



# The Fourword

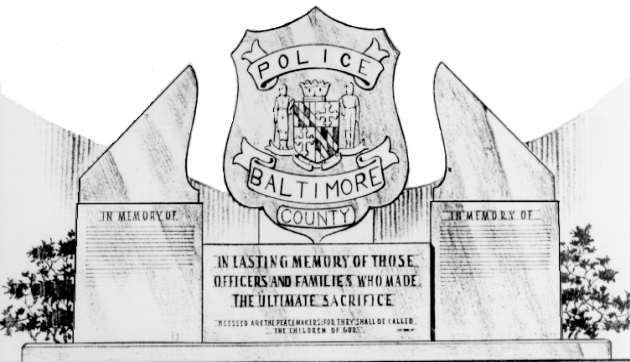
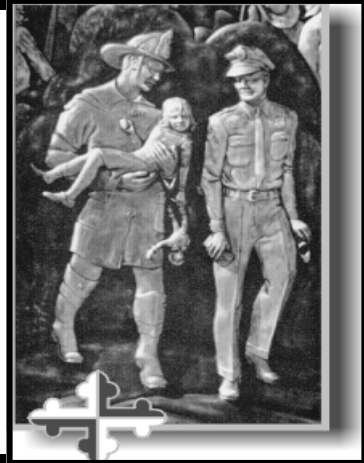
Volume 37, Number 3

March 2009

## Fallen Heroes Day

May 1, 2009 at 1:00 p.m.

Dulaney Valley Gardens  
200 East Padonia Road  
Timonium, Maryland 21093



Reception to follow at FOP Lodge #4.

Baltimore County Police

## Memorial Day

May 8, 2009

10:00 a.m.

Courthouse Plaza,  
401 Bosley Avenue  
Towson, Maryland 21204

## NATIONAL POLICE OFFICER MEMORIAL DAY

May 15, 2009

United States Capitol  
Washington, D.C.

A bus has been contracted to provide transportation for those interested in attending. Please contact F.O.P. Lodge 4 for more information.  
410-668-0004



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES**

**February 2009**

**recorded by**

**Dave Folderauer**

The February 2009 General Business Meeting was held on February 23, 2009 at F.O.P Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle led the invocation. President Weston led the Pledge of Allegiance.

**ROLL CALL OF OFFICERS**

Brothers Bergin and Comegna were excused. Legal Advisor Mike Marshall was present. All other elected officers and board members were present.

**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

A motion was made by Brother Grumbach to accept the minutes of the January 2009 General Membership Meeting. A second was made by Brother Zito. There was no discussion. The motion passed.

**REPORTS OF OFFICERS**

~ **PRESIDENT WESTON** ~

- January 27 Attended the Spending Affordability Committee Meeting.
- January 28 Addressed the In-Service Training class, and attended a Police Memorial Fund Super Bowl 5K Meeting.
- January 29 Attended a Negotiations session with the Baltimore County Administration.

- January 31 Assisted with the Police Memorial Super Bowl 5K Packet Pickup.
- February 1 Assisted with the Baltimore County Police Memorial 5K race.
- February 3 Met with President Thomas Quirk of Retirement & Investment Group, LLC concerning financial assistance for our members.
- February 4 Addressed the In-Service Training class.
- February 6 Attended the PAR Fund breakfast, met with Kathleen Cahill in reference to the Department of Justice investigation. Met with a member and Major Evans at Internal Affairs; and met with Colonel McCleese in reference to the elimination of some "loaner" positions.
- February 9 Met with worker's compensation attorney, Mark Grasso, in reference to member representation.
- February 10 Attended a Pension Board of Trustees Meeting.
- February 11 Addressed In-Service Training class, and attended a Baltimore County Board of Appeals hearing concerning disability pension earnings offset.
- February 12 Attended a Police Assistance Relief Fund Meeting.
- February 16 Met with the plaintiffs in the FLSA case, attended a Political Action Committee Meeting, and the Executive Board of Directors Meeting.
- February 17 Addressed the In-Service Training class.
- February 19 Met with FOP Lodge 4 certified public accountant.
- February 23 Attended 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 <b>1<sup>st</sup> Vice President</b> <i>PC3 - Traffic</i> (410) 409-0293	David M. Rose <b>2<sup>nd</sup> Vice President</b> <i>F.O.P Lodge 4</i> (443) 956-2643
David J. Folderauer, Sr. <b>Lodge Secretary</b> <i>K9</i> (410) 382-2075	Robert W. Caskey <b>Treasurer</b> <i>CID-Robbery</i> (443) 956-2615
W. Donald Patterson <b>State Trustee</b> <i>Materials &amp; Facilities</i>	Richard J. Bergin <b>Sergeant at Arms</b> <i>PC3 - CDVIT</i>
Paul A. Merkle <b>Chaplain</b> <i>Retired</i>	L. Timothy Caslin <b>Past President</b> <i>Retired</i>

