



# The Fourword

Volume 38, Number 8

August 2010

## Governor O'Malley Signs the Blue Alert Bill Into Law Before Scheduled Date

### The Governor EXECUTIVE ORDER 01.01.2010.14 Blue Alert Program

WHEREAS, The men and women of our law enforcement agencies risk their lives on a daily basis to keep the people of our State safe;

WHEREAS, Violent offenders who harm law enforcement officers pose a serious danger to both law enforcement personnel and our communities at large;

WHEREAS, The rapid dissemination of information about such offenders will facilitate their speedy capture, reducing the risk they would otherwise pose to our communities and our law enforcement personnel;

WHEREAS, Chapter 473 of the Acts of the General Assembly of 2010 established a Blue Alert Program to rapidly disseminate information to assist in locating an offender suspected of seriously injuring or killing a law enforcement officer;

WHEREAS, Chapter 473 of the Acts of the General Assembly of 2010 has an effective date of October 1, 2010; and

WHEREAS, The Blue Alert Program affords Maryland citizens an opportunity to contribute to the safety of our law enforcement officers by providing timely information and should be timely implemented.

NOW THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Blue Alert Program in the Department of State Police.
- B. Purpose. The Blue Alert Program will provide a system for the rapid dissemination of information to assist in locating and apprehending an offender, suspected of killing or seriously injuring a law enforcement officer, whose disappearance poses a serious threat.
- C. Procedures. The Department of the State Police shall:
  - (1) Adopt guidelines and procedures for issuing a Blue Alert;
  - (2) Provide training to local law enforcement agencies on the Blue Alert program;
  - (3) Provide assistance to local law enforcement, as necessary, to locate and apprehend an offender for whom a Blue Alert has been issued;
  - (4) Recruit television and radio broadcasters, local volunteer groups, and other members of the public to assist with the Blue Alert program; and
  - (5) Consult with the State Highway Administration and the Emergency Management Agency to establish a plan for the use of the State's dynamic message sign system to provide information to the public about a Blue Alert.
- D. Terms. This Executive Order shall remain in effect until October 1, 2010.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th day of June, 2010.

MARTIN O'MALLEY  
Governor





**MEETING MINUTES**

**July 2010**

**recorded by**

**Ken Schubert**

The July 2010 General Business Meeting was held on July 26, 2010 at FOP 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**

Secretary Folderauer was on vacation and Brother Massey was working. 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 Grumbach to accept the minutes of the June 2010 General Membership Meeting. A second was made by Brother Zito. There was no discussion. The motion passed.

**REPORTS OF OFFICERS**

**~ PRESIDENT WESTON ~**

- June 28 - July 2 Vacation
- July 7 Met with health care consultants concerning the national health care bill and its effect on local government.
- July 8 Attended the promotional draft and a meeting with our LEOBR attorney, Mike Marshall, 2<sup>nd</sup> V.P. Dave Rose, and IAS commander Major Evans concerning a concluded IAS

case.

- July 13 Attended the Pension Board of Trustees meeting.
- July 14 & 15 Attended a Labor Law and Labor Arbitration Conference in Baltimore.
- July 16 Attended the Promotion Ceremony, and the viewing for Brother William Anderson III.
- July 17 Attended the funeral service for Brother William Anderson III.
- July 19 Met with Delegate Steve Lafferty of the forty second legislative district and Senator Bobby Zirkin in the eleventh legislative district.
- July 20 Met with Delegate Todd Schuler who is a candidate for the sixth district of the Baltimore County Council.
- July 21 Responded to a police involved shooting in PC- 04.
- July 22 Attended the Bi-monthly meeting between the FOP Executive Board of Directors, Chief Johnson and his bureau chiefs, and met with Senator Norman Stone of the sixth legislative district.
- July 23 Met with a member and legal counsel concerning an appeal of a disability rating, and met with the sitting judges.
- July 26 Attended Political Action Committee, Executive Board of Directors, and General Membership meetings.

