

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

KRISTY LYNN MURPHY-TAYLOR, et al.,)	
)	
Plaintiffs,)	
)	Case No. 1:12-cv-02521-ELH
)	
and)	JURY TRIAL DEMANDED
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
THE STATE OF MARYLAND,)	
QUEEN ANNE'S COUNTY, MARYLAND,)	
AND R. GERY "GARY" HOFMANN,)	
SHERIFF QUEEN ANNE'S COUNTY)	
(in his official capacity))	
)	
Defendants.)	

PLAINTIFF-INTERVENOR'S COMPLAINT

Plaintiff-Intervenor, United States of America ("United States"), alleges:

1. This complaint in intervention is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").

Jurisdiction and Venue

2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331, and 28 U.S.C. § 1345.

3. Venue is proper in the Baltimore Division of the United States District Court for the District of Maryland, pursuant to 28 U.S.C. § 1391, because Defendant Sheriff Gary Hofmann (“Sheriff Hofmann” or “Sheriff”) resides in the judicial district, and all, or a substantial part of the events giving rise to this action, took place in this judicial district.

Parties

4. Plaintiff Kristy Lynn Murphy-Taylor is a former employee of the State of Maryland, Queen Anne’s County and the Queen Anne’s County Sheriff’s Office (“Sheriff’s Office”) where she worked as a deputy sheriff until her termination on May 13, 2011.

5. Plaintiff-Intervenor is the United States intervening in a suit by Ms. Murphy-Taylor against a government, governmental agency, or political subdivision. The Attorney General of the United States has certified that the underlying lawsuit presents a case of public importance to the United States.

6. Defendant Sheriff Hofmann is the Sheriff of Queen Anne’s County, Maryland, and is being sued in his official capacity. Under Maryland Code § 2-309(s)(1)(iii)(1)&(2), Sheriff Hofmann, in his official capacity as Queen Anne’s County Sheriff, has the statutory duty of hiring and firing deputy sheriffs. In his official capacity, Sheriff Hofmann also controlled some aspects of Plaintiff Kristy Murphy-Taylor’s compensation, terms, conditions, or privileges of employment while she was a deputy sheriff. In his official capacity as Queen Anne’s County Sheriff and, pursuant to applicable federal and state law, Sheriff Hofmann, an elected state officer, is subject to Title VII.

7. Defendant State of Maryland is an employer of Sheriff Hofmann, an elected state officer pursuant to Article § 44 of the Maryland Constitution. Defendant State of Maryland was also an employer of Plaintiff Murphy-Taylor when she was a deputy sheriff at the Sheriff's Office.

8. Defendant Queen Anne's County, Maryland, is a local government agency. Defendant Queen Anne's County, through its County Commissioners, controls some aspects of Plaintiff Kristy Murphy-Taylor's compensation, terms, conditions, or privileges of employment. For example, under Maryland state law the Queen Anne's County Commissioners set the salary of the Sheriff and the number of positions and salary for deputy sheriffs, MD Code § 2-309 (s)(1)(i)-(iv), and the County Commissioners can also appoint deputy sheriffs. *Id.* Ms. Murphy-Taylor's paychecks are issued by the Queen Anne's County Commissioners, and the Queen Anne's County Commissioners as well as managers and officials of Queen Anne's County also have multiple other personnel responsibilities in regard to deputy sheriffs.

9. Defendants State of Maryland, Sheriff Hofmann, in his official capacity, and Queen Anne's County, are persons within the meaning of 42 U.S.C. § 2000e(a), and employers or agents of an employer within the meaning of 42 U.S.C. § 2000e(b).

10. On or around February 15, 2010, Plaintiff Kristy Murphy-Taylor timely filed a charge of discrimination (Charge No. 531-2010-00776C) with the Baltimore Office of the Equal Employment Opportunity Commission ("EEOC"), alleging that she had been discriminated against based on sex and retaliated against for engaging in protected activity. Plaintiff also filed an amended charge on April 5, 2012, specifying subsequent acts of retaliation, including retaliatory termination and constructive discharge. Pursuant to Section 706 of Title VII, the EEOC investigated the charges, found reasonable cause to believe a Title VII violation had

occurred with respect to Ms. Murphy-Taylor and unsuccessfully attempted to conciliate the charges. The EEOC subsequently referred the charges to the United States Department of Justice. Thereafter, the United States Department of Justice issued a notice of right-to-sue to Ms. Murphy-Taylor. Plaintiff alleges violations of Title VII in her complaint.

