



The Fourword

Volume 42 Number 4

April 2014

The Maryland State Fraternal Order of Police Has a Successful 2014 Legislative Session!

On April 14, 2014 Governor Martin O'Malley, Senate President Mike Miller, and Speaker of the House Mike Bush signed Senate Bill 436 and House Bill 598 into law. These two important pieces of legislation will be added to the Law Enforcement Bill of Rights (LEOBR) affecting the lives and careers of Maryland law enforcement officers and their families.

Senate Bill 436 – Exclusion of Evidence, sponsored by the Chairman of the Senate Judicial Proceedings Committee, Senator Frosh in the Senate, and companion House Bill 599 sponsored by Delegate Dumais, adds a provision to section 3-105 of the LEOBR. The new provision, paragraph (C) allows a judge to exclude any evidence obtained in violation of any right granted by the LEOBR from being used against an officer.

House Bill 598 – Disclosures- Punitive Action, sponsored by the Vice-Chair of the House Judiciary committee, Delegate Dumais, and companion Senate Bill 686 sponsored by Senator Zirkin, adds a new section, 3-106.1 to the LEOBR. This section provides a protection for officers who may have to have a disclosure made by the State's Attorney to the defense to comply with Maryland disclosure rules. The FOP is very concerned with the subjective criteria used throughout the state in determining what qualifies as an event requiring disclosure and the reaction by Law Enforcement leaders when this happens. In some jurisdictions, Chiefs and Sheriffs have terminated officers simply because a disclosure was made by the State's Attorney. This occurred even if the officer was found "not sustained" by Internal Affairs or "not guilty" by a hearing board. This addition to the LEOBR would prevent a Chief or Sheriff from taking punitive action in those instances.

Both laws take effect on October 1, 2014.



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES March 2014

- The March, 2014 General Business Meeting was held on March 24, 2014 at FOP Lodge 4. President Weston called the meeting to order at 7:31 p.m. Chaplain Merkle gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Secretary Folderauer and Brother Joe Caskey were excused. All other elected officers and Board members were present. Legal advisor Mike Marshall was also in attendance.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

- A motion was made by Brother Cortes to accept the minutes of the February, 2014 General Membership Meeting. A second was made by Sister Kraemer. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- February 25 – 28 Attended and presented a block of instruction at a Law Enforcement Labor Law Summit in San Diego CA.
- March 3 Addressed the attendees of the New Administrator School.
- March 4 Two separate meetings with Delegate Jon Cardin of the

11th legislative district and Senator Jim Brochin of the 42nd legislative district concerning legislation submitted by the Maryland State Fraternal Order of Police.

- March 5 Addressed the In-Service training class.
- March 6 Met with Senators and Delegates concerning legislation submitted by the Maryland State Fraternal Order of Police.
- March 7 Attended the breakfast fundraiser for the Police Assistance and Relief Fund and a joint bingo fundraiser benefiting both FOP Lodge #34 and FOP Lodge #4.
- March 10 Chaired a negotiation team meeting.
- March 12 and 13 Arbitration hearing for the Memorandum of Understanding.
- March 17 Attended the Executive Board of Directors meeting for FOP Lodge 4.
- March 19 Met with a member concerning retirement planning and addressed the In-Service training class.
- March 20 Attended the Bi-monthly meeting with Chief Johnson, his bureau chiefs and members of the Executive Board of Directors for FOP Lodge #4.
- March 21 Met with the County Administrative Officer to finalize the negotiated tentative settlement agreement.
- March 22 Attended the 43rd Annual FOP Lodge #4 Bull and Oyster Roast.
- March 24 Conducted Political Action Committee interviews and chaired the General Membership meeting.

