



# The Fourword

Volume 39, Number 5

May 2011



## Baltimore County Police First Annual Reunion and Bull Roast

- When:** Friday August 19, 2011
- Time:** From 7:00 PM – 11:00 PM
- Where:** Columbus Gardens, Fullerton  
4301 Klosterman Ave. 21236
- Menu:** **Pit Beef, Ham & Turkey, Crab Soup, Salads, Beer, Set Ups & Open Bar**  
Hot Buffet – Shrimp Creole with rice  
Kielbasa and Sauerkraut, Barbecue Chicken,  
Mashed Potatoes with Gravy, Penne Pasta, Meatballs  
and Sliced Carrots
- Music:** DJ Andy Armetta
- Cost:** \$35.00 per person
- For Tickets contact:** Roger Sheets at 410-836-8462/ [rsheets10@verizon.net](mailto:rsheets10@verizon.net)  
John Cullum at 410-661-8226/ [jcullum@verizon.net](mailto:jcullum@verizon.net)  
Paul Gilland at 410-598-5761/ [pjgboss302@aol.com](mailto:pjgboss302@aol.com)

**Make checks payable to: The Baltimore County Police Memorial Fund. Mail check for # of tickets x \$35 to FOP Lodge # 4, c/o John Cullum, 9403 Harford Rd, Baltimore, MD 21234 Please include a self addressed stamped envelope so tickets can be mailed back to help keep our costs down. Proceeds to be donated to the Baltimore County Police Memorial Fund.**



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES**

**April 2011**

**Recorded by Dave Folderauer**

The April 2011 General Business Meeting was held on April 25, 2011 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle gave the invocation. President Weston led the Pledge of Allegiance.

**ROLL CALL OF OFFICERS**

Brother Bergin was in Annapolis, Brothers J. Caskey and R. Massey were working, and Brother Scally and Chaplain Merkle were excused. 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 Cullum to accept the minutes of the March 2011 General Membership Meeting. A second was made by Brother Folio. There was no discussion. The motion passed.

**REPORTS OF OFFICERS**

**~ PRESIDENT WESTON ~**

- March 30 Addressed the In-Service training class.
- April 4 Attended an Executive Board of Directors meeting.
- April 5 Attended the Baltimore County Retired Officers' Association meeting.
- April 6 Addressed the In-Service training class. Met with

attorneys to discuss workers compensation procedures stemming from secondary employment.

- April 7 Met with Jim Franzoni of S.F. & C. Insurance Associates concerning a program being considered by the National FOP.
  - April 8 Attended the Police Assistance and Relief Fund annual breakfast.
  - April 12 Attended the Pension Board of Trustees meeting.
  - April 13 Addressed the In-Service training class. Met with Greg Der, the President of Howard County FOP.
  - April 14 Attended the County Executive's Budget Message.
  - April 18 Met with Gary McLhinney concerning contractual negotiations. Met with the Negotiation and Legal Advisory Committees, and attended the Executive Board of Directors meeting.
  - April 19 Met with representatives of Wealth Management Services, a financial planning company.
  - April 20 Addressed the In-Service training class.
  - April 22 Met with George Gay, the Director of Human Resources concerning pending litigation.
  - April 25 Chaired the General Membership meeting.
- ~ 1<sup>st</sup> V. P. COMEGNA ~**
- April 4 Attended a Special Meeting of the Executive Board of Directors.
  - April 14 Attended the County Executive's Budget Message.
  - April 18 Worked at the Lodge office, completed PAC data en-

**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

**LEGAL ADVISORS**

Schlachman, Belsky & Weiner, P.A.  
Phone (410) 685-2022  
IAS Cases Michael Marshall

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

**Fourword Editor**  
Kathryn Greenbeck  
*Precinct 2*

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try for April, attended a meeting of the Negotiations Committee and the Political Action Committee and attended the Executive Board of Directors meeting.

- April 25 Worked at the Lodge office and attended the General Membership Meeting .

