officer Thorne’s complaint was initially investigated and resolved within eight days. Sergeant Lowe’s complaint was investigated and resolved within less than one month. Kersey’s complaint languished for

over eight months. The only meaningful difference between Kersey and Officers Thorne and Lowe is their race.

80. Defendant Baker personally approved the non-sustained finding for Sergeant Lowe despite documented evidence that Lowe had made racial and disparaging remarks toward Black officers. Defendant Baker simultaneously approved the continuation of the eight-month investigation against Kersey despite knowing that the allegations were fabricated and that the anonymous complaint violated the Consent Decree. Defendant Baker treated White officers more favorably than Kersey in the internal affairs process based on race.

Denial of Retirement Credentials and Forced Retirement

81. As described in paragraphs 62 through 64, Defendant Baker refused to issue Kersey's law enforcement retirement credentials despite having signed the NRP-490C form classifying Kersey as retiring without prejudice and eligible to receive those credentials. Defendant Baker conditioned the issuance of Kersey's credentials on the conclusion of an investigation that Defendant Baker knew was premised on a fabricated anonymous complaint filed in violation of the Consent Decree.

82. As a retired law enforcement officer with 30 years of service, Kersey was entitled to carry a firearm and badge under the Law Enforcement Officers Safety Act ("LEOSA"), 18 U.S.C. §§ 926B-926C, and under Maryland Public Safety Article § 3-513. These credentials are not merely ceremonial. Over the course of his 30-year career, Kersey made arrests, conducted enforcement actions, and confronted individuals who posed serious threats to public safety. The ability to carry a firearm as a retired officer is a safety necessity for officers who have created real adversaries during their careers.

83. The denial of Kersey's retirement credentials left him without the legal protections that every officer who completes a career in good standing receives as a matter of right. Kersey completed his career in good standing, as confirmed by Defendant Baker's own signature on the NRP-490C retirement form, and he was denied his credentials solely because of an investigation that was later determined to be entirely without merit.

84. Despite his complete exoneration by an independent investigator on all ten allegations, Kersey was never returned to the Deputy Superintendent position. DNR exercised what it characterized as its "discretion" not to reappoint Kersey, citing the investigation into misconduct allegations as its basis for the decision. The investigation that DNR relied upon to justify its refusal to reappoint Kersey was the same investigation that was premised on a fabricated anonymous complaint filed in violation of the Consent Decree and that resulted in the complete exoneration of Kersey on every allegation.

85. Kersey was forced into retirement rather than being permitted to return to the position he had earned. His 30-year career in law enforcement ended not because of any deficiency in his service, but because a coordinated group of officials within DNR and NRP fabricated allegations against him, deliberately delayed the investigation of those allegations, and then used the existence of the very investigation they had orchestrated as the pretext for denying his return.

86. Upon Kersey's retirement, Defendant Baker immediately removed Kersey as the Chairperson of the Diversity Workgroup that had been established pursuant to Senate Bill 673. Following Kersey's departure, Defendant Baker issued several personnel orders reassigning, promoting, and hiring personnel, none of whom were minority officers or candidates. These actions are consistent with Defendant Baker's broader pattern of undermining diversity

initiatives within NRP and retaliating against Kersey for his advocacy on behalf of minority officers.

HARM CAUSED

87. As a direct and proximate result of Defendants' unlawful conduct, Kersey has suffered and continues to suffer substantial harm, including economic losses, emotional distress, reputational damage, and the loss of his ability to continue his career in the position he had legitimately earned.

88. Kersey has suffered significant economic harm. The Deputy Superintendent position carried an estimated annual salary of \$130,000 to \$150,000. From the approximate date of his exoneration in late February 2023 through the date of his forced retirement, Kersey lost more than \$100,000 in back pay. Kersey further lost the earnings he would have received had he been permitted to continue serving as Deputy Superintendent for the remaining years of his anticipated career, representing approximately \$750,000 to \$1,050,000 in front pay. Kersey also suffered lost pension contributions and benefits, including the differential between the pension benefits he actually receives and those that would have accrued had he completed his career in the Deputy Superintendent position. These losses are ongoing.