LODGE 4 OFFICE

9304 Harford Road
Baltimore, Maryland 21234
Phone (410) 668-0004
FAX (410) 668-8126
Toll Free (888) 313-3501
www.foplodge4.org

ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna 1st Vice President PC4 (410) 409-0293	David M. Rose 2nd Vice President F.O.P. Lodge 4 (443) 956-2643
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David J. Folderauer, Sr. Lodge Secretary RATT (410) 382-2075	Robert W. Caskey Treasurer CID-Robbery (443) 956-2615
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W. Donald Patterson State Trustee PC12	Ryan Massey Sergeant at Arms CID - Homicide
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Paul A. Merkle Chaplain Retired	L. Timothy Caslin Past President Retired
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EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman Retired (410) 416-2800	Mike DiCara Vice Chairman PC 4
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Thomas G. Scally CID - Arson Donna Patterson PC12 James P. Rommel, Jr. PC11 Joe Caskey CID - Homicide	Lou Lagna Retired Patrick Zito Retired Ryan Franks CID - Gun Squad Kathy Kraemer PC 6
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LODGE STAFF

Juanita Bouthner—Administrative Assistant
Nancy Skinner—Administrative Assistant

LEGAL ADVISORS

Schlachman, Belsky & Weiner, P.A.
Phone (410) 685-2022
IAS Cases Michael Marshall

The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Fourword Editor
Kathryn Greenbeck
Precinct 8

~ 1st V. P. COMEGNA ~

- February 25-28 Attended the Law Enforcement Labor Summit in San Diego, California.
- March 7 Attended the annual Police Assistance and Relief Fund (PAR) breakfast.
- March 12-13 Attended our interest arbitration hearing with Baltimore County for the contract that would start 07/01/2014.
- March 17 Worked at the lodge office, attended meetings of the Political Action Committee and Executive Board of Directors.
- March 20 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors.
- March 24 Worked at the lodge office, conducted candidate interviews and attended the General Business Meeting.
- February 27 Participated in a Negotiations Committee conference call.
- February 28 Traveled to Annapolis to meet with representatives in reference to SB686, SB436.
- March 4 Traveled to Annapolis to meet with representatives in reference to SB686, SB436.
- March 6 Traveled to Annapolis to meet with representatives in reference to SB686, SB436.
- March 7 Attended the PAR Fund Breakfast and the FOP Bingo fundraiser.
- March 10 Attended a Negotiations Committee meeting at Lodge #4 and a State Legislative committee meeting in Annapolis.
- March 11 Attended a Pension Board of Trustees meeting and met with our labor attorney to prepare for arbitration.
- March 12 Attended our contract arbitration hearing.
- March 13 Attended our contract arbitration hearing and settlement negotiations.
- March 17 Chaired a Policy Review Committee meeting and

~2nd V.P. ROSE~

- February 25 Testified in House Appropriations in favor of HB 1066.
- February 26 Addressed In-Service training.
- March 18 Met with two members to discuss pension options and responded to an officer involved shooting in Precinct 6.
- March 20 Attended the Executive Board of Directors meeting with Chief Johnson.
- March 23 Attended the FOP Bull Roast.
- March 24 Attended the General Membership meeting.

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March 18 Met with two members to discuss pension options and responded to an officer involved shooting in Precinct 6.

March 20 Attended the Executive Board of Directors meeting with Chief Johnson.

March 23 Attended the FOP Bull Roast.

March 24 Attended the General Membership meeting.

~TRESURER CASKEY~

- March 6, 8, 11, 15, 25 Worked at the lodge.
- March 20 Attended the EBOD meeting with the Chief.
- March 17 Attended candidate interviews with the PAC Committee and the Executive Board of Directors meeting.
- March 24 Attended the PAC Committee meeting and the General Membership meeting, reporting on the financial status of the lodge.



SECRETARY FOLDERAUER

- March 17 Worked at the lodge office, attended a meeting of the Political Action Committee and attended the Executive Board of Directors Meeting
- March 20 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors.

