



The Fourword

Volume 42 Number 1

January 2014

2013 YEAR IN REVIEW

Baltimore County Fraternal Order of Police, Lodge #4 had a successful year defending its members against actions taken by the Baltimore County Administration.

- January 18, 2013 - **The Maryland Court of Appeals** rules in favor of the FOP and against Baltimore County's motion to reconsider in the Retiree Health Care Subsidy case.
 - November 5, 2013 – **The Baltimore County Circuit Court** rules in favor FOP and orders the County to restore the retiree subsidy.
 - December 5, 2013 – **The Baltimore County Circuit Court** rules in favor of the FOP and denies the Baltimore County motion to stay the order.
 - December 20, 2013 – **The Baltimore County Circuit Court** rules in favor of the FOP, ordering Baltimore County to produce the subsidy information in the format requested.
- June 20, 2013 - Police Officer First Class James Laboard is found not guilty of manslaughter charges brought by the Baltimore County States Attorney's office.
- June 21, 2013 -**The Maryland Court of Special Appeals** rules in favor of the FOP and against Baltimore County for failing to adhere to the Employee Relations Act in the Absence Control Policy Case.
- July 8, 2013 - **The Baltimore County Circuit Court** rules in favor of the FOP and against the Baltimore County Police Department for violation of an officer's rights under the Law Enforcement Officer Bill of Rights (LEOBR).
- August 14, 2013 - Baltimore County cancels the loan and pays back the Employees' Pension System in full plus interest. The FOP filed suit against the trustees for allowing the County to take out a loan from the plan to fund a recycling facility.
- August 22, 2013 - **The Maryland Court of Special Appeals** rules in favor of the FOP and against Baltimore County in the Employees Relations Act Case concerning interest arbitration decisions.
- August 22, 2013 - **The Baltimore County Board of Appeals** rules in favor of Brandt Bradford and against Baltimore County in the dispute over the selection of retirement options.
- November 7, 2013 - Baltimore County adjusts the salary with back pay (the remedy sought by the FOP) for Police Officer First Class Philip Crumbacker prior to having to present their case in an arbitration hearing.

For more information on these cases go to www.foplodge4.org or call the office at (410) 668-0004.



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES
December 2013**

- The December, 2013 General Business Meeting was held on December 23, 2013 at FOP Lodge 4. President Weston called the meeting to order at 7:32 p.m. Chaplain Merkle gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Secretary Folderauer was on vacation. Brother Mike DiCara was 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 King to accept the minutes of the November, 2013 General Membership Meeting. A second was made by Brother Dafron. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- December 3 Attended the Baltimore County Police Department Promotion Ceremony and a Maryland State FOP legislative agenda meeting.
- December 5 Met with a member concerning military service credit and attended the bi-monthly meeting between the

FOP Board of Directors, Chief Johnson and his bureau chiefs.

- December 6 Met with Baltimore County for labor negotiations.
- December 10 Met with Councilwoman Bevins in reference to line of duty death benefits for the surviving spouse, attended the county council work session.
- December 11 Attended the FOP Lodge #4 holiday reception.
- December 12 Attended the Police Assistance and Relief Fund meeting.
- December 16 Attended a Political Action Committee, Legal Advisory Committee and Executive Board of Directors meetings.
- December 17 Met with counsel from Schlachman Belsky and Weiner to review 2013.
- December 18 Addressed the members of the 138th recruit class.
- December 19 Met with members of the state FOP legislative committee and Senator Frosh concerning issues important to the FOP for the 2014 session, attended the graduation ceremony for the officers of the 138th recruit class.
- December 23 Chaired a Negotiations Committee meeting and the General Membership meeting.
- December 5 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors of F.O.P. Lodge # 4.
- December 6 Attended a negotiations session with the Baltimore County Director of Human Re-

~ 1st V. P. COMEGNA ~

LODGE 4 OFFICE

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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 PC4 (410) 409-0293	David M. Rose 2nd Vice President F.O.P Lodge 4 (443) 956-2643
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David J. Folderauer, Sr. Lodge Secretary PC 4 - IST (410) 382-2075	Robert W. Caskey Treasurer CID-Robbery (443) 956-2615
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W. Donald Patterson State Trustee PC12	Ryan Massey Sergeant at Arms CID - Homicide
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Paul A. Merkle Chaplain Retired	L. Timothy Caslin Past President Retired
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EXECUTIVE BOARD of DIRECTORS

Kenneth F. Schubert Chairman Retired (410) 416-2800	Mike DiCara Vice Chairman PC 4
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Thomas G. Scally CID - Arson	Lou Lagna Retired
Donna Patterson PC12	Patrick Zito Retired
James P. Rommel, Jr. PC11	Ryan Franks CID - Gun Squad
Joe Caskey CID - Homicide	Kathy Kraemer PC 6

LODGE STAFF

Juanita Bouthner—Administrative Assistant
Nancy Skinner—Administrative Assistant

LEGAL ADVISORS

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

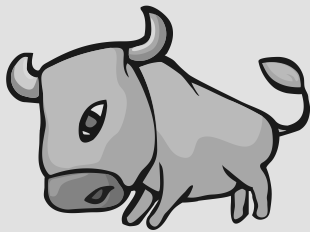
The Fourword is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Fourword Editor
Kathryn Greenbeck
Precinct 8

Attention Members:

Due to a scheduling conflict with the caterer, the Bull, Oyster, and Shrimp Roast has been changed to March 23, 2014. The event will be held at Tall Cedars from 1 pm until 6 pm and tickets are \$35 per person.