89. Kersey has suffered substantial harm to his professional reputation. The listing of his Internal Affairs investigation as "pending" for approximately eight months effectively blacklisted him from the law enforcement community during that period. Kersey applied for and was denied consideration for several high-level executive law enforcement positions during the pendency of the investigation solely because no agency will hire a command-level officer with an open disciplinary investigation. Those positions have since been filled. The opportunity to secure comparable employment in law enforcement has been permanently foreclosed.

90. Kersey has suffered severe emotional and psychological distress. The eight-month period of administrative limbo took a serious and ongoing toll on his mental and physical health. During this period, Kersey knew that the allegations against him were fabricated, knew that the investigation was being deliberately stalled, and had no recourse. Kersey dedicated 30 years of his life to NRP. The attack on Kersey's integrity through fabricated anonymous complaints, the knowledge that White officers with documented misconduct faced no meaningful consequence while his career was being dismantled, and his forced retirement without ever being permitted to return to the position he earned have collectively caused Kersey ongoing psychological harm that has not diminished.

91. The reputational harm Kersey has suffered within the close-knit law enforcement community is permanent. Kersey's standing among his peers, his professional relationships, and his reputation for integrity, which he built over three decades of honorable service, were damaged by the filing of fabricated allegations and the prolonged, unresolved investigation that Defendants orchestrated.

92. Kersey was denied his law enforcement retirement credentials in apparent violation of Maryland Public Safety Article § 3-513, leaving him without the ability to carry a firearm and badge as a retired officer. After 30 years of service that created real adversaries, the denial of these credentials constitutes a safety concern that is ongoing.

93. The harm Kersey has suffered is not limited to the economic and reputational consequences of Defendants' conduct. The independent investigation itself documented the nature of the assault on Kersey's career, finding upon information and belief that the anonymous complaint was a deliberate attempt to prevent the return of a strong Black leader. The investigation records further note that the conduct directed at Kersey was "reminiscent and

almost identical to attacks that Black Command Staff officers within NRP experienced, which sparked the second lawsuit against DNR” — the very lawsuit that produced the Consent Decree.

COUNT I
**Race-Based Discrimination by Defendant DNR,
in Violation of Title VII of the Civil Rights Act of 1964**

94. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

95. Title VII of the Civil Rights Act of 1964, as amended, prohibits an employer from discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual’s race.

96. Kersey is a member of a protected class under Title VII based on his status as an African American.

97. Kersey was qualified for the position of Deputy Superintendent. He was formally appointed to the position by the Secretary of DNR on June 28, 2021, had served NRP for thirty years, received an Outstanding performance evaluation from Defendant Baker in all job functions, and served without a single disciplinary incident prior to the events at issue.

98. Kersey suffered adverse employment actions, including: (a) being subjected to an eight-month disciplinary investigation premised on a fabricated anonymous complaint filed in deliberate violation of the Consent Decree; (b) being denied return to the Deputy Superintendent position despite complete exoneration by an independent investigator on all ten allegations; (c) being denied his law enforcement retirement credentials in apparent violation of Maryland Public Safety Article § 3-513; and (d) being forced into retirement rather than permitted to resume the duties of the position he had earned.

99. The adverse employment actions occurred under circumstances giving rise to an inference of racial discrimination. The disciplinary records reveal stark racial disparities in the handling of complaints during the relevant period. Officer Cody Thorne, a Caucasian officer, had his complaint initially investigated and resolved within eight days. Sergeant Bradley Lowe, a Caucasian sergeant who made documented racial and disparaging remarks toward Black officers, had all allegations non-sustained by Defendant Baker, with the stated justification that Sergeant Lowe was merely upset about not being promoted. By contrast, Kersey's investigation languished for over eight months, was premised on an anonymous complaint that violated the Consent Decree, and proceeded despite Defendant Baker's acknowledged awareness that the allegations were false.

100. Defendant Baker was named in the same anonymous complaint as Kersey. Defendant Baker, who is Caucasian, was never investigated based on that complaint. Kersey, who is African American, was subjected to an eight-month investigation based on the same complaint. This same-complaint racial disparity evidences that Kersey's race was a motivating factor in the decision to investigate him.

