

***COMMISSION
MEETING***

April 10, 2013

9:30 a.m.

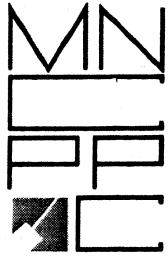
***MONTGOMERY REGIONAL
OFFICE***

ITEM 1

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, April 10, 2013
MRO
9:30 a.m. – 11:30 a.m.**

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*) Page	1		
2.	Approval of Commission Minutes				
	a) Commission Meeting – Open Session February 20, 2013	(+*) Page	3		
	Closed Session February 20, 2013	(+*)			
	b) Commission Meeting – Open Session March 21, 2013	(+*) Page	7		
	Closed Session March 21, 2013	(+*)			
3.	General Announcements				
4.	Committee/Board Reports (For Information Only):				
	a) Executive Committee – Open Session – March 15, 2013	(+) Page	9		
	b) Executive Committee – Closed Session – March 15, 2013	(++)			
	c) Minutes of the meeting of the Employees’ Retirement System Board of Trustees – February 5, 2013	(+) Page	11		
	d) Minutes of the Special Board of Trustee Meeting – February 15, 2013				
5.	Commission Presentations and Action Items				
	a) GFOA Award and Photo Op with Commissioners (Barney/Kroll)				
	b) Resolution #13-01 – Land Disposal for Rollins Avenue Neighborhood Park (Palfrey)	(+*) Page	19		
	c) AON Healthcare Reform (Spencer/McDonald)	(+) Page	23		
<hr/>					
6.	<u>Officers’ Reports</u>				
	a) Executive Director				
	Late Employee Performance Evaluations - (February 2013 and March 2013).....			(+)	Page 27
	b) Secretary-Treasurer				
	Investment Report – (February 2013).....			(+)	Page 29
	MFD Statistics – Second Quarter FY 13.....			(+)	Page 35
	c) General Counsel				
	Litigation Report – (March and April 2013).....			(+)	Page 49
7.	<u>Closed Discussion:</u>				
	a) Collective Bargaining Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (8) this session is closed to consult with counsel for legal advice; conduct collective bargaining discussions, and consider matters that relate to negotiations. (Executive Director Barney)				

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
February 20, 2013
Minutes

The Maryland-National Capital Park and Planning Commission met on February 20, 2013, at 9:30 a.m. in the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George’s County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
Manuel Geraldo
John Shoaff

Montgomery County Commissioners

Françoise M. Carrier, Vice-Chair
Marye Wells-Harley
Casey Anderson
Amy Presley

ABSENT

A. Shuanise Washington

Norman Dreyfuss

Chair Hewlett convened the meeting at 9:43 a.m.

Chair Hewlett stated that Item 7c, Medical Benefits Coverage Exception will be added to the agenda for closed session discussion, and Item 2b – closed session minutes of the January 16, 2013, meeting will be removed from the agenda.

ITEM 1 APPROVAL OF COMMISSION AGENDA

Action: Motion of Presley to approve the agenda with the modifications
Second by Bailey
8 approved the agenda

ITEM 3 GENERAL ANNOUNCEMENTS (taken out of order)

Chair Hewlett congratulated the Montgomery County Planning Department for receiving the State’s Sustainability Growth Commission Award for the implementation of the White Flint Sector Plan. Chair Hewlett also praised staff for efforts in promoting and coordinating the wonderful Black History Month programs in Montgomery County and Prince George’s County. Commissioner Bailey also thanked staff for making the program a success and recognizing and incorporating the theme. As a member of the Association for the Study of African American Life and History, she had an opportunity to honor Black History month at the White House, and reminded the President and the White House staff that there is a theme every year for Black History Month. Ms. Bailey also shared her recent experience meeting Ms. Joan Mulholland a speaker at one of the Prince George’s County Black History programs. Commissioner Bailey explained that Ms. Mulholland is a Southern

civil rights advocate. During a panel discussion at one of the Prince George's County's Black History programs they discovered that they had both marched together in Durham, North Carolina, in the civil rights movement. Commissioner Bailey shared information on some historical moments with the audience. She noted that Ms. Mulholland's son has written a documentary about his mother's life, entitled, "An Ordinary Hero," and encouraged the group to read the book.

Chair Hewlett mentioned additional programs that will be presented, including an exhibit of the African Americans in the Military Fighting on Two Fronts, at the Montpelier Cultural Arts Center.

Vice-Chair Carrier announced that Montgomery County's final Black History Month event this year is planned for February 22nd, will feature performers Esther Williams and Shirletta Settles, native Washingtonian women who will share music and stories around the theme of "Changing America, the Emancipation Proclamation."

Chair Hewlett also announced the Commission's celebration of the Women's History Month on March 11th, at 11:30 a.m., at Brookside Gardens. Chair Hewlett encouraged early registration due to limited capacity. Chair Hewlett recognized the leadership and guidance of Commissioner Mary Wells-Harley for initiating the celebration.

Chair Hewlett congratulated Commissioner Washington, in absentia, on her recent appointment as the President and the Chief Executive Officer of the Congressional Black Caucus Foundation.

ITEM 2 a) APPROVAL OF COMMISSION MINUTES – January 16, 2013

Action: Motion of Geraldo
Second by Wells-Harley
8 approved the Minutes

ITEM 4 COMMITTEE/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting Minutes – February 6, 2013
- b) Executive Committee Meeting Minutes – Closed Session – February 6, 2013
- c) Employees' Retirement System Board of Trustees Meeting Minutes – December 4, 2012

ITEM 5 a) RECOGNITION OF DIVERSITY COUNCIL MEMBERS AND PHOTO WITH COMMISSIONERS

Chair Hewlett complimented the 2011 – 2012 Diversity Council on their excellent work and announced that the 2013 Council has been formed. Executive Director Barney shared background on the Diversity Council, including its purpose to ensure that employees understand the importance of respecting differences and working together productively. The Council focuses on inclusion and diversity, which is a part of the agency's business model. She commented that the new Diversity Council reflects a cross section of employees representing additional diversity in positions, experience,

gender, and ethnicity. She thanked the Department Directors for their outreach efforts in locating new members