11. All conditions precedent to the filing of this Complaint in Intervention have been performed or have occurred.

Facts Common to All Counts

12. The Queen Anne's County Sheriff's Office has its main offices in Centreville, Maryland, and employs more than fifteen employees including deputy sheriffs.

13. Plaintiff, Kristy Murphy-Taylor, joined the Sheriff's Office as a deputy sheriff in 1999. From June 2005 until July 2010, Plaintiff served as a detective in the Criminal Investigation Division ("CID") of the Sheriff's Office. At various times during her assignment as a detective with the CID, Ms. Murphy-Taylor was supervised by four employees: Captain Curtis Benton, Dennis Hofmann, who was promoted from the rank of corporal to sergeant and then to first sergeant, Lieutenant Dale Patrick and Corporal Stephen Stouffer.

14. For the majority of her time in the CID, Ms. Murphy-Taylor was supervised directly by Dennis Hofmann while he was a sergeant. Dennis Hofmann's supervisory responsibilities with respect to Ms. Murphy-Taylor included, among other things, giving assignments, determining discipline, formulating her work schedule, completing performance evaluations and approving training.

15. Dennis Hofmann is the brother of Defendant Sheriff Gary Hofmann.

16. Between 2005 and 2009, when Ms. Murphy-Taylor was assigned to the CID of the Sheriff's Office, she was subjected to numerous acts of unwanted, offensive conduct of a sexual nature by multiple supervisors including, but not limited to, multiple sexual assaults by Dennis Hofmann; sexually explicit comments about Ms. Murphy-Taylor and other female officers by Lieutenant Dale Patrick and Corporal Stephen Stouffer; derogatory comments about Ms. Murphy-Taylor based on her gender and women in general by Captain Benton; and unwanted touching by Lieutenant Patrick.

17. Upon Ms. Murphy-Taylor's initial assignment as a detective with the CID in June 2005, Captain Curtis Benton made several remarks to her that were derogatory to women. In one instance, Captain Benton remarked to Ms. Murphy-Taylor in regard to the first search warrant that she served, that "this was the first search warrant a female has ever written and probably will be the last."

18. On or around September 2005, Ms. Murphy-Taylor complained to the Human Resources Department of Queen Anne's County about the offensive comments about women that Captain Benton made to her. Ms. Murphy-Taylor was told by representatives of the Human Resources Department that nothing could be done about the offensive comments because a Sheriff's Office Captain is an appointed position.

19. Beginning around November 2006 until August 2009, Dennis Hofmann attempted to touch Ms. Murphy-Taylor's breasts in the CID offices and in Sheriff's vehicles on numerous occasions. The conduct described was without Plaintiff's consent.

20. On or around June 2007, Dennis Hofmann sexually assaulted Ms. Murphy-Taylor in a hotel room while they were attending an off-site training course as part of their jobs at the Sheriff's Office.

21. On or around August 2007, Ms. Murphy-Taylor complained to the Sheriff both about the sexual assault at the off-site training course as well as the continuous sexual assaults against her by Dennis Hofmann.

22. Sheriff Hofmann did not investigate Plaintiff's August 2007 sexual assault complaint against Dennis Hofmann or take any corrective action to prevent further sexual harassment of Ms. Murphy-Taylor by Dennis Hofmann. Dennis Hofmann continued to sexually harass Ms. Murphy-Taylor after her August 2007 complaint and was subsequently promoted by the Sheriff notwithstanding Ms. Murphy-Taylor's complaints about Dennis Hofmann's offensive and unwanted conduct.

