



The Fourword

Volume 41 Number 12

December 2013



Bull, Oyster & Shrimp Roast



Sunday

March 30, 2014

1 p.m. to 6 p.m.

**Tall Cedars Hall
Parkville, MD**

***Music*
Wheels
Raffles
*Open Bar***

Food by
Atlantic
Catering**

**\$35.00 per person
(Reservations are being accepted)**

**For Tickets & Information
Contact Lodge 4 at (410) 668-0004**



NOTICE

This issue of the Fourword contains three proposed changes to the Constitution and Bylaws.

These proposed changes will be voted on at the January 27th, 2014 General Membership Meeting. All proposed changes to the Baltimore County Fraternal Order of Police, Lodge #4 constitution and bylaws take a two thirds majority vote to pass.



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES November 2013

- The November, 2013 General Business Meeting was held on November 25, 2013 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Brother Massey was working. 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 Lagna to accept the minutes of the October, 2013 General Membership Meeting. A second was made by Brother Siedlecki. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- October 29 Attended a fundraiser for County Councilwoman Vicki Almond of the 2nd council district.
- November 4 Addressed the Enhanced Supervisor class.
- November 5 Attended the Baltimore County Retired Officers Association meeting.

- November 7 Met with the Director of Human Resources, George Gay and Chief Johnson to settle the Crumbacker salary grievance.
- November 9 Attended the County Seal Democratic Club Bull Roast, which honored Jason Schneider as Officer of the Year.
- November 11 Met with Lieutenant Governor Anthony Brown concerning 2014 elections.
- November 13 Attended a Candidate's Forum at the Arbutus Volunteer Fire House to hear from the nine candidates who are running for the house of delegates in the twelfth district.
- November 14 Attended the Police Assistance and Relief Fund meeting and the Baltimore County Police Department Awards Ceremony.
- November 18 Attended a Political Action Committee meeting and the FOP Executive Board of Directors meeting.
- November 21 Attended the Health Care Review Committee meeting and a fundraiser for Rainier Harvey, who is running for delegate in district 44b.
- November 22 Attended a meeting with an SRO and the administration concerning working conditions.
- November 25 Chaired the General Membership meeting.

~ 1st V. P. COMEGNA ~

- October 29 Attended a fundraiser for Baltimore County Councilwoman Vicki Almond (District # 2).
- November 1 Attended a meeting of the Legal Advisory Committee.

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 <i>PC3 - Traffic</i> (410) 409-0293	David M. Rose 2nd Vice President <i>F.O.P. Lodge 4</i> (443) 956-2643
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David J. Folderauer, Sr. Lodge Secretary <i>PC 4 - IST</i> (410) 382-2075	Robert W. Caskey Treasurer <i>CID-Robbery</i> (443) 956-2615
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W. Donald Patterson State Trustee <i>PC12</i>	Anthony DiCara Sergeant at Arms <i>PC12</i>
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Paul A. Merkle Chaplain <i>Retired</i>	L. Timothy Caslin Past President <i>Retired</i>
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EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman <i>Retired</i> (410) 416-2800	Mike DiCara Vice Chairman <i>PC 4</i>
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Thomas G. Scally <i>CID - Arson</i>	Lou Lagna <i>Retired</i>
Donna Patterson <i>PC12</i>	Patrick Zito <i>Retired</i>
James P. Rommel, Jr. <i>K9</i>	Ryan Massey <i>CID - Homicide</i>
Joe Caskey <i>CID - Homicide</i>	Kathy Kraemer <i>PC 6</i>

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

- November 3 Worked on and formatted our October 2013 Campaign Finance deposit and submission.
- November 11 Along with President Weston, I attended a meeting with Lt. Governor Anthony Brown. This meeting was held at the law office of Frank Boston, Jr. Mr. Boston is the lobbyist for the Maryland State Fraternal Order of Police.
- November 13 Attended the "District # 12 Candidate Forum" at the Arbutus Volunteer Fire Hall. This event was hosted by Delegate James Malone.
- November 15 & 16 Attended the quarterly training session/meeting of the Maryland State FOP. This meeting was held in Frederick, Maryland.
- November 18 Worked at the lodge office and attended a meeting of the Political Action Committee. I also attended the November 2013 Executive Board of Directors Meeting.
- November 21 Attended a meeting of the Health Care Review Committee.
- November 25 Worked at the lodge office. As part of the election committee, I opened and assisted in ballot tabulations for this year's election. I also attended the November 2013 General Business Meeting.

~2nd V.P. ROSE~

- October 29 Attended a fundraiser for Councilwoman Vicki Almond.
- November 1 Chaired a Legal Advisory Committee meeting and met with a member to discuss pension options.
- November 4 Addressed ad-

vanced supervisor school.