The Executive Director recognized departing Diversity Council members for their service and commitment, and acknowledged members of the 2013 Council, including those who were serving out their second term. Diversity Council Co-Chairs Robbin Brittingham and Anika Jackson presented Certificates of Appreciation to departing Council members. The outgoing and incoming Diversity Council members were photographed with the Commissioners.

b) PRACTICE 3-31 - FRAUD, WASTE, AND ABUSE

Corporate Policy and Management Operations Division Chief, Anju Bennett presented final proposed amendments to Administrative Practice 3-31, Fraud, Waste, and Abuse. She stated that staff was seeking approval of these additional amendments, along with those presented at the Commission meeting on January 16th. The newer amendments were highlighted to assist Commissioners in their review. These amendments resulted from additional review of a few areas identified during the initial presentation of the policy on the January 16th. Ms. Bennett indicated that the changes were supported by the Executive Committee which reviewed the changes with staff earlier in the month. Changes were provided in the attachment, Item 5b.

The Commissioners supported the amendments. Commissioner Geraldo recommended that line 38 on page 5 be amended to read, "Any individual **who has engaged** in fraud, waste, or abuse."

Chair Hewlett thanked the Audit Committee, Ms. Bennett, and Ms. Dupree for their hard work. Commissioner Presley thanked Ms. Bennett and Ms. Dupree on behalf of the Audit Committee.

ACTION: Motion of Geraldo to approve the Amendments to Practice 3-31,
 Fraud, Waste, and Abuse with the Modification
 Second by Presley
 8 approved the Amendments

Chair Hewlett congratulated Jennifer McDonald, who has assumed the Health Benefits Manager position.

ITEM 5

c) QUARTERLY UPDATE ON THE IMPLEMENTATION OF SHOW PLACE ARENA AUDIT RECOMMENDATIONS

Corporate Policy and Management Operations Division Chief Anju Bennett presented the quarterly update. She stated that were 12 recommendations made by the Audit Committee. While recommendations primarily affect Prince George's Parks and Recreation, a few recommendations also asked for more global implementation of internal goals on an agency-wide basis. Ms. Bennett indicated that a number of recommendations have been implemented or were substantially completed as outlined in the chart, packet Item 5c. She reviewed all areas in which there was a change in status.

Ms. Bennett thanked the Directors, specifically, Prince George's County Parks and Recreation Deputy Director Roslyn Johnson for providing feedback about the progress of Parks and Recreation.

ITEM

d) FINANCIAL DISCLOSURE FILING REQUIREMENTS

Executive Director Barney informed the Commissioners that they will be receiving a packet that relates to the Financial Disclosure Filing Requirement. The reports are filed with the State, Montgomery County, and Prince George's County for the respective planning boards, and at the Commission as required by Practice 5-70A. She requested that the Commissioners file hard copies for distribution. The forms should be submitted to the Executive Director's office by April 1st, which will then be filed by April 30th.

There was a discussion regarding a requirement to include information regarding financial institution relationships and vendor relationships on the Financial Disclosure forms. This item was further discussed in closed session. General Counsel Gardner will research this requirement and report his findings to the Commissioners before the March 20th Commission meeting.

ITEM 6

OFFICERS' REPORTS – For Information Only

- a) Executive Director - Late Employee Performance Evaluations (January 2013)
- b) Secretary-Treasurer – Investment Report (January 2013)
- c) General Counsel – Litigation Report (January 2013) and Legislative Update

Chair Hewlett requested a motion to move to closed session.

ACTION: Motion of Bailey
Second by Presley
8 approved the motion

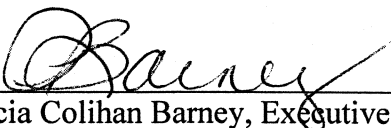
Pursuant to the Maryland State Government Article of the Annotated Code, Section 10-508(a)(7)(8), & (9), the meeting adjourned to closed session at 10:55 a.m. to consult with counsel to obtain legal advice, to consult with staff, consultants, or other individuals about pending or potential litigation, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

In open session, Chair Hewlett requested a vote to ratify the actions taken in closed session.

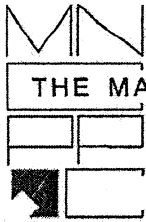
ACTION: Motion of Geraldo to ratify actions taken in closed session
Second by Wells-Harley
8 approved the motion.



Gayla I. Stringfield, Senior Technical Writer



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting

March 21, 2013
Open Session Minutes

The Maryland-National Capital Park and Planning Commission met by teleconference on March 21, 2013, at 5:30 p.m., from the Prince George's County Planning Board Office in Upper Marlboro, Maryland and from the Montgomery County Planning Board Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth Hewlett, Chair
Dorothy Bailey
Manuel Geraldo
A. Shuanise Washington (arrived at 5:45 p.m.)
John Shoaff

Montgomery County Commissioners

Françoise Carrier, Vice-Chair
Marye Wells-Harley
Casey Anderson
Norman Dreyfuss
Amy Presley

Directors/Deputy Directors/Presenter/Staff

Patricia C. Barney, Executive Director
Mary Bradford, Director, Montgomery County Parks
Rose Krasnow, Acting Director, Montgomery County Planning
John Nissel, Deputy Director, Montgomery County Parks
Michael Riley, Deputy Director, Montgomery County Parks
Ronnie Gathers, Director, Prince George's County Parks and Recreation
Fern Piret, Director, Prince George's County Planning
Al Dobbins, Deputy Director, Prince George's County Planning
Darin Conforti, Deputy Director, Prince George's County Parks and Recreation
Roselyn Johnson, Deputy Director, Prince George's County Parks and Recreation
Debra Borden, Associate General Counsel
Carol Rubin, Associate General Counsel
Craig F. Ballew, Outside Labor Counsel
Anju Bennett, Division Chief, Corporate Policy and Management Operations
John Kroll, Corporate Budget Manager
Bill Spencer, Human Resources Director
Lisa Dupree, Senior Policy Specialist
Jessica Jones, Planning Board Administrator
Marie Proctor, Senior Technical Writer/Editor

Chair Hewlett requested a vote to move the Montgomery County Planning Board and the Prince George's County Planning Board into a closed session of the full Commission at 5:30 p.m., pursuant to the Maryland State Government Article of the Annotated Code, Section 10-508(a)(7)(8), & (9), to consult with counsel to obtain legal advice, to consult with staff, consultants, or other individuals about pending or potential litigation, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

ACTION: Motion of Carrier

Second by Geraldo

9 approved the motion to move to closed session.

