



The Fourword

Volume 43 Number 5

May 2016

WHO NEEDS THE FOP ?

A question I asked myself on many occasions when I was a young officer. Why am I paying membership dues? I have a high level of integrity, treat people with respect and follow the procedures. Therefore, I will never have an incident when I would need their assistance.

After 24 years of service, I retired without a blemish on my record. Being a Baltimore County Police Officer was a great experience. It was a privilege to work with the officers and employees that were more like family than co-workers. After less than 2 years I was reinstated to the Department and worked another 13 years for a total of 37 years of service. Upon retiring in 2012, I was told by the retirement office that I was not entitled to Option 7 (spouses benefit) of the retirement plan, although I was specifically told I would be entitled to it during my reinstatement. When I questioned the decision I found that everyone in the retirement office was ordered not to discuss the issue with me. Aren't they supposed to be working for us! I was shocked and in disbelief by the direction of the Administration. I was forced to file a grievance to find out what the issue was. I had no idea what was even involved with a Grievance.

One call to the FOP and they became immediately involved. Their leadership, experience and tenacity through this almost 5 year ordeal has been exemplary! Furthermore, I would never have been able to afford the counsel through the entirety of this case. My question as to who needs the FOP has become—who doesn't need the FOP.

My case went from the Pension Board of Trustees, to the first appeal at the Baltimore County Board of Appeals where we won. The County Administration's second appeal was to the Baltimore County Circuit Court, where we won again. The third appeal was to the Maryland Court of Special Appeals, where we won again.

I thank the FOP and our Labor Counsel for their constant check and oversight of an Administration who has forgotten the meaning of support and integrity towards its employees. I urge all of you to support the FOP and attend FOP meetings.

**God Bless and be safe
Retired Brother Brandt Bradford**

Representing the Professional Police Officers of Baltimore County





MEETING MINUTES April 2016

- The April General Business meeting was held on April 25, 2016 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain DiCara gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Brothers Massey, Joe Caskey and Sweren were excused, all other Officers were in attendance as well as Legal Advisor Mike Marshall.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

- A motion was made by Brother Siedlecki to accept the minutes of the March General Membership Meeting. A second was made by Brother Speed. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- March 30– Addressed the In-Service Training class.
- April 5– Participated in a conference call with all of the stakeholders concerning the EEOC pension contribution case against Baltimore County.
- April 6– Addressed the In-Service Training class.
- April 7– Attended the Diversity and Inclusion workgroup meet-

ing.

- April 11– Addressed the Enhanced Supervisors School and went to Annapolis to assist lobbying the bills that are significant to the FOP.
- April 13– Addressed the In-Service Training class.
- April 14– Attended the Fiscal Year 2017 Baltimore County Budget Message.
- April 16– Attended the Maryland State Fraternal Order of Police meeting in Ocean City, Maryland.
- April 18– Attended the Grievance and Legal Advisory committee meetings and the Executive Board of Directors meeting.
- April 20– Met with two members planning retirement and addressed the In-Service Training class.
- April 22– Participated in the Lodge #34 Golf Fundraiser.
- April 25– Chaired the FOP Lodge #4 General Membership meeting.

~ 1st V. P. COMEGNA ~

- April 8– Took part in a conference call with our labor attorney in reference to our Step 4 Health Care Grievance.
- April 11– Formatted and transmitted our Pre-Primary #2 Campaign Finance Report.
- April 14– Attended the monthly meeting of the Police Assistance and Relief Fund and the County Executives Annual Budget Address.
- April 15– Attended a training seminar sponsored by the Maryland State FOP.
- April 16– Attended the quarterly board meeting of the Maryland State FOP.
- April 18– Attended a meeting of

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
F.O.P. Lodge 4
(410) 409-0293

David M. Rose
2nd Vice President
F.O.P. Lodge 4
(443) 956-2643

Donna M. Patterson
Lodge Secretary
PC-12
(410) 365-8481

Robert W. Caskey
Treasurer
CID-Robbery
(443) 956-2615

W. Don Patterson
State Trustee
Retired

Ryan Massey
Sergeant at Arms
CID - Homicide

Anthony DiCara
Chaplain
PC-8

L. Timothy Caslin
Past President
Retired

EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert
Chairman
Retired
(410) 404-2788

Mike DiCara
Vice Chairman
PC-4

Thomas G. Scally
CID - Arson
David Sweren
PC-6

Kathy Kraemer
PC-6
Sekou Hinton
CID-Property

James P. Rommel, Jr.
PC-11
Joe Caskey
CID - Homicide

Ryan Franks
PC-1
Patrick Zito
Retired

LODGE STAFF

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 Editors

Donna Patterson
Don Patterson

the Political Action Committee, the Legal Advisory Committee and the April Executive Board of Directors meeting.