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

- March 29 Met with Kathleen Cahill to discuss billing.
- March 30 Addressed the In-Service training class.
- March 31 Met with Colonel McCleese to discuss the tattoo policy.
- April 4 Attended a special Executive Board of Directors meeting.
- April 5 Attended the Retired Officers' Association meeting.
- April 6 Addressed the In-Service Training class; met with Mark Grasso to discuss secondary employment issues.
- April 7 Attended NCIC school; met with a representative from SF & C Insurance.
- April 8 Attended the PAR Fund breakfast.
- April 12 Met with Maj. Burris and Legal Director Jordan Watts to discuss secondary employment issues; attended a labor forum hosted by the Central Baltimore County Democratic Club.
- April 13 Addressed the In-Service Training class; met with the President of the Howard County FOP.
- April 14 Attended the Budget message by County Executive Kamenetz.
- April 18 Attended a Negotiation Committee meeting; attended the Executive Board of Directors meeting.
- April 19 Met with a member

about a disability retirement; Met with Maj. Kalista about retirement issues.

- April 20 Addressed the In-Service Training class.
- April 22 Met with Director of Human Resources, George Gay about current litigation settlements.
- April 25 Attended the General Membership meeting.

~**SECRETARY FOLDERAUER**~

- April 4 Attended a special meeting of the Executive Board of Directors.
- April 18 Worked at the Lodge office, attended a meeting of the Negotiations Committee and the Political Action Committee, and attended the Executive Board of Directors Meeting.
- April 25 Worked at the Lodge office and attended the General Membership Meeting.

### **EXECUTIVE BOARD OF DIRECTORS REPORT**

~ **Kenny Schubert** ~

- An Executive Board of Directors meeting was held on April 18, 2011. The meeting was called to order at 5:00 p.m. Chairman Ken Schubert and Brother Lagna were on vacation. Brother Don Patterson was sick. All other elected officers and board members were present. Legal Counsel Mike Marshall was also in attendance.
- Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the appropriate committee reports.

## **REPORTS OF COMMITTEES**

### **DONATION REVIEW**

~**Paul Merkle**~

- Two motions were made by the Donation Review Committee:
- To purchase a \$500 sponsorship for the 6th Annual Shane Evans Fallen Officers Scholarship fund.
- To purchase up to 10 tickets at \$35 each for FOP Lodge 70's 10th Annual Bull Roast to be held at the Cancun Cantina on May 7, 2011 from 3:00 pm until 7:00 pm.
- Both motions received proper seconds and passed unanimously.

### **LEGISLATIVE COMMITTEE**

~**Rick Bergin**~

- The 428th Legislative Session began January 12, 2011 and adjourned April 11, 2011. At the end of this session there were approximately 100 bills in the House and Senate that could have an effect on law enforcement/public safety personnel in the state of Maryland. Each session, the State Legislative Committee introduces bills in the House and the Senate as "Agenda Bills." These are bills that we deem priority legislation that are felt to be most important to the Fraternal Order of Police. During the session, there are bills introduced to the legislature that are not in the best interest of law enforcement and the Fraternal Order of Police. The legislative committee spends a large amount of the time fighting these "bad" bills. The following

**Bereavements**

**Retired Brother  
Joseph "Gordon" Jones**  
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**Retired Brother  
Larry Hicks**  
\*\*\*\*\*

**Retired Brother  
Robert Felhauer**  
\*\*\*\*\*

**Retired Brother  
David E. Webb  
Father of Brother  
Brian J. Webb**  
\*\*\*\*\*

**Gregory A. Gorgieff  
Brother of Brothers  
Randy, Douglas, Ronnie,  
and Glenn Gorgieff**  
\*\*\*\*\*

**John E. Zacot, Sr.  
Father of Retired  
Brother David Zacot**  
\*\*\*\*\*

**Lois Hansford  
Mother of  
Retired Brother  
David W. Hansford**  
\*\*\*\*\*

**Edward C. Harmon, Jr.  
Father of Retired  
Brother Glenn A. Merritt**  
\*\*\*\*\*

**William P. Duly, Jr.  
Father of Brother  
William R. Duly**  
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**Frank J. Walchuck, Jr.  
Father-in-Law of  
Brother Eric C. Keith**



bills are the Legislative Committee's Agenda Bills:

- **Baltimore City Binding Arbitration HB-756** Requiring binding arbitration between specified employee organizations representing specified Baltimore City police officers and the City of Baltimore under specified circumstances. **(Supported & Passed)**
- **Death Penalty Repeal HB-1075** Repealing the death penalty; repealing procedures and requirements related to the death penalty; providing that in specified cases in which the State has filed a notice to seek a sentence of death, the notice shall be considered withdrawn and it shall be considered a notice to seek a sentence of life imprisonment without the possibility of parole under specified circumstances. **(Opposed - No Action)**
- **Vehicle Laws - Race Based Traffic Stops SB-014** Requiring law enforcement officers to record specified data pertaining to traffic stops, strip searches, and body cavity searches; requiring law enforcement agencies to report the information to the Maryland Statistical Analysis Center (MSAC); requiring the Police Training Commission to develop guidelines and a model format to record specified data. **(Opposed but Passed)**
- **Maryland National Capital Park Police HB-0610** Abolishing the Park Police in Montgomery County and merging them with the Montgomery County Police Department. The Maryland National Capital Park Police are a State agency with two divisions. One in Montgomery County, the other in Prince Georges County. They have their own retirement system and pay grades, however, their budget is controlled by the respective counties. At this time, the pending legislation only affected the Park Police from Montgomery County. **(Opposed & withdrawn)**
- **Final Order Bill** (Not filed) Prohibits the Chief of Police or Sheriff from raising the penalty given by a Hearing Board.
- Other bills of interest are as follows:
- **Criminal Law - Marijuana - Use / Possession of Small Amount HB - 606** Establishing that the use or possession of less than 28.5 grams ( 1 ounce) of marijuana is a civil offense, punishable by a fine of up to \$100; establishing that a person who violates the prohibition against the use or possession of less than 28.5 grams of marijuana shall be issued a citation; **(Opposed – No action)**
- **Medical Marijuana HB - 291**

**NOTE:** This is a re-submission of a past bill which resulted in the filing and tracking of information captured on the Form #9.

**NOTE:** Baltimore County Senator Brochin added the strip search and body cavity searches as amendments **and these were**

**stricken from the bill. (Also opposed)**

for the purpose of making marijuana a Schedule II controlled dangerous substance; prohibiting certain persons from distributing or dispensing marijuana to certain persons; providing for a certain penalty; requiring the Department of Health and Mental Hygiene (DHMH) to issue a

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certain request for proposals to select authorized growers of marijuana for medical use, etc.

**NOTE:** This bill was being monitored by the Legislative Committee and had met with the sponsor, Baltimore County Delegate, Dr. Morhaim to discuss the F.O.P. concerns. The bill has been changed to read as follows:

- **Public Health - Maryland Medical Marijuana Model Program Work Group** Requiring the Secretary of Health and Mental Hygiene to convene a Work Group to develop a model program, including draft legislation, to facilitate patient access to marijuana for medical purposes; providing for the membership and staffing of the Work Group; providing for the designation of the chair of the Work Group; requiring the Secretary to make a report to specified committees of the General Assembly on the Work Group's findings and proposed legislation on or before December 1, 2011; etc.
- **Medical Marijuana - Affirmative Defenses - Maryland Medical Marijuana Model Program Workgroup SB - 308** Establishing that, in a prosecution for the use or possession of marijuana, the defendant *may* introduce and the court shall consider as an affirmative defense evidence of medical necessity, including a physician's written statement, medical records, or testimony by the defendant's physician; requiring the court to enter a finding of not guilty if the court finds that a person possessed marijuana because of a medical necessity; establishing a **Work**

**Group** to develop a program to facilitate patient access to medical marijuana; etc. (Monitored – Passed)

• **NOTE:** Do not confuse the passing of this bill with the Medical Marijuana bill. They are separate issues and bills.