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

- July 7 Met with health care consultants concerning the national health care bill and its effect on local government.
- July 14 & 15 Attended the Labor Law and Labor Arbitration Conference that was held in Baltimore.

**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
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David J. Folderauer, Sr. <b>Lodge Secretary</b> <i>PC 4 - IST</i> (410) 382-2075	Robert W. Caskey <b>Treasurer</b> <i>CID-Robbery</i> (443) 956-2615
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W. Donald Patterson <b>State Trustee</b> <i>Materials &amp; Facilities</i>	Richard J. Bergin <b>Sergeant at Arms</b> <i>VNS - CDVIT</i>
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Paul A. Merkle <b>Chaplain</b> <i>Retired</i>	L. Timothy Caslin <b>Past President</b> <i>Retired</i>
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**EXECUTIVE BOARD of DIRECTORS**

Kenneth F. Schubert <b>Chairman</b> <i>Employment</i> (410) 416-2800	Mike DiCara <b>Vice Chairman</b> <i>PC 6</i>
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Thomas G. Scally <i>CID - Arson</i>	Louis J. Lagna <i>Retired</i>
Donna Patterson <i>Planning &amp; Research</i>	Patrick Zito <i>PC 7 - Traffic</i>
James P. Rommel, Jr. <i>K9</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  
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.

Kathryn Greenbeck  
**Fourword Editor**

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- July 26 Worked at the Lodge office and attended a Political Action Committee meeting, the Executive Board of Directors meeting and the General Membership meeting.

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

- July 7 Met with our health care consultant from CBIZ to discuss the upcoming changes from the recently passed federal legislation.
- July 8 Met with Mike Marshall, President Weston and Major Evans at Internal Affairs to discuss a recently concluded case.
- July 10 Attended the grand opening of the campaign headquarters for Councilman John Olszewski.
- July 12 Met with Major Evans, Major Cohen and Legal Director Watts about speed camera violations for on-duty personnel.
- July 14 & 15 – Attended the Labor Law and Labor Arbitration Conference that was held in Baltimore..
- July 16 Participated in a fundraiser golf tournament for Delegate Mike Weir Jr.
- July 21 Attended a fundraiser for council candidate Bill Paulshock.
- July 22 Met with Col. McCleese to discuss precinct issues; attended the bi-monthly meeting of the Executive Board with the Chief and the command staff.
- July 23 Met with Mike Marshall and two members to discuss their upcoming cases.
- July 26 Met with Capt. Wilson to discuss PC 12 issues; attended a Political Action Committee meeting, the Executive Board of Directors meeting and the General Business meeting.

### ~SECRETARY FOLDERAUER~

- July 14 & 15 – Attended the Labor Law and Labor Arbitration Conference that was held in Baltimore.

### ~TREASURER CASKEY~

- July 4 Organized and attended a cookout for PC 12 officers who worked the July 4 fireworks detail.
- July 21 Worked at the Lodge office.
- July 14 & 15 – Attended the Labor Law and Labor Arbitration Conference in Baltimore.
- July 26 Attended the Executive Board of Directors and General Membership meetings.

### PAST PRESIDENT

~Tim Caslin~

- Visited the funeral home for Brother William Anderson III.
- July 26 Attended the Executive Board of Directors meeting and the General Membership meeting.

### EXECUTIVE BOARD OF DIRECTORS REPORT

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on July 26, 2010. The meeting was called to order at 5:00 p.m. Secretary Folderauer was on vacation. All other elected officers and board members were 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

### ATHLETIC COMMITTEE

~ Don Patterson ~

- The 2010 FOP Lodge 4 Golf Tournament is scheduled for Friday, August 27 at Rocky Point in Essex. The Tournament is sold out.