At 5:35 p.m., the Prince George's County Commissioners moved to the Prince George's County Planning Board Office's back hearing room while the Montgomery County Commissioners moved to the Montgomery County Planning Board 3rd Floor conference room to meet in closed session . The conference call connected at 5:45 p.m.

Following the closed session, at 7:05 p.m., a motion was made for the Commission to move to open session.

ACTION: Motion of Washington

Second by Geraldo

10 approved the motion to come out of closed session

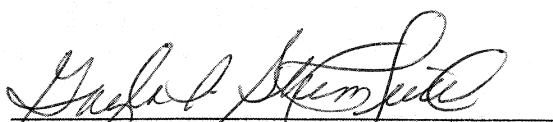
At 7:05 p.m., a motion was made to ratify votes taken in closed session.

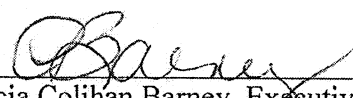
ACTION: Motion of Washington

Second by Geraldo

10 approved the motion to ratify votes taken in closed session

There being no further business to discuss, the meeting adjourned at 7:09 p.m.


 Gayla I. Stringfield, Senior Technical Writer


 Patricia Colihan Barney, Executive Director

ITEM 4a



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee Meeting
March 15, 2013

OPEN SESSION Minutes

A meeting of The Maryland-National Capital Park and Planning Commission's Executive Committee was held on March 15, 2013 at 3:00 p.m. in the Merit Board Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland. Present at the meeting were Chair Elizabeth M. Hewlett, Vice-Chair Françoise M. Carrier, and Executive Director Patricia C. Barney. Also in attendance were:

Department Directors/Deputies/Presenters/Staff

Joe Zimmerman, Secretary-Treasurer
Mary Bradford, Director, Montgomery County Parks
Ronnie Gathers, Director, Prince George's County Parks and Recreation
Rose Krasnow, Acting Director, Montgomery County Planning
Fern Piret, Director, Prince George's County Planning
Al Dobbins, Deputy Director, Prince George's County Planning
Darin Conforti, Deputy Director, Prince George's County Parks and Recreation
Roslyn Johnson, Deputy Director, Prince George's County Parks and Recreation
Mike Riley, Deputy Director, Montgomery County Parks
Anju Bennett, Division Chief, Corporate Policy and Management Operations (CPMO)
William Spencer, Director, Human Resources
John Kroll, Acting Budget Manager
Boni King, Human Resources Manager
Lisa Dupree, Senior Policy Specialist

Executive Director Barney convened the meeting at 3:10 p.m.

ITEM 1 AGENDA APPROVALS

- a) EXECUTIVE COMMITTEE MEETING AGENDA
 - The Executive Committee moved the ERP Human Capital Management System Presentation to the end of the meeting, if time permits. There was not enough time at the end of the meeting, so the presentation was postponed.
- b) MARCH COMMISSION MEETING AGENDA
 - Executive Director Barney will add a discussion item to the March Commission agenda to suggest the Show Place Arena report be presented semi-annually, instead of quarterly, in that most of the recommendations have now been substantially completed.
 - It was noted that the April Commission meeting date has been changed to April 10th.

c) REVIEW OF COMMISSION ROLLING AGENDA

- Add a placeholder for budget discussion at the April Commission meeting agenda.
- Add Audit Committee report to May Commission agenda. Vice-Chair Carrier suggested asking the Audit Committee if they want to delegate part of the report. Vice-Chair Carrier suggested that perhaps Internal Audit could present the report to the Commission. Executive Director Barney will email members of the Audit Committee.
- Executive Director Barney indicated that a closed Collective Bargaining discussion related to compensation strategy should be scheduled for the March Commission meeting.
- Add a placeholder to the April 10th agenda for Budget for additional action if needed.
- Resolutions based on Collective Bargaining will be added to the May or June agenda.

ITEM 2 Investment Report – February 2013 – Zimmerman (+)
Secretary-Treasurer Joe Zimmerman presented the investment report which was provided in the Executive Committee packet. He stated the agency is in compliance with investment policies and interest rates remain low.

ITEM 3 ERP Human Capital Management System Presentation – Spencer/King (H)
The ERP Human Capital Management System Presentation was postponed.

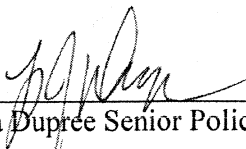
The Executive Committee moved to closed session at 3:23 p.m.

The Executive Committee reconvened into Open Session at 4:42 p.m.


Additional Item Added to Executive Committee Discussion

Department Directors held a brief discussion on the 2012 Financial Disclosure reports. Executive Director Barney said that the forms have not yet been sent out as General Counsel Adrian Gardner is researching filing requirements.

There being no further business to discuss, the meeting adjourned at 4:55 p.m.



Lisa Dupree Senior Policy Specialist



Patricia C. Barney, Executive Director



**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

**Tuesday, February 5, 2013; 10:00 A.M.
ERS/Merit Board Conference Room**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, February 5, 2013 at 10:00 a.m. Voting members present were: Khalid Afzal, Patricia Colihan Barney, Richard H. Bucher, Ph.D., LaKisha Giles, Elizabeth M. Hewlett, Elton King, Barbara Walsh and Joseph C. Zimmerman, CPA. Josh Ardison arrived at 10:09 a.m. Guy Jones arrived at 10:11 a.m. Casey Anderson was not present.

ERS staff included: Andrea L. Rose, Administrator; Heather D. Brown, Administrative Assistant; and, Sheila S. Joynes, Accounting Manager.