• **Regulated Firearms, HB - 009** License Issued by Delaware, Pennsylvania, or Virginia – Reciprocity for the purpose of specifying that a license issued by the above states to an individual to carry a regulated firearm, including a concealed regulated firearm, is valid in Maryland; and generally relating to regulated firearms. (Opposed - No action)

• **Criminal Law Interception of Oral Communications Law Enforcement Officers HB-045** Authorizing a law enforcement officer to intercept specified oral communications without first notifying all other parties. Also creates an exception to the prohibition against willfully intercepting specified communications for a person who intercepts an oral communication made by a law enforcement officer under specified circumstances; etc. (Opposed & withdrawn)

• **Optional Retirement Program State and Participating Governmental Unit Employees SB-006** Providing that only individuals serving as Governor on or before January 18, 2011, are eligible for a defined benefit retirement allowance; providing that, on or after July 1, 2011 specified individuals are not eligible to join the Employees' Pension System, the Teachers' Pension System, the State Police Retirement System, the

Correctional Officers' Retirement System, the Law Enforcement Officers' Pension System, or the Judges' Retirement System; etc. (Opposed & withdrawn)

• **Criminal Procedure – Criminal Justice Information System Central Repository SB-066** Repealing the requirement that the release of a person after arrest without the filing of a charge be reported to the Criminal Justice Information System Central Repository. (No position - Passed )

• **Criminal Procedure – Reports to Crime Stoppers Organization – Inadmissibility and Confidentiality SB-068** Establishing that evidence of a communication or information contained in the communication between an individual reporting alleged criminal activity to a specified Crime Stoppers organization and the individual who accepts the report is not admissible in a court proceeding; (Monitored – withdrawn)

• **Restrictions Against Use and Possession of Firearms HB - 241** This legislation expands the scope of the crime of using handguns and antique firearms in the commission of a crime of violence or felony; altering the predicate crimes and increasing to 15 years the maximum term of imprisonment applicable to a violation of the prohibition against possession of a regulated firearm by a person who was previously convicted of a crime of violence or a certain drugrelated crime. (Supported – Passed)

• **Salvia Divinorum - Distribution to Individual Under 21 Years of Age HB -1327** This

legislation increases the penalties for distribution of salvia to an individual under the age of 21. The changes are as follows: First conviction – from \$300.00 to \$1,000.00. Second conviction – from \$1,000.00 to \$2,000.00, Third or subsequent violation occurring within two years of preceding violation from \$3,000.00 to \$6,000.00. **(No Position)**

- **Child Neglect HB-162** Creates a new misdemeanor crime of child neglect. A family member, household member or other person who has permanent or temporary custody of a minor may not neglect the minor. **(No Position-Passed)**
- **Manslaughter by vehicle or Vessel – Criminal Negligence HB-363** Creates a new law that makes it a misdemeanor for a person to cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner and it establishes the circumstances under which a person is considered to act in a criminally negligent manner. **(No Position -Passed)**
- **Sex Offender Registry HB-1020** Alters the provision of law to the registration of sex offenders including juvenile offenders. **(No Position-Passed)**
- **Wiretapping and Electronic Surveillance - Investigation of Human Trafficking HB- 345** Added human trafficking to the list of crimes for which evidence may be gathered during a criminal investigation through the interception of oral, wire or electronic communications. The act also adds human trafficking

to the list of crimes for which a judge may grant an order authorizing the interception of wire, oral or electronic communications. **(Supported – Passed)**

- **Life Imprisonment - Parole Approval HB-302** Changes the law that requires the Governor to approve all parolees for murder and rape to now say if the Governor does not act on the parole board's recommendations and does nothing within 180 days the parole is automatically granted. **(Opposed-Passed)**
- **Use of Electronic Control Devices (stun guns) HB-507** Requires all agencies to report all uses of stun guns when personnel use them. Their data collection will be required until 2016. **(Opposed-Passed)**
- **Drunk Driving Reduction Act House Bill 1276** Expands the use of the ignition interlocking systems for violations to include all persons convicted with a blood alcohol level of .15 or above to be mandatory. **(No Position-Passed)**
- **Use of Text Messaging Device While Driving - Prohibited Acts HB-196** Will make it a violation for a driver to read, write or send a text message while the vehicle is in motion. **(No Position-Passed)**
- **Races and Speed Contests - Enforcement and Penalties HB-105** Increases the penalty for street racing that results in serious bodily harm to another person to one year imprisonment or a \$1,000 fine or both. The law authorizes the police to arrest without warrant a person suspected of this crime if probable cause exists.

