



The Fourword

Volume 36, Number 9

September 2008

**Association of Baltimore County Retired Police, Inc.
and
Law Officer's Association of Baltimore County, Inc.**

**Heritage
Parkville Gardens
7631 Harford Road
Parkville, MD**

**D.J. & Wheels
Hot & Cold Buffet
Beer & Sodas**

**2nd Annual
Shrimp Feast**

**October 10, 2008
7pm—11pm**

**For tickets
Call Joe Folio
@ 410-913-9128
or Karen Wamsley
@ 410-925-1568**

**\$25
per person**

5th Annual

“COP OUT”

**All proceeds to benefit the
*Police Assistance Relief Fund***

**October 29, 2008
6pm—12am**

**Portside Pub
11 Margaret Avenue
Essex, MD 21221**

**“On The Pit”
Beef, Ham,
Turkey,
Italian Sausage,
Salads, Fixin's
& Draft Beer

Domestic Beer
\$1.50**

**Contact Kurt
Wilhelm at
410-887-4870
for tickets
\$25.00
Per person**



Representing the Professional Police Officers of Baltimore County





MEETING MINUTES

August 2008

**recorded by
Dave Folderauer**

The August 2008 General Business Meeting was held on August 25, 2008 at F.O.P 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

Brother Bergin 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 July 2008 General Membership Meeting. A second was made by Brother King. There was no discussion. The motion passed.

REPORTS OF OFFICERS

~ PRESIDENT WESTON ~

- July 30 Met with representatives from the Department of Justice about the Blake case.
- August 5 Met with the President of the Blue Guardians.
- August 7 Met with a member concerning retirement planning.
- August 15 Attended the viewing with the Howe Family.
- August 16 Attended the funeral service for Lt. Michael Howe.
- August 17 Visited the funeral home with the Grasso Family.
- August 17-20 Attended the Maryland State F.O.P. Biennial

Conference in Solomons Island.

- August 25 Visited the funeral home with the Parks family. Attended a Political Action Committee Meeting, an Executive Board of Directors Meeting, and a General Membership Meeting.

~ PAST PRESIDENT CASLIN ~

- August 10 Attended a fundraiser for Brother Matt Ackley.
- August 15 Visited the family of Brother Michael Howe at the funeral home.
- August 16 Attended the funeral service for Lt. Michael Howe.
- August 25 Attended an Executive Board of Directors Meeting, and a General Membership Meeting.

~ 1st V. P. COMEGNA ~

- August 11 Responded to the lodge office and assist with the Line of Duty Death of Brother Michael Howe.
- August 12 Worked at the lodge and attended a wreath laying, in memory of Brother Michael Howe, at the Baltimore County Police Memorial.
- August 17-20 Attended the Maryland State F.O.P. Biennial Conference in Solomons Island.
- August 25 Worked at the lodge office, attended a meeting of the Political Action Committee, an Executive Board of Directors Meeting, and a General Membership Meeting.

~ 2nd V. P. ROSE ~

- July 30 Met with representatives from the Department of Justice about the Blake case.
- August 7 Met with County Information Technology representative about installing an intranet system at the Lodge.

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 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>PC3 - 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> Donna Patterson <i>Planning & Research</i> Mike DiCara <i>PC 12</i> Raymond J. Patterson <i>PC 12</i>	Louis J. Lagna <i>Retired</i> Patrick Zito <i>PC 7 - Traffic</i> Ryan Massey <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

The Fourword

- August 8 Delivered contracts to the Training Academy, Precinct 1 and Precinct 4.
- August 10 Attended the fundraiser at Padonia Station for Brother Matt Ackley.
- August 11 Responded to Johns Hopkins Hospital for Brother Michael Howe.
- August 12 Met with Captain Johnson in Personnel, about funeral arrangements for Brother Michael Howe.
- August 14 Met with an officer about a medical related issue.
- August 15 Attended the viewing for Brother Michael Howe.
- August 16 Attended the funeral for Brother Michael Howe.
- August 17-20 Attended the Maryland State F.O.P. Biennial Conference in Solomons Island.
- August 25 Attended the Executive Board of Directors Meeting and the General Business Meeting.

