



The Fourword

Volume 42 Number 12

December 2014

2014 YEAR IN REVIEW

Baltimore County Fraternal Order of Police, Lodge #4 had a successful year representing the membership.

Retiree Health Care Subsidy Case

- March 6, 2014 Baltimore County Circuit Court rules on favor of the FOP and against Baltimore County awarding \$1,413,120.81 to be paid to the overcharged retirees.
- April 14, 2014 Baltimore County Circuit Court rules in favor of the FOP and against Baltimore County issuing a Show Cause Order upon consideration of the FOP Petition for Contempt.
- April 17, 2014 Baltimore County Circuit Court rules in favor of the FOP and against Baltimore County awarding \$213,446.47 in interest to the retirees.
- May 28, 2014 Baltimore County Circuit Court rules in favor of the FOP and against Baltimore County's motion to quash the show cause order for contempt of court.
- May 30, 2014 Baltimore County Issued a check for \$1,696,403.98 made payable to FOP Lodge #4.
- June 5, 2014 Baltimore County issued a check for \$84,866.00 made payable to FOP Lodge #4.
- June 10, 2014 Baltimore County issued a check for \$20,209.56 made payable to FOP Lodge #4. (For a total of \$1,801,479.54)
- June 2014 Baltimore County restored the health care subsidy rates to the rates that were in effect at the time of each retiree at the time of their retirement.

Legislative Session

- April 14, 2014 Two bills were signed into law and added to the LEOBR affecting the lives and careers of Maryland law enforcement officers and their families.
- Senate Bill 436 – Exclusion of Evidence, allows a judge to exclude any evidence obtained in violation of any right granted by the LEOBR from being used against an officer.
- House Bill 598 – Disclosures – Punitive Action, provides a protection for officers who may have to have a disclosure made by the States Attorney to the defense to comply with the Maryland disclosure rules.

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
November 2014**

- The November General Business meeting was held on November 24, 2014 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Sister Kraemer gave the invocation. President Weston led the Pledge of Allegiance.

ROLL CALL OF OFFICERS

- Chaplain Merkle, Brother Franks, and Brother Rommel 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 Grumbach to accept the minutes of the October, 2014 General Membership Meeting. A second was made by Brother King. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- October 28 Met with a member concerning retirement planning.
- October 29 Addressed the In-Service training class.
- November 3 Attended the Court of Special Appeals, Retiree Health Care Subsidy case hearing.

- November 4 Attended the Retired Officers' Association meeting.
- November 5 Addressed the In-Service training class.
- November 7 & 8 Attended the Maryland State FOP meeting in Rocky Gap.
- November 17 Attended the Executive Board of Directors meeting.
- November 20 Attended the Bi-monthly meeting between Chief Johnson, his Bureau Chiefs and the FOP Executive Board of Directors.
- November 24 Chaired the FOP Lodge #4 General Membership meeting.

~ 1st V. P. COMEGNA ~

- November 4 Worked a poll for Brother and State Delegate John Cluster (District #08) and attended the Baltimore County Retired Police Officers' Association Meeting.
- November 6 Completed and submitted our "Post General Campaign Finance Report."
- November 7 & 8 Attended the quarterly training seminar and meeting of the Maryland State Lodge of the F.O.P.
- November 13 Attended the monthly meeting of the Police Assistance and Relief Fund and I attended a meeting of the Health Care Review Committee.
- November 14 Attended a viewing for Holly Lamont, daughter of deceased Brother Larry Sibley.
- November 17 Attended a meeting of the Political Action Committee and I attended the November Executive Board of Di-

LODGE 4 OFFICE

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ELECTED OFFICERS

Cole B. Weston
President
(443) 956-2679

Steven G. Comegna 1st Vice President F.O.P. Lodge 4 (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 RATT (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) 404-2788	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

The Fourword

- rectors Meeting.
- November 19 Visited Precinct # 08 (Parkville).
- November 20 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors.
- November 24 Assisted with ballot counting as part of the Elections Committee, attended a meeting of the Legal Advisory Committee and attended the November 2014 General Business Meeting.

~2nd V. P. ROSE~

- October 30 Met with a member to discuss retirement options.
- November 3 Attended the Court of Special Appeals hearing for the Retiree Subsidy case and met with the President of Lodge 89, Dean Jones.
- November 4 Worked the election polls for Delegate John Cluster and attended the Retired Officers' Association meeting.
- November 8 Attended the Maryland State Lodge quarterly meeting.
- November 10 Attended the Pension Board of Trustees meeting.
- November 11 Attended the Baltimore County Police department awards ceremony.
- November 13 Attended the Health Care Review Committee meeting.
- November 17 Attended the Executive Board of Directors meeting.
- November 20 Attended the Executive Board of Directors meeting with Chief Johnson.
- November 24 Assisted in counting of the ballots for the 2014 election, chaired a Legal Advisory Committee meeting and attended the General Membership meeting.

