



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

July 20, 2007

BY FACSIMILE AND FIRST CLASS MAIL

PFA Silver Spring, LC (240-499-9601)
c/o Foulger Pratt Companies
9600 Blackwell Road, Suite 200
Rockville, Maryland 20850

The Peterson Companies (703-631-6481)
12500 Fair Lakes Circle
Suite 400
Fairfax, Virginia 22033

Dear Messrs. Bryant F. Foulger, Clayton F. Foulger, Richard Perlmutter and James W. Todd:

As you are no doubt aware, the permitted use of Ellsworth Drive by Montgomery County residents and visitors has gained a good deal of attention recently. I wish to make clear the County's position regarding Ellsworth and other areas whose use is similarly governed under the agreements between the County and PFA Silver Spring LC (PFA) (hereinafter collectively identified as "Ellsworth") and their use by the residents and visitors to the County as informed by a forthcoming memorandum from our County Attorney's Office.

The County considers Ellsworth to be a public forum permitting the free and unfettered exercise of First Amendment rights by residents of the County and its visitors to the same extent as those rights are exercisable by residents and visitors to the County on any public sidewalk or public street within the County, subject only to narrowly drawn time, place and manner restrictions which are content neutral and narrowly directed to achieve their intended purpose.

Although the County acknowledges that the agreements between the County and PFA permit the adoption of rules and regulations by PFA regarding Ellsworth necessary to maintain order and to promote the safety, security and economic success of the Downtown Silver Spring Project and further authorize the closing of Ellsworth Drive to vehicular (but not pedestrian) traffic from time to time, these rights do not change the character of Ellsworth as a public forum, nor countenance violation of the First Amendment rights of residents and visitors to Montgomery County who use Ellsworth.

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I trust you will agree with me and will ensure that your rules and regulations for the use of Ellsworth by the public appropriately recognize and protect the First Amendment rights of residents and visitors.

Sincerely,

Isiah Leggett
County Executive

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