~SECRETARY FOLDERAUER~

- August 17-20 Attended the Maryland State F.O.P. Biennial Conference in Solomons Island.
- August 25 Attended a Political Action Committee Meeting, an Executive Board of Directors

meeting, and the General Business meeting.

~TREASURER CASKEY~

- August 17-20 Attended the Maryland State F.O.P. Biennial Conference in Solomons Island.
- August 25 Attended an Executive Board of Directors Meeting, and a General Membership Meeting. Reported on the financial status of the lodge.

~TRUSTEE PATTERSON~

- August 17-20 Attended the Maryland State F.O.P. Biennial Conference in Solomons Island.
- August 25 Attended an Executive Board of Directors Meeting, and a General Membership Meeting.

~EXECUTIVE BOARD OF DIRECTORS REPORT~

~ Kenny Schubert ~

- An Executive Board of Directors Meeting was held on August 25, 2008. The meeting was called to order at 5:08 p.m. Brother Massey was working, and Brother Bergin was excused. 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

DONATION REVIEW COMMITTEE

~ Paul Merkle ~

- A motion was made to donate \$500.00 to the fundraiser held on August 10, 2008 to support Brother Matt Ackley. This motion passed.
- A motion was made to donate

\$2,000.00 to the Anna Otto Golf Tournament to be held September 8, 2008. This motion passed.

A motion was made to donate \$100.00 to the Law Officers Association / Baltimore County Police Retired Association in lieu of tickets for the Shrimp Feast on October 10, 2008. This motion passed.

A motion was made to purchase eight (8) tickets at a cost of \$240.00 to the Baltimore County Police & Community Relations Council (PCRC) Annual Bull and Oyster Roast on September 19, 2008. This motion passed.

A motion was made to donate \$250.00 to the Chrome City Ride to benefit the Benedictine School for exceptional children. This motion passed.

A motion was made to raise our donation of \$50.00 to \$250.00, to the Parks Children Trust Fund on behalf of Brenda Parks (wife of Ofc. Gregory Parks) who recently passed away. This motion passed.

GRIEVANCE COMMITTEE

~ Dave Rose ~

On August 11, 2008 Arbitrator Javitz ruled against the Fraternal Order of Police in the grievance over the language in section 6.2 of the Memorandum of Understanding. In the decision Arbitrator Javitz used the principle of contra proferentem "A central principle of contract interpretation is that where a contractual expression has two or more plausible readings, the preferred interpretation should be the one that is less favorable to the party proposing the language."

**Association of
Baltimore County
Retired Police
2008 Meetings**

October 7

November 4

Bereavements

Brother Michael Howe
Step-father of
Brother Jason Simons

Beverly Pennington
Mother-in-law of
Brother Gary Gephardt

Retired Brother
John Middendorf

Carroll Caslin
Father-in-law of
Associate Member
Brother Thomas O'Connell

Cadet Joshua Scott Weir

Helen Harding
Mother of
Retired Brother
Richard Harding
and Grandmother of
Brother Joshua A. Harding

Retired Baltimore City
Detective
William C. Valentine
Father of Brother
William M. Valentine
and Grandfather of
Brother
William C. Valentine

John Herzog, Sr.
Grandfather of
Sister Amanda Herzog

L. Delphine (Dell)
McKenna-D'Antoni
Mother of
Retired Brother
Thomas D. McKenna Jr.
Mother-in-law of
Retired Sister
Susan F. McKenna
and Grandmother of
Brother
Thomas D. McKenna, Jr.

Dorothy Simpson Brown
Grandmother of
Sister Kristyn M. Bohan

Brenda A. Parks
Wife of Gregory A. Parks
and Daughter-in-law of
Retired Brother
Thomas D. Parks

Phyllis L. McEvoy
Mother of Brother
Donald J. McEvoy, Jr.

Marie Franz
Mother of
Retired Brother
R. Timothy Franz

- Currently we have 4 grievances pending compensation under section 6.2 for officers who had to take police action while working secondary employment. As a result of this decision, those grievances are denied.
- We will offer to meet with management to discuss the decision and clarify any related issues.
- The County has filed a motion to vacate the Arbitration decision for the retiree subsidy grievance. That motion was filed in the Baltimore County Circuit Court. The FOP will file a response supporting the arbitration decision.