23. On or about August 25, 2009, Dennis Hofmann continued to work closely with Ms. Murphy-Taylor despite her previous complaints about his sexual assaults upon her. On that date, Dennis Hofmann committed a sexual assault upon the Plaintiff's person while both were in an official Sheriff's Office vehicle, and on official business. Specifically, on that date as Dennis Hofmann and Ms. Murphy-Taylor were driving home from county court, Hofmann forced his hand down the front of Ms. Murphy-Taylor's pants and touched her vaginal area. He also forcibly put his hand inside Ms. Murphy-Taylor's blouse and touched her breasts. Ms. Murphy-Taylor told him to stop and tried to push his hand away, but he overpowered her and continued to touch her.

24. On or about November 2, 2009, Detective Stouffer made sexually explicit comments about Ms. Murphy-Taylor and another female detective. Specifically, Detective Stouffer stated that he knew Ms. Murphy-Taylor and the other female detective had “licked each other’s pussies last night” when the two female officers had stayed at a hotel while attending an off-site training. The other female detective, to whom the comments were made, told Ms. Murphy-Taylor about these comments

25. On or about November 10, 2009, Lieutenant Patrick made derogatory comments about women in regard to Ms. Murphy-Taylor and another female detective in the presence of other officers including Dennis Hofmann. Specifically, Lieutenant Patrick stated that he needed to figure out which of the female detectives “was the biggest tramp” in order to receive free items from an off-site training that Ms. Murphy-Taylor and the other female detective had attended.

26. On or about November 18, 2009, Lieutenant Patrick and Detective Stouffer made sexually explicit comments about Ms. Murphy-Taylor and another female detective. Specifically, Lieutenant Patrick and Detective Stouffer said that they knew that Ms. Murphy-Taylor and the other female detective had sex at the off-site they training they had attended. The other female detective, to whom the comments were made, told Ms. Murphy-Taylor about these comments.

27. On or around November 18, 2009, Ms. Murphy-Taylor met with Captain James Williams and the Queen Anne’s County Administrator at which meeting Ms. Murphy-Taylor complained that she had been sexually harassed numerous times while on her job.

28. On or around November 20, 2009, Ms. Murphy-Taylor filed a written complaint of sexual harassment with Captain Williams in regard to the harassment she had faced on her job.

29. On or around December 2009, Detective Stouffer was promoted to corporal.

30. On or around February 2, 2010, Ms. Murphy-Taylor filed another written complaint of sexual harassment with Captain Williams in regard to the harassment she had faced on her job.

31. During the investigation of Ms. Murphy-Taylor's sexual harassment complaints referred to in paragraphs 18, 21, 27 - 28, and 30, the Sheriff and Sheriff's Office management continued to have Ms. Murphy-Taylor supervised by the individuals who sexually harassed her.

32. The Sheriff and Sheriff's Office management substantiated Ms. Murphy-Taylor's sexual harassment complaints against Dennis Hofmann, Lieutenant Patrick and Corporal Stouffer; nevertheless, they allowed the harassers to remain in supervisory positions.

33. On April 8, 2010, Ms. Murphy-Taylor complained to Major Williams about continued contact with Dennis Hofmann during the investigation of her sexual harassment complaints against him despite the fact that she had requested no contact with him. Her "no contact" request was denied and Ms. Murphy-Taylor continued to work with Dennis Hofmann while her complaints of sexual harassment against him were investigated by her employers. After Plaintiff's sexual harassment complaints against Dennis Hofmann were substantiated, her employers continued to allow him to work closely with the Plaintiff and ignored her request that she have no further contact with him. No effective action was taken to prevent contact between Ms. Murphy-Taylor and Dennis Hofmann or to otherwise redress the sexual harassment to which she had been subjected.

34. After complaining about the sexual harassment she faced at the Sheriff's Office, Ms. Murphy-Taylor was subjected to numerous acts of reprisal by the Sheriff and management officials with the Sheriff's Office between December 2009 and July 2010 including, but not limited, to the following:

- a. being forced to work with the supervisors against whom she had filed complaints of sexual harassment while those complaints were being investigated;
 - b. being forced to work with the supervisors against whom she had filed complaints of sexual harassment after her sexual harassment complaints against those supervisors were substantiated;
 - c. being singled out to receive an undesirable assignment during severe weather;
 - d. facing disparate treatment in working conditions such as having a "no personal items or business at work" policy enforced against her that was not enforced against other officers in the CID;
 - e. receiving on July 20, 2010, a lower performance evaluation when compared with evaluations that she received prior to her 2009 and 2010 sexual harassment complaints;
 - f. receiving unjustified feedback criticizing her investigative report writing;
- and

g. being subjected to rumors by the Sheriff and senior management in the Sheriff's Office that she only filed the written sexual harassment complaints against Dennis Hofmann because she was a "jilted lover" and Dennis Hofmann had broken off a consensual affair.