- April 21– Attended the Grand Lodge’s Health Care Seminar in Philadelphia.
- April 25– Attended the April General Business Meeting.

~2nd V. P. ROSE~

- March 29– Attended a Disciplinary Matrix Committee meeting.
- March 30– Attended a Body Worn Camera Access Management Committee meeting.
- March 31– Attended a Body Worn Camera Access Management Committee meeting.
- April 1– Met with Major Hlavach and Captain Kelly to discuss voluntary and compelled statements.
- April 4– Attended the Maryland State FOP Legislative Committee meeting in Annapolis.
- April 5– Attended a status conference call with the Federal Judge in the EEOC age discrimination case.
- April 6– Presented a Step #1 grievance to Major Hlavach and attended a Body Worn Camera Access Management Committee meeting.
- April 7– Attended a Body Worn Camera Access Management Committee meeting.
- April 8– Participated in a conference call to discuss the health care subsidy grievance and arbitration with our labor attorney.
- April 10– Addressed attendees of the Enhanced Supervisors School and attended a Body Worn Camera Access Management Committee meeting.
- April 12– Attended the Pension Board of Trustees meeting and a

Disciplinary Matrix Committee meeting.

- April 13– Attended a Body Worn Camera Project Overview meeting.
- April 14– Attended the County Executive’s Annual Budget Message.
- April 16– Attended the Maryland State FOP quarterly meeting in Ocean City, Maryland.
- April 17– Chaired the Grievance and Legal Advisory Committee meetings and attended the Lodge #4 Executive Board of Directors meeting.
- April 19– Attended a Disciplinary Matrix Committee meeting.
- April 21– Attended the Grand Lodge’s Health Care Seminar in Philadelphia.
- April 25– Attended Lodge #4 General Membership meeting.

SECRETARY PATTERSON

- April 15– Attended training sponsored by the Maryland State FOP.
- April 16– Attended the quarterly meeting of the Maryland State FOP in Ocean City, Maryland.
- April 18– Attended the Lodge #4 Executive Board of Directors meeting.
- April 25– Attended Lodge #4 General Business meeting.

~TRUSTEE PATTERSON~

- April 16– Attended the quarterly meeting of the Maryland State FOP in Ocean City, Maryland.
- April 18– Attended Lodge #4 Executive Board of Directors meeting.
- April 25– Attended Lodge #4 General Business meeting.
- During the State FOP meeting First VP Atkinson thanked everyone for their support over the

past 10 years and announced he was running for President of the State Lodge.

- Second VP Young discussed some key legislation that was passed that will affect law enforcement. They include the 10 day rule for an accused to get an attorney was reduced to 5 business days. The 90 days to file a brutality complaint was increased to 366 days. MPCTC is now MPTSC, Maryland Police Training Standards Commission. The use of force report must now be completed by the end of the shift.
- Second VP Young then announced he was running for First VP of the State Lodge.
- Secretary Schubert advised 18 lodges in Maryland have yet to pay last half per capita. He also received a text from National Treasure Penzoza advising 19 lodges from Maryland lost their 501(C)3 status due to tax issues.
- Treasurer Kratsch advised all bills were paid and that he was running for re-election.
- The forensic audit that was done on the State Lodge’s finances found no discrepancies.
- President Canales announced he was running for re-election.

**EXECUTIVE BOARD
OF DIRECTORS REPORT
~ Ken Schubert~**

- An Executive Board of Directors meeting was held on April 18, 2016. The meeting was called to order at 1:30 p.m. Brother Scally was working, Brother Joe Caskey and Brother Massey were excused. All other board members and legal advisor Mike Marshall were in attendance.
- Motions that were made, after

Do you have a story for the newsletter?

So many of our members participate in meaningful organizations and events that support neighborhoods and charities. Please consider sharing this information with us. We would like to collect photographs accompanied with a brief explanation to share with our membership. It is also important for the public to know what kind of people wear the uniform and work so diligently to protect them.

