



# The Fourword

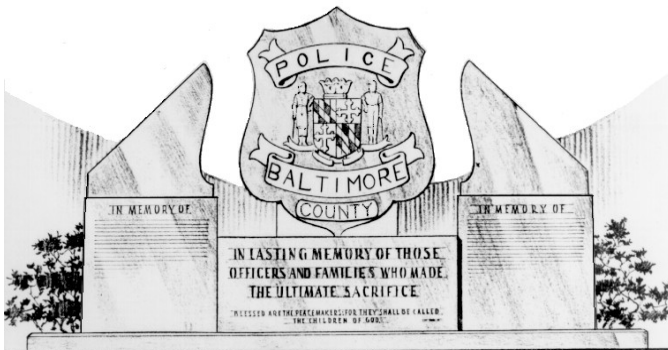
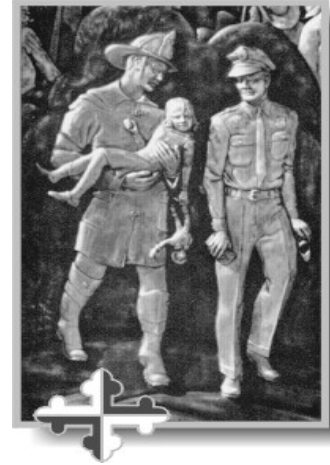
Volume 41, Number 3

March 2013

## Fallen Heroes Day

May 3, 2013 at 1:00 p.m.

Dulaney Valley Memorial Gardens  
200 East Padonia Road  
Timonium, Maryland 21093



Baltimore County Police

## Memorial Day May 10, 2013

10:00 a.m.

Courthouse Plaza,  
401 Bosley Avenue  
Towson, Maryland 21204

## National Law Enforcement Officers Memorial Day

May 15, 2013

United States Capitol  
Washington, D.C.



Representing the Professional Police Officers of Baltimore County





## MEETING MINUTES

February 2013

- The February 2013 General Business Meeting was held on February 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

- First Vice President Comegna and Secretary Folderauer were sick. 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 King to accept the minutes of the January, 2013 General Membership Meeting. A second was made by Brother Grumbach. There was no discussion. The motion passed.

## REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- February 2 Addressed the lateral class.
- February 7 Fox-45 Interview concerning the \$25 million loan from the pension system.
- February 10 Attended the viewing for Past President George Hokemeyer.
- February 11 Attended the funeral service for Past president

George Hokemeyer, and attended the Executive Board of Directors meeting.

February 12 Attended the County Council work session and met with Councilman Olaszewski in reference to council bills 6-13 and 7-13.

February 13 Met with members of Nationwide retirement solutions for an annual update of the program.

February 18 & 19 Attended a Labor Summit with union leaders from around the nation.

February 23 Attended a memorial mass for Larry Sibley.

February 25 Attended the funeral service for Brother Randy Georgieff and the General Membership meeting.

~ 1<sup>st</sup> V. P. COMEGNA ~

February 9 Attended the viewing for Past President Hokemeyer.

February 11 Worked at the Lodge office, attended a meeting of the Health Care Review Committee and attended the February 2013 Executive Board of Directors meeting.

February 12 Attended the Baltimore County Council work session.

February 17 – 20 Attended the National F.O.P. Labor Summit seminar.

~2<sup>nd</sup> V.P. ROSE~

January 30 Addressed in-service training and met with Legal Director Wash about upcoming trial boards and cases.

January 31 Attended a trial board for Brother Massey.

February 1 Attended a trial board for Brother Massey.

## 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

**1<sup>st</sup> Vice President**

*PC3 - Traffic*

(410) 409-0293

David J. Folderauer, Sr.

**Lodge Secretary**

*PC 4 - IST*

(410) 382-2075

W. Donald Patterson

**State Trustee**

*PC12*

Paul A. Merkle

**Chaplain**

*Retired*

David M. Rose

**2<sup>nd</sup> Vice President**

*F.O.P. Lodge 4*

(443) 956-2643

Robert W. Caskey

**Treasurer**

*CID-Robbery*

(443) 956-2615

Anthony DiCara

**Sergeant at Arms**

*PC12*

L. Timothy Caslin

**Past President**

*Retired*

## EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert

**Chairman**

*Retired*

(410) 416-2800

Mike DiCara

**Vice Chairman**

*PC 4*

Thomas G. Scally

*CID - Arson*

Donna Patterson

*PC12*

James P. Rommel, Jr.

