



The Fourword

Volume 36, Number 5

May 2009

Congratulations to the following 2009 “Fallen Heroes” Scholarship Award Recipients!

The Scholarship Committee processed a total of forty-two (42) applications for the 2009 “Fallen Heroes” Memorial Scholarship Awards. Fourteen (14) of the applicants were selected as finalists and were personally interviewed by the members of the Scholarship Committee. Each will receive a scholarship in the amount of \$1,500.00 for the 2009-2010 college year. The final placement of those finalists are as follows:

Shelby Cahill, daughter of Retired Brother William Cahill and Retired Sister Betty Cahill. She will be graduating from Perry Hall High School, and will be attending Towson University.

Travis Cahill, son of Retired Brother William Cahill and Retired Sister Betty Cahill. He will be attending George Washington University, majoring in Spanish.

Kathleen Copsey, daughter of Brother John Copsey of the Training Academy. She is a Junior at Stevenson University, majoring in Elementary Education.

Michael A. Greco, son of Brother Michael Greco of the Tactical Section. He is presently attending Binghamton University, and majoring in Bio-Engineering.

Amanda Kelly, daughter of Brother Brian Kelly of PC-6. She will be graduating from Fallston High School this spring, and attending Towson University in the Fall. She is majoring in Nursing.

Renee Kramer, daughter of Retired Brother Dan Kramer. She is a junior at Faith School of Theology, majoring in Counseling.

Amber Massoni, daughter of Brother Frank Massoni. She is a Senior at Harford Technical High School and will be attending Harford Community College, majoring in Human Genetics.

Timothy Reynolds, son of Retired Brother Al Reynolds. He is a Freshman at Penn State University and majoring in Forestry & Watershed management.

Amber Schmidt, daughter of Sister Terri Schmidt of Precinct 11. She is presently a Freshman at Anne Arundel Community College, majoring in Pediatric Nursing.

Brittany Schmidt, daughter of Brother William Schmidt of Precinct 12. She is presently a Sophomore at Towson University, majoring in Nursing.

Erin Schruhl, daughter of Brother Chuck Schruhl, of the SOD/Traffic Management Unit. She is a Junior at Shepherd University, majoring in English Education.

Abbey Snyder, daughter of Brother Mike Snyder of Precinct 7. She is presently attending Eastern Nazarene College, majoring in Business and Psychology.

Crystal Stanley, daughter of Brother Charles Stanley of Precinct 11. She is a Freshman at Salisbury University, majoring in Athletic Training.

Chelsea Strong, step-daughter of Brother Brandt Bradford of the Planning and Research Section. She is a Junior at Brigham Young University.



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MEETING MINUTES

April 2009

recorded by

Dave Folderauer

The April 2009 General Business Meeting was held on April 27, 2009 at F.O.P Lodge 4. President Weston called the meeting to order at 7:31 p.m. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

Brothers Lagna, T. DiCara, and Zito were on vacation. Brother Bergin was working, Brother Merkle was attending a class, and Brother M. DiCara was 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 March 2009 General Membership Meeting. A second was made by Brother Cullum. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- March 25 Addressed the In-service training class.
- March 26 Met with a member and legal council concerning a disability pension appeal.
- March 30 Met with a member and his Commander concerning performance issues.
- March 31 Met with Chief Johnson concerning the Uniform Secondary Employment law suit.
- April 1 Addressed the In-service training class.
- April 7 Met with Police Department Commanders regarding proposed manual changes, and attended the Association of

Baltimore County Retired Police Meeting.

