



The Fourword

Volume 41 Number 7

July 2013

FOP Lodge #4 Prevails in Recent Court Decisions

Absence Control Policy

Baltimore County's appeal to the Court of Special Appeals regarding changes to the Absence Control Policy was argued on June 3, 2013. An unreported decision was rendered on June 21, 2013 by Judge Hotten. In the decision, she writes "As a consequence, the Circuit Court properly rejected Baltimore County's argument, when it stated 'if the parties by law or by contract agree to arbitration, you can't opt not to arbitrate, just because [you] don't want to go through the process.'" She further stated, in part, "In light of the circumstances presented before us, we conclude that the Circuit Court for Baltimore County did not err in issuing a writ of mandamus requiring the County to designate an independent third party agency to receive and investigate FOP's unfair labor practice complaint."

"Thus, if we follow Baltimore County's train of thought, the County contends that because it believes it is under no duty to negotiate, no unfair labor practice was committed, and Mr. Gay was under no duty to designate an independent third party agency to review FOP's complaint. It appears that Baltimore County has placed the proverbial cart before the horse."

"Indeed, contrary to Baltimore County's bold assertions, the Employee Relations Act provides a specific means by which disputes regarding unfair labor practices are to be resolved. Moreover, Baltimore County's proposed interpretation, if adopted, would render the entire dispute resolution system outlined in the Employee Relations Act meaningless. To be sure, well-established canons of statutory construction prohibit statutes from being interpreted in ways that would lead to absurd results, or results that would render meaningless any section of a statute."

The County has 30 days to appeal or respond. The decision can be read in its entirety on our website at www.foplodge4.org under FOP News Links.

Judge Rules the BCoPD Violated the LEOBR

Police Officer First Class Damon White had a hearing on July 8, 2013 in front of Judge Ballou-Watts. Damon White's attorney, Clarke Ahlers, filed a petition to Show Cause under the Law Enforcement Officer Bill of Rights. In his petition, he claimed that the Baltimore County Police Department violated Officer White's rights under the LEOBR, specifically, 3-104(j)(1)(i) - "On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice, who shall be present and available for consultation at all times during the interrogation." In addition, 3-104(k)(1) states that "a complete record shall be kept of the entire interrogation, including all recess periods, of the law enforcement officer."

After the hearing Judge Ballou-Watts found in favor of Officer White. The FOP will be working with the Legal Section on an agreeable case disposition.





MEETING MINUTES June 2013

- The June, 2013 General Business Meeting was held on June 24, 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

- Secretary Folderauer was on vacation. Brother Rommel was excused. All other elected officers and Board members were present. Legal advisor Mike Marshall was excused.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

- A motion was made by Brother King to accept the minutes of the May, 2013 General Membership Meeting. A second was made by Brother Grumbach. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- May 21 Met with Delegate Jon Cardin in reference to his candidacy for Maryland Attorney General.
- May 23 Met with Councilwoman Almond and attended the bi-annual meeting with Chief Johnson, his bureau chiefs and the FOP Lodge #4

Executive Board of Directors.

- May 28 Attended the County Council work session.
- May 29 Met with 11th District Senator Zirkin, and addressed the In Service training class.
- May 30 Attended the supervisor transfer draft and a fundraiser for 8th District Delegate Cluster.
- May 31 Participated in the FOP #34 fundraiser golf tournament.
- June 3 Attended the oral arguments for the Absence Control policy unfair labor practice at the Maryland Court of Special Appeals.
- June 4 Attended the Police Officer transfer draft, and a meeting of the Retired Officers' Association Executive Board.
- June 5 Attended the promotion ceremony and responded to a police involved shooting in PC-11.
- June 15 Attended the Maryland State FOP meeting at FOP Lodge #70.
- June 16 Attended the Circuit Court hearing with Jim Laboard.
- June 17 Attended the Circuit Court hearing concerning a defendant's request for a new trial in the killing of Sergeant Prothero, attended the Circuit Court hearing with Jim Laboard, and addressed the 136th recruit class.
- June 19 Attended the Circuit Court hearing with Jim Laboard and attended the Graduation Ceremony for the officers of the 136th recruit class.
- June 20 Attended the Circuit Court hearing with Jim Laboard.
- June 24 Attended the Political Action Committee, Legal Advi-

LODGE 4 OFFICE

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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

**Association of
Baltimore County
Retired Police
2013 Meetings**

**September 3, 2013
November 5, 2013**

**All meetings are held at
Parkville Heritage**

sory Committee, Executive Board of Directors, and General Membership meetings.