LEGAL ADVISORY COMMITTEE

~ Dave Rose ~

- On August 11, 2000, the Maryland Court of Appeals denied the Fraternal Order of Police request for a writ of certiorari in the Brian Miller case. The Court of Special Appeals previously ruled the subpoena issued for Bro. Miller's phone records was illegal. The decision also included language that said even though the agency obtained the evidence illegally it could still be used against the officer because the LEOBR does not have an exclusionary rule. I have met with the Commander of Internal Affairs, Major Evans, and he has assured me that the trail board chairperson will no longer issue subpoenas for Internal Affairs investigations or use any evidence that was obtained by illegal means.
- The Fair Labor Standards Act (FLSA) case for uniform secondary employment in Baltimore

County Public Schools is in Federal Court and we are currently waiting for a trial date.

- We are currently waiting for a trial date in Baltimore County Circuit Court in the case filed by the FOP against County Executive Jim Smith for violation of the Employee Relations Act after this years binding arbitration award.
- The Blake case is set to move forward in Federal Court. President Weston and I met with our attorney and representatives from the Department of Justice on July 30. On August 22, 2008 we requested notice of the right to sue. We are moving forward with a motion to amend the suit for a permanent injunction and a claim for damages. Any additional discovery will be conducted by October when attorneys from both sides will meet with the judge to set a trial date.
- The Equal Employment Opportunity Commission (EEOC) issued a determination in Bro. Ed Pfister's case. In review of the evidence, the EEOC found that during the time period between February and May 2007, Ed Pfister was scheduled and/or required to undergo several additional medical exams. EEOC Guidance, "Workers' Compensation and the American with Disabilities Act (ADA)", states, in part, ..."Excessive questioning or imposition of medical examinations may constitute disability based harassment which is prohibited by the ADA". It is concluded that there is reasonable cause to believe the County has violated the Americans with Disabilities Act

Important Notice concerning the Board of Trustees of the Employees' Retirement System of Baltimore County

As provided for by the rules and regulations of the Employees' Retirement System of Baltimore County, two members will be elected from the active membership of the system, and one retiree will be elected by the retired membership of the system. The person elected to each of these positions will serve a four year term.

The trustees of the pension system oversee and make policy decisions regarding assets invested by the system. They monitor and evaluate investment manager performance, adherence to policy guidelines, and the performance of the fund as a whole. Additionally, the trustees review and vote on applications for accidental and ordinary disabilities, good and faithful service considerations, and over age sixty work extensions.

I have served as a trustee for the last two terms, and I am seeking your support to continue serving for the next four years. I have gained the knowledge and experience to competently represent all of the members of the Employees Retirement System. Prior to my election, Baltimore County Fraternal Order of Police Lodge #4 did not have any representation on the Pension Board of Trustees. I can not stress to you enough, the importance of having an elected representative of this organization on the Pension Board of Trustees.

Ballots will be mailed to your residence in September and must be returned postmarked no later than October 17, 2008. Please look for your ballot, vote for Cole B. Weston, so I may continue to serve you in this very important position.

Thank you for your continued support.

Cole B. Weston
FOP Lodge 4 President

as to unequal terms and conditions of employment. The EEOC will make an attempt to conciliate with both parties. If conciliation is unsuccessful the case will be forwarded to the Department of Justice.

- Currently the Department of Justice is reviewing cases of alleged violations of the ADA from three (3) of our members; Mike Lauenstein, Phil Crumbaker and Jeff Ward.
- Recently the EEOC issued a determination in the Bro. Richard Czyzewski case. In review of the evidence, the EEOC found that six months after an on the job injury in which Bro. Czyzewski had no medical issues which inhibited him from performing his daily job functions the County ordered him to undergo a workability exam and disclose his entire medical history. The County determined he was 84% disabled due to his prior on the job injuries. The County's position is unsubstantiated by any factual medical documentation and therefore, is not a legitimate reason for the actions taken. Furthermore, the unreasonable justification the County has identified for totaling up a police officer's on the job injuries and treating the officer adversely on that basis has a disparate impact on older police officers, as a class. The evidence obtained during the investigation establishes that the County violated the ADA and the ADEA. Currently, the parties are in conciliation. The EEOC will maintain jurisdiction in this case because of the age discrimination issue.
- August 31, 2008 will be 1 year

Law Enforcement Assistance Connection, Inc.