**EXECUTIVE BOARD of DIRECTORS**

Kenneth F. Schubert <b>Chairman</b> <i>Employment</i> (410) 416-2800	James P. Rommel, Jr. <b>Vice Chairman</b> <i>K9</i> (717) 451-7117
Thomas G. Scally <i>CID - Arson</i> Donna Patterson <i>Planning &amp; Research</i> Mike DiCara <i>PC 2</i> Joe Caskey <i>Homicide</i>	Louis J. Lagna <i>Retired</i> Patrick Zito <i>PC 7 - Traffic</i> Ryan Massey <i>Homicide</i> Tony DiCara <i>PC 12</i>

**LODGE STAFF**

Larry Sibley—Office Manager  
Juanita Bouthner—Administrative Assistant  
Michele Preston—Administrative Assistant  
Regina Ecker—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.

Michele Lynn Preston  
**Fourword Editor**



~ PAST PRESIDENT CASLIN ~

- February 16 Attended the Executive Board of Directors Meeting.
- February 23 Attended the General Membership Meeting.

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

- February 16 Worked at the Lodge.

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

- January 27 Attended the Spending Affordability Committee Meeting.
- January 29 Attended a Negotiations session with the Baltimore County Administration.
- January 30 Met with representatives from the Department of Justice.
- February 1 Assisted with the Baltimore County Police Memorial 5K race.
- February 6 Attended the PAR Fund breakfast, met with Kathleen Cahill in reference to the Department of Justice investigation. Met with a member and Major Evans at Internal Affairs; met with Colonel McCleese in reference to the elimination of some "loaner" positions.
- February 12 Met with Counsel to discuss upcoming litigations.
- February 9 Met with Mark Grasso about Worker's Com-

pensation issues.

- February 16 Met with the plaintiffs in the FLSA case and attended the Executive Board of Directors Meeting.
- February 23 Attended the trial board for Brother Ruark, and attended the General Business Meeting.

~SECRETARY FOLDERAUER~

- January 29 Attended a Negotiations session with the Baltimore County Administration.
- February 6-7 Attended the Leadership Conference in Nashville, TN.
- February 16 Attended the Executive Board of Directors Meeting.
- February 23 Attended the General Business Meeting.

~TREASURER CASKEY~

- February 16 Attended the Executive Board of Directors Meeting.
- February 23 Attended the General Membership Meeting, reporting on the financial status of the Lodge.

~TRUSTEE PATTERSON~

- February 16 Attended the Executive Board of Directors Meeting.
- February 23 Attended the General Membership Meeting.

~EXECUTIVE BOARD OF DIRECTORS REPORT~

~ Kenny Schubert ~

- An Executive Board of Directors Meeting was held on February 16, 2009. The meeting was called to order at 5:00 p.m. Brothers Bob Caskey, Joe Caskey, Tom Scally, and Ryan Massey were working. Brother Bergin was attending a Legisla-

tive Session in Annapolis. Brothers Caslin, Comegna, and Legal Advisor Mike Marshall were excused. All other elected officers and board members were present.

President Weston provided a copy of the proposed Operating Budget of F.O.P Lodge 4 for 2009. The budget was adopted by the Executive Board of Directors.

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**

**BULL ROAST COMMITTEE**

~ Ken Schubert ~

- Advised that the 2009 Bull Roast has been sold out.

**DONATION REVIEW COMMITTEE**

~ Paul Merkle ~

- A motion was made to purchase two tickets at a cost of \$75 each for a total of \$150.00, to the Renaissance Milestone Celebration. This motion passed.
- A motion was made to donate \$2,000.00 to Dulaney Valley Memorial Gardens to support the annual Fallen Heroes Day Service. This motion passed.