*K9*

Joe Caskey

*CID - Homicide*

Louis J. Lagna

*Retired*

Patrick Zito

*PC 7 - Traffic*

Ryan Massey

*CID - Homicide*

Kathy Kraemer

*PC 6*

## 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

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*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**

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**May 7, 2013  
September 3, 2013  
November 5, 2013**

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**All meetings are held at  
Parkville Heritage  
Gardens at 7:30 p.m.**

- February 4 Attended a trial board for Brother Massey.
- February 6 Addressed the in-service training class.
- February 9 Attended the viewing for Past President Hokemeyer.
- February 11 Met with Councilwoman Bevins and Councilman Oliver in reference to Bills 6-13 and 7-13, attended the Executive Board of Directors meeting.
- February 12 Attended a Pension Board of Trustees meeting, spoke in opposition to Bills 6-13 and 7-13 at the County Council work session, met with Councilman Olszewski.
- February 13 Addressed in-service training, met with representatives from Nationwide about deferred compensation options.
- February 17 Attended a fundraiser for Councilman David Marks.
- February 19 Attended the County Council legislative session.
- February 20 Addressed the in-service training class.
- February 25 Chaired a Policy Review Committee meeting, chaired a Legal Advisory Com-

mittee meeting and attended the General Business meeting.

**SECRETARY FOLDERAUER**

- February 11 attended the February 2013 Executive Board of Directors Meeting
- February 17 – 20 attended a Law Enforcement Labor Forum in Las Vegas

**~TRESURER CASKEY~**

- February 5 Worked at the Lodge.
- February 11 Worked at the Lodge and attended the EBOD meeting.
- February 12 Attended the County Council work session.
- February 13 Met with our account manager from RBC at the Lodge.
- February 17 Attended a fundraiser for Councilman David Marks.
- February 18 Worked at the Lodge.
- February 19 Attended a County Council legislative session.
- February 22 Worked at the Lodge.
- February 25 Worked at the Lodge and attended the General Membership meeting, where I reported on the financial status of the Lodge.

**EXECUTIVE BOARD  
OF DIRECTORS REPORT**

**~ Kenny Schubert~**

- An Executive Board of Directors meeting was held on February 11, 2013. The meeting was called to order at 5:07 p.m. Brother Zito was excused and Brother Don Patterson was working. All other elected officers and Board members were present. Legal counsel Mike

***Bereavements***

**Retired Brother  
Franklin D. Lengel**

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**Retired Brother  
Randy Georgieff**

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**Retired Brother  
Walter H. Greif**

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**Denis Farrelly  
Father of Brother  
Christopher Farrelly**

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**Lawrence Kirby  
Grandfather of Brother  
Adam Heavner and  
Father-in-Law of Retired  
Brother Rod Heavner**

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**Linda Price  
Wife of Retired Brother  
Bill Price and Mother of  
Brother Steve Price**

- Marshall was also present.
- 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**

**~Paul Merkle~**

- The Donation Review Committee met on February 11, 2013. The following motions came out of the committee.
- Motion to donate \$400.00 to the MD Law Hockey Team in support of their participation in the 8<sup>th</sup> annual DC Fire Tournament being held April 5-7, 2013.
- Motion to donate \$100.00 to the Anderson Snyder Memorial

Fund in support of the upcoming annual fundraiser March 9, 2013 at Oregon Ridge Park.

- Motion to donate \$2,000.00 to Dulaney Valley Memorial Gardens in support of the annual Fallen Heroes Day memorial program on May 3, 2013.

## **HEALTH CARE COMMITTEE**

*~Steve Comegna~*

- The legislation that was submitted by the Baltimore County Executive recognizing the Health Care Review Committee as the official bargaining agent for health care benefits in Baltimore County was passed by the Baltimore County Council on Tuesday February 19, 2013.

## **LEGAL ADVISORY COMMITTEE**

*~Dave Rose~*

- On January 18, 2013 The Maryland Court of Appeals denied the "Motion for Reconsideration" that was filed by Baltimore County on December 7, 2012 in the Retiree Subsidy case. There are no other avenues for appeal by the County. The Court of Appeals issued an order to the Court of Special Appeals to reverse itself and AFFIRM the Baltimore County Circuit Court and Arbitrator's decision in favor of the Fraternal Order of Police. On February 26, 2013 The Court of Special Appeals issued and order reversing itself and entering a judgment that the Baltimore County Circuit Court decision be affirmed. The County is currently working on calculating the amount of reimbursement to the affected members. They must also return



those members to their proper health care subsidy that was in place upon retirement. In addition, our law firm is preparing a fee petition to recover our legal fees in this case. The County has until April 30, 2013 to respond to our fee petition.