Presentations by Wilshire Associates - Mike Dudkowski, Managing Director; The Northern Trust Company - Harland Abraham, Vice President; and, Earnest Partners - Paul E. Viera, CEO and Partner and Yuca Xiuhua Gu, CFA, FRM, Investment Management Team.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the February 5, 2013 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, December 4, 2012
- C. Disbursements Granted Reports– November and December 2012

The February 5, 2013 Board of Trustees Meeting Agenda was revised to add Item 5.i.a., move Item 2.A.ii. under Closed Session and mark Item 2.A.ii.a. as Confidential.

DR. BUCHER made a motion, seconded by MR. ZIMMERMAN to approve the Board of Trustees Meeting Agenda, as revised. The motion PASSED unanimously (8-0). (Motion #13-1)

MS. BARNEY made a motion, seconded by DR. BUCHER to approve the Minutes of Regular Meeting, December 4, 2012, as submitted. The motion PASSED unanimously (8-0). (Motion #13-2)

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the Disbursements Granted Reports – November and December 2012. The motion PASSED unanimously (8-0). (Motion #13-3)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
 - i. Opal Financial Group's Alternative Investment Summit Report by LaKisha Giles
 - ii. FLAG Advisory Board Annual Meeting Report by Patricia Barney
 - a. Minutes of Advisory Board Meeting, November 27, 2012 (*Confidential*)

MS. GILES reported on Opal Financial Group's Alternative Investment Summit.

Item 2.A.ii. was moved to Closed Session.

3. **MISCELLANEOUS**

4. **MANAGER PRESENTATIONS/TRAINING**

- A. The Northern Trust Company
 Presentation by Harland Abraham, Vice President
 i. A Relationship Review

MR. ARDISON arrived at 10:09 a.m.

MR. JONES arrived at 10:11 a.m.

Mr. Harland Abraham, Vice President and Relationship Manager from the ERS' custodian bank the Northern Trust Company, presented a review of the comprehensive suite of services provided as part of Northern Trust's global custody service which includes, but is not limited to benefits payments, protecting the ERS' assets, income collection and tax reclamation, assisting with receipt of class action settlement proceeds, proxy voting, and accounting and reporting.

- B. Earnest Partners
 Presentations by Paul E. Viera, CEO and Partner and Yuca Xiuhua Gu, CFA, FRM – Investment Management Team
 i. Access to the China A-Share Market

Mr. Paul Viera presented the Earnest Partners China Fund. This fund is an opportunity to access the domestic securities market of China, also known as the A-Share market. Earnest Partners' believes the Chinese stock market represents tremendous potential investment opportunities. China's A-Share market is the second largest in the world, with a capitalization of over \$4 trillion USD, over 2,000 listed companies and 73 million investors.

Mr. Viera said accessing the A-Share market means accessing the potential future growth of China, as well as a much more diversified list of industries whose companies are not listed outside of China. The current environment also creates an opportunity to get into the A-share market at relatively attractive valuation levels.

A-Shares trade on the Shenzhen and Shanghai Stock Exchanges. The market was previously closed to foreign investors until 2002, when foreign investments were allowed through the Qualified Foreign Institutional Investor (QFII) system. Obtaining a QFII license involves a rigorous due diligence process by various regulatory bodies in China. The QFII license is a limited opportunity available to only a few select investors globally.

EARNEST Partners has recently obtained their QFII license and has created the EARNEST Partners China Fund. Due to certain Chinese securities rules, all the operational details will combine with the existing International Strategy portfolio as a conduit; although nominally a commingled vehicle. The China Fund will be managed by the same investment team and research process. There are no additional fees to the ERS. Mr. Viera indicated that Earnest Partners would like the ability to invest in the A-Share market via the China Fund on behalf of the ERS.

The Board's Investment Consultant, Wilshire's Mike Dudkowski, supported the request from Earnest Partners and confirmed there are no concerns with investing in the China Fund. The Investment Guidelines will need to be amended to allow investment in the China Fund as part of the portfolio.

MS. BARNEY made a motion, seconded by DR. BUCHER to approve Earnest Partners' to invest in the China A-Share Market through the Earnest Partner's China Fund subject to review and approval of the Subscription and Adoption Agreements and other relevant documents by legal counsel. The motion PASSED unanimously (10-0). (Motion #13-4)

5. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

i. Administrator's Report dated January 22, 2013

a. Recommendation to Authorize Boomershine Consulting Group to Analyze the Cost Allocation by Plan and to Review the Basis for the Current Assumptions

Andrea Rose presented the Administrator's Report dated January 22, 2013.

The Participation Agreement with State Street Global Advisors (SSG) was executed in late December 2012. The ERS' transition manager, Global Transition Solutions (GTS) liquidated \$19.3 million in domestic fixed income securities from Pugh Capital Management to initially fund the new Public Real Assets fund with SSG. The transition was complete in January 2013. Mr. Dudkowski reviewed GTS' pre- and post-trade reports and noted the results with a total cost of \$4,108 or 2.1 basis points. GTS had a good strategy and favorable market environment which contributed to the good result. Subsequent purchases of approximately \$20 million and \$17 million were made from Rhumblin and Western TIPS, respectively.

The Agreement of Limited Partnership was executed with Wilshire Private Markets in early January 2013. The account will be funded over time via capital calls.

The ERS is awaiting revised language on the Investment Management Agreement for the Western Asset Global Multi-Sector Fund.

Ms. Rose reminded the Board that Boomershine Consulting Group (BCG) recommended two projects during the November actuarial valuation presentation. First, BCG recommended an analysis of the Cost Breakdown by Plan. BCG staff noted a skewing of the cost during the valuation project. Second, BCG proposed a review of the basis for the current set of actuarial assumptions. BCG provided a project plan letter dated January 24, 2013 which discussed the timing and fees for the cost breakdown by Plan and to review the basis for the current actuarial assumptions. The estimated fees for these projects do not exceed \$9,500.