***Send the information to :
office@foplodge4.org***

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

REPORTS OF COMMITTEES

ATHLETIC COMMITTEE

~Don Patterson~

- Annual Golf Tournament is scheduled for Friday August 26, 2016. The tournament will be held at Rocky Point Golf Course in Essex. Shotgun start at 0800 hrs. The cost is \$400 per foursome. Call the lodge to reserve your group.

DONATION REVIEW COMMITTEE

~Mike DiCara~

- The committee met on April 18 and made the following motions:
- Donate \$250.00 as a Bronze Sponsor to "Kylee's Dancing Angels" Bull Roast on May 20, 2016. This is being held in memory of Kylee Webster, the late daughter of retired Brother Al Webster to benefit cancer research.
- Donate \$250.00 to the Second Annual Bull Roast to benefit the GBMC SAFE Program to provide services for victims of sexual assault. This request came from Sergeant Rose Brady.
- Donate \$300.00 (\$150 each), to Sister Dee Chemelli and Sister Sloane Fuller to defray costs of attending the 2016 NAPO Top Cop Awards in Washington, DC on May 14, 2016. They are receiving an honorable mention for saving a student's life with CPR and an AED.
- Donate \$1000.00 to "A Good Name Project's Summit 2016", an event held at a 400 acre camp near Rocky Gap on May 13-15, 2016. This event will pair SRO's from Baltimore City and County with ninth grade male students for team building, character building and relationships with law enforcement. Request came from President Weston.
- Donate \$250 to Sister Vickie Warehime for participation in the 2016 Police Unity Tour. Proceeds benefit the National Law Enforcement Memorial and the National Police Memorial Museum.

GRIEVANCE COMMITTEE

~Dave Rose~

- On March 31, 2016 a request from an officer in Precinct 3 came to the committee in refer-

ence to several pairs of stolen boots from the men's locker room. According to the police report, several pairs were recovered from the trash dumpster. However, several were not recovered. In discussions, the committee recommended that a grievance not be filed because "stolen" items were not covered under section 8-8.0 Personal Property Reimbursements of the Administrative Manual or section 5.2 Property Reimbursement of the Memorandum of Understanding.

After their initial claims were denied, three members decided to file individual grievances, which is their right under county personnel rules and the Memorandum of Understanding. On April 16, 2016 a Step #3 hearing was presented in front of Major Hlavach in place of Captain Folderauer who was unavailable. Second VP Rose was present and assisted in presenting the grievance. All three grievances were consolidated into one class grievance and it was agreed that any decision would affect everyone. At the hearing Major Hlavach asked why the boots were not secured in a locker that was provided by the Department. The grievant answered by stating that many times the boots are wet and cannot dry inside the locker by the next tour of duty.

- Major Hlavach issued a decision dated April 7, 2016 denying the grievance. We did not receive notification until April 14, 2016.
- On or about March 26, 2016, 271 members who receive standby pay under the Memorandum of Understanding were notified by the County Administration that a corrected 2015 W-2 was posted on their ESS account. The letter explained the reason was that they were taxed on this

pay in their original paychecks but it was not included as taxable income on the original W-2. Several members contacted the lodge explaining they have incurred or will incur additional expense for filing an amended tax return because they have already filed. Some have received a refund and now must pay the IRS for additional income taxes owed. President Weston sent an e-mail on March 31, 2016 to County Budget Director Keith Dorsey and asked if the County had made provisions to cover the additional expense incurred by our affected members. To date, he has not responded to the e-mail.

- On April 6, 2016 the FOP filed a class action grievance directly to Step #2 as directed by article 8 of the Memorandum of Understanding. The grievance states that any employee who has incurred additional expense because of the County's actions should be reimbursed the additional expense. The grievance was delivered to Colonel Burris that day. On April 14, 2016 Colonel Burris issued a disposition stating he cannot rule on the grievance at his level.
- On April 18, 2016 the Grievance Committee members met and voted unanimously to appeal the decision to Step #3. That appeal was filed on April 20, 2016.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- The Legal Advisory Committee met to discuss appealing the Health Care Subsidy Grievance to Step #4, arbitration. We received a decision from the Step #3 hearing at the Office of Administrative Hearings on February 10, 2016. Hearing Officer Stahl denied our grievance. The decision was short

and offered very little explanation. After speaking with our labor attorney and health care consultant, both advised that the risk/reward for appealing to Step #4 may be worth taking. We filed a notice of intent to arbitrate as per Article 8, Section 8.3, step #4 paragraph (b) of the Memorandum of Understanding.