~1st V. P. COMEGNA ~

- June 9 Formatted the Campaign Finance report for April 2013.
- June 24 Worked at the lodge office, attended a meeting of the Political Action Committee, attended the Executive Board of Directors meeting and the General Business Meeting.

~2nd V.P. ROSE~

- May 30 Attended the promotional draft.
- May 31 Participated in the Lodge 34 golf tournament.
- June 3 Attended arguments for

- the absence control policy at the Courts of Special Appeals.
- June 4 Attended the Retired Officers Association Board meeting.
- June 5 Addressed in-service training.
- June 11 Attended the Pension Board of Trustees meeting.
- June 12 Addressed in-service training.
- June 17 Attended the James Laboard trial in Circuit Court.
- June 18 Attended the James Laboard trial in Circuit Court and attended the Wes Moore motion for a new trial in the Brother Bruce Prothero case.
- June 19 Addressed in-service training and attended the James Laboard trial in Circuit Court.
- June 20 Attended the James Laboard trial in Circuit Court.
- June 22 Attended an event at Lodge 34.
- June 24 Attended the Executive Board of Directors meeting and the General Business meeting.

~TRESURER CASKEY~

- June 4 Worked at the lodge.
- June 9 Worked at the lodge.
- June 20 Worked at the lodge.
- June 24 Attended meetings of the Political Action Committee and the Legal Advisory Committee, as well as the Executive Board of Directors and General Membership meetings.
- June 28 Worked at the lodge.

**EXECUTIVE BOARD
OF DIRECTORS REPORT**

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on June 24, 2013. The meeting was called to order at 5:30 p.m. Secretary

Bereavements

**Retired Brother
William K. Dorsey**

**Eve M. Morfe
Grandmother of Sister
Kelly Carroll**

**Mark E. Lippy
Father of Brother
Martin Lippy**

**Marguerite P. Mezan
Mother of Sister
Karen Dontell (Quinter)**

**Lisa Kirby
Wife of Retired Brother
Larry Kirby**

**Vernon Holloway
Step-Father of Brother
Walter Cornett**

**Eliza W. Skeeter
Grandmother of Brother
Robert McCullough**

Folderauer was on vacation. All other elected officers and Board members were present. Legal counsel Mike Marshall was excused.

- Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the appropriate committee reports.

**STATE TRUSTEE
~Don Patterson~**

- On Saturday, June 15, 2013, I attended the Maryland State FOP Board meeting at Anne Arundel County FOP Lodge 70.



- National Trustee Fulginetti discussed three amendments submitted for the National FOP Conference to be held in August, 2013. All three have to do with per capita. The first was submitted by the Kansas State Lodge. It proposes a \$1.00 increase with 50 cents going to the National FOP Officer Relief Fund and 50 cents going to the National FOP Memorial ceremonies. The second was submitted by the Grand Lodge National Board of Trustees. It proposes to add that upon chartering, a new lodge should pay a pro-rated amount of per capita based on the month of charter. The third amendment was also submitted by the Grand Lodge National Board of Trustees. It proposes a \$1.00 increase to the per capita with no designation to where the money should go.
- Secretary Schubert talked about per capita for the second half of 2013. He also advised that any credential changes for the National FOP Conference must be

done by June 30. Rooms for the conference must be reserved by the State Lodge.

- The 2014 Maryland State Conference will be held August 11 - 14, 2014 in Solomons Island. The next State meeting will likely be held in Frederick, November 9, 2013.
- The meeting was suspended and candidates for the office of Governor and Attorney General came in to speak. Candidates for the office of Comptroller were invited, but no one elected to attend. The candidates for Governor who spoke were Lt. Governor Anthony Brown, Delegate Heather Mizeur, AG Doug Gansler, Harford County Executive David Craig, and Delegate Ron George. The candidates for Attorney General who spoke were Senator Frosh, Delegate Jon Cardin, Delegate Bill Frick, and Anthony Jones, who stood in for Delegate Braveboy.