### GRIEVANCE COMMITTEE

~Dave Rose~

- A grievance was filed by a member over a call back issue. The issue was in regard to thirty minutes during a call back which consisted of a total of seventeen hours of overtime. The committee discussed the circumstances leading to the grievance and the details were given to our labor counsel for an opinion. The opinion of counsel was that the particular facts and circumstances of this case did not make it a viable case to take forward to arbitration, which is where this case would likely have gone. As a result, the member was contacted and agreed to withdraw the grievance.

- The FOP received confirmation from the payroll division that all of the mileage reimbursement that was owed to officers has been paid. If anyone believes they have not been paid, he or she should contact the payroll division.

### LEGAL ADVISORY COMMITTEE

~Dave Rose~

- On July 14, 2010 Federal District Court Judge Legg entered a ruling in the Blake case to resolve the issue of the monetary

*Bereavements*

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**Brother  
William Anderson, III**

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**Retired Brother  
William R. Balk**

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**Retired Brother James  
E. Lynch, Jr.**

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**Orlando V. Palmere  
Father of Brother Nicholas Palmere, Uncle of Retired Brother Phillip D. Palmere, Jr., and Retired Brother Charles J. Henry**

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**Deborah A. Waite  
Mother of Brother Christopher J. Waite and Aunt of Brother Hugh A. Engle, Jr.**

damages awarded by the jury. The County was contesting the jury's \$225,000 award saying they "abandoned analysis for sympathy." The County feels the award is "excessive" and asked Judge Legg to reduce the award to \$25,000 or schedule a trial on the damages. Judge Legg reviewed the legal motions from both sides and issued a ruling stating "The Court concludes the jury's award of \$225,000 is not grossly excessive and does not shock the conscience. Accordingly, it denies Baltimore County's motion." On July 22, 2010 Baltimore County filed a motion to appeal with the Fourth Circuit Court. They must file the written appeal by August 26, 2010.

- The Employee Relations Act

case was argued in circuit court on May 10, 2010 in front of Judge Martin. On July 7, 2010 he rendered a written opinion in favor of FOP Lodge #4. In his analysis of the binding arbitration statute he stated "The arbitration process as it exists is mandatory and should the parties reach an impasse, then the decision resulting from that arbitration is binding on the County Executive. To this court, logic dictates that in order for the arbitration process to exist as it does and to serve any purpose at all, Jim Smith must be bound by the arbitrator's decision in the sense that Jim Smith is to submit only those items which require an appropriation of funds or the enactment of legislation. **It makes no sense to this court that the arbitrator is required to elect only one proposed package - but the County Executive can then unilaterally and with unlimited discretion choose that which is ultimately submitted to council.** Following this logic, this court acknowledges that the process of binding arbitration would be a worthless endeavor if it were to allow Jim Smith to submit all, none or some of the provisions which he alone felt appropriate and necessary for consideration by the County Council." In his conclusion he stated that "Pursuant to Maryland Rule 2-501 and after careful review of this court, **this court finds that Jim Smith thwarted the clear purpose of the code provisions** by submitting all the arbitrated proposals; some of which required appropriations; some of which required legislation to-

gether with proposals, to this court, which required neither. **This was violative of the code provisions and a failure by Jim Smith to do that which is mandated."**

- The retiree subsidy case was argued in Circuit Court on May 24, 2010 in front of Judge Finifter. As of this report, we are still waiting for a decision.
- The Michele Starks retirement appeal case is scheduled for a hearing at the Board of Appeals on July 29, 2010. A postponement request has been submitted.

**LEGISLATIVE COMMITTEE**  
~Rick Bergin~

- Brother John Cluster advised that at the Maryland State FOP Biennial State Conference in September, 2010 the Gubernatorial endorsement will be made. Lodge 4's State Trustee, Brother Don Patterson, will cast all votes representing Lodge 4's endorsement. Votes from 60% of the delegates in attendance are needed in order for the State Lodge to make an endorsement. If no candidate gets 60% of the votes, no State Lodge endorse-

Association of  
Baltimore County  
Retired Police  
2010 Meetings  
\*\*\*\*\*  
September 7  
November 2  
\*\*\*\*\*  
All meetings are held at  
Parkville Heritage  
Gardens at 7:30 p.m.