101. Defendant DNR's stated reason for not returning Kersey to the Deputy Superintendent position (i.e., the pending investigation into misconduct allegations) was pretextual. The investigation was premised on fabricated allegations contained in an anonymous complaint that violated the Consent Decree. The independent investigator fully exonerated Kersey and found the case to have no merit. The Internal Affairs Commander confirmed that the allegations were invalid. The most serious allegation, that Kersey had shielded a friend from an IAU investigation, was disproven by the fact that Kersey was the officer who directed that the matter be sent to IAU for investigation. The investigation was not a legitimate basis for the

adverse action taken against Kersey but rather the vehicle through which discriminatory intent was executed.

102. As a direct and proximate cause of Defendant DNR's unlawful conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT II
Unlawful Retaliation by Defendant DNR,
in Violation of Title VII of the Civil Rights Act of 1964

103. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

104. Title VII prohibits an employer from retaliating against an employee because the employee has opposed any practice made an unlawful employment practice by Title VII.

105. Kersey engaged in protected activity under Title VII on multiple occasions. On March 21, 2022, acting in his capacity as Deputy Superintendent, Kersey cancelled a scheduled labor-management meeting in direct response to Defendant Bruns's March 8, 2022 testimony before the Maryland Senate Judicial Proceedings Committee, in which Defendant Bruns stated that minority officers "do less on the written portion of the test." Kersey's cancellation of the meeting and his broader advocacy on behalf of minority officers through the Black Officers' Association constituted opposition to conduct that a reasonable person could believe violates Title VII.

106. Defendant DNR subjected Kersey to materially adverse actions following his protected activity, including: (a) the filing of a fabricated anonymous complaint against him on June 27, 2022, approximately three months after his protected activity; (b) an eight-month investigation premised on that fabricated complaint; (c) the denial of his return to the Deputy

Superintendent position despite his complete exoneration; (d) the denial of his law enforcement retirement credentials; and (e) his forced retirement.

107. There is a causal connection between Kersey's protected activity and the adverse actions. The anonymous complaint was filed on June 27, 2022, approximately three months after Kersey's March 21, 2022 memorandum. Defendant Bruns, the very person whose racially inflammatory testimony prompted Kersey's protected activity, is identified as a suspected co-author of the anonymous complaint based on the facts set forth in paragraph 52. The direct connection between the individual whose conduct gave rise to Kersey's protected activity and the adverse retaliatory action transforms the causal inference from circumstantial to nearly direct.

108. Defendant DNR's stated reason for not returning Kersey to the Deputy Superintendent position was pretextual for the reasons set forth in paragraph 101.

109. Defendant DNR's actions would dissuade a reasonable employee in Kersey's position from engaging in activity protected under Title VII. The message communicated by Defendants' conduct is clear: an officer who publicly opposes racial discrimination within NRP will be subjected to fabricated disciplinary proceedings, denied return to his position, stripped of his retirement credentials, and forced out of the agency.

110. As a direct and proximate cause of Defendant DNR's retaliatory conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT III
**Race-Based Discrimination by Defendants DNR, Baker, Bruns, and Hunt,
in Violation of the Maryland Fair Employment Practices Act**

111. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

112. The Maryland Fair Employment Practices Act (“MFEPA”) prohibits an employer from failing or refusing to hire, discharging, or otherwise discriminating against any individual with respect to the individual’s compensation, terms, conditions, or privileges of employment because of the individual’s race.

113. MFEPA permits claims against individual supervisors in their personal capacities, in addition to claims against the employing entity.

114. Kersey is a member of a protected class under MFEPA based on his status as an African American.

115. Kersey was qualified for the position of Deputy Superintendent for the reasons set forth in paragraph 97.

116. Kersey suffered adverse employment actions as set forth in paragraph 98.

117. The adverse employment actions occurred under circumstances giving rise to an inference of racial discrimination for the reasons set forth in paragraphs 99 through 101.

118. Defendant Baker personally participated in the discriminatory conduct by: (a) approving the investigation of the anonymous complaint despite knowing that it violated the Consent Decree and that the allegations were false; (b) bypassing the NRP-800 preliminary review process that would have established the falsity of the allegations; (c) failing to investigate himself despite being named in the same anonymous complaint; (d) non-sustaining all allegations against Sergeant Lowe, a white sergeant who made documented racial remarks, while allowing the investigation of Kersey to continue for over eight months; (e) refusing to issue Kersey’s retirement credentials despite having signed the NRP-490C classifying him as retiring without prejudice; and (f) removing Kersey as Chairperson of the Diversity Workgroup and issuing personnel orders that did not include any minority officers or candidates.