REPORTS OF COMMITTEES

ATHLETIC COMMITTEE

~Don Patterson~

- The 2013 FOP Lodge 4 Golf Tournament will be held Friday, August 23 at Rocky Point Golf Course. Shotgun start at 0800 hours. The cost is \$360 per foursome. Includes continental breakfast, golf cart, beverages on the course, lunch and prizes. Call the Lodge for reservations.

DONATION REVIEW COMMITTEE

~Paul Merkle~

- The Donation Review committee met on June 24, 2013 and the following requests were ap-

proved to be brought to the Board:

- Motion to donate \$400.00 toward the entry fee for a team of Lodge 4 members to participate in the 2013 RAGNAR relay, a benefit for homeless persons.
- Motion to donate \$250.00 for the Chrome City Ride July 27, 2013 benefitting Kids with Disabilities at the Benedictine School.

GRIEVANCE COMMITTEE

~Dave Rose~

- There were no grievances filed this month.
- The attorneys in the Phil Crumbacker grievance at step #3 are attempting to coordinate schedules and set a date for a hearing.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- The trial for Brother James Laboard lasted 4 days starting June 17, 2013 in Baltimore County Circuit in front of Judge Alexander. At the conclusion of the case, a jury of 12 citizens found Brother Laboard **not guilty** on the charges of voluntary and involuntary manslaughter.
- On May 17, 2013 The FOP's "Motion to Enforce" against Baltimore County was heard in Baltimore County Circuit Court in front of Judge Finifter. The hearing lasted about an hour. Closing briefs were filed on June 28, 2013.
- The Complaint and Petition to Show Cause in the Megan Childress case for violations of several sections of the LEOBR is scheduled for September 12,



2013.

- The Brandt Bradford case was argued on April 4, 2013 at the Board of Appeals. Closing briefs have been submitted.
- The Employee Relations Act (County Executive Jim Smith, Binding Arbitration) case was heard on September 9, 2011 at the Court of Special Appeals. We are still waiting for a decision.
- The FOP case against the Employees Retirement System has been assigned to Judge Souder in Baltimore County Circuit Court. It has not been scheduled.

MEMBERSHIP COMMITTEE

~Tom Scally~

- The committee made a motion to accept Ronnie D. Owens as an associate member of FOP Lodge #4. He is sponsored by Brother Bill Ledley. This motion was approved by the membership.

PENSION COMMITTEE

~Dave Rose~

- At the Baltimore County Employees' Retirement System Board of Trustees Meeting on June 12, 2013 we approved 13 total retirements.

POLICY REVIEW COMMITTEE

~Dave Rose~

- The committee received no policies to review this month.
- A letter was delivered to the County Administration on June 5, 2013 requesting a meeting to discuss the modified duty policy. The letter set a deadline for July 1, 2013 for a response.

- The Integrity Committee is scheduled to meet again on July 19, 2013.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

- The PAC Committee met on Monday June 24, 2013. We presented four motions to the Executive Board. They are as follows:
 - Motion: To make a \$125.00 donation to the reelection campaign for State Delegate Steve Laferty (New District 42A), from a request for donations in June 2013.
 - Motion: To purchase a \$100.00 bronze sponsorship to a fundraiser for State Delegate Kathy Szeliga (District # 7) on Wednesday June 26, 2013.
 - Motion: To purchase a \$250.00 ticket to a fundraiser for State Delegate Adrienne Jones

(District # 10) on Thursday June 27, 2013.

- Motion: To purchase a \$125.00 ticket to a fundraiser for State Delegate Dana Stein (District # 11) on Monday July 01, 2013.
- Each motion was approved by the Executive Board of Directors. Each motion was also approved by the general membership at the June 2013 General Business Meeting.

GOOD OF THE ORDER

- During the month of June, FOP Lodge #4 sent seven (7) cards and flower arrangements to bereaving members. One (1) donation was sent in lieu of flowers at the family's request. One fruit basket was sent to a member recovering from a surgery.
- The meeting was adjourned at 7:56 pm.

The August

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
August 26, 2013
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The September

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
September 23, 2013
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road