SECRETARY FOLDERAUER

- November 8 Attended the meeting of the Maryland State Lodge of the F.O.P.
- November 17 Attended a meeting of the Political Action Committee and I attended the November Executive Board of Directors Meeting.
- November 20 Attended the bi-monthly meeting between Chief Johnson and the Executive Board of Directors.
- November 24 Assisted with ballot counting as part of the Elections Committee, attended a meeting of the Legal Advisory Committee and attended the November 2014 General Business Meeting.

STATE TRUSTEE

~Don Patterson~

- November 4 Worked the poll at Berkshire Elementary School for Joe DiCara. Worked the poll at Perry Hall High School for John Cluster. Attended the Retirees' meeting at Parkville Heritage Gardens.
- November 7 Attended training given by the MD State FOP Lodge at at Rocky Gap.
- November 8 Attended the Maryland State FOP Board meeting in Rocky Gap.
- November 15 Attended the bull roast for the Baltimore Police Emerald Society at Tall Cedars.
- November 17 Attended the Lodge 4 Executive Board of Directors meeting.
- November 24 Attended the Lodge 4 General Membership meeting.

In attendance at the November meeting of the MD State FOP Lodge on November 8 were National First Vice President Ed Brannigan, National Second Vice President Frank Gale, and National Secretary Patrick Yoes. They each addressed the membership. Also in attendance was Jay McDonald, President of the Ohio State FOP Lodge, who will be running for National First Vice President, as well as Les Neary, Pennsylvania State FOP President, who will be running for National Second Vice President.

- FOP Lodge 89 President Dean Jones made a motion to have the minutes from the MD State Lodge Conference rewritten in greater detail due to the controversy surrounding that conference. The motion was seconded and passed.
- MD State Lodge President Vince Canales spoke briefly about body cameras and the committee that has been formed in reference to the topic. He also spoke on concerns about the LEOBR being attacked legislatively.
- After the State FOP conference in August, Past President Rodney Bartlett filed a grievance challenging the validity of the election and whether Lodge 89 should have had any delegates



Association of
Baltimore County
Retired Police
Meetings 2014

March 3

April 7

May 5

September 8*

November 3

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



allowed on the floor. After several hours of discussion, a motion was made on the floor to uphold Past President Bartlett's grievance and therefore nullify the election. The vote was 29 against the motion and 20 for the motion. The motion was defeated and dismissed.

- The next MD State FOP meeting will be held on Saturday, January 24, 2014 at Lodge 34 at 9:30 am.
- The next National FOP Conference will be held in Pittsburgh, PA August 10-13, 2015.

**EXECUTIVE BOARD
OF DIRECTORS REPORT**

~ Kenny Schubert~

- An Executive Board of Directors meeting was held on November

17, 2014. The meeting was called to order at 5:00 p.m. Brothers Massey and J. Caskey were working. Chaplain Merkle and Brother Rommel were excused. Brother Franks was on vacation. 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

BULL ROAST COMMITTEE

~Ken Schubert~

- The annual FOP Lodge #4 bull and oyster roast will be held on March 22, 2015 at Tall Cedars in Parkville.

GRIEVANCE COMMITTEE

~Dave Rose~

- On November 10, 2014 a grievance was filed by Brother Brendan Duker in reference to a question on the Sergeants' exam. The grievance was waived at steps #1 and #2. An appeal is being filed to step #3.

HEALTH CARE COMMITTEE

~Steve Comegna~

- The Legal Advisory Committee continues to monitor the status of our Retirees Health Care Subsidy case (see Legal Advisory Committee report).

**LEGAL ADVISORY
COMMITTEE**

~Dave Rose~

- The retiree subsidy case was argued on November 3, 2014 at the Court of Special Appeals.

Bereavements

Dominic Carlos Selvi (Nick)
Son of Brother Carlos Selvi

Thomas L. Hammacher, Jr.
Father-In-Law of Brother
John Bondura

Holly A. Lamont
Daughter of Late Brother
Larry R. Sibley

Willetta E. Faulkner
Mother of Retired Brother
David Storf

Joseph M. Bachike, Sr.
Father of Brother
Joseph Bachike, Jr.

Ruth E. Palmere
Mother of Retired Brother
Philip Palmere,
Mother-In-Law of Retired
Brother Charles Henry, and
Aunt of Retired Brother
Nicholas Palmere

Richard Hedges
Grandfather of Brother
Richard Suidikas

We are currently waiting for a decision. On or about November 10, 2014, the FOP became aware that the county was in the process of reverting the health care subsidies of the retirees affected by the subsidy lawsuit back to active employee rates which take effect January 1, 2015. Our attorney contacted Mr. Jim Nolan, the County's attorney, by telephone to have him clarify whether this information was accurate. Mr. Nolan refused to discuss the matter and stated he would respond in writing. On Friday, November 14, 2014, the FOP

filed a request for a status conference with Judge Finifter in Baltimore County Court so that the County can explain to both the Court and the FOP its intentions going forward as it pertains to its compliance with the Court's order in regard to the subsidy rates. As of November 17, 2014, neither the FOP, nor our attorney, has received a response from the county. The county has until December 2, 2014 to reply to the court.

