

Johns Hopkins, seriously, are you freaking kidding me?

Over five years of ducking, weaving and empty marketing rhetoric. Johns Hopkins seems determined to play the role of a selfish 900 pound bully.

The University was able to buy Belward Farm from Elizabeth Banks for \$5 million instead of its acknowledged value of \$54 million because Ms. Banks was willing to accept the lower price in order to have a minimally intrusive academic campus on her farm. Ms. Banks thought a university campus would serve as a fitting legacy for her family who had owned the farm for over 100 years. And, she was willing to take the lower amount in order to see her wishes carried out. Unfortunately, it appears that her faith in the University was sadly misplaced.

There was a deed. JHU wrote it and insisted that they would need to build in flexibility. Flexibility to build the desired 4,000 person leafy campus OR the current plan for a 15,000 person high-rise commercial office complex? NO. That is way beyond flexible! They built in loopholes and now they are taking advantage of an elderly woman who trusted them.

It appears that the officials at Johns Hopkins had no intention of honoring their original commitments to Elizabeth Banks. Even though the University, Ms. Banks and her family agreed upon a plan for Belward Farm in 1997, the University chose not to follow through with that plan. They waited for Ms. Banks to die and then they enlisted the county's support in their efforts to rezone the farm for a massive money-making commercial real estate venture, over three times larger than the 1997 plan. As [Frederic Franssen](#), Executive Director of the Center for Excellence in Higher Education said, "...the Montgomery County officials, smelling money, eagerly approved the revised plans. What's particularly troublesome is that local officials, in effect, became co-conspirators in the University's effort to shaft the donor."

Hopkins is offering ground leases for commercial development with buildings up to 14 stories tall. The University has not committed to occupy any of the buildings on the farm. The Great Seneca Science Corridor Master Plan requires that only 40% of the commercial development be "science-related". So, 60% could be almost anything else. Certainly not a leafy campus and hardly the formula for a so-called "Science City".

According to a Washington Post article on February 19, 2001 by Dana Hedgpeth, Ms. Banks' relationship with Johns Hopkins soured during construction on the eastern parcel when the bulldozers began to remove the trees in the buffer. According to the article, Ms. Banks said "They came, they lied to me" she said. "It hurt me so. I had all the faith in the world. They turned on me. They stabbed me in the back." The article further stated "Liz Banks wanted to do a good deed, and she has, but the reality of her decision has returned to haunt her."

The officials at Johns Hopkins have chosen to ignore the fact that there are many people living and breathing today who know exactly what Ms. Banks wanted on her farm and what she absolutely abhorred. Elizabeth Banks was ADAMANT that her farm must not be used for residential or commercial development. When she died in 2005, her [obituary](#) stated: "Her love of the land led Ms. Banks and her family to sell Belward Farm at a gift price to Johns Hopkins University to ensure its development as a campus instead of a housing or commercial complex."

She would never have sold Belward Farm to JHU if she had known that a massive commercial office complex would be built on her farm. And she certainly would not have sold Belward Farm to Hopkins for one-fifth of its value if she had known they were planning to rip her off.

Elaine Amir, Executive Director of the Johns Hopkins University Montgomery County Campus, was a personal friend of Elizabeth Banks. Yet she admitted at a community meeting that the University's plans are "not at all what she [Ms. Banks] would have wanted". Elaine said she spent many hours with Ms. Banks and sat with her during thunderstorms.

[John Dearden](#), who worked for 12 years at JHU and served as its Director of Sponsored Projects at the time the farm was donated to the university, said he is in strong support of the family's efforts because he "spent several years of my professional life working on [the gift]." He is positive the university "understood the intent" of the donor was to create a "version of [JHU's] Homewood campus", not a high-rise commercial complex that is part of Montgomery County's 'Science City.'"

[Joseph R. Davis](#), a 40-year veteran expert on Maryland land planning issues was directly involved in the zoning process of the Belward Farm property; first as a planner and program manager with the Maryland-National Capital Park & Planning Commission (M-NCPPC). This is what Mr. Davis said to the Court about these events:

"...Elizabeth Banks was firmly opposed to residential and commercial development of [Belward Farm]. Her views concerning her intent to preserve [Belward Farm] from development were much publicized and widely known in the community."

Negative reaction to Johns Hopkins' refusal to honor the intentions of Elizabeth Banks has been widespread. [Steve Leimberg](#)'s July 2012 Charitable Planning Newsletter states, "In the world of philanthropy, there is perhaps no principle more important than adherence to donor intent. Indeed, the law requires charities to comply with a donor's restrictions on contributions so that donor intent will be fulfilled.

Courts have zealously guarded such restrictions and strive to ensure that donor intent is followed."

Mr. Leimberg quotes [Richard L. Fox](#) who is an attorney and partner in the Philadelphia office of the law firm of Dilworth Paxon LLP where he heads the Philanthropic and Nonprofit practice. Mr. Fox provided an Executive Summary, the Facts and Comments on the case.

In his commentary he states:

"Like all donor intent cases, this case has stirred the passions of many and it will be interesting to see how Johns Hopkins reacts to this matter given the public pressure being placed on it to follow the purported donor intent under the deed and contract conveying Belward Farm. Institutions generally are reluctant to get into fights with donors that could potentially cause problems with future donors. But, there is so much money involved in this matter that this is a case that Johns Hopkins apparently is willing to see through in an effort to have the 2011 development plan move forward."

In an effort to force Johns Hopkins to honor their aunt's intentions, the family is now embroiled in a lawsuit against the University. The family is not asking for compensation beyond court costs. They simply want the officials at Johns Hopkins University to do what they promised their aunt they would do. Is that asking too much? Hopkins is huge and they have zillions of dollars to pay high-priced

lawyers. But, seriously, Johns Hopkins show some class! And a little honesty and integrity wouldn't hurt.

The hearing on Summary Judgment will be held Friday, October 26, 2012 in the Montgomery County Circuit Court in Rockville, MD. The trial is scheduled to begin on November 13, 2012 in the Circuit Court in Rockville. To read the news and legal documents regarding the lawsuit, please see www.scale-it-back.com

Donna Baron

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