- The Retiree Health Care Subsidy case was presented at the Maryland Court of Appeals on November 9, 2015 in reference to the County's refusal to pay the damages awarded. As you may recall this case was heard at the Court of Appeals on the merits of the case in April 2012. The Court ruled in favor of the FOP in November 2012 and denied the County's motion to reconsider in January, 2013.
- This current case is over the County Administration's refusal to pay damages ordered by the Court. In 2014 when faced with a contempt order in Baltimore County Circuit Court, the County Administration paid the FOP \$1.8 million in subsidy reimbursements for the over 400 affected members. They appealed the decision to the Court of Special Appeals and were unsuccessful in a Reported Option in December, 2014. This is their final appeal at the Court of Appeals. We are awaiting a decision.
- Brandt Bradford retired from the Baltimore County Police Department in 2012. The County (Employee Retirement System) denied a benefit he felt he earned in his 35 years of service. He appealed his case to the County Board of Appeals on April 4, 2013. In an opinion dated October 18, 2013 the Board of Appeals reversed the County ERS. The County filed an appeal to the Baltimore County Circuit Court and at a hearing on December 12,

2014 the judge issued an order affirming the Board of Appeals decision for Brandt Bradford. The County filed another appeal on January 12, 2015 to the Maryland Court of Special Appeals. The case was heard on February 8, 2016. The Court of Special Appeals issued an opinion dated February 24, 2016 agreeing with the Board of Appeals and affirming the Circuit Court decision. The County did not file an appeal with the Maryland Court of Appeals.

- Brandt's monthly pension should be adjusted to reflect a selection of option #7 and the current deduction recalculated. The ERS must now refund him for the deductions that should not have been taken.
- On February 10, 2016 a hearing was held in front of Judge Nagle in reference to the Temporary Restraining Order (TRO) in the Heather Flanary case. At the conclusion of the hearing Judge Nagle ruled from the bench to dissolve the TRO and that the order for compelled medical treatment could remain in place until a hearing on the merits of the case could be heard. PFC Flanary has filed suit, with support of FOP Lodge #4, in Baltimore County Circuit Court in reference to her ADA claim. However, that is on hold because we have filed an appeal to Judge Nagle's decision with the Court of Special Appeals. No date has been set. In addition, PFC Flanary has filed a complaint with the EEOC. The EEOC complaint may take up to 180 days.

LEGISLATIVE COMMITTEE
~Cole Weston~

- The bills that were the product of the Public Safety and Policing Workgroup contained 22 recommendations to either modify, eliminate or create new sections to the existing LEOBR. The original drafts of the House Bill (HB1016) and the Senate Bill (SB1026) were nearly identical when they were introduced. In fact the only difference was the inclusion of a tax modification based on an officers residence and the crime rate of the area in comparison to the states reported crime rate which appeared only in the Senate Bill.
- After the public hearing and the referral to a house sub committee, the house judiciary passed the bill with several amendments and that bill also passed the full house which allowed it to cross over to the Senate.
- After the Senate Bill hearing, it too was amended and after several committee meetings was eventually passed by the judicial proceedings committee. When the Senate Bill made it to the Senate floor it brought additional debate and when a consensus was not reached it was committed back to the Senate Judicial Proceedings committee.
- Senate Judicial Proceedings then addressed the cross over House Bill and amended it to read similar to the rejected Senate Bill. With time running out the Senate brought up the amended House Bill and it passed floor which caused it to cross back over to the House. The House Judiciary rejected the amended version which caused the Bill to proceed to a conference committee.

- A conference committee 3 Senators from Senate Judicial Proceedings and 3 Delegates from House Judiciary was assembled, and after much debate they agreed to some additional amendments.
- On April 11, the bill was brought before the House at about 10:30 pm where it passed and then crossed over to the Senate and just after 11:00 pm it was brought to the floor and passed.
- A copy of the HB1016 is available to review online on the Maryland General Assembly webpage.

MEMORIAL COMMITTEE
~Don Patterson~

- The Fallen Heroes Memorial Day was held at Dulaney Valley Memorial Gardens on Friday, May 6, 2016.
- On May 13, 2016, the Baltimore County Police Memorial Ceremony was held in Towson. Due to the weather the ceremony was held in the Council chambers. A reception was held immediately following the ceremony at Parkville Heritage Gardens, 7631 Harford Road, 21234.
- On May 15, 2016 the National Police Officers' Memorial Service was held in Washington, DC.