**Please call FOP Lodge 4 for tickets.
410-668-0004**



sources, George Gay. I also attended the negotiations committee meeting that followed.

- December 16 Worked at the lodge office, and attended meetings of the Political Action Committee and the Legal Advisory Committee. I also attended the December 2013 Executive Board of Directors Meeting.
- December 23 Worked at the lodge office and attended a meeting of the Negotiations Committee and attended the December 2013 General Business Meeting.

~2nd V.P. ROSE~

- December 3 Attended a legislative meeting in Annapolis.
- December 5 Attended the officers' transfer draft and the Executive Board of Directors

- meeting with Chief Johnson.
- December 6 Attended the Integrity Committee and Negotiations Committee meetings.
- December 10 Attended the Pension Board of Trustees meeting, met with Councilwoman Bevins and attended the County Council work session.
- December 11 Attended the Petition for Show Cause in Circuit Court for the Angela Avent case and attended the Lodge 4 holiday reception.
- December 16 Chaired a Legal Advisory Committee meeting, attended a Bylaws Committee meeting and the Executive Board of Directors meeting.
- December 18 Addressed members of the 138th recruit class.
- December 19 Attended a meeting with Senator Frosh and the Maryland Legislative Committee.

- December 20 Attended the Holiday Reception at Lodge #34.
- December 23 Attended a Negotiations Committee meeting and the General Business meeting.

~TRESURER CASKEY~

- December 6, 10, 28, 30 Worked at the lodge.
- December 16 Attended the Executive Board of Directors meeting.

- December 23 Attended the General Membership meeting.

SECRETARY FOLDERAUER

- December 5 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors of F.O.P. Lodge # 4.
- December 6 Attended a negotiations session with the Baltimore County Director of Human Resources, George Gay. I also attended the Negotiations Committee meeting that followed.
- December 16 Worked at the lodge office, attended meetings of the Political Action Committee and the Legal Advisory Committee. I also attended the December 2013 Executive Board of Directors Meeting.

EXECUTIVE BOARD OF DIRECTORS REPORT

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on December 16, 2013. The meeting was called to order at 5:10 p.m. All elected officers and Board members were present. Legal counsel Mike Marshall was also in attendance.
- Motions that were made, after

FOP Lodge 4 Fallen Heroes Memorial Scholarship Awards

Applications for the Fall, 2014 & Spring, 2015 scholarships are now available. Nine (9) \$3000.00 scholarships are to be awarded this year.

The deadline is February 1, 2014.

Contact Lodge 4 for details.

ATTENTION MEMBERS

The Lodge #4 web site, www.foplodge4.org, does not require a password. Contained on the site is an abundance of information about the current events going on in the Lodge, as well as links to resources, products and services, and the latest Lodge news.

The message board, however, does require a password. When you click on the link, it will guide you through the registration process.

Call the Lodge if you have any questions about the FOP Lodge #4 web site.

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

REPORTS OF COMMITTEES

BYLAWS COMMITTEE

~Lou Lagna~

- The three bylaws that were printed in the December 2013 Fourword were read by Chairman of the Board, Kenny Schubert. Each one was then discussed by the members present at the meeting.

LEGAL ADVISORY COMMITTEE

~Dave Rose~

- On December 16, 2013 the committee members met to discuss two issues. The first issue was the Angela Avent case. On Wednesday December 11, 2013

the Petition to Show Cause was heard in Circuit Court in front of Judge Norman. At the conclusion of the hearing Judge Norman dismissed the petition with no explanation. Mike Marshall feels the decision to dismiss the petition should be appealed to the Court of Special Appeals. He feels the merits and arguments of the case have not changed and that the Circuit Court Judge made the wrong decision. A motion was made to approve funding for the appeal and there was a proper second. The motion passed unanimously.