**GRIEVANCE COMMITTEE**

~ Dave Rose ~

- The class action grievance filed in reference to the mileage rate is currently at step #3. No date has been set.

**LEGAL ADVISORY COMMITTEE**

~ Dave Rose ~

- There was no committee meeting this month.

## *Bereavements*

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**Horace "Bud" Comegna  
Father of Brothers  
Steve & Joe Comegna**

\*\*\*\*\*

**Past Maryland State  
Lodge President  
Brother Leslie Bates**

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**William Connors  
Brother of Brother  
Martin Connors, Jr.**

\*\*\*\*\*

**Lorraine Przywara  
Sister-in-law of Brother  
James "Steve" Duffey**

\*\*\*\*\*

**Ellis Temple, Sr.  
Father of Brother  
Ellis Temple, Jr.**

\*\*\*\*\*

**David S. Bognaski, Jr.  
Son of Retired Brother  
David S. Bognaski, Sr.**

\*\*\*\*\*

**Joseph H. Whittie  
Father-in-law of  
Retired Brother  
Kirk G. McCleary**

\*\*\*\*\*

**Elmer Chesgreen, Sr.  
Grandfather of Brother  
Dennis Chesgreen, Jr.**

- On January 29 and 30, 2009, three attorneys from the Department of Justice, met and interviewed six of our members with attorney Kathleen Cahill in reference to possible violations of the Americans with Disabilities Act. President Weston and I then met with the attorneys and provided additional documentation for their review. The Department of Justice reviewed the documentation and met with the

Baltimore County Administration attorney on January 23, 2009.

- Three members in Precinct 12 were sustained by the Internal Affairs Section (IAS) for a departmental infraction. They were then issued counseling which is not considered punishment under the Law Enforcement Officer's Bill of Rights (LEOBR). This would not allow the officers, who contest the sustained finding, to request a trial board. President Weston and I met with one of the members and the Commander of IAS to discuss this issue. It is the position of the Fraternal Order of Police (FOP) that if IAS issues a sustained finding, the resulting corrective action should be one that would allow for an appeal to a trial board. If IAS wishes only to issue the counseling it is our position that the finding should be something other than sustained.
- A meeting was held with the Plaintiffs in the Fair Labor Standards Act (FLSA) case. Federal mediation is scheduled for March 31, 2009. The Plaintiffs selected representatives to participate in the mediation.

### **LEGISLATIVE COMMITTEE**

~ Rick Bergin ~

- The State F.O.P. Legislative Committee is made up of numerous members from F.O.P. lodges across the state of Maryland. The committee meets in Annapolis every Monday during the legislative session to discuss the bills at hand. The bills are monitored by a lobbyist hired by the State F.O.P. Every bill that has any effect on F.O.P.

members is presented and discussed by the committee at the weekly meeting. The committee takes action on each bill by:

- Support with testimony.
- Support without testimony.
- Oppose with testimony.
- Oppose without testimony.
- Hold (monitor until further information is obtained).
- No Position (usually taken when a bill has minor effect on F.O.P. members or when the bill has no effect on the F.O.P.)
- Members of the committee and lodge presidents are frequently called upon to testify at hearings.
- As of March 1, 2009, there are approximately 100 (one hundred) bills in the House and Senate that could have an effect on law enforcement / public safety personnel in the state of Maryland.
- Every year the State Legislative Committee has a limited number of bills that we prioritize as "agenda bills". We, the committee, are instrumental in the drafting of, submitting of and obtaining sponsorship of these bills. Some of agenda bills for the 2009 session are as follows: Death Penalty Repeal - This is being opposed again this year by the State Legislative Committee. In an effort to get this bill through this year, the sponsors in the Senate have elected to not let the bill take it's normal course through the committee process. In a procedure that has not been used in thirty years, the sponsors have circumvented the system and have taken the bill directly to the floor of the Senate allowing the

**ATTENTION**  
**ASSOCIATE MEMBERS:**

*Associate members* are reminded that the dues assessment for 2009 was due and payable on January 1, 2009. *Associate members* who have still not paid the 2009 assessment by March 31, 2009, including those previously sent a pro-rated assessment notice, will be dropped from the rolls. In addition, fraternal organization license plates will be cancelled for those who have not renewed their membership for 2009. This is the final notice for the 2009 assessment. **THANK YOU** to those who have already renewed.

repeal to be debated on the floor with the possibility of the bill being passed or failing with a floor vote. Amendments may also be added to the bill. If it passes in the Senate, it then must go over to the House of Delegates for a vote. It must pass both the Senate & the House before being signed into law.