- April 8 Attended the unveiling of Lt. Mike Howe's gravestone at Dulaney Valley Memorial Gardens, and addressed the In-service training class.
 - April 10 Attended the viewing and funeral service with the Meyer family.
 - April 14 Attended the County Executive's Budget Message.
 - April 15 Addressed the In-service training class, attended the viewing with the Meyer family.
 - April 16 Attended the funeral service with the Meyer family.
 - April 18 Attended the Maryland State FOP meeting in Ocean City, Maryland.
 - April 20 Attended a Pension Board of Trustees Meeting, and the Executive Board of Directors meeting.
 - April 22 Addressed the In-service training class.
 - April 23 Met with Lodge Council for the Uniform Secondary Employment law suit, and attended a fund raiser for State's Attorney Scott Schellenberger.
 - April 26 Attended a retirement celebration for Vince Romeo.
 - April 27 Attended the General Membership meeting.
- ~ 1st V. P. COMEGNA ~
- April 7 Worked at the Lodge office.
 - April 17-18 Attended the Maryland State FOP meeting in Ocean City, Maryland.
 - April 20 Worked at the Lodge office, attended a meeting of the Political Action Committee, and attended an Executive Board of Directors Meeting.

LODGE 4 OFFICE

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Baltimore, Maryland 21234
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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
David J. Folderauer, Sr. Lodge Secretary <i>K9</i> (410) 382-2075	Robert W. Caskey Treasurer <i>CID-Robbery</i> (443) 956-2615
W. Donald Patterson State Trustee <i>Materials & Facilities</i>	Richard J. Bergin Sergeant at Arms <i>VNS - CDVIT</i>
Paul A. Merkle Chaplain <i>Retired</i>	L. Timothy Caslin Past President <i>Retired</i>

EXECUTIVE BOARD of DIRECTORS

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

The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Michele Lynn Preston
Fourword Editor

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- April 27 Worked at the Lodge office, and attended the General Membership Meeting.
~ **2nd V. P. ROSE** ~
- March 24 Addressed roll call at Precinct 8, and conducted contract ratification.
- March 26 Met with Mike Marshall and Matt Ackley in reference to his pending Board of appeals hearing.
- March 30 Met with attorney, Larry Feldman in reference to pending cases.
- April 1 Addressed morning roll call at Precinct 11; met with a member and Major Evans at Internal Affairs to discuss a case disposition.
- April 7 Met with Colonel Kelly and Captain Hannon about changes to the Administrative Manual; attended the Association of Baltimore County Retired Police meeting.
- April 8 Attended a ceremony with Debbie Howe at Dulaney Valley Memorial Gardens; met with a member about an overtime scheduling issue.
- April 14 Attended the County Executive's Budget Message.
- April 17-18 Attended the Maryland State FOP meeting in Ocean City, Maryland.
- April 20 Attended an Executive Board of Directors Meeting.
- April 22 Met with a member about a secondary employment issue; attended a fundraiser for State's Attorney Scott Shellenberger.
- April 24 Argued a step #1 grievance in front of Captain Rapp at Precinct #3.
- April 26 Attended the retirement party for Brother Vince Romeo.
- April 27 Attended the General Business Meeting.
~ **SECRETARY FOLDERAUER** ~
- April 17-18 Attended the Maryland State FOP meeting in Ocean City, Maryland.
- April 20 Worked at the Lodge office, attended a meeting of the Political Action Committee, and attended an Executive Board of Directors Meeting.
- April 27 Worked at the Lodge office, and attended the General Membership Meeting.
~ **TREASURER CASKEY** ~
- April 27 Attended the General Membership meeting and reported on the financial status of the Lodge.
~ **TRUSTEE PATTERSON** ~
- April 17-18 Attended the Maryland State FOP meeting in Ocean City, Maryland.
- April 26 Attended a retirement celebration for Vince Romeo.
- April 27 Attended the General Membership meeting.
~ **EXECUTIVE BOARD OF DIRECTORS REPORT** ~
~ **Kenny Schubert** ~
- An Executive Board of Directors Meeting was held on April 20, 2009. The meeting was called to order at 5:00 p.m. Brothers R. Caskey, J. Caskey, and Massey were working. Brother D. Patterson was on vacation. Legal Advisor Mike Marshall was present. All other elected officers and board members were present.
- Motions that were made, and 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** ~

- Advised that the date for the FOP Lodge 4 Golf Tournament is August 28, 2009. It will be an 8:00 am start time at Rocky Point Golf Course in Essex. Additional details to follow.