- The second issue was a request from Sister Mandy Biter. She submitted a written request for funding for retaining outside counsel to submit a freedom of information request for her individual promotional test data. The committee members reviewed the request and a motion was made to approve the funding for counsel if she used the law firm of SBW Law. There was a proper second and the motion passed unanimously. Sister Biter was notified of the committee decision.
- On November 5, 2013 Circuit Court Judge Finifter issued an order in the Retiree Subsidy case. The order gave the County 10 days to restore the affected retirees to the proper subsidy. There is then a 60 day discovery period so a total dollar amount owed to the retirees may be calculated which will have a deadline of January 6, 2014. A hearing date for damages is scheduled for February 6, 2014. On November 8, 2013 the County filed an appeal to the Court of Special Appeals. In addition to that request, the County submitted a motion to

stay the Circuit Court Order by Judge Finifter in reference to his grant of injunctive relief. On December 5, 2013, Judge Finifter denied the County's motion to stay. The hearing on February 6, 2014 will continue as scheduled.

- On December 18, 2013 the FOP filed an emergency motion to compel against Baltimore County in the Circuit Court. The reason for the motion was that the County refused to produce electronically stored information in the proper format. The County argued that the information is "work product" and they cannot be compelled to produce it. The motion was reviewed by Judge Kathleen Cox. She decided that no hearing would be necessary and issued a ruling on December 20, 2013 ordering the County to produce the requested information in the desired format.
- On September 20, 2013 the FOP filed a contempt petition against Baltimore County, County Executive Kamenetz and Budget Director Keith Dorsey in the retiree subsidy case. No hearing date has been scheduled.
- On October 23, 2013 we received a decision in the Brandt Bradford case, which was argued on April 4, 2013 at the Board of Appeals. In the decision, the Board ruled in favor of Bradford, stating the County Code permits him to change his retirement option. The County has filed an appeal to the Circuit Court. At this time there is no hearing date.

- The County did not file for a Writ of Certiorari in the case against County Executive Jim Smith. Our attorney contacted the county's attorney to discuss the implementation of the provisions of the MOU that were related. Our attorneys will continue to work for resolution of this issue.
- The Complaint and Petition to Show Cause in the Megan Childress was postponed.
- The County has filed for a Request for a Writ of Certiorari with the Maryland Court of Appeals in the Absence Control Policy case. The court has agreed to hear the case. It should be heard sometime in 2014.
- On October 8, 2013 the FOP filed a Freedom of Information Act Request with Baltimore County Government requesting any and all documentation relating to the "loan" taken with the old pension system. The County has responded and our attorneys are reviewing the information.

PENSION COMMITTEE

~Dave Rose~

- At the December Pension Board of Trustees meeting the Board approved 29 total retirements. A total of 9 of those were from the police department.

POLITICAL ACTION COMMITTEE

~Steve Comegna~

- The Political Action Committee met on Monday December 16, 2013 at the lodge. The committee brought forth the following motions to the Executive Board of Directors:

- To purchase a Bronze sponsorship to a fundraiser for State Delegate Adrienne Jones (District # 10) on January 02, 2014. The cost is \$250.00.
- To purchase a Gold sponsorship to a fundraiser being held by State Delegate and Brother John Cluster (District # 8) on January 06, 2014. The Cost is \$750.00.
- To purchase two tickets to a fundraiser for State Delegate Steve Lafferty (District 42) on January 06, 2014. The cost is \$45.00 each for a total of \$90.
- These motions were approved by the Executive Board of Directors on Monday December 16, 2013. The motions were approved by the membership on Monday December 23, 2013 at the December General Business Meeting.

OLD/UNFINISHED BUSINESS

- Brother Bergin advised that he has not yet received his retirement badge, but he has been told that it has arrived.

NEW BUSINESS

- President Weston advised that the installation of the newly elected FOP Lodge 4 Board members and line officers was completed at the Executive Board of Directors meeting on December 16, 2013.

GOOD OF THE ORDER

- President Weston advised that deli trays would be delivered to all the precincts and to headquarters on New Year's Eve for the 3-11 and midnight shifts.
- President Weston also advised that he and First Vice President

Bereavements

**Retired Brother
George S. Manick**

**James L. Wagner
Father-in-Law of Brother
Todd Wiedel**

**Anna E. Sharp
Grandmother of Sister
Dawn Harris**

**George R. Miller
Father-in-Law of Brother
Curt Brocato, Grandfather of
Brothers Christopher and
Zachary Brocato and Brian
Voight**

**Judith L. Wheeler
Mother of Sister
Joan Wheeler-Felts**

**Anna Hanks
Grandmother of Brother
Chris Mast**

Comegna will meet to make committee appointments for 2014.

- President Weston further advised that the 32 recent graduates of the Training Academy all signed up as members of FOP Lodge 4.
- Brother Friedman congratulated Brother Steve Comegna on his promotion to Sergeant.
- During the month of December , FOP Lodge #4 sent five (5) cards and flower arrangements to bereaving members. Three (3) donations were sent in lieu of flowers at the family's request. Eight (8) thank you cards were received.
- The meeting was adjourned at 8:17 pm.

The February

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
February 24, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The March

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
March 24, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road