MS. BARNEY made a motion, seconded by MS. WALSH to authorize Boomershine Consulting Group to analyze the Cost by Plan and to review the basis for the current actuarial assumptions. The motion PASSED unanimously (10-0). (Motion #13-4)

6. COMMITTEE REPORTS/RECOMMENDATIONS

A. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney

i. Regular Report of January 15, 2013

MINUTES, AS APPROVED, AT THE MARCH 5, 2013 REGULAR BOARD OF TRUSTEES MEETING

- a. Recommendation to Allow Earnest Partners to Maintain Securities at the Current Position, if the Securities Screen for Involvement in the Sudan after the Time of Purchase

MS. BARNEY presented the regular report for the Investment Monitoring Group's (IMG) meeting of January 15, 2013.

At its November 6, 2012 meeting, the Board approved a motion to allow Earnest Partners to maintain securities, Hitachi, Ltd. and POSCO, until a policy is established that addresses securities that screen for involvement in the Sudan after the time of purchase.

The IMG discussed the fiduciary obligation to the participants in the plan and determined that Earnest Partners should not be forced to sell the securities (at a loss).

DR. BUCHER made a motion, seconded by MS. BARNEY to allow Earnest Partners to maintain securities at the current position, if the securities screen for involvement in the Sudan after the time of purchase. The motion PASSED unanimously (10-0). (Motion #13-5)

The IMG will return to the Board with revised Investment Manager Guidelines for Earnest Partners.

B. Administration & Personnel Oversight Committee

Presentation by Committee Chairman, Richard H. Bucher, Ph.D.

i. Regular Report of January 15, 2013

- a. Recommendation to Approve the Operating Budget Guideline be Determined Each Year Based Exclusively on the Fiscal Work Program Requirements and that the Actuarial Expense Assumption of 1% of Estimated Covered Payroll be Analyzed for Appropriateness by the Actuary

ii. Confidential Report of January 15, 2013 (Handout)

DR. BUCHER presented the regular report for the Administration & Personnel Oversight Committee meeting of January 15, 2013.

The ERS' current actuarial assumptions provide for administrative expenses equal to 1% of estimated covered payroll. The Board has used the 1% expense assumption as a guideline/restriction in preparation of the actual budget and has consistently maintained its budget within this amount. As the Commission's payroll has been reduced through management restructuring, the amount available for budget consideration using the 1% expense assumption has decreased making it difficult to effectively manage the ERS' increasing work program.

Staff researched other local public pension systems: Montgomery County, Prince George's County, WSSC, and Howard County. These retirement systems use the actual operating budget based exclusively on work program requirements with no restrictions based on payroll, assets, or liabilities.

The ERS' Actuary Dave Boomershine indicated that there has been a gradual change in the approach used for the actuarial expense assumption from a % of covered payroll to a 3-year (or 5-year) average of actual expenses. Mr. Boomershine is not aware of any retirement system that use either a 1% of covered payroll expense assumption or that allow the expense assumption to drive the operating budget.

Over the last couple of years, it has become increasingly difficult to work within the 1% expense assumption given the increased use of professional services (legal and tax) for alternative investments coupled with flat or declining payroll and increases in other budget areas. Fees related to alternative investments will continue to rise as the ERS must utilize outside legal and tax experts to assist in navigating this complex investment area. These fees are often difficult to estimate and flexibility in the budget is required.

The committee recommends the ERS' Operating Budget be determined each year based exclusively on the fiscal work program requirements with no restrictions based on payroll, assets, or liabilities and the actuarial expense assumption of 1% of estimated covered payroll be analyzed for appropriateness by the actuary.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the ERS' Operating Budget each year be based exclusively on the fiscal work program requirements with no restrictions based on payroll, assets, or liabilities and the actuarial expense assumption of 1% of estimated covered payroll be analyzed for appropriateness by the actuary. The motion PASSED unanimously (10-0). (Motion #13-6)

The committee reviewed a matrix prepared by staff showing how the ERS measures up against the National Conference on Public Employee Retirement Systems (NCPERS) Best Governance Practices for Public Retirement Systems. The committee determined the following actions were needed: 1) Update the Board of Trustees Reference Manual to include a summary of statutes and regulations, a mission statement, a list of all contracts and a reference to plan amendments and legal opinions maintained by staff. 2) Establish a formal privacy policy. 3) Research development of a risk policy. 4) Research how other agencies address risk and adopt a risk management framework. 5) Create a summary of all policy documents for easy reference.

7. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss personnel issues and 10-508(a)(5) for investment of public funds.

DR. BUCHER made a motion, seconded by MS. BARNEY to go in to Closed Session under authority of State Government Articles 10-508(a)(1) to discuss personnel issues and 10-508(a)(5) for investment of public funds. The motion PASSED unanimously (10-0). (Motion #13-7)

DR. BUCHER made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #13-9)

MS. BARNEY made a motion, seconded by DR. BUCHER to adjourn the Board of Trustees meeting of February 5, 2013 at 12:30 p.m. The motion PASSED unanimously (10-0). (Motion #13-10)

Respectfully,



Heather D. Brown
Administrative Assistant



Andrea L. Rose
Administrator



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission

**SPECIAL BOARD OF TRUSTEES MEETING
MINUTES
Friday, February 15, 2013; 3:00 P.M.
ERS Conference Room and via Teleconference**

A Special Meeting of the Board of Trustees was held on Friday, February 15, 2013 at 3:00 p.m. All in attendance were via teleconference. Voting members present were: Khalid Afzal, Casey Anderson, Josh Ardison, Patricia Colihan Barney, Elizabeth M. Hewlett, Elton King and Joe Zimmerman. Richard Bucher, Ph.D., Lakisha Giles, Guy Jones, and Barbara Walsh were not present.

ERS staff included: Andrea L. Rose, Administrator and Sheila S. Joynes, Accounting Manager.

Presentation by M-NCPPC Legal Department – LaTonya Reynolds, Associate General Counsel.

CHAIRMAN HEWLETT called to order a Special Meeting of the Board of Trustees.