- November 5 Attended the Retired Officers Association meeting.
- November 7 Attended a fundraiser for Senator Klausmeier and met with members of the tactical team.
- November 12 Attended a Pension Board of Trustees meeting.
- November 16 Attended the State Board meeting in Frederick, Maryland.
- November 18 Attended the Executive Board of Directors meeting.
- November 22 Attended the draft for the upcoming promotion.
- November 25 Attended a rating appeal and the general business meeting.

~TRESURER CASKEY~

- November 7 Worked at the lodge.
- November 8 Worked at the lodge.
- November 18 Attended a PAC meeting and the Executive Board of Directors meeting.
- November 25 Attended the general membership meeting, where I submitted a bylaw proposal, solely as a funding mechanism to the bylaw proposal submitted by retired past president Tim Caslin. Tim Caslin's bylaw proposal adds an additional \$25,000 to the salary of the president of FOP Lodge 4, only if the president is retired. Under Past President Caslin's proposed bylaw, if the President is not retired, he/she would not be entitled to the additional \$25,000 a year, but would be compensated with a monthly stipend that is currently

in place in Lodge 4's by-laws. The bylaw proposal that I submitted raises our current dues for active members from 1% to 1.1% of the starting salary of a Patrol Officer First Class. I also reported on the financial status of the lodge.

SECRETARY FOLDERAUER

- November 9 Attended a fundraiser for Brother Schneider.
- November 18 Worked at the lodge office and attended a meeting of the Political Action Committee. I also attended the November 2013 Executive Board of Directors Meeting.
- November 25 Worked at the lodge office. As part of the election committee, I opened and assisted in ballot tabulations for this year's election. I also attended the November 2013 General Business Meeting.

**EXECUTIVE BOARD
OF DIRECTORS REPORT**

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on November 18, 2013. The meeting was called to order at 5:00 p.m. Brother Joe Caskey was 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.

Bereavements

**Retired Brother
Goerge B. Little, Jr.**

**Retired Brother
Richard T. Davis**

**Robert McNutt
Father of Brother
Stephen McNutt**

**Michael C. Murphy, Jr.
Brother of Sister
Bridgett Kopp**

**Wilda K. Duncan
Mother of Brother
Richard Duncan**

**Vincent U. Luther
Father of Brother
Vincent B. Luther**

**Carroll C. Neal
Father-in-Law of Brother
Brian Peacock**

REPORTS OF COMMITTEES

GRIEVANCE COMMITTEE

~Dave Rose~

- On March 29, 2013 Brother Phil Crumbacker filed a grievance in reference to his placement on the pay scale. Phil had applied and returned to duty to the police department from an ordinary disability retirement several years earlier. When he retired he had over 22 years of creditable service with the county. Upon his return, the county placed him on the pay scale at a salary rate equivalent to an officer with fifteen years of creditable service. The grievance was waived by all parties at steps #1 & #2 and was eventually heard at step #3 on August 20, 2013 at the Baltimore County Office of Administrative

Hearings. At the hearing in front of ALJ Lawrence Stahl, the county attorney submitted two exhibits as evidence of the county's position. When questioned by ALJ Stahl as to the relevance of the exhibits being submitted, it was determined that they had little to no relevance to support the county's position. Upon conclusion of the hearing both parties were asked to submit post hearing memorandums. On September 25, 2013 ALJ Stahl issued his grievance disposition denying the grievance. On October 23, 2013 Brother Crumbacker, with approved funding from FOP Lodge #4, filed a Notice of Intent to Arbitrate the grievance to step #4. That notice was submitted to the Director of the Office of Human Resources, George Gay. Soon after, a meeting was scheduled by George Gay with Phil Crumbacker, the FOP and the Chief of Police. At that meeting, the County acquiesced to Phil Crumbacker and the FOP's original position. Phil would be placed at the proper level on the pay scale (22 yr step). Additionally he would receive full back pay from his date of return, July 16, 2012, in the amount of \$12,562.28. In lieu of this agreement, there will be no step #4 hearing.

- The Brother Rommel grievance appeal to step #2 for his involuntary transfer, has been settled. In discussions with Colonel Evans, we were able to reach a resolution acceptable to both parties involved. There will be no step #2 hearing.