The rumors about the affair were spread by the Sheriff and Sheriff's Office management even after they had substantiated Ms. Murphy-Taylor's sexual harassment complaints against Dennis Hofmann in June 2010 through an internal investigation.

35. On July 22, 2010, Ms. Murphy-Taylor went on medical leave from the Sheriff's Office because of the extreme emotional stress that she faced at the Sheriff's Office. Ms. Murphy-Taylor was never able to return to her job because of the failure of the Sheriff and senior management in the Sheriff's Office to provide her with a work environment in which she would have no contact with Dennis Hofmann. Ms. Murphy-Taylor was subjected to ongoing retaliatory harassment, such as the rumors that she filed her sexual harassment complaints because she and Dennis Hofmann had broken of a consensual affair, from the Sheriff and his senior management further preventing her from returning to work.

36. On May 12, 2011, Dennis Hofmann pleaded guilty to assault in the second degree based on the facts set forth in paragraph 23, and was sentenced to probation for three years.

37. One day later, on May 13, 2011, the Sheriff Hofmann terminated Ms. Murphy-Taylor.

38. Ms. Murphy-Taylor was not warned before she was terminated that failure to return to work would result in termination. Also, at the time of her termination, Ms. Murphy-Taylor was not offered any options in lieu of termination such as going on leave without pay status.

39. Before a workers' compensation hearing for Ms. Murphy-Taylor on August 3, 2011, the Sheriff offered Ms. Murphy-Taylor an opportunity to return to work at the Sheriff's office; however this offer entailed returning to a work environment in a demoted position to a division where Dennis Hofmann was a supervisor, and with no guarantee of separation from him even after he had pleaded guilty to sexually assaulting her.

40. After Dennis Hofmann pleaded guilty in a criminal proceeding to assault in the second degree, Defendants retained him as a supervisor.

41. On or around November 2011, the Maryland Police Training Commission ("MPTC") conducted a hearing in response to Dennis Hofmann's guilty plea, to determine whether he had the moral character to remain a Maryland law enforcement officer. By a nearly unanimous vote of the panel (12 members voted to decertify and one abstained), Dennis Hofmann lost his police license in December 2011. Dennis Hofmann continued to work at the Sheriff's Office for a time even after he was decertified.

42. Several treating physicians and psychologists have stated that as a direct and proximate cause of the sexual harassment and retaliation Ms. Murphy-Taylor endured, she experienced severe emotional distress and impairment of life activities.

43. Ms. Murphy-Taylor also has suffered monetary loss.

COUNT I
Title VII, 42 U.S. C. § 2000e-2(a)
Hostile Work Environment Sexual Harassment

44. Plaintiff-Intervenor realleges and incorporates herein by reference paragraphs 13 - 43.

45. Ms. Murphy-Taylor made it known that this harassment by her supervisors, set forth in paragraphs 16 – 26, was unwelcome. The harassing conduct set forth in paragraphs 16 – 26, adversely affected the terms and conditions of Ms. Murphy-Taylor’s employment. Ms. Murphy-Taylor did find, and a reasonable person would have found, the conduct set forth in paragraphs 16 – 26, offensive.

46. The sexual harassment policy of the Sheriff’s Office, including the dissemination, training and implementation of it, was ineffectual.

47. Ms. Murphy-Taylor made several complaints about the sexually harassing conduct that she faced on the job to officials in the Human Resources Department of Queen Anne’s County, Sheriff Hofmann, and a commanding officer in the Sheriff’s Office.