EXECUTIVE BOARD OF DIRECTORS REPORT

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on March 17, 2014. The meeting was called to order at 5:00 p.m. Secretary Folderauer and Brother Joe Caskey, and Sister Kraemer were excused. All other elected officers and Board members were present. Legal counsel Mike Marshall was also in attendance.
- Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the appropriate committee reports.

REPORTS OF COMMITTEES

DONATION REVIEW COMMITTEE

- The donation review committee met on 3/17/14 and brought forward two motions for donations.
- Motion to donate \$250 to the St. Baldricks Foundation to support research efforts to end childhood cancers, during the annual Shavathon being held on 3/23/14 at Martins East.
- Motion to purchase 10 tickets to the Annual Bull Roast held by Lodge 70 to support their Fallen

Heroes Fund. The event is being held at Cancun Cantina on 5/17/14 Donation \$400.

- Donations were approved by the Board of Directors and the membership at their respective meetings.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- On March 4, 2014 Judge Finifter issued an order in the Retiree Subsidy case. The order stated that the FOP was entitled to damages, pursuant to the "make whole" provision of the Arbitration Award in the amount of \$1,413,120.81. The FOP's request for attorney's fees and pre-judgment interest was denied. There is a ten (10) day period to docket the order. The County will then have twenty (20) days to reset the rates for the affected retirees to the proper subsidy and begin the process of reimbursement. As always, the County has 30 days to appeal the decision to the Court of Special Appeals. They are arguing that the Court cannot order them to change the rate or make reimbursement. If the County does not follow the order as directed by Judge Finifter, the FOP will file a motion to enforce and request sanctions against members of the County Administration.
- The County has filed an appeal to the October 23, 2013 Board of Appeals decision in the Brandt Bradford case to the Circuit Court. At this time there is no hearing date.
- The Megan Childress case has settled.
- The Angela Avent case has set-

ATTENTION MEMBERS

FOP Lodge #4 is updating our email distribution list. If you have not recently provided your email to the Lodge, please send an email to office@foplodge4.org with your name and any other contact information you would like to provide and we will update our database.



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- We have two (2) trial boards pending, Nicholas Reagan on April 24 and Ricky Sewell on May 19.
- The County has filed a Request for a Writ of Certiorari with the Maryland Court of Appeals in the Absence Control Policy case. The court has agreed to hear the case. It will be heard on June 4, 2014.

LEGISLATIVE COMMITTEE

~Dave Rose~

- I testified in the Senate and House committees in support of two State FOP bills. These bills involve the Brady list and the exclusionary rule.

MEMORIAL COMMITTEE

~Don Patterson~

- On May 2, 2014, the Fallen Heroes ceremony will be held at Dulaney Valley Memorial Gardens.
- On May 9, 2014, the Baltimore County Police Memorial Ceremony will be held in Towson, at the Courthouse Plaza.
- On May 15, 2014 the National Police Officers' Memorial Service will be held in Washington, DC.
- FOP Lodge 4 will be sponsoring busses to transport members wishing to attend the National Memorial in Washington, DC on May 15, 2014.
- Memorial shirts have been made and are on sale at the lodge.

PENSION COMMITTEE

~Dave Rose~

- At the March Pension Board of Trustees meeting the Board approved 12 total retirements. None of those were from the police department.

POLICY REVIEW COMMITTEE

~Dave Rose~

- The committee received nine (9) new policies to review this month. There was one issue to discuss with the administration in reference to a change in policy that would affect the Memorandum of Understanding, Article 5.1. Since the Department is moving towards a more electronic way of disseminating information they wanted to abolish the bulletin boards in the precincts/offices. Article 5.1 states that bulletin board will be provided for FOP Notices to be posted.
- The committee members met to propose a language change that

would accommodate the Department as well as continue to provide the FOP an ability to communicate with its members in an efficient and effective manner. That language was provided to the Department for their review and approval.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

The Political Action Committee met on Monday March 17, 2014. The committee made the following motions to the Executive Board at the March Meeting:

To purchase a \$500.00 sponsorship to a fundraiser being held for FOP Brother Vince Canales (Lodge # 89) in his bid for Prince Georges County Council

Motion to transfer/donate \$2800.00 to the campaign account for Baltimore County Councilwoman Vicki Almond (District # 2).