PENSION COMMITTEE
~Dave Rose~

- At the April 12, 2016 Pension Board of Trustees meeting the Board approved seventeen (17) total retirements. One (1) of those was from the police department.

POLICY REVIEW COMMITTEE
~Dave Rose~

- The committee members reviewed seven (7) policies this month. There were no bargaining issues identified.
- The Body Worn Camera program is progressing. The Policy and Access Management Committees have just concluded their work. A final draft policy is being put together for the Chief to review. Once the draft is complete, the FOP will receive a draft to review for any mandatory subjects of bargaining we need to discuss.
- The Project Overview Committee met to discuss the status of the program implementation. It was communicated to the members that the infrastructure installation will soon begin and it appears as though the July 1, 2016 implementation date for the pilot program phase will begin as scheduled.
- It has come to our attention that the Department has been asking medical related questions to officers who are applying for the Narcotics Unit, which may be inappropriate. This situation had been brought to us back in 2010 and was resolved by having those questions removed from the exam. An inquiry was made to Colonel Burris as to how these questions were again inserted into the questionnaire. An investigation is underway. Any member who is told to take the exam as a condition of assignment should not answer any personal medical questions they deem inappropriate. Members are encouraged to contact the Lodge before taking the exam.

- On Tuesday, March 29, 2016 there was an introductory meeting with members of the agency to discuss the formation of a Disciplinary Matrix Committee. At the meeting we discussed changes that will need to be made to the matrix due to upcoming body cameras and the potential personal use of social media policy. We also discussed any other changes that may be needed. After reviewing and discussing the matrix it was decided that we would need very few changes. Everyone agreed the matrix works and is fair and balanced as to the concerns of the membership and the agency. On April 12, 2016 we met to discuss the insertion of violations and categories of the newly drafted Body Worn Camera policy. Committee members found that many of the current violations and categories already in place could be used in many instances. There may be a general category of Activation and Deactivation violations added.
- The Committee met to discuss the social media violations on April 19, 2016. We were given a draft of the social media policy. At the conclusion of the meeting no action was taken because the policy was not complete.

NEW BUSINESS

- The By law change that was proposed in February by First VP Comegna was properly submitted, posted in the newsletter and read at a meeting as per the Constitution and Bylaws. The change was voted on and need-

ed a two thirds vote of the members present. There was one no vote, so the change passed.

GOOD OF THE ORDER

- During the month of April FOP Lodge #4 sent eight (8) cards and flower arrangements to bereaving members. Three (3) donations were made in lieu of flowers at the request of bereaving members. Five (5) fruit baskets were sent to members recovering from hospitalizations. Twelve (12) thank you cards were received. There were also six (6) thank you cards from recipients of memorial scholarships.
- The winners of the annual drawing for the Retired Officers Association were Retired Brother Bob Humphries (\$500), Retired Brother Kevin Magrogan (\$300) and Retired Sister Maryellen Augustyniak (\$150).

Welcome

**Benjamin Foehrkolb, Son
of Brother Michael
Foehrkolb**

**Renzor Chase Besaw, Son
of Brother Jonathan Besaw**

**Ruby Annabelle Lehto,
Daughter of Brother
Matthew Lehto**

**Jordan Lorraine Brewer,
Daughter of Brother Aaron
Brewer**

Bereavements

**Retired Brother
Terrance Mills**

**Retired Brother
Bruce Sparhawk**

**Anthony Dudek Sr., Father
of Retired Brother Andy
Dudek**

**Sandra Rollins, Aunt of
Brother Matthew Horney**

**Ferdinand Zito, Father of
Retired Brother Pat Zito**

**William Wilhelm, Father of
Brother Kurt Wilhelm,
Brother of Retired Brother
Ron Wilhelm, Uncle of
Brother Chris Mast**

**Virginia Mae Carter,
Grandmother of Brother
Scott Walston**

**Gary Richardson, Brother
of Retired Brother Scott
Richardson**

**Joseph Pietro, Father of
Retired Brother Joe Pietro**

**Alice Chesney, Mother of
Retired Brother Darryl
Chesney**

The June

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
June 27, 2016
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The July

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
July 25, 2016
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road