119. Defendant Bruns personally participated in the discriminatory conduct by: (a) participating in the creation of the anonymous complaint, as set forth in paragraph 52; and (b) contacting the independent investigator assigned to examine the allegations against Kersey directly, using information drawn from the contents of the anonymous letter, which demonstrates her knowledge of and involvement in the filing of the fabricated complaint.

120. Defendant Hunt personally participated in the discriminatory conduct by: (a) soliciting false statements from civilian employee Marcia Dykes for the purpose of preventing Kersey's return to the Deputy Superintendent position, as set forth in paragraph 53.

121. The discriminatory conduct of Defendants Baker, Bruns, and Hunt was motivated by Kersey's race. Each of the Individual Defendants acted intentionally, willfully, and with malice or reckless disregard for Kersey's right to be free from unlawful discrimination in the workplace based on his race.

122. Defendant DNR's stated reason for not returning Kersey to the Deputy Superintendent position was pretextual for the reasons set forth in paragraph 101.

123. As a direct and proximate cause of Defendants' unlawful conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT IV
**Unlawful Retaliation by Defendants DNR, Baker, Bruns, and Hunt,
in Violation of the Maryland Fair Employment Practices Act**

124. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

125. MFEPA prohibits an employer from retaliating against any individual because the individual has opposed any practice prohibited by MFEPA.

126. Kersey engaged in protected activity for the reasons set forth in paragraph 105.

127. Kersey suffered materially adverse actions following his protected activity as set forth in paragraph 106.

128. There is a causal connection between Kersey's protected activity and the adverse actions for the reasons set forth in paragraph 107.

129. Defendant Baker personally participated in the retaliatory conduct by engaging in the acts set forth in paragraph 118. Defendant Baker's actions were taken, at least in part, because Kersey publicly opposed racially discriminatory conduct within NRP, including his confrontation of Defendant Bruns's racially inflammatory testimony.

130. Defendant Bruns personally participated in the retaliatory conduct by engaging in the acts set forth in paragraph 119. Defendant Bruns had a direct and personal retaliatory motive against Kersey arising from his public confrontation of her racially inflammatory testimony before the Maryland Senate Judicial Proceedings Committee.

131. Defendant Hunt personally participated in the retaliatory conduct by engaging in the acts set forth in paragraph 120. Defendant Hunt's solicitation of false statements from a civilian employee was undertaken in furtherance of the effort to prevent Kersey's return to the Deputy Superintendent position following his protected activity.

132. Defendant DNR's stated reason for not returning Kersey to the Deputy Superintendent position was pretextual for the reasons set forth in paragraph 101.

133. Defendants' actions would dissuade a reasonable employee in Kersey's position from engaging in activity protected under FEPA.

134. As a direct and proximate cause of Defendants' retaliatory conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT V
Violation of the Fourteenth Amendment's Equal Protection Clause by
Defendants Baker, Bruns, and Hunt
(42 U.S.C. § 1983)

135. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

136. The Fourteenth Amendment to the United States Constitution prohibits a State from denying “any person within its jurisdiction the equal protection of the laws.” Section 1983 of Title 42 of the United States Code provides a private right of action against any person who, acting under color of state law, deprives another of rights, privileges, or immunities secured by the Constitution or laws of the United States.

137. At all times relevant to this Complaint, Defendants Baker, Bruns, and Hunt were acting under color of state law in their capacities as employees of the Maryland Natural Resources Police, a law enforcement agency of the State of Maryland.

138. Defendants Baker, Bruns, and Hunt treated Kersey differently from similarly situated individuals outside his protected class. The comparative discipline records demonstrate that White officers who were the subjects of internal affairs complaints during the same period received substantially more favorable treatment than Kersey in the disciplinary process. Officer Cody Thorne, a Caucasian officer, had his complaint initially investigated and resolved within eight days. Sergeant Bradley Lowe, a Caucasian sergeant who made documented racial and disparaging remarks toward Black officers, had all allegations non-sustained by Defendant Baker within less than one month. Kersey, a Black Deputy Superintendent, had his complaint investigated over an eight-month period based on a fabricated anonymous letter filed in violation of the Consent Decree, and was denied return to his position despite complete exoneration.