Hometown Heroes (HB755)  
Income Tax - Subtraction Modification for Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel. This bill does not appear to be moving due to the fiscal note attached to it and will likely die again this year.

Workers' Compensation (HB1443)  
Applying the occupational disease presumption under the workers' compensation law to officers who contract Lyme Disease under specified circumstances.

Cecil County Collective Bargaining (HB1606) There may be

enough votes at the County Commissioner's level to keep it moving forward.

Law Enforcement Officer's Bill of Rights (HB551) Definition of Law Enforcement Officer. Looks to clean up the definition of a police officer. Attempting to make it that, if you are MPCTC certified you fall under the definition of a Police Officer.

Law Enforcement Officers Unsubstantiated Complaints Admissibility (HB950) Providing that evidence of a formal complaint against a law enforcement officer is not admissible in an administrative or judicial proceeding if the complaint resulted in the exoneration of the officer of all charges, determination that the charges were unsubstantiated or unfounded, the acquittal of the officer by a hearing board, the dismissal of the action against the officer, or a finding of not guilty by a hearing board.

Conroy Scholarship (HB710)

Repealing the Edward T. Conroy Memorial Scholarship Program and establishing the Edward T. Conroy Tuition Waiver Program that provides a specified waiver of tuition and mandatory fees at public institutions of higher education in the State for specified members of the armed forces, prisoners of war, public safety employees, veterans, and specified spouses and children, etc.

Collective Bargaining (HB-1357)  
Authorizing the representatives of specified full time Maryland Transportation Authority Police Officers to collectively bargain with the Maryland Transportation Authority concerning wages and benefits.

Furlough Bill (SB-925)  
Requires the furlough of county employees of Lodge #89 be done by county ordinance, not by resolution.

Emergency & Police Vehicle Personal and Protection Act (HB-622)

Requires drivers to move over a lane or slow down when observing an emergency vehicle on side of roadway.

• Among the large amount of bills submitted to the Senate and the House which are not agenda bills, there are numerous bills that we support and oppose. Some of the bills of interest that we are currently **opposing** are as follows:

Electronic Weapon "Taser Bill" (HB1829) Requires those who are trained and carry an Electronic Weapon (Taser), to also have an AED (Automated External Defibrillator) assigned to them.

Limited Immunity Seeking

## The Fourword

### Medical Assistance for Alcohol or Drug-related Overdose (HB1273)

Providing that a person who seeks medical assistance for a person experiencing an alcohol or a drug-related overdose may **not** be charged with or prosecuted for possession of drugs under specified circumstances; providing that a person who seeks medical assistance for a person experiencing an alcohol or a drug-related overdose may **not** be detained on an outstanding warrant for another nonviolent crime under specified circumstances; etc.

### Police and Court Records Non-violent Crimes Expungement (HB636)

Authorizing a person convicted of a nonviolent crime, with specified exceptions, who completed the sentence imposed for the conviction, including probation, to petition for expungement.

### Public Safety SWAT Team Activation and Deployment Reports (HB1267)

Requiring the Police Training Commission, in consultation with the Office of the Attorney General, to develop a standardized format that specified law enforcement agencies shall use in reporting specified data relating to the activation and deployment of specified SWAT teams.

- All of the bills submitted to the Senate and the House can be viewed at [mils.state.md.us](http://mils.state.md.us).

### **NEGOTIATION COMMITTEE**

~ Cole Weston ~

- Advised that as of February 1, 2009, the Negotiation Team and Baltimore County have reached an impasse.

### **MEMORIAL COMMITTEE**

~ Don Patterson ~

- A motion was made to contract a bus at a cost of \$1,200.00, for May 15, 2009, to transport members to the National Police Memorial in Washington, D.C.