HEALTHCARE COMMITTEE

~Steve Comegna~

- The Health Care Review Committee met on Thursday, November 21, 2013 to consider enhancements to the Medicare Retiree's prescription program, which were proposed by Baltimore County. These enhancements changed the way the co-pay would be calculated for prescriptions. There was also a hearing aid benefit added to the Cigna Medicare Supplement program. Baltimore County wanted labor to re-vote on these enhancements as part of a total package that would include the extreme changes that were accepted by the committee in 2012. Following advice of counsel, labor voted to accept the proposed enhancements only, citing that the old changes had already been approved and did not require a "re-vote." Upon hearing that labor would not re-vote on the entire package, Baltimore County immediately pulled their offer from consideration. Our counsel is examining the committee's options in this situation.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- On November 1, 2013 the committee members met via conference call to discuss an appeal to the Court of Special Appeals by AFSCME regarding a case they have with the County. In the appeal, AFSCME is appealing a Circuit Court decision that states that

the Office of Administrative Hearings is an “independent third party entity” as it pertains to sitting in judgment of grievances and arbitrations. The committee met to discuss our attorney’s recommendation to file an Amicus brief. A motion was made to fund the filing of an Amicus brief. There was a proper second and the motion passed.

- On October 8, 2013 the FOP filed a Freedom of Information Act Request with Baltimore County Government requesting any and all documentation relating to the “loan” taken with the Old pension system. The County has responded and is preparing the documents for delivery.
- On November 5, 2013 Judge Finifter, with the Circuit Court, issued an order in the Retiree Subsidy case. The order gave the County 10 days to restore the affected retirees to the proper subsidy. There is then a 60 day discovery period so that a total dollar amount owed to the retirees may be calculated. This order will have a deadline of January 6, 2014. A hearing date for damages is scheduled for January 28, 2014. On November 13, 2013 we received a check in the amount of \$3,876.56 from the County for court costs, which was mandated by the Court of Special Appeals.
- On November 8, 2013 the County filed an appeal to the Court of Special Appeals. In addition to that request, the County submitted a motion to stay the Circuit Court Order by Judge Finifter in reference to his grant of injunctive relief. As of this time there is no hearing or

decision on either.

- On September 20, 2013 the FOP filed a contempt petition against Baltimore County, County Executive Kamenetz and Budget Director Keith Dorsey in the retiree subsidy case. No hearing date has been scheduled.
- On October 23, 2013 we received a decision in the Brandt Bradford case, which was argued on April 4, 2013 at the Board of Appeals. In the decision, the Board ruled in favor of Bradford, stating the County Code permits him to change his retirement option. The County has filed an appeal to the Circuit Court.
- The County did not file for a Writ of Certiorari in the case against former County Executive Jim Smith. Our attorney contacted the county’s attorney to discuss the implementation of the provisions of the MOU that were related. The County’s response was that these changes could not be inserted into an MOU because the FOP does not have an MOU, but rather, has an arbitration decision. Currently, we are working under the July 2010 to June 2012 Memorandum of Understanding, which has been extended. In March 2012, Arbitrator Jaffe issued a decision in favor of FOP Lodge

FOP Lodge 4 Fallen Heroes Memorial Scholarship Awards

Applications for the Fall, 2014 & Spring, 2015 scholarships are now available. Nine (9) \$3000.00 scholarships are to be awarded this year.

The deadline is February 1, 2014.

Contact Lodge 4 for details.

#4. In the decision, Mr. Jaffe ruled the Memorandum of Understanding be extended until June 2013. In October 2013, the County and the FOP agreed in writing that the current Memorandum of Understanding would “renew” and be in effect until June 2014. Our attorneys will continue to work to resolve this issue.

- The Complaint and Petition to Show Cause in the Megan Childress case for violations of several sections of the LEOBR had a settlement conference on September 12, 2013 in front of Judge Howe in Baltimore County Circuit Court. Judge Howe spoke to both parties in the case and no settlement was reached. There is no reschedule date for the show cause hearing.
- The Petition to Show Cause in the Angela Avent case has been filed in Baltimore County Circuit Court.
- The County has filed for 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 should be heard sometime in 2014.

PENSION COMMITTEE

~Dave Rose~

- At the November Pension Board of Trustees meeting, the Board approved 43 total retirements. A total of 16 of those were from the police department.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

- The PAC Committee met on Monday November 18, 2013. We are continuing to work through the ongoing endorsement process for the upcoming 2014 elections. We welcome any and all comments about our

local, state and national candidates. The committee will be considering a process for primary endorsements in the Attorney General's race and the gubernatorial race.

The current members of your Political Action Committee are:

- President Cole Weston (Chairman – Campaign Finance Committee)
- First Vice-President Steven Comegna (Treasurer – Campaign Finance Committee)
- Secretary Dave Folderauer
- Treasurer Bob Caskey
- Board Member Kathy Kraemer

NEW BUSINESS

- Brother Vince Romeo asked how the Executive Board position that will be vacated by Brother Massey will be filled. Brother Schubert advised that he, as the chairman of the Executive Board of Directors will

choose and that vote ranking will be taken under consideration.

GOOD OF THE ORDER

- President Weston recognized Brother Chris Maher and the County Seal Democratic Club for their recent event recognizing Brother Jason Schneider and his family.
- During the month of November, FOP Lodge #4 sent five (5) cards and flower arrangements to bereaving members. Three (3) donations were sent in lieu of flowers at the family's request. Seven (7) thank you cards were received.
- The meeting was adjourned at 8:17 pm.