139. Defendant Baker was himself named in the same anonymous complaint as Kersey. Defendant Baker, who is Caucasian, was never investigated based on that complaint. Kersey, who is African American, was subjected to an eight-month investigation based on the same complaint. This same-complaint disparity in treatment, in which two officers named in an identical document received diametrically opposite treatment based solely on their race, is among the most direct forms of comparative evidence available in an equal protection case.

140. The differential treatment was intentional. Defendant Baker approved the investigation of the anonymous complaint despite knowing that it violated the Consent Decree and that the allegations were false, bypassed the NRP-800 preliminary review process that would have established the falsity of the allegations, non-sustained all allegations against Sergeant Lowe while allowing the investigation of Kersey to continue for over eight months, and refused to investigate himself despite being named in the same anonymous complaint. Each of these decisions reflected a deliberate choice to subject Kersey to harsher treatment than similarly situated white officers in the disciplinary process.

141. Defendant Bruns participated in the discriminatory treatment by involving herself in the creation of the anonymous complaint, as set forth in paragraph 52. Defendant Bruns's participation was motivated by racial animus and retaliatory intent directed at Kersey, the agency's highest-ranking Black officer, following his public confrontation of her racially inflammatory testimony.

142. Defendant Hunt participated in the discriminatory treatment by soliciting false statements from civilian employee Marcia Dykes for the purpose of preventing Kersey's return to the Deputy Superintendent position, as set forth in paragraph 53. Defendant Hunt's conduct

was an integral component of the coordinated effort to use the disciplinary process as a weapon against Kersey because of his race.

143. There was no rational basis for the difference in treatment between Kersey and the similarly situated White officers. Defendants' differential treatment of Kersey was not narrowly tailored to serve a compelling governmental interest. To the contrary, Defendants' conduct served no legitimate governmental interest and was motivated solely by racial animus and retaliatory intent.

144. The existence of the Consent Decree substantially undermines any claim by Defendants that they reasonably believed their conduct was lawful. The Consent Decree provided explicit notice to NRP personnel, including Defendant Baker, as Superintendent, of the applicable legal standards governing the investigation of complaints against NRP officers, including the express prohibition on investigating anonymous complaints. Defendants who knowingly violated a federal court order prohibiting the precise conduct at issue cannot credibly claim they reasonably believed their conduct did not violate the Equal Protection Clause.

145. As a direct and proximate cause of Defendants' conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT VI
First Amendment Retaliation by Defendants Baker and Bruns
(42 U.S.C. § 1983)

146. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

147. The First Amendment to the United States Constitution, made applicable to the States through the Fourteenth Amendment, protects the right of public employees to speak on matters of public concern without fear of retaliation by their government employer. A public

employee asserting First Amendment retaliation must demonstrate that (1) the employee's speech addressed a matter of public concern; (2) the employee's interest in expressing that speech outweighed the employer's interest in efficient service delivery; (3) the speech was a substantial or motivating factor in the adverse employment action; and (4) the employer would not have reached the same decision absent the protected speech.

148. Kersey engaged in speech that addressed matters of public concern. Racial equality in a state law enforcement agency's promotional practices and the fair treatment of minority officers within a government workplace are matters of significant public interest. Kersey's advocacy on behalf of minority officers addressed these matters of public concern, which included his membership and active participation in the Black Officers' Association, his efforts to reform NRP's promotional and hiring practices to reflect the demographic composition of the State of Maryland, and his opposition to racially discriminatory conduct within the agency.

149. Kersey's March 21, 2022 memorandum cancelling the labor-management meeting in response to Defendant Bruns's racially inflammatory testimony before the Maryland Senate Judicial Proceedings Committee addressed a matter of public concern. The memorandum responded to public statements made during a legislative hearing about the capabilities of minority officers. This was a subject that touches directly on racial equality in government employment. Kersey's broader advocacy through the Black Officers' Association, including his efforts to ensure that NRP's promotional and diversity practices complied with the requirements of Senate Bill 673, likewise addressed matters of public concern that transcended his official duties as Deputy Superintendent.