DONATION REVIEW COMMITTEE

~ **Paul Merkle** ~

- A motion was made to purchase seven (7) tickets to the Police Foundation Awards Banquet, being held on April 23, 2009, for a total of \$700.00. This motion passed after receiving a proper second.
- A motion was made to sponsor the Maryland annual Concerns of Police Survivors (COPS) Ride to be held on June 14, 2009, with a \$500.00 donation. This motion passed after receiving a proper second.
- A motion was made to be a \$250.00 sponsor for the 1st Annual Mark Bremer Memorial Ride to be held on May 16, 2009. This motion passed after receiving a proper second.
- A motion was made to sponsor the Blue Knights Maryland Law Enforcement Motorcycle Club with a \$250.00 donation for the Purple Heart Ride being held on June 21, 2009. This motion passed after receiving a proper second.
- A motion was made to donate \$1,500.00 for the Special Olympics Torch Run taking place on June 3, 2009. This motion passed after receiving a proper second.
- A motion was made to donate \$250.00 to the Road Runners

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Auto Club in support of the Shane Evans Fallen Officers Benefit Car Show taking place on May 23, 2009. This motion passed after receiving a proper second.

- A motion was made to make a \$250.00 donation to the National Law Enforcement Memorial Fund for the engraving of Brother Howe's name on the Memorial. This motion passed after receiving a proper second.
- A motion was made to donate \$218.00 to the Explorer Post to purchase water bottles for their national training. This motion passed after receiving a proper second.

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.
- On April 24, 2009 I argued a grievance at step #1 in front of Captain Rapp in Precinct #3. The grievance was in reference to an officer who exchanged leave days with another officer. Optional leave was cancelled with less than 7 days notice. The officer submitted an overtime slip for compensation as

*"Dear Scholarship Committee,
I would just like to thank you for giving me the opportunity to better myself by attending college. I appreciate your decision to help me, because with out it, I wouldn't be able to afford to further my education. I promise to do well and put this scholarship to good use. Thank you, again."*

- Heather Massoni

stated in the MOU. The Lieutenant denied the overtime. We are currently waiting for the decision.

HEALTH CARE COMMITTEE

~ Steve Comegna ~

- The full Health Care Review Committee met April 07, 2009, to begin health care negotiations for the upcoming benefit year (09/01/2009 – 08/31/2010). We were given rate projections, from the Baltimore County Administration, for the upcoming benefit year. Our consulting company has begun a review of that data.
- There was also some discussion about some minor benefit enhancements. Negotiations are continuing.
- The rates for the upcoming benefit year will be published as soon as they are finalized.

LEGAL ADVISORY COMMITTEE

~ Dave Rose ~

- Our labor attorney, Jeff Gibbs filed a motion for summary judgment in the retiree subsidy case. The FOP won the case at arbitration in July of 2008. Baltimore County has filed a motion to vacate the arbiter's decision. We are waiting for a decision from Judge Fader.
- Jeff Gibbs also filed briefs in the FOP's case against County Executive Jim Smith for violating the Employee Relations Act. The FOP won an arbitration decision on March 31, 2008. County Executive Jim Smith submitted separate bills to Council in an attempt to break up what was to be "total package" arbitration. The FOP

filed suit in Circuit Court, Briefs were submitted on April, 14, 2009.

- The Federal Mediation scheduled on March 31, 2009 for the School Resource Officer (SRO)/Fair Labor Standard Act (FLSA) case was postponed on March 30, 2009. It has been re-scheduled for June 3, 2009.
- All final briefs were submitted in Federal Court to Judge Legg for the Bill Blake case. The FOP won a Preliminary injunction in July of 2008 which prevented the County Administration from subjecting Blake to unnecessary medical testing. We are currently waiting for a decision. If successful, we can proceed with the damages phase of the case.
- The Matt Ackley case scheduled for April 14, 2009 was postponed by the County's attorney for the retirement system, Suzanne Berger. The case has been rescheduled for July 1, 2009.

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.