These two motions were approved by the Executive Board at their March 17, 2014 meeting. Candidate and FOP Lodge # 4 Brother Rainier Harvey (Delegate # 44 B) also addressed the Executive Board.

The Political Action Committee then conducted some candidate interviews on Monday March 24, 2014. Based on those interviews the committee made the following motion to the Executive Board of Directors:

Motion to endorse incumbent Baltimore County Councilman Tom Quirk (District # 1) in his 2014 re-election campaign.

Motion to endorse incumbent Baltimore County Councilman David Marks (District # 5) in his 2014 re-election campaign.

Bereavements

Lawrence H. Williams
Father of Brother
Jeffrey Williams

Oliver K. Davis
Father-in-Law of
Retired Brother
Wayne Kropfelder

Robert J. Nilles, Sr.
Step-Father of Brother
Paul Hoke

- Motion to endorse State Delegate John Olszewski, Jr in his bid for the State Senate seat in District # 6.
- Motion to endorse FOP Lodge # 4 Brother Rainier in his bid for the Maryland House of Delegates seat in the newly drawn District 44B. These motions were approved by the Executive Board of Directors on March 24, 2014, prior to the General Business Meeting.
- This report was presented to the membership at the March 2014 General Business Meeting. The membership approved each motion.

SCHOLARSHIP COMMITTEE

~Tim Caslin~

- The Scholarship Committee processed 27 applications for the 2014 "Fallen Heroes Memorial Scholarship awards. Sixteen applicants were selected as finalists and were personally interviewed by members of the committee. Each applicant excelled with grade point average and was found to

have a financial need for college tuition.

- Georgeanna Brooks, daughter of retired Sister Debbie Ireland and deceased Brother George Brooks, attending Harford Community College. Major – Nursing. Awarded - \$1,500
- Brittany Brooks, daughter of retired Sister Debbie Ireland and deceased brother George Brooks, attending Harford Community College, Major – Early Childhood Development. Awarded – 1,500
- Lauren Ciepiela, daughter of Brother Paul Ciepiela, Community Resources Unit. Attending Carroll County Community College. Major – Nursing. Award - \$1,500
- Tyler Conaboy, son of Brother James Conaboy, Intelligence Division. Sophomore- Penn State. Major – Engineering. Awarded. \$1,500
- Kiertie Conaboy, daughter of Brother James Conaboy, Intelligence Division. Graduating from Southwestern High School. Undecided major. Awarded - \$1,500
- Joseph Dudenhoeffer, son of retired Brother David Dudenhoeffer. Sophomore – University of Pittsburgh. Major – Pre-Medicine. Awarded - \$3,000
- Ronnie Marie Georgieff, daughter of Brother Ronnie Georgieff, PC-12. Graduating from Mount De Sales Academy High School. Will be attending Mount Saint Mary's University. Major – Occupational Therapy. Awarded - \$1,500.
- Rebecca Maseke, daughter of Brother Tom Maseke, PC-1. Graduating from Catonsville High School and will attend Stevenson University. Major – Nursing. Award - \$1,500
- Brandon Monahan, son of Brother Jim Monahan, PC-3. Graduating from South Western High School and will attend Salisbury University. Major – Finance. Award - \$1,500
- Matthew Monahan, son of Brother Jim Monahan, PC-3. Sophomore at Pennsylvania College of Technology. Major – Residential Construction and Management. Award - \$1,500.
- Julianne Palmer, daughter of retired Brother Russell Palmer. Sophomore at Penn State. Major – Business Management/Marketing. Award - \$3,000
- Kierson Prenger, daughter of Brother Richard Prenger, CID. Senior at Lebanon Valley College. Major – Physical Therapy. Award \$1,500.
- Allison Prenger – daughter of Brother Richard Prenger, CID. Freshman at York College. Major – Nursing. Award - \$1,500
- Laura Prenger – daughter of Brother Richard Prenger, CID. Freshman at Bloomsburg University. Major – Secondary Education. Award. \$1,500.
- Megan Price – daughter of Brother Steve Price, PC-9. Sophomore at Towson University. Major – Business Marketing. Award \$1,500
- Kylie Strong, daughter of Brother Rob Strong, PC-6. Graduating from Red Lion High School and will be attending Drexel University. Major – Nursing. Award - \$1,500
- Brother Don Patterson advised that a reception will be held at