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ment is made, and the local lodges will make individual endorsements.

### **PENSION COMMITTEE**

~ Cole Weston ~

- The Pension Board of Trustees met on July 13, 2010 and approved 82 service, drop, and vested retirements. One accidental and 3 ordinary disability retirements were also approved. Six of the 82 retirements were from the Police Department (4 sworn and 2 civilian).

### **POLICY REVIEW COMMITTEE**

~Dave Rose~

- The committee reviewed eight new policies this month. Of those eight policies, the committee members found none which they felt were mandatory subjects of bargaining.
- A meeting was held with Major Evans, Major Cohen and Legal Director Jordan Watts in reference to speed camera violations by on-duty personnel. The meeting concluded after an exchange of views from each side was presented. Additional meetings are planned.

### **POLITICAL ACTION COMMITTEE**

~Steve Comegna~

- The Political Action Committee met on Monday July 26, 2010. The following motions were presented to the Executive Board of Directors:
- To endorse Todd Schuler, candidate for County Council in the 6th District.
- To endorse Scott Shellenberger for Baltimore County State's

Attorney.

- To endorse the following for Maryland State Senate: Norman Stone, Jr., District 6; Bobby Zirkin, District 11; Al Redmer, Jr., District 7.
- To endorse Delegate Steve Lafferty in District 42.
- To purchase two tickets to a fundraiser for Senator Jim Brochin, District 42, held at HighTopps Backstage Grill on July 29, 2010. Ticket cost is \$250 each, for a total PAC expenditure of \$500.
- To make a campaign donation of \$500 to Baltimore County State's Attorney Scott Shellenberger.
- To purchase two tickets to a fundraiser for State Senator Norman Stone, Jr. at Costa's Inn on August 11, 2010. Ticket cost is \$100 each, for a total PAC expenditure of \$200.
- To purchase two tickets to a fundraiser for County Executive candidate Joe Bartenfelder at HighTopps Backstage Grill on August 11, 2010. Ticket cost is \$250 for a total PAC expenditure of \$500.
- To make a donation of \$2500 to Brother John Cluster's campaign for election to House of Delegates.
- To make a donation of \$2000 to the campaign for Todd Schuler, candidate for the County Council in the 6th District.
- To make a campaign donation of \$1000 to Brother Percy Alston, candidate for Delegate in the 27th District.
- These motions were presented to the Executive Board and to the General Membership on Monday June 28, 2010. Each motion received a proper sec-

ond. They were discussed and voted upon. The Executive Board of Directors and the General Membership approved these motions.

### **NEW BUSINESS**

- Brother Joe Folio stood to speak in favor of three newly appointed District Court Judges.

### **GOOD OF THE ORDER**

- The 5th Annual Silent Auction and Fundraiser for the Baltimore County Police Assistance & Relief Fund will be held at HighTopps Backstage Grill in Timonium on September 22, 2010 from 6:00 p.m. until 9:00 p.m. Admission is \$10 at the door. Free buffet and 50/50 raffle drawing. For more information, call Steve Vaughan at 443-690-4678.
- Brother Fox thanked FOP members for their support during his recent illness.
- Brother Cluster thanked the Political Action Committee, the EBOD, and the membership of FOP Lodge 4 for their continued support in his campaign for election to the House of Delegates.
- During the month of July, the Lodge sent one (1) flower arrangement and nine (9) sympathy cards to bereaving members. Two (2) donations were made in lieu of flowers (at family members' request) in the name of a member or loved one. One basket was sent to a member following surgery. Five (5) "Thank You" cards were received.
- The meeting was adjourned at 8:13 pm.

The September

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
September 27, 2010  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road

The October

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
October 25, 2010  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road