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- 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.
- The 2009 Legislative session has come to a conclusion. Due to the condition of the State budget, most bills with fiscal notes attached were doomed from the beginning. The Maryland State Legislative Committee spent as much time during the session fighting “bad” bills as well as promoting the bills that are in the best interest of Law Enforcement. 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. The below listed bills were the “agenda bills” for the 2009 session.

Death Penalty Repeal (SB279 & HB 316) - The opposition to the repeal of the death penalty stopped the abolishment of the law, however, the new death penalty bill is so loaded with amendments, that make it almost impossible to give a suspect the death penalty. The new amended bill passed the Senate and the House and is awaiting the Governor’s signature. Some of the amendments are as follows:

THE STATE PRESENTS THE COURT OR JURY WITH:

(I) BIOLOGICAL EVIDENCE OR DNA EVIDENCE THAT LINKS THE DEFENDANT TO THE ACT OF MURDER; (II) A VIDEO TAPED, VOLUNTARY INTERROGATION AND CONFESSION OF THE DEFENDANT TO THE MURDER; OR (III) A VIDEO RECORDING THAT CONCLUSIVELY LINKS THE DEFENDANT TO THE MURDER; (NOTE: there is an effort to have fingerprint evidence reclassified as biological evidence). **Thanks to the efforts of many, especially States Attorney Scott Shellenberger, we did not lose the Death Penalty completely.**

Hometown Heroes (HB755) Income Tax - Subtraction Modification for Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel. It is still being heard in the House with no action being taken in the Senate. This bill **did not pass** this year due to the fiscal note attached to it.

Lyme Disease (HB1135) **Specified employees** of the Maryland-National Capital Park and Planning Commission Lyme Disease Presumption. **Passed.**

Workers' Compensation Law Enforcement Officers Lyme Disease Presumption (HB1443)

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

No Action—did not pass.

Definition of Law Enforcement Officer (HB551) Attempting to make it clear that, if you are MPCTC certified you fall under

the definition of a Police Officer.

No Action—did not pass.

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 unsustainable 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.

No Action—did not pass.

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. **Passed—Thanks to Delegate Sue Aumann and Lynn Parry, who did a great job pushing for this bill to pass.**

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.

No Action—did not pass.

Furlough Bill Lodge #89 (SB-925)

Bereavements

**Frances Meyer
Mother of Brother
Allen S. Meyer**

**Randy P. Meyer
Brother of Brother
Allen S. Meyer**

**Charles "Ed" Mentzer
Brother of Retired Brother
James T. Mentzer**

**Howard Gurley, Jr.
Father of Retired Brother
Howard "Rick" Gurley**

**Genevieve Przywara
Mother-in-law of Brother
James "Steve" Duffey**

**Perline Matthews
Mother of Brother
Keith J. Matthews, Sr.**

Requires the furlough of county employees be done by county ordinance, not by resolution.

No action—did not pass.

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.

No Action—did not pass.

Western Maryland Referendum (HB-123) Western Maryland Code Home Rule Counties—regarding referendum by ordinance, create or expand a county police bureau, unit or department, authorize the appointment of or appoint individuals as police officers with

full law enforcement powers, or transfer certain responsibility for the county detention center from the Sheriff's Office, the ordinance shall be submitted to a local referendum in the county, etc.

No Action—did not pass.

- 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. **Withdrawn.**

Public Safety—Electronic Control Devices—Requirements (HB-539) Prohibiting a person from possessing or using an electronic control device unless the person meets specified requirements; providing that an electronic control device may not be sold and activated in the state unless specified requirements are met; allows persons 18 years or older, to purchase Electronic Control Devices if not convicted of a crime of violence, manufacturer retains records, manufacturer or seller conducts criminal record history of buyer, etc. This bill was **opposed** by the FOP and Law Enforcement agencies across the state and was **passed** by the House and Senate.

Limited Immunity Seeking 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. **Passed (watered down)** No immunity from prosecution. May be used as a **mitigating** factor during criminal prosecution.