L. E. A. C.
Hosts Its
Incorporated
7th Annual Charitable Dinner

**Honoring America's
Law Enforcement Heroes**

Tuesday, October 28th, 2008 at 7:00 pm

Dinner to be held at:	RSVP by October 15th
Michaels Café	443-677-1657
2119 York Rd.	Tickets \$50 per person
Timonium, MD	Table of 10 \$500

LODGE 4 "FALLEN HEROES" MEMORIAL SCHOLARSHIP AWARDS

Applications for the Fall, 2009/Spring, 2010 scholarships are available now by contacting Lodge4. Seven (7) \$3,000.00 awards are made each year.

Applications for these awards are open to the sons, daughters, adopted children, step-children or legally court-appointed wards, who are citizens of the United States. The applicant's parent or guardian shall have been an Active or Retired member in good standing of Baltimore County Lodge No. 4 for at least one (1) full year prior to the date of application for the current year scholarship awards. The applicant must be or will be a full-time student at a recognized college or university.

The deadline to return the completed application with required attachments is February 1, 2009.

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since the elimination of the pre-paid legal plan. Currently we have 5 cases in which officers have contacted the lodge for reimbursement of fees for cases that were pending as of that date.

MEMORIAL COMMITTEE

~ Don Patterson ~

- Brother Patterson advised that at the end of the Maryland State FOP Conference, the committee had some money left over so they made several donations. One donation was to the Baltimore County Police Memorial Fund in the name of Lt. Michael Howe.

NEGOTIATION COMMITTEE

~ Cole Weston ~

- Advised that we will send our letter on October 15, 2008 to

inform Baltimore County that we are prepared to open the entire MOU for negotiations.

POLITICAL ACTION COMMITTEE

~ Steve Comegna ~

The Political Action Committee met on Monday August 25, 2008. Brothers Bergin and DiCara were excused. All other members were present. The committee brought forth two motions, for PAC expenditures to the Executive Board of Directors. Those motions were as follows:

- To purchase two tickets to a fundraiser being held by State Delegate John Olszewski, Jr. (District # 6). His event is Wednesday September 10, 2008 from 8:00 am until 9:30 am at The Dock of The Bay 9025 Cuckold Point Road Sparrows Point, MD 21219. Ticket cost is \$100.00 each, for a total PAC expenditure of \$200.00.
- To purchase one ticket to a fundraiser being held by State Senator James Brochin (District # 42). His event is being held on Wednesday October 22, 2008 from 6:00-8:00 pm at Hightopps 2306 York Road Timonium, MD 21093.

These motions received a proper second, were discussed and voted upon. The two motions were approved by the Executive Board of Directors. The motions were presented to the General Membership at the August 2008 General Membership Meeting. Each motion received a proper second, was discussed and voted upon. Each motion was approved by the General Membership.

Sgt. Dan Phillips would like to thank all those who have sent him well wishes, cards & flowers, while recovering from his injuries.



Hightopps
Backstage Grille
and the
Baltimore County
Police Assistance
and Relief Fund
Invite you to a
Silent Auction
and Fundraiser

October 8, 2008

6pm 'til Close

\$12.00 per person

FREE Buffet

SOLICITATION COMMITTEE

~ Bob Caskey ~

- Advised that Lodge 4 is not conducting any solicitation at this time.

GOOD OF THE ORDER :

- During the month of August the Lodge sent six (6) flower arrangements, four (4) fruit baskets, and thirteen (13) sympathy cards to bereaving members. five (5) donations were made in lieu of flowers (at family members request) in the name of a member or loved one. The meeting was adjourned at 8:30.

The October

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
October 27, 2008
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road

The November

**FOP Lodge 4
GENERAL
BUSINESS
MEETING**

will be held on

**Monday,
November 24, 2008
7:30 p.m.**

at
FOP Lodge 4
9304 Harford Road