### **MEMBERSHIP COMMITTEE**

~ Tom Scally ~

- A motion was made to accept the application of Associate Member, James Bond Amey, sponsored by Brother David Amey. This motion passed.

### **PENSION COMMITTEE**

~ Cole Weston ~

- The Pension Board of Trustees met on February 10, 2009 and approved the following retirements for Baltimore County Employees. There were twenty-five (25) DROP/service/ vested retirements, one (1) accidental disability, one (1) accidental disability continued,

two (2) ordinary disabilities, and two (2) over-sixty work extensions approved.

### **POLITICAL ACTION COMMITTEE**

~ Steve Comegna ~

- A motion was made to endorse Assistant State's Attorney, Steve Kroll, regarding his possible appointment to be a District Court Judge in Baltimore County. This Motion passed.

### **STATE TRUSTEE**

~ Don Patterson ~

- The April 17-18, 2009 State FOP Meeting will be held in Ocean City, MD. The National FOP Conference will take place August 17- 20, 2009 in Long Beach, California.

### **NEW BUSINESS :**

- A motion was made to support the Teachers Association of Baltimore County (TABCO) with their Fairness in Negotiations Act bill. This motion passed.
- A motion was made to send three board members to the SNI Signature Series Seminar regarding how to negotiate effectively for a total cost of \$1,497.00. This motion passed.

### **GOOD OF THE ORDER :**

- During the month of January the Lodge sent four (4) flowers, and nine (9) sympathy cards to bereaving members. Five (5) donations were made in lieu of flowers (at family members request) in the name of a member or loved one.
- The meeting adjourned at 8:26 p.m.

### **ATTENTION YORK COUNTY, PA RESIDENTS**

Please be advised that  
Attorney at Law

**Andrea  
Marceca Strong**

formerly of  
Griest, Himes, Herrold  
will be running for the  
seat of Judge of the  
Court of Common Pleas  
of York County, PA

# COMMITTEE APPOINTMENTS 2009

## ATHLETIC

Chair: Don Patterson  
Jim Rommel

## BULL ROAST

Chair: Ken Schubert  
Mike DiCara  
Rick Bergin  
Don Patterson  
Donna Patterson

## BY-LAWS

Chair: Lou Lagna  
Tim Caslin  
Paul Merkle  
Dave Rose

## DONATION REVIEW

Chair: Paul Merkle  
Donna Patterson  
Joe Caskey  
Mike DiCara

## EXPENDITURE REVIEW

Chair: Regina Ecker  
Tim Caslin  
Paul Merkle

## FINANCE / INVESTMENT

Chair: Bob Caskey  
Tim Caslin  
Dave Rose

## GRIEVANCE

Chair: Dave Rose  
Cole Weston  
Mike DiCara  
Bob Caskey

## HEALTH CARE

Chair: Steve Comegna  
Kathy Greenbeck

## LEGAL ADVISORY

Chair: Dave Rose  
Steve Comegna  
Dave Folderauer  
Jim Rommel  
Ryan Massey  
Bob Caskey

## LEGISLATIVE

Chair: Rick Bergin  
Tony DiCara

## MEMBERSHIP

Chair: Tom Scally  
Ryan Massey  
Joe Caskey

## MEMORIAL

Chair: Don Patterson  
Donna Patterson  
Paul Merkle

## MERCHANDISE

Chair: Donna Patterson  
Jim Rommel  
Ryan Massey

## NEGOTIATIONS

Chair: Cole Weston  
Warren Cooper  
Steve Comegna  
Jim Rommel  
Dave Rose  
Dave Folderauer  
Regina Ecker

## PENSION

Chair: Cole Weston

## POLICY REVIEW

Chair: Dave Folderauer  
Tony DiCara  
Tom Scally

## POLITICAL ACTION

Chair: Cole Weston  
Steve Comegna  
Dave Folderauer  
Rick Bergin  
Tony DiCara

## PRODUCTS & SERVICES

Chair: Tony DiCara  
Kathy Greenbeck  
Pat Zito

## SCHOLARSHIPS

Chair: Richard Skinner  
Scott Bachman  
Tim Caslin  
Eileen Cwalina

## SOLICITATION

Chair: Bob Caskey  
Lou Lagna  
Pat Zito

The April

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
April 27, 2009  
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 18, 2009  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road