Police and Court Records Non-violent Crimes Expungement (HB-636) 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. **Withdrawn.**

Public Safety SWAT Team Activation and Deployment Reports (HB-1267)

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. **Passed.**

Family Law Surrender of Firearms (HB296) Requiring a final protective order to order the respondent to surrender to law enforcement authorities any firearm in the respondents' possession, and to refrain from possession of any firearm, for the

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duration of the order. **Passed.**

- All of the bills submitted to the Senate and the House can be viewed at mils.state.md.us.

NEGOTIATION COMMITTEE

~ Cole Weston ~

- The contract settlement agreement for July 1, 2009 to June 30, 2010 was ratified by the membership by a vote of 841 'for' to 37 'against'.

PENSION COMMITTEE

~ Cole Weston ~

- Advised that the Pension Board of Trustees met on April 20, 2009, and approved the following retirements for Baltimore County Employees. There were twelve (12) DROP/service/vested retirements, and three (3) ordinary disabilities, and one (1) accidental disability approved. Two cases were remanded back to the Medical Board for review. Five (5) over-sixty work extensions were also approved.

POLITICAL ACTION COMMITTEE

~ Steve Comegna ~

- The Political Action Committee met on April 20, 2009. The committee presented four (4) motions to the Executive Board of Directors at April 27, 2009 meeting. Those motions were as follows:

1. To purchase two (2) tickets to a fundraiser being held by Baltimore County States Attorney Scott Shellenberger on April 23, 2009 from 6:30 pm until 8:00 pm. The ticket cost was \$150.00 each, for a total PAC expenditure of \$300.00.

2. Purchase of four (4) tickets to a fundraiser being held by Baltimore County F.O.P. Lodge # 4 Member John Cluster on May 15, 2009. The event is being held at the home of Al Redmer from 7:00 pm until 10:00 pm. The ticket cost is \$30.00 each, for a total PAC expenditure of \$120.00.

3. Purchase of one (1) ticket to a fundraiser being held by State Delegate James Malone (District # 12A) on May 21, 2009. The event is being held at The Lodge 2832 Nine Mile Circle 21228 from 6:00 pm until 8:00 pm. The ticket cost \$100.00 each, for a total PAC expenditure of \$100.00.

4. To have President Weston draft a letter supporting Assistant States Attorney Ann Bropst for an appointment to the Circuit Court for Baltimore County, Maryland.

- Each of the above motions was presented to the Executive Board of Directors. Each motion received a proper second, was discussed and voted upon. The Executive Board of Directors approved each motion. This report was presented to the General Membership at the April 2009 General Membership Meeting. The report was approved, in its entirety, by the General Membership.

PRODUCTS AND SERVICES COMMITTEE

~ Tony DiCara ~

- A motion was made to allow Atlantic Federal to do a direct mailing to the FOP Lodge 4 membership. This motion passed.

STATE TRUSTEE REPORT

~ Don Patterson ~

- Attended the State FOP Meeting in Ocean City on April 17 and 18. The following issues were discussed.

1. When Brother Les Bates passed away in March his wife tried to contact a company from which Les purchased a casket for his burial service. The company, Celestial Burial Case Inc., was found to be fraudulent. The owner was in jail for defrauding FOP members and veterans of over 2 million dollars.
2. Legislative committee member Percy Alston, from Prince George's County, stated that we need to support FOP Members who run for political office. Elected Officials who have experience and knowledge as police officers help with our needs in Annapolis.

NEW BUSINESS -

- A motion was made by Brother Folderaurer to increase the number of delegates to attend the National Conference from twenty-six (26) to thirty (30) as to pick up the alternates from the list. This motion passed.

GOOD OF THE ORDER -

- During the month of April the Lodge sent three (3) flower arrangements, three (3) fruit baskets, and six (6) sympathy cards to bereaving members. Three (3) donations were made in lieu of flowers (at the family member's request) in the name of a member or loved one. The meeting adjourned at 8:15 p.m.

The June

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
June 22, 2009
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 27, 2009
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road