- The County filed an appeal to the Circuit Court for the October 23, 2013 Board of Appeals decision in the Brandt Bradford case. A hearing was set for December 12, 2014 at 9:30am.
- A member made a presentation to the Executive Board of Directors on November 17, 2014. In his presentation, he wanted to clarify his earlier request that was denied by the Grievance Committee. He communicated to the Board that he was requesting the Legal Advisory Committee to consider filing a grievance with the attorney grievance commission against Scott Shellenberger for his interpretation of



FOP Lodge 4 Fallen Heroes Memorial Scholarship Awards

Applications for the Fall, 2015 & Spring, 2016 scholarships are now available. Nine (9) \$3000.00 scholarships are to be awarded this year.

The deadline is February 1, 2015.

Contact Lodge 4 for details.

Brady v. Maryland 1963 and the effect it has on officers in the police department. The request is based mainly on his placement on the Brady list and the disclosure of information that is deemed relevant by the State's Attorney Scott Schellenberger and for his failure to maintain an objective criterion for the placement of an officer on a Brady List. Online research was done on the Maryland Courts website on the Attorney Grievance Commission. Grievances may be filed against attorneys by citizens who believe that a particular attorney violated the Maryland Rules of Professional Conduct. As available current case law shows, Scott Schellenberger's conduct appears to be within the

prosecutorial capacity of the State's Attorney. The committee did not find any violation that could be grieved in this venue. The committee took no action on the request.

- On November 23, 2014 the committee received a request, per the FOP Lodge #4 bylaws, for funding of legal aid outside the retainer. Lt. Kurt Nuffer is requesting the Lodge fund an attorney for his case in order to bring it to a conclusion. The committee members had lengthy discussion in reference to representation in this case. A motion was made to fund another attorney to review the case and report back to the committee with an opinion. Based on that report the committee may or may not take further action. There was a second to the motion and the motion passed. It was presented to the Executive Board of Directors and the motion passed.

PENSION COMMITTEE

~Dave Rose~

- At the November Pension Board of Trustees meeting the Board approved 37 total retirements. Seven of those were from the police department.



**POLICY REVIEW
COMMITTEE**

~Dave Rose~

- This month we received 9 new policies for review.
- I met with Colonel Evans and Colonel Burris on September 25, 2014 to discuss the language that will permit members “Employment by a private security firm at a location where the sale of alcohol is “ancillary” to the scope of business with the permission of the Chief of Police or designee.” The FOP was concerned that this language is too ambiguous to be implemented consistently and impartially. Standards are needed, or a change in language, which define the types of businesses that would be included for secondary employment opportunities. There was good discussion and dialogue in the meeting and both Colonels said they would meet with the Chief and other commanders and communicate back to the FOP. We researched several policies from various departments that allow for secondary employment in this capacity.

Those drafts were sent to the Department with a request to discuss implementing a similar policy.

**POLITICAL ACTION
COMMITTEE**

~Steve Comegna~

- The Political Action Committee met on Monday November 17, 2014. The Committee brought forth two motions to the Executive Board of Directors. They are as follows:
- A motion to retain Mr. John Stierhoff, Esq. as our lodge lobbyist for calendar year 2015.
- A motion to purchase two (2) tickets to a fundraiser for Baltimore County Councilman David Marks (District # 5) on Wednesday December 03, 2014. The event is at the Bowman Restaurant from 6:00 pm until 7:30 pm. The ticket cost is \$250.00, for a total expenditure of \$500.00
- Each motion was approved by the Executive Board of Directors. This report was presented to the membership at the November 2014 General Business Meeting. This report was approved by the General Member-

**FOP Lodge #4
Election Results
Executive Board
of Directors**

925 ballots were received

1. Ken Schubert 719
2. Joe Caskey 679
3. Donna Patterson 657
4. Ryan Franks 583
5. Mike Cortes 532
6. Pat Zito 524
7. Kathy Greenbeck 457

The top 5 will serve a 2-year term on the Executive Board of Directors starting in December, 2014.

ship.

- Our “Post General Election” campaign finance report was submitted on November 06, 2014.

GOOD OF THE ORDER

- Brother John Cluster thanked those members who assisted in his campaign for the Maryland House of Delegates.
- Brother Tony DiCara thanked the membership for their support on behalf of his father, Joe DiCara, who ran for the Baltimore County Council.
- During the month of November, FOP Lodge #4 sent four (4) cards and flower arrangements to bereaving members. Five (5) donations were made in lieu of flowers at the request of bereaving members. Eleven (11) thank you cards were received. The meeting was adjourned at 8:01 pm.

44th Annual Bull, Oyster & Shrimp Roast



Sunday

March 22, 2015

1 p.m. to 6 p.m.

**Tall Cedars Hall
Parkville, MD**

\$35.00 per person

(Reservations are being accepted)

**Music, Wheels, Raffles
Food by Atlantic Catering**

Open Bar

Music by Wherez Dave

**For Tickets & Information
Contact Lodge 4 at (410) 668-0004**



The January

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
January 26, 2014
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The February

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
February 23, 2015
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road