Association of  
Baltimore County  
Retired Police  
2011 Meetings

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September 6  
November 1

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

**MEMBERSHIP COMMITTEE**  
~Tom Scally~

- Motions were made by the committee to approve two associate memberships: William D. Franklin and Phillip A. Rossetti. Both motions received proper seconds and passed unanimously.
- A motion was made by Brother Folderauer to reinstate retired member John Schneider as a retired FOP Lodge 4 member in good standing. This motion received a proper second and passed unanimously.

**MEMORIAL COMMITTEE**  
~Paul Merkle~

- Chaplain Merkle advised members of the Fallen Heroes Memorial Service on May 6, 2011 at Dulaney Valley Memorial Gardens, and the Baltimore County Police Memorial Day service on May 13, 2011 at the Courthouse Plaza in Towson.

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### **PENSION COMMITTEE**

~ Cole Weston ~

- The Pension Board of Trustees met on April 12, 2011 and approved twelve service, drop, and vested retirements. One ordinary disability was approved and four honorable and faithful cases were reviewed. Two were denied the ability to stay vested and two were approved, allowing them to stay vested in the pension should they elect to do so.

### **POLICY REVIEW COMMITTEE**

~Dave Rose~

- The secondary employment changes are still out for command review. Brother Rose met with Maj. Burris and Legal Director Watts to discuss changes to the agreement that the uniformed secondary employer must sign. Some of the changes make it clear that there is a dual responsibility for workers' compensation. The changes also

make it more clear as to when an officer's duty changes from secondary employment to "on-duty" and spells out the compensation that is listed in the Memorandum of Understanding.

- The automated enforcement policy (speed cameras, etc.) draft has been sent to the committee members to review.

### **POLITICAL ACTION COMMITTEE**

~Steve Comegna~

- The Political Action Committee met on Monday April 18, 2011. The following motions were presented to the Executive Board of Directors:
  - To purchase a two hundred and fifty dollar (\$250.00) sponsorship to a fundraiser being held by State Delegate James Malone (District 12A) on Thursday May 19, 2011. The event was held at "The Lodge" 2832 Nine Mile Circle Catonsville, Maryland 21228 from 6:00 pm until 8:00 pm. The total PAC expenditure was \$250.00.
  - A motion to contribute one hundred and fifty dollars (\$150.00) to the re-election campaign fund for Baltimore County States Attorney Scott Shellenberger. The motion passed with one abstention.
  - These motions were presented to the Executive Board of Directors on Monday April 18, 2011 at the April 2011 Executive Board of Directors Meeting. These motions received proper seconds. They were discussed and voted upon, and the Executive Board of Directors approved these motions.

- The General Membership approved these motions on Monday April 25, 2011 at the General Membership Meeting.

### **SCHOLARSHIP COMMITTEE**

~Tim Caslin~

- The Scholarship Committee received a thank you card from Brother Jim Moss and his daughter in reference to her recent scholarship award.

### **GOOD OF THE ORDER**

- A reunion of retired Baltimore County Police Officers will be held on August 19, 2011 at the Knights of Columbus hall on Klosterman Ave. Details are on the cover of this newsletter.
- Brother John Cluster thanked everyone who wished him well during his hospitalization in March.
- During the month of April, the Lodge sent one (1) flower arrangement and fourteen (14) sympathy cards to bereaving members. One (1) fruit basket was sent to a member for a hospitalization. Four (4) "Thank You" cards were received.
- The meeting was adjourned at 7:54 pm.



The June

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
June 27, 2011  
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, 2011  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road