Congratulations To All December Promotees!



Sergeant to Lieutenant
Timothy Kobus

Corporal to Sergeant

Joseph D. Blake
Steven G. Comegna
Michael C. Dade
Jeffrey D. Jason
Eugene A. Kidwell, Jr.
Brian A. Miller
Jeffrey S. Peach
Joseph A. Putnam
Richard A. Suidikas

Officer to Corporal

William D. Delcher
Sundia Gaynor
David S. Heath, Jr.
Maurice H. Hoppert, III
Dana P. McCormick
Anastasia C. Robinson
Brian M. Rupp
Timothy S. Rutherford
Timothy J. Stadler
Robert M. Walsh

ATTENTION MEMBERS: PROPOSED BYLAW CHANGE (1 OF 3)

AMENDMENT TO THE CONSTITUTION AND BYLAWS OF THE BALTIMORE COUNTY FRATERNAL ORDER OF POLICE, LODGE #4

WHEREAS: The membership of the Fraternal Order of Police is comprised of both active and retired police officers.

WHEREAS: Active and retired members hold elected offices on local, state, and national executive boards.

WHEREAS: When the president is an active member of the police department they are granted a full-time leave of absence from the duties for the police department, mandated in-service training excepted, but shall remain on the payroll of the police department for the purpose of performing full-time duties on behalf of the FOP. During such leave, the President shall continue to accumulate seniority and shall receive all benefits as if said employee were fully on duty, including, but not limited to, pension accruals and fringe benefits.

NOW THEREFORE BE IT RESOLVED:

Article VI

Duties of Officers; add the proposed language in a new – Section 15:

SECTION 15:

If the president of the organization is retired from the police department they will receive \$25,000.00 annual salary to be paid bi-weekly as an employee of the organization.

An annual review will be conducted by the First Vice President and the Chairperson of the Board of Directors to determine what, if any cost of living increase should be considered.

This section is not applicable if the president is an active member of the police department. This section does not negate or modify the compensation that is contained in section 13 of this article.

Submitted by:
L. Tim Caslin
Past President

ATTENTION MEMBERS: PROPOSED BYLAW CHANGE (2 OF 3)

AMENDMENT TO THE BYLAWS OF THE FRATERNAL ORDER OF POLICE LODGE #4

WHEREAS: Retiree dues have remained unchanged since 1997 and

WHEREAS: FOP Lodge 4 protects the vested interests of retired members with such lawsuits as the *Retiree Subsidy Case* and

WHEREAS: A Bylaw amendment has been submitted, raising compensation for any retiree that is Lodge President to \$34, 600.00,

NOW THEREFORE BE IT RESOLVED:

That ARTICLE I, SECTIONS I & III of the BYLAWS be amended to read

BYLAWS

ARTICLE I DUES, ETC.

SECTION 1:

The dues of the Baltimore County Lodge No. 4 shall be equal to 1% of the minimum salary of a Police Officer First Class per year, as published by Baltimore County for full-time Police Officers and dues shall be [Sixty Dollars (\$60.00)] **One Hundred Twenty Dollars (\$120.00)** per year for Honorably Retired Members, [beginning July 1, 1997].

SECTION 3:

Dues for Retired Members shall be paid through payroll deductions at the rate of [Five Dollars (\$5.00)] **Ten Dollars (\$10.00)** per month.

Submitted to the President on November 25, 2013 by

David J. Folderauer
Secretary

Note: Deleted language is in brackets [].

ATTENTION MEMBERS: PROPOSED BYLAW CHANGE (3 OF 3)

AMENDMENT TO THE BYLAWS OF THE FRATERNAL ORDER OF POLICE LODGE #4

WHEREAS: The rate (Percentage) of dues have remained unchanged since 1997 and

WHEREAS: FOP Lodge 4 protects the vested interests of all members and

WHEREAS: A Bylaw amendment has been submitted, raising compensation for any retiree that is Lodge President to \$34, 600.00,

NOW THEREFORE BE IT RESOLVED:

That ARTICLE I, SECTIONS I of the BYLAWS be amended to read

BYLAWS

ARTICLE I DUES, ETC.

SECTION 1:

The dues of the Baltimore County Lodge No. 4 shall be equal to [1%] 1.1% of the minimum salary of a Police Officer First Class per year, as published by Baltimore County for full-time Police Officers and dues shall be Sixty Dollars (\$60.00) per year for Honorably Retired Members, beginning July 1, 1997.

Submitted to the President on November 25, 2013 by

Robert W Caskey
Treasurer

Note: Deleted language is in brackets [].

The January

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
January 27, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The February

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
February 24, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road