48. The investigation of Ms. Murphy-Taylor’s sexual harassment complaints and the response by the Sheriff, senior management in the Sheriff’s Office, the County and the State to the complaints was inadequate. Among other things, despite Ms. Murphy-Taylor’s complaints against Dennis Hofmann and the fact that her complaints were substantiated, Ms. Murphy-Taylor was subjected to constant contact with Dennis Hofmann during her time in the CID with Dennis Hofmann in a supervisory position. Despite Ms. Murphy-Taylor’s complaint to Sheriff Hofmann, Dennis Hofmann continued to sexually harass Ms. Murphy-Taylor for multiple years after the complaint.

49. For the foregoing reasons, Defendants have discriminated against Ms. Murphy-Taylor, because of her sex, female, in violation of Section 703(a) of Title VII, 42 U.S. C. § 2000e-2(a), among other ways, by:

- a. subjecting Ms. Murphy-Taylor to harassment based on sex while she was employed at the Sheriff's Office, which created an intimidating, hostile or offensive work environment and which adversely affected the terms, conditions and privileges of Ms. Murphy-Taylor's employment; and
- b. failing or refusing to take reasonable or appropriate steps to prevent or correct promptly the sexual harassment even after she made several complaints with senior management at the Sheriff's Office and Queen Anne's County; and/or
- c. negligently failing after actual or constructive knowledge of the sexual harassment to take prompt and adequate action to stop it.

COUNT II

Title VII, 42 U.S. C. § 2000e-3(a)

Retaliation for Engaging in Protected Activity

Retaliatory Hostile Work Environment

50. Plaintiff-Intervenor realleges and incorporates herein by reference paragraphs 18, 21, 27 - 43.

51. The Sheriff and his senior management who committed the acts set forth in paragraphs 29, 31, 34 - 40 against Ms. Murphy-Taylor knew of her complaints of sexual harassment.

52. Knowing that the acts set forth in paragraphs 29, 31, 34 - 40 would be a consequence of filing sexual harassment complaints might well have dissuaded a reasonable employee from making sexual harassment complaints.

53. The acts set forth in paragraphs 29, 31, 34 - 40 against Ms. Murphy-Taylor occurred in close temporal proximity to her sexual harassment complaints.

54. The Sheriff and his senior management would not have taken the actions set forth in paragraphs 29, 31 34 – 40 against Ms. Murphy-Taylor in the absence of her complaints of sexual harassment or her complaints of sexual harassment were a motivating factor in the Sheriff and his senior management taking these actions against her.

55. For the foregoing reasons, Defendants have discriminated against Ms. Murphy-Taylor, in violation of Section 704(a) of Title VII, 42 U.S. C. § 2000e-3(a), by retaliating against her for engaging in protected activities, including, but not limited to, creating and maintaining a hostile work environment that might well have dissuaded a reasonable employee from making sexual harassment complaints if the employee had known that he or she would face such consequences for filing the complaints.

COUNT III
Title VII, 42 U.S. C. § 2000e-3(a)
Retaliation for Engaging in Protected Activity
Constructive Discharge

56. Plaintiff-Intervenor realleges and incorporates herein by reference paragraphs 18, 21, 27 - 43.

57. The Sheriff and senior management in the Sheriff's Office subjected Ms. Murphy-Taylor to intolerable working conditions intended to make her quit when, among other things, they failed to ensure no contact between Ms. Murphy-Taylor and Dennis Hofmann during the internal investigation of her sexual harassment complaints against him, and even after her sexual harassment complaints against him were substantiated. The Sheriff and senior management in the Sheriff's Office ignored Ms. Murphy-Taylor's numerous requests for no contact with Dennis Hofmann.

58. The failure of the Sheriff and senior management in the Sheriff's Office to ensure no contact with Dennis Hofmann and the ongoing retaliatory acts against Ms. Murphy-Taylor by the Sheriff and his senior management forced Ms. Murphy-Taylor to take medical leave from the Sheriff's Office and to never return. The Sheriff and senior management in the Sheriff's Office failed to ensure no contact and to cease the retaliation against Ms. Murphy-Taylor even knowing that they were creating intolerable working conditions, and thus deliberately forced Ms. Murphy-Taylor not to return to the Sheriff's Office.