150. Kersey's interest in expressing his speech outweighed the employer's interest in efficient service delivery. The government has no legitimate interest in suppressing opposition to

racial discrimination within its own agencies. Kersey's speech did not disrupt the operations of NRP or interfere with the agency's ability to perform its law enforcement mission. To the contrary, Kersey's advocacy sought to strengthen the agency by promoting diversity, fairness, and compliance with legal obligations. Defendant Baker saw the March 21st memorandum and did not object to it being sent, which further demonstrates that the speech did not interfere with the employer's legitimate operational interests.

151. Kersey's speech was a substantial and motivating factor in the adverse employment actions taken against him. The anonymous complaint was filed on June 27, 2022, approximately three months after Kersey's March 21, 2022 memorandum. The temporal proximity between Kersey's protected speech and the adverse action supports the inference that the speech was a motivating factor in the decision to file the anonymous complaint. The causal link is substantially strengthened by the fact that Defendant Bruns is identified as a suspected co-author of the anonymous complaint, as set forth in paragraph 52. The retaliatory sequence is direct and traceable: Kersey publicly confronted Defendant Bruns's statements, and within three months, an anonymous complaint was filed against him that, upon information and belief, Defendant Bruns participated in creating.

152. Defendants would not have reached the same decision absent Kersey's protected speech. Prior to his public opposition to Defendant Bruns's testimony and his broader advocacy on behalf of minority officers, Kersey had served for nearly 30 years without a single disciplinary incident and had received an Outstanding performance evaluation from Defendant Baker. There is no evidence that Kersey would have been subjected to a fabricated anonymous investigation, denied return to his position, or forced into retirement but for his protected speech.

153. Defendant Baker personally participated in the retaliatory conduct by approving the investigation of the anonymous complaint, allowing the investigation to continue for over eight months, refusing to return Kersey to the Deputy Superintendent position despite his complete exoneration, and denying Kersey's retirement credentials. Each of these actions was taken, at least in part, in retaliation for Kersey's protected speech.

154. Defendant Bruns personally participated in the retaliatory conduct by involving herself in the creation of the anonymous complaint and by contacting the independent investigator using information drawn from the contents of the anonymous letter. Defendant Bruns had a direct and personal retaliatory motive. Kersey's March 21, 2022 memorandum was a public repudiation of her testimony, and the anonymous complaint filed three months later was the vehicle through which she sought retribution.

155. As a direct and proximate cause of Defendants' retaliatory conduct, Kersey has suffered and continues to suffer substantial harm.

COUNT VII
**Conspiracy to Deprive Civil Rights by Defendants Baker, Bruns, and Hunt,
in Violation of 42 U.S.C. § 1985(3)**

156. Kersey incorporates herein the allegations set forth in paragraphs 1 through 93, above.

157. Section 1985(3) of Title 42 of the United States Code makes it unlawful for two or more persons to conspire to deprive any person of the equal protection of the laws or of equal privileges and immunities under the laws.

158. Upon information and belief, Defendants Baker, Bruns, and Hunt entered into a conspiracy to deprive Kersey of the equal protection of the laws and of equal privileges and immunities under the laws, including his right to be free from racial discrimination in public

employment. Upon information and belief, the conspiracy was directed at Kersey because of his race and because of his advocacy on behalf of minority officers within NRP.

159. The existence of the conspiracy is demonstrated by the coordinated actions of the Individual Defendants and their co-conspirators. The anonymous complaint filed on June 27, 2022 was not the spontaneous act of a single individual. It was the product of a coordinated effort involving multiple actors, each of whom contributed specific and identifiable conduct in furtherance of the common objective of preventing Kersey's return to the Deputy Superintendent position.

160. The anonymous letter contained detailed information about the internal operations of the NRP Internal Affairs Unit that could only have originated from within the IAU chain of command, indicating that the letter was drafted with the assistance or knowledge of individuals who had access to IAU operational information. Upon information and belief, Major Lloyd Ingerson, the IAU Bureau Chief, was the source of this inside information. Defendant Bruns, who was within Ingerson's direct chain of command, is identified as a suspected co-author of the anonymous letter based on her unexplained direct contact with the independent investigator using information drawn from the letter's contents. Defendant Hunt is identified as a participant in the conspiracy based on his documented solicitation of false statements from civilian employee Marcia Dykes for the purpose of preventing Kersey's return. Defendant Baker approved the investigation despite knowing the complaint violated the Consent Decree and the allegations were false, bypassed the NRP-800 process, and allowed the investigation to languish for over eight months.