- On January 31, 2013 Brother Ryan Massey's trial board was held at the Public Safety Building. Brother Massey was sustained by IAS for 5 separate integrity allegations. These allegations were initiated by a County Attorney, Suzanne Berger, after a worker's compensation hearing almost two years earlier. The hearing lasted 3 days and the Department's witnesses included testimony from an "expert" from the County Worker's Compensation office, the IAS investigator and a physician contracted by the County, Dr. Kenneth Tepper. After the Department's case was concluded, Brother Massey testified as the only witness on his behalf

(excluding character witnesses). At the conclusion of the hearing, the trial board members found him NOT GUILTY on every charge. There were some very disturbing issues that surfaced during this entire investigation. These issues ranged from the documentation of the initial injury, questions about who made the complaint to IAS, how the investigation was conducted, and how any of these allegations were sustained. The FOP has obtained the record for the proceeding and is having it transcribed. Once we receive the transcribed record, more information will be disseminated and further action may be taken to prevent this type conduct from occurring again.

- On February 25, 2013 the Legal Advisory Committee members met to discuss a request from Brother Damon White for reimbursement of attorney fees. After discussing the case and reviewing the request, a motion was made to not approve the



request. The motion received a proper second and passed. Brother White may seek reimbursement from the Lodge after his case has concluded, if he wins, as stated in the bylaws.

- The second item discussed was the reimbursement of attorney fees to Brother Massey. The members unanimously approved a total reimbursement of \$7,500.00.
- The Stanley Siedlecki case was heard in Baltimore County Circuit Court on January 22, 2012 in front of Judge Cox. On March 7, 2013 we received a ruling in favor of Baltimore County.
- On June 28, 2012 the County filed an appeal to the Court of Special Appeals of Judge Cox's Circuit Court decision on our Writ of Mandamus on the Employee Relations Act regarding changes to the Absence Control Policy. No hearing date has been set.
- 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 Brandt Bradford case was scheduled for March 6, 2013. The case was postponed due to the closing of County offices because of weather.
- The James Laboard case is scheduled for Motions on April 12, 2013 and the case has been rescheduled for June 17, 2013 in Baltimore County Circuit.
- We currently have six (6) trial boards scheduled for the first 5 months of 2013.

**Follow FOP Lodge #4 on  
Facebook and Twitter!!**



**PENSION COMMITTEE**

~Dave Rose~

- The Baltimore County Employees' Retirement System Board of Trustees Meeting was held on February 12, 2013. Forty-two (42) total retirements, thirty (30) service, five (5) DROP, six (6) vested and one (1) lump sum death benefit were approved.

**POLICY REVIEW  
COMMITTEE**

~Dave Rose~

- The committee received three (3) policies to review this month. Issues were identified with two (2) of the policies. Both refer to changes to modified duty within the Department and the County. Within the Department, there are changes to Administrative Manual 7-4.3 Modified Duty. The committee is currently reviewing it. No meeting with the department has been scheduled. At the County level, there have been changes to the Personnel Policies and Procedures Manual, Section 9.13.1 and 9.13.2. On February 7, 2013 the FOP delivered a "Request to Bargain" letter to the Director of the Office of Human Resources, George Gay. Since then, I have communicated with him about the request and he stated he had delivered our request to the County Office of Law and we will be receiving a response.

There are some serious issues that need to be discussed and resolved with these changes to Modified Duty, both at the County level and Department level. Currently there is nothing explaining any of the effects these changes will have on our members. We believe these concerns should be resolved before either of these policies takes effect. If these issues can be resolved we may be able to prevent future litigation and grievances.

**GOOD OF THE ORDER**

- Members were advised of upcoming retirement parties in March.
- Treasurer Bob Caskey advised that Lodge 4 will hold a raffle for 4 tickets to the first night-time Orioles game to benefit James LaBoard. Contact the Lodge to purchase tickets.
- Second Vice President Rose advised that the new FOP Lodge 4 web site is fully up and running. If you have a problem accessing the message board, please call Dave Rose at Lodge 4.
- Second Vice President Rose also advised members that FOP Lodge 4 is now on Facebook and Twitter. Please follow us on both!
- During the month of February, FOP Lodge #4 sent Five (5) cards and/or flower arrangements to bereaving members. One (1) donation was sent in lieu of flowers at the family's request. Three (3) fruit baskets were sent to members or their immediate family recovering from hospitalizations. Six (6) "thank you" cards were received.
- The meeting was adjourned at 8:20 pm.

The April

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
April 22, 2013  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road

The May

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
May 20, 2013  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road