

# City to pay \$200,000 to family of veteran

Tyrone Brown was killed by off-duty police officer in 2010

By COLIN CAMPBELL  
The Baltimore Sun

Baltimore is poised to pay a \$200,000 settlement to the family of a Marine veteran killed outside a Mount Vernon nightclub by an off-duty police officer in June 2010.

Though Gahiji Tshamba was not on the job when he shot 32-year-old Tyrone Brown 12 times, the victim's family argued in court filings that the city should share responsibility for the incident because Tshamba remained on the police force after several other off-duty arrests.

The settlement, due for consideration Wednesday by the Board of Estimates, would conclude a \$270 million federal lawsuit filed in 2011 against police commanders, the state and the city. In it, Brown's family pointed to incidents including a 2005 shooting of a man in which Tshamba was driving drunk.

"To allow officers known to have or suspected to have such a propensity for unreasonable and excessive use of deadly and/or non-deadly force to have full police powers with the authority to carry and operate a handgun endangered public safety and welfare and represented a breach of duty on behalf of the defendants," the lawsuit said.

Tshamba was convicted of manslaughter in 2011 and sentenced to 15 years in prison for shooting Brown, who authorities said had inappropriately touched Tshamba's female companion outside the bar around 1:30 a.m.



Brown



Tshamba

The family said in the lawsuit that Brown apologized for touching the woman, who attempted to hit him. Brown deflected the blow before Tshamba shouted threats and aimed his gun at him, the lawsuit said. The lawsuit said he raised his hands as Tshamba backed him down an alley before shooting him.

A Baltimore police spokesperson said Monday the department does not comment on pending litigation.

The Brown family's attorney, A. Dwight Pettit, declined to comment because of the pending Board of Estimates vote to approve the settlement.

City Councilman Brandon Scott, vice chairman of the public safety committee, said the incident should spur better training for police officers.

Scott said he hopes the settlement will ease the Brown family's pain somewhat.

"It's a sad case with the family," Scott said. "You just hope that this will help the family be a little more at peace, though they'll never fully be at peace."

City Solicitor George Nilson expects the settlement to be approved on the board's routine agenda without discussion.

He said the city decided this month that \$200,000 was the maximum it was willing to pay the Browns. That amount, he added, is the most the city normally pays to settle such cases.

"The city is settling for a number which some might say is the maximum," Nilson said. "The plaintiff argued for higher numbers, but we said no. We were fairly firm in our position."

The Baltimore Sun reported in 2011 that Tshamba had been suspended from the police force for eight days in 2005 following an incident in which he drove drunk and shot a man in the foot while off duty. A year before that, he crashed his car into a light pole while driving without insurance or registration.

The civil lawsuit was filed by Brown's wife, Loren Brown; his mother, Vivian Scott; and two of his children. It also accuses the Police Department of not arresting Tshamba or taking a statement from him until a month after the shooting.

Circuit Judge Edward R.K. Hargadon told Tshamba he "showed a serious lack of insight ... and a disturbing sense of detachment" before sentencing him to seven years for voluntary manslaughter and eight years for using a handgun in a crime of violence, with an additional two-year term held in sus-

pension.

"None of this had to happen," Hargadon said at the sentencing. "You seriously overreacted."

Information from *The Sun's* archives contributed to this article.  
cmcampbell@baltsun.com  
twitter.com/cmcampbell6

**"You just hope that this will help the family be a little more at peace."**

City Councilman  
Brandon Scott

# City Council votes down 10-cent fee on bags

Opponents said measure would be too costly for residents and businesses

By YVONNE WENGER  
The Baltimore Sun

The City Council defeated a proposal Monday to impose a 10-cent fee on most paper and plastic bags distributed in Baltimore, rejecting arguments that such surcharges are a proven method to reduce litter.

Opponents weren't convinced that charging a fee for bags from groceries and major retailers, such as Target and Walmart, would cause fewer to end up as trash in the Inner Harbor and Chesapeake Bay. They also said the fee would disproportionately affect the poor and hurt Baltimore-based small businesses.

The bag fee would have generated an estimated \$15 million in the first year, although the bill's supporters said the objective was to change behavior, not raise money for the cash-strapped city.

Six council members supported the bag fee. Nine were against it.

"Sooner or later, we have to say when enough is enough," said Councilman Robert Curran of Northeast Baltimore, who voted against the fee.

The city has considered several proposals intended to curb the use of disposable bags over the last decade. About 100 communities nationwide have imposed laws to regulate the use of the sacks. Washington, D.C., and Montgomery County require that retailers charge customers 5 cents for each disposable bag, whether paper or plastic, that they use.

"It's unfortunate, because this is something we know will work and have minimum affect on citizens," said Councilman Brandon M. Scott, the bill's lead sponsor. Scott, also of Northeast Baltimore, pointed to a recent study in Washington that found 80 percent of residents are using fewer disposable bags and that a majority of residents and businesses support the law.