59. The Sheriff and senior management in the Sheriff's Office continued to put Ms. Murphy-Taylor in an untenable position intended to make her not return to the Sheriffs' Office when they conditioned Ms. Murphy-Taylor's re-employment on accepting a demotion to work in a division with Dennis Hofmann in a supervisory position with no guarantee of no contact with him even after he pleaded guilty in criminal proceedings to sexually assaulting her.

60. For the foregoing reasons, Defendants have discriminated against Ms. Murphy-Taylor, in violation of Section 704(a) of Title VII, 42 U.S. C. § 2000e-3(a), by retaliating against her for engaging in protected activities, including, but not limited to, deliberately making Ms. Murphy-Taylor's working conditions intolerable in an effort to induce her to leave her job and to be unable to return. The Sheriff and senior management in the Sheriff's Office subjected Ms. Murphy-Taylor to intolerable working conditions that would have induced a reasonable person to quit.

COUNT IV
Title VII, 42 U.S. C. § 2000e-3(a)
Retaliation for Engaging in Protected Activity
Retaliatory Termination

61. Plaintiff-Intervenor realleges and incorporates herein by reference paragraphs 21, 23 27 - 43.

62. Ms. Murphy-Taylor was terminated by the Sheriff one day after Dennis Hofmann, the Sheriff's brother, entered a guilty plea to sexually assaulting her as referred to in paragraphs 23 and 36.

63. Ms. Murphy-Taylor was not warned before she was terminated that failure to return to work would result in termination. Also, at the time of her termination, Ms. Murphy-Taylor was not offered any options in lieu of termination such as going on leave without pay status.

64. Sheriff Hofmann's termination of Ms. Murphy-Taylor would not have occurred in the absence of her sexual harassment complaints against Dennis Hofmann or her sexual harassment complaints were a motivating factor in the Sheriff terminating Ms. Murphy-Taylor.

65. For the foregoing reasons, Defendants have discriminated against Ms. Murphy-Taylor, in violation of Section 704(a) of Title VII, 42 U.S. C. § 2000e-3(a), by retaliating against her for engaging in protected activities, including, but not limited to, terminating her employment.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that judgment be entered in its favor and against Defendants and that the Court grant all permissible relief, including, but not limited to, the following:

(A) On Counts I -IV, enjoin Defendants from causing, creating or condoning a sexually hostile work environment, a retaliatory hostile work environment or any type of retaliation;

(B) On Counts I -IV, order Defendants: (1) to take proper steps to investigate complaints of sexual harassment; (2) to discipline employees found responsible for sexual harassment; (3) to distribute its anti-sexual harassment policy to all employees; (4) to prevent complainants or employees who report sexual harassment from being retaliated against; (5) to promulgate policies to ensure that anyone with a close family or personal relationship with the accused harasser has no input into the investigation and the discipline resulting from a complaint of harassment; and (6) to provide mandatory sexual harassment training for all supervisors and employees;

(D) On Count I, order the State of Maryland to provide mandatory sexual harassment training for Sheriff Hofmann;

(E) On Counts I -IV, order monitoring provisions so that Sheriff Hofmann and Queen Anne's County must provide periodic reports of any complaints of sexual harassment or retaliation, permit the United States private interviews with employees, and allow for the inspection of personnel records, documents, and files.

(F) On Count III-IV, award backpay, frontpay and all other appropriate equitable relief to Ms. Murphy-Taylor in an amount to be determined at trial to make her whole for the monetary loss she has suffered and continues to suffer because of the discriminatory conduct alleged in this Complaint in Intervention including prejudgment interest;

/s/

AUDREY WIGGINS
(NC Bar 22143)
Deputy Chief
Civil Rights Division
Employment Ligation Section
950 Pennsylvania Avenue, NW,
PHB
Washington, DC 20530
Telephone: (202) 514-8447
audrey.wiggins@usdoj.gov
Fax: (202) 514-1105

/s/

CLARE GELLER
(NY Reg. No. 4087037)
Senior Trial Attorney
Civil Rights Division
Employment Ligation Section
950 Pennsylvania Avenue, NW,
PHB
Washington, DC 20530
Telephone: (202) 353-1817
clare.geller@usdoj.gov
Fax: (202) 514-1105