1. Special Board of Trustees Meeting Agenda
 - A. Approval of the February 15, 2013 Special Board of Trustees Meeting Agenda
2. Closed Session


MS. BARNEY made a motion, seconded by CHAIRMAN HEWLETT to approve the February 15, 2013 Special Board of Trustees Meeting Agenda and to go into Closed Session under authority of State Government Articles 10-508(a)(5) and 10-508(a)(7) for investment of public funds and to consult with legal counsel. The motion PASSED unanimously (7-0). (Motion #13-11)

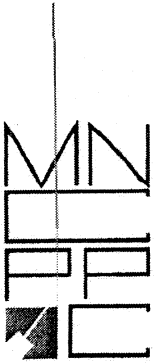
VICE CHAIRMAN ANDERSON made a motion, seconded by MS. BARNEY to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #13-14)

The Special Meeting of the Board of Trustees of February 15, 2013 ended at 3:15 p.m.

Respectfully,


Heather D. Brown
Administrative Assistant


Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

February 27, 2013

SUBJECT: PGCPB Resolution No. 13-05 (M-NCPPC No. 13-01) for Full Commission Review

TO: The Maryland-National Capital Park and Planning Commission

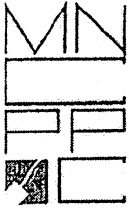
FROM: Martin L. Weinrich *MLW*
Principal Administrative Assistant
Park Planning & Development Division

Attached, please find the above-referenced Resolution for approval of a land disposal of 6,790 ± square feet of parkland from the Rollins Avenue Neighborhood Park in fee simple to be conveyed to the Prince George's County Department of Public Works and Transportation for ultimate roadway widening of Rollins Avenue. On February 14, 2013, the Planning Board approved the resolution in Open Session.

It has been scheduled for Full Commission on Wednesday, March 20, 2013.

Attachment

- M-NCPPC Resolution No. 13-01



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 13-05

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under the Land Used Article, Section 5-111 of the annotated Code of Maryland to sell, convey, transfer, lease, or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, the Commission owns certain property known as Rollins Avenue Neighborhood Park (P24), located in Capitol Heights, Maryland, identified as Tax Map 73, Grid B-2, Parcel 149, Election District 18, Tax Account No. 2035863, at Liber 30018, folio 461, containing 17.58 acres, hereinafter collectively referred to as "Park Property", and

WHEREAS, The Prince George's County Department of Public Works and Transportation ("DPW&T") needs 6,790 ± square feet (0.15 ± acres) in fee simple from Rollins Avenue Neighborhood Park (P24) for ultimate roadway widening of Rollins Avenue, and

WHEREAS, The Prince George's County Department of Public Works and Transportation has required that the above-referenced 6,790 ± square feet of property be dedicated to public use as a pre-condition to approving a permit for planned improvements to Rollins Avenue Neighborhood Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Prince George's County Planning Board at its meeting on Thursday, January 10, 2013, approved the dedication to public use of 6,790 square feet, subject to the approval of the Full Commission. The Executive Director is hereby authorized to take any and all actions including signing any needed deeds and/or plats of dedication to dedicate 6,790 square feet from Rollins Avenue Neighborhood Park to public use for and maintenance by the Prince George's County Department of Public Works and Transportation.

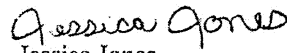
* * * * *

PGCPB No. 13-05

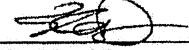
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Shoaff, Hewlett, and Bailey voting in favor of the motion at its regular meeting on Thursday, January 10, 2013, in Upper Marlboro, Maryland.

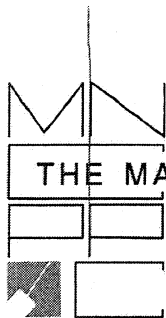
Adopted by the Prince George's County Planning Board this 14th day of February, 2013.

Elizabeth M. Hewlett
Chairman

By: 
Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 2/27/13



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

April 10, 2013

TO: The Maryland-National Capital Park and Planning Commission

VIA: Patricia C. Barney, Executive Director *PCB*
William Spencer, Human Resources Director

FROM: Jennifer McDonald, Benefits Manager *JM*

SUBJECT: Health Care Reform Update

For Informational Purposes

On December 12, 2012, AON Hewitt Consulting presented an overview and update of the major provisions of health care reform to staff. The presentation focused primarily on the provisions that impact the Commission. The following is a summary, in chronological order of the provisions that have already taken place and provisions for beyond 2014.

2012 and Prior:

- Adult children covered to age 26.
- No pre-existing condition exclusions for children under the age of 19.
- First dollar coverage of preventive health services (non-grandfathered plans only). Did not implement as the Commission's plans are grandfathered.
- Over the counter (OTC) drugs not reimbursable through FSA unless physician writes a prescription.
- Early retiree Reinsurance Program. The Commission received \$340,000.
- Issuance of Summary of Benefits and Coverage Notices.

2013:

- W-2 reporting of the full cost of employer sponsored medical and prescription coverage. Due January 31, 2013 for 2012 calendar year costs.
- Comparative effectiveness fee funds research. The research will evaluate and compare health outcomes and the clinical effectiveness, risks, and benefits of two or more medical treatments and/or services.
 - \$1 per covered life in the first year, \$2 per covered life thereafter.
 - About \$5,800 for 2012 and \$11,600 for 2013.
 - First payment is due July 2013.
 - Costs were built into 2013 self-insured rates.
- Health FSA limit reduced from \$3,000 to \$2,500.

- Coverage of women's preventive health services (non-grandfathered plans). Did not implement as the Commission's plans are grandfathered.
- Increase in Medicare tax by 0.9% to 2.35% for individuals earning over \$200,000 and joint filers over \$250,000.
- New 3.8% tax on unearned income for individuals earning over \$200,000 and joint filers over \$250,000.
- Notify all employees about Exchanges, eligibility, services and contact information (Effective March 2013 – no guidance yet).