161. Upon information and belief, the conspiracy was motivated by racial animus. The following facts support the inference of racially discriminatory motive: (a) the comparative

discipline records demonstrate stark racial disparities in the handling of complaints against white and Black officers during the same period; (b) the retaliatory timeline traces directly from Kersey's opposition to Defendant Bruns's racially inflammatory testimony to the filing of the anonymous complaint three months later; (c) NRP operates under a federal consent decree imposed specifically because of the agency's documented history of racial discrimination against Black officers; (d) the anonymous complaint was filed using the precise mechanism that the Consent Decree was designed to prevent (i.e., anonymous complaints); (e) the independent investigator found, upon information and belief, that the anonymous complaint was a deliberate attempt to prevent the return of a strong Black leader to the Deputy Superintendent position; and (f) the investigation records note that the conduct directed at Kersey was "reminiscent and almost identical to attacks that Black Command Staff officers within NRP experienced, which sparked the second lawsuit against DNR."

162. Upon information and belief, the Individual Defendants and their co-conspirators committed overt acts in furtherance of the conspiracy, including: (a) the drafting and filing of the anonymous complaint on June 27, 2022, in deliberate violation of the Consent Decree; (b) Defendant Baker's approval of the investigation based on the anonymous complaint despite his knowledge that it violated the Consent Decree and that the allegations were false; (c) Defendant Baker's decision to bypass the NRP-800 preliminary review process; (d) the directive to the DGS Capital Police to slow-walk the investigation; (e) the deliberate exclusion of Acting LTC Brian Rathgeb from the investigation, which was the one witness whose testimony would have immediately disproven the most serious allegation; (f) Defendant Hunt's solicitation of false statements from civilian employee Marcia Dykes; (g) Defendant Bruns's direct contact with the independent investigator using information drawn from the anonymous letter's contents; (h)

Defendant Baker's refusal to investigate himself despite being named in the same anonymous complaint; (i) Defendant Baker's refusal to issue Kersey's retirement credentials; and (j) the denial of Kersey's return to the Deputy Superintendent position despite his complete exoneration.

163. As a direct and proximate cause of the conspiracy, Kersey has suffered injury to his person and property and has been deprived of rights and privileges as a citizen of the United States, including his right to equal protection of the laws and his right to be free from racial discrimination in public employment.

PRAYER FOR RELIEF

Plaintiff Robert Kersey Jr. respectfully requests that the Court enter judgment on the Complaint, in his favor and against Defendants Maryland Department of Natural Resources, Adrian Baker, Veronica Bruns, and Murray Hunt, as follows:

- A. Award Kersey appropriate amounts of back pay and front pay, in fair and reasonable amounts to be determined at trial;
- B. Award Kersey compensatory damages for the harm he suffered as a result of Defendants' unlawful conduct, in a fair and reasonable amount to be determined at trial;
- C. Award Kersey punitive damages against Defendants Baker, Bruns, and Hunt, in their individual capacities, in an amount that sufficiently punishes, penalizes, and deters their unlawful conduct;
- D. Award Kersey the costs and fees he incurred in connection with this action, including reasonable attorney fees;
- E. Order Defendant DNR to issue Kersey his law enforcement retirement credentials, including his identification card and LEOSA card, in compliance with Maryland

Public Safety Article § 3-513 and the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B-926C;

F. Order Defendant DNR to expunge all records of the Internal Affairs investigation designated as IAU Case No. 22-06006 from Kersey's personnel file and from any other files, databases, or systems maintained by DNR or NRP;

G. Order Defendant DNR to provide comprehensive training to NRP officers and command staff on the requirements of the Consent Decree entered in *Black Officers Association, Inc. v. Maryland Dep't of Natural Resources* (Case No. 1:94-cv-483), including the prohibition on investigating anonymous complaints, and on the prohibition against racial discrimination and retaliation in the internal affairs process; and

H. Grant Kersey such other relief as the Court deems just and proper.

Dated: April 14, 2026

/s/ Jordan D. Howlette
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