In Baltimore, a coalition of environmental groups, including Trash Free Maryland and Blue Water Baltimore, canvassed door to door and launched a social media campaign in recent days to drum up support for the legislation. Their efforts were followed by an ad campaign against the fee on local radio stations, including 92Q and WBAL-AM. The ads were paid for by a group calling itself the American Progressive Bag Alliance, which represents plastic bag manufacturers.

The one-minute spot urged listeners to call their council members and Mayor Stephanie Rawlings-Blake, who had said she would sign the bill if it reached her desk. It panned the proposal for pressuring residents to carry reusable bags, saying "you know how much they cost."

Rosalind Ellis, who lives downtown, was at Monday's City Council meeting to protest the fee. She said she takes reusable bags to shop, but believes the city shouldn't force a fee on residents who choose to accept paper or plastic.

"It's the idea of not letting the people decide for themselves," Ellis said.

Halle Van der Gaag, director of Blue Water Baltimore, said she was disappointed by the vote. Imposing the fee would have been a proactive way to reduce trash, which she said would save millions of dollars by avoiding the cost of fishing them out of the harbor and streams.

"Citizens here really want to see this happen, and we think it's an important part of cleaning up Baltimore," Van der Gaag said. "There is no reason we can't do this here."

Councilman Bill Henry, who represents north central Baltimore, predicted that state lawmakers in Annapolis will eventually take action against the bags.

"It we don't do it here, we are leaving it up to the General Assembly," he said.

The bill's backers tried to buy time Monday to build support by sending the bill back to committee, but that effort also was defeated.

Councilwoman Sharon Green Middleton of Northwest Baltimore said she opposed the bill because she wants the city and region to develop a comprehensive approach to litter control.

"There needs to be a very strong education plan and marketing plan to show that the city is sincere about being a part of helping the environment," she said.

Van der Gaag, Scott and other advocates pledged to redouble their efforts to make people aware of the benefit they feel the bags have had elsewhere.

"We think there is a lot of need for education to let people know how successful this is in D.C.," Van der Gaag said. "Small businesses said it saved them money and storage space."

ywenger@baltsun.com  
twitter.com/yvonnewenger



BARBARA HADDOCK TAYLOR/BALTIMORE SUN PHOTO

## A place to call home

Jameera Swinson holds her 6-month-old daughter, Samuari Anderson, on Monday for a look at "My Dream House," the new mural in the community room of Pratt House, the Volunteers of America supportive residential housing for homeless families, where they live. Artist Jay Wolf Schlossberg-Cohen painted the mural with the help of residents.

## OBAMACARE REFORM TO REALITY

# Craig offers to pay phone bill in Web mistake

Seattle pottery store fielded hundreds of exchange calls

By ERIN COX  
The Baltimore Sun

A gubernatorial hopeful has offered to pay the phone bills of the Seattle pottery store that fielded hundreds of wayward calls from people stuck in Maryland's broken health exchange.

After The Baltimore Sun reported that the state's insurance website erroneously listed the toll-free number of a West Coast specialty kiln business instead of the state call center, Republican David Craig said Monday he hopes to reimburse the business out of his personal checking account.

"The state should have taken the lead on this," said Craig, the Harford County executive. "Hopefully, it's a small amount. If it's a large amount, we'll hold a fundraiser."

Sue Lunz, owner of Seattle Pottery Supply, said Monday the long-distance calls from frustrated health insurance



Craig

callers that began in October finally stopped over the weekend. Now she faces a new conundrum: Should she accept the offer to be reimbursed by a political candidate for the added costs on her 1-800 bill?

"When this started, I asked my husband whether I should keep track of our 1-800 bill, and he said, 'Nah, we'll never get the money back,'" Lunz said.

State officials reached out to Lunz last week to find out how much those mistaken calls cost, but she has yet to tally it up — and the state has yet to decide whether to reimburse her.

The glitch was repaired over the weekend, seven days after The Sun brought it to the state's attention, health exchange spokeswoman Dori Henry said Monday.

"We have been in touch with Ms. Lunz to apologize for the inconvenience, and to thank her for her patience and the kindness she has shown to callers from Maryland," Henry said in a statement. "Ms.

Lunz could not estimate how much the wrong number may have cost her business, but she graciously accepted our apology."

Craig sent Lunz a letter Monday offering to pay the tab, along with his own apology on behalf of the state.

He said in an interview that a private business that had inconvenienced someone so badly would have found a way to make it up to Lunz. He said the offer was not a political stunt, but "it shows people that we do like to get things done."

Maryland's online insurance marketplace has had persistent technical problems since it launched Oct. 1. Lunz said she and her employees have spent hours on the phone consoling Maryland residents struggling to buy insurance, but she and her husband are not sure whether to accept a check in return.

"We like dark chocolate," Lunz said with a laugh. "We were thinking maybe they could send us some dark chocolate in the shape of the state of Maryland. But then we thought, maybe that won't be big enough, so maybe we'll take one in the shape of Texas?"  
ecox@baltsun.com