2014:

- Mandated Employer Coverage
 - Must offer coverage to at least 95% of all full-time employees or pay a penalty of \$2,000 per each full-time employee.
 - A full-time employee is anyone working an average of 30hrs per week, including seasonal employees.
 - Measurement or "look back" period to determine if employee averages 30hrs per week.
 - Stability period is the period of time coverage must be offered.
 - Some flexibility in measuring average hours worked and "look back" periods
 - Recent analysis indicates that seasonal employees working on average 30 hours or more make up 2% of all eligible employees; therefore we are not subject to the penalty.
 - Departments must be diligent in making sure seasonal employees do not work 30 or more hours per week, on average, over the course of the year.
- Free Rider Penalty
 - Employer will pay a penalty if an employee purchases coverage through an Exchange because:
 - Employer's plan was not "minimum essential coverage"
 - Plan was unaffordable (affordability threshold of 9.5% of adjusted gross income), or
 - Plan did not provide minimum value
 - The penalty is \$3,000 for each employee who:
 - Turns down employer coverage
 - Purchases a health plan in the Exchange, and
 - Receives a Federal subsidy
 - The Commission will have affordability issues for contract employees who contribute 70% of the premium.
- No pre-existing condition exclusion for anyone
- No annual dollar limit on essential health benefits. Commission plans are in compliance.
- State Exchanges open for small employers
- Auto-enrollment in a health plan for new and currently enrolled employees (deferred to 2015)
- Wellness Program Rewards Cap
- Individuals must maintain minimum essential coverage through employer or exchange, or pay a penalty based on taxable income

- State Temporary Reinsurance Program Contributions
 - Must make contributions to state temporary reinsurance programs that offset risk associated with high-cost Exchange enrollees.
 - Cost is \$63 per member per year, estimated to be about \$365,000 in 2014
 - Amounts expected to reduce in 2015 and 2016

2017 and 2018:

- Large employers may be allowed into Exchanges (2017)
- Excise tax on “Cadillac” plans (2018)
 - 40% excise tax for coverage costing more than \$10,200 individual, \$27,500 family (indexed)
 - Tax is applicable to medical and prescription coverage on the amount in excess of the cap

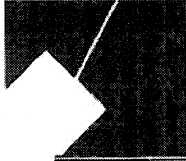
Aon Hewitt Consulting can make a more detailed presentation to the Commission if desired.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
LATE PERFORMANCE EVALUATION REPORT
BY DEPARTMENT AS OF MARCH 2013

	31 - 60 DAYS	61 - 90 DAYS	91 + DAYS	DEPARTMENT TOTALS		
	*****			*****		
	02/13	03/13	02/13	03/13	02/13	03/13
CHAIRMAN, MONTGOMERY COUNTY	1	0	0	1	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0
OFFICE OF CIO	0	0	1	1	1	1
INTERNAL AUDIT	0	1	0	0	0	1
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	0	0	0	1
LEGAL DEPARTMENT	0	0	0	0	0	0
FINANCE DEPARTMENT	1	3	1	2	2	5
PRINCE GEORGE'S PLANNING	5	4	0	0	5	7
PRINCE GEORGE'S PARKS & RECREATION	0	0	0	0	0	0
MONTGOMERY COUNTY PARKS	0	0	0	0	0	0
MONTGOMERY COUNTY PLANNING	2	3	1	0	4	3
DEPARTMENT TOTAL BY DAYS LATE	9	12	2	5	2	---
COMMISSION WIDE TOTAL:						13 19

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

ITEM 6a



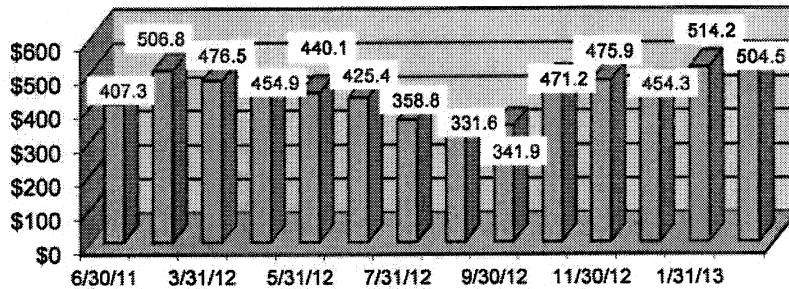
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 3/7/2013
SUBJECT: Investment Report – February 2013

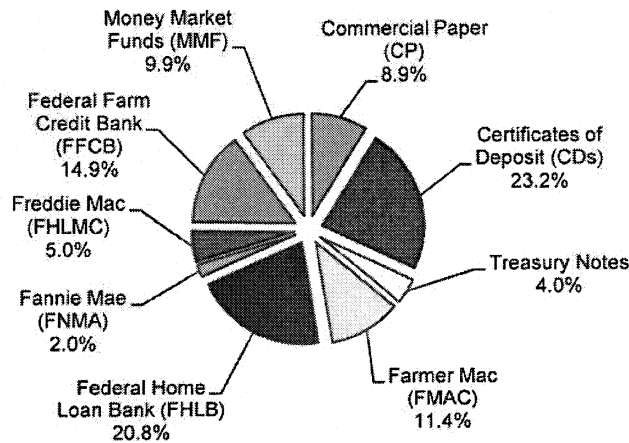
The Commission’s pooled cash investment portfolio totaled \$504.5 million as of February 28, 2013, with a 1.89 % decrease from January 31, 2013. Details are as follows:

Pooled Cash Portfolio Outstanding
 (in \$ mil.)



The composition of the pooled cash portfolio as of February 28, 2013 is summarized below:

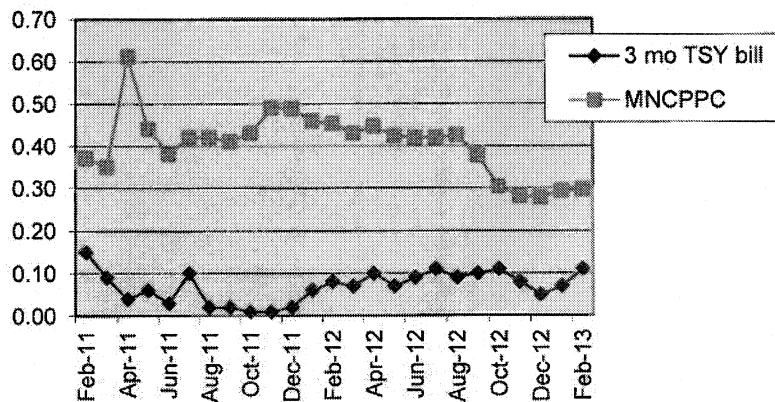
Pooled Cash Portfolio as of 02/28/13



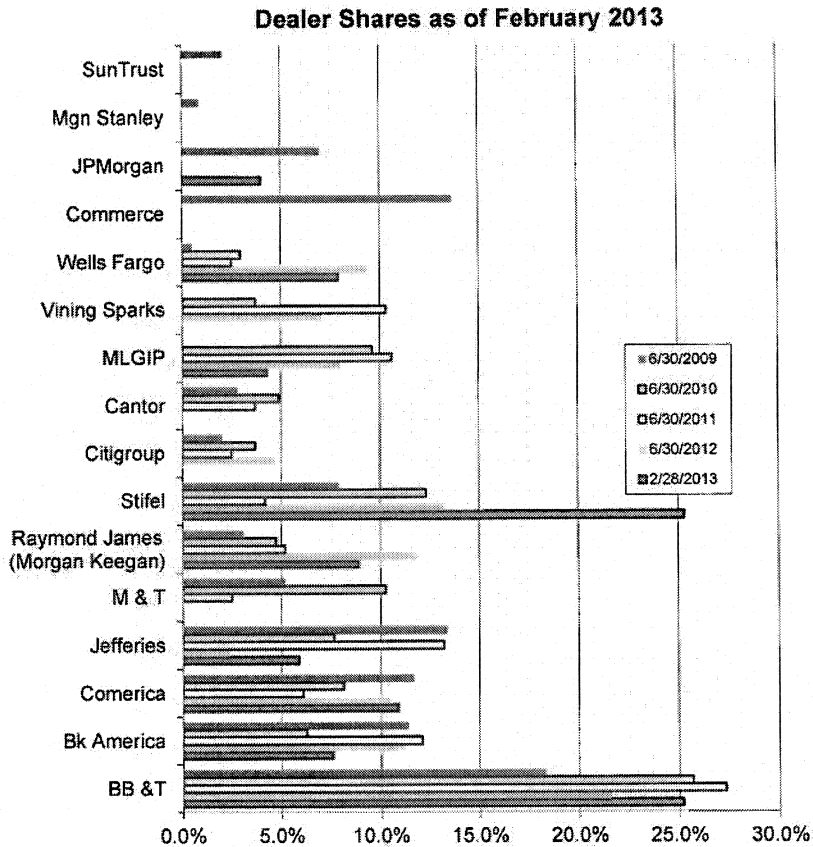
Current Investment Portfolio - February 2013				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Certificates of Deposit	50%	23%	\$ 117,000,000	0.22%
Federal Home Loan Banks	20%	21%	105,000,000	0.27%
Federal Farm Credit Bureau	20%	15%	75,000,000	0.27%
Farmer Mac	20%	11%	57,500,000	0.27%
Money Funds	25%	10%	50,033,907	n/a
Commercial Paper	10%	9%	45,000,000	0.78%
Freddie Mac	20%	5%	25,000,000	0.29%
Treasury Notes	100%	4%	20,000,000	0.22%
Fannie Mae	20%	2%	10,000,000	0.20%
Bankers Acceptances	50%	0%	-	0.00%
Repurchase Agreements	60%	0%	-	0.00%
			\$ 504,533,907	0.29%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.

MNCPPC Rate of Return vs. 3-mo. Treasuries



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 02/28/13	
Montgomery County (MC-2012A)	\$ 3,360,442
Montgomery County (MC-2012B)	1,309,613
	<u>\$ 4,670,055</u>

The Commission had no debt service payments during the month.

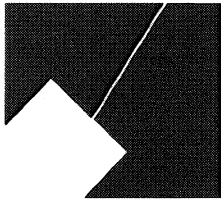
Details by issue of debt outstanding as of February 28, 2013 appear below:

Debt Balances - February 2013					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	10,707,663	62%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	11,745,000	83%	Mar-10	May-21
EE-2	37,525,000	9,855,000	26%	Mar-04	Jan-24
PG-2012A	11,420,000	11,380,000	100%	Jun-12	Jun-24
JJ-2	8,900,000	7,125,000	80%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 50,812,663	57%		
Montgomery County					
Cabin John Ice	6,000,000	444,450	7%	Apr-99	Nov-13
HH-2	5,445,000	680,000	12%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	305,000	20%	Dec-02	Dec-14
CC-2	12,155,000	555,000	5%	Dec-02	Dec-14
LL-2	8,405,000	6,190,000	74%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,360,000	68%	Nov-04	Dec-24
FF-2	4,000,000	1,040,000	26%	Nov-04	Dec-24
II-2	4,700,000	3,775,000	80%	Mar-07	Apr-27
MM-2	5,250,000	4,410,000	84%	May-09	Nov-28
MC-2012A	12,505,000	12,505,000	100%	Apr-12	Dec-32
MC-2012B	3,000,000	3,000,000	100%	Apr-12	Dec-32
Total Montgomery County	\$ 65,010,000	\$ 34,264,450	53%		
Total	\$ 154,235,000	\$ 85,077,113	55%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2013 - February 28, 2013

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
	US Government	100%			
	US Federal Agencies - combined	60%			
	US Federal Agencies - each	20%			
	Repurchase Agreements	60%			
	CD's and Time Deposits	50%			
	Commercial Paper	10%			
	Money Market Mutual Funds	25%			
	MD Local Gov't Investment Pool	25%			
	Investing Bond Proceeds:				
	State and local agency securities	100%			
	Money Market Mutual Funds	10%			
	Bond Proceeds:			Yes	T. Rowe Price managed all funds within limits
	Highly-rated state / local agency securities				
	Highly-rated money market mutual funds (Max. 10% in lower-rated funds)				
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities				Yes	All maturities within limits
	Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 19 basis points.
	The pro-rated rates of return for the portfolio and T-bills were 0.30% and 0.11%, respectively.				





The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

February 8, 2013

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer 

SUBJECT: MFD Purchasing Statistics— Second Quarter FY 2013

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY13 report include:

- Attachment A indicates that through the second quarter of FY13, the Commission procured approximately \$36.7 million in goods, professional services, construction and miscellaneous services. Approximately 25% or \$9.2 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the second quarter MFD utilization was 25.7%. The cumulative utilization