CONTRACT RATIFICATION

The tentative contract settlement agreement for July 1, 2014 to June 30, 2016 was ratified by the membership by a vote of 1057 **FOR** and 45 **AGAINST**.



Shane Sammons (left) and Ivory Bing cast their votes.

Parkville Heritage Gardens immediately following the Baltimore County Memorial ceremony on May 9. Also, FOP Lodge 4 is arranging for busses to take members to the National Law Enforcement Memorial ceremony on May 15. Call the lodge to reserve your seat on a bus.

During the month of March, FOP Lodge #4 sent two (2) cards and flower arrangements to bereaving members. Two (2) donations were sent in lieu of flowers at the family's request. Three (3) get-well baskets were sent to members. Five (5) thank you cards were received.

The meeting was adjourned at 8:35 pm.

GOOD OF THE ORDER

- Brother Don Patterson advised that a reception will be held at

RETIREE HEALTH CARE SUBSIDY CASE

July 15, 2008	Arbitrator Bloch <u>rules in favor of the FOP</u> and against Baltimore County in the Step 4 Class Action Grievance Hearing
August 10, 2010	Baltimore County Circuit Court <u>rules in favor of the FOP</u> and denies Baltimore Counties Motion to Vacate Arbitration Award
December 8, 2011	The Maryland Court of Special Appeals rules in favor of Baltimore County and against the FOP reversing the Circuit Court
November 19, 2012	The Maryland Court of Appeals <u>rules in favor of the FOP</u> and against Baltimore County reversing the Maryland Court of Special Appeals and affirming the Baltimore County Circuit Court decision
January 18, 2013	The Maryland Court of Appeals <u>rules in favor of the FOP</u> and against Baltimore County's motion to reconsider
February 26, 2013	The Maryland Court of Special Appeals reversed their decision as directed by the Court of Appeals
August 14, 2013	The Baltimore County Circuit Court <u>rules in favor of the FOP</u> and grants the motion to enforce the courts judgment for an order to show cause
November 5, 2013	The Baltimore County Circuit Court <u>rules in favor of the FOP</u> and orders the county to restore the retiree subsidy
December 5, 2013	The Baltimore County Circuit Court <u>rules in favor of the FOP</u> and denies the Baltimore County motion to stay the order
December 20, 2013	The Baltimore County Circuit Court <u>rules in favor of the FOP</u> ordering Baltimore County to produce the subsidy information in the format requested
December 26, 2013	The Maryland Court of Appeals <u>rules in favor of the FOP</u> and denies Baltimore County's Ex Parte Application for a stay pending appeal
March 6, 2014	Baltimore County Circuit Court <u>rules in favor of the FOP</u> and against Baltimore County awarding \$1,413,120.81 to be paid to the over-charged retirees
April 14, 2014	Baltimore County Circuit Court <u>rules in favor of the FOP</u> and against Baltimore County issuing a show cause order upon consideration of the petition for contempt
April 17, 2014	Baltimore County Circuit Court <u>rules in favor of the FOP</u> and against Baltimore County awarding \$213,446.47 in interest to the retirees
June 26, 2014	Baltimore County Circuit Court petition for contempt hearing at 9:30 a.m.

The May

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
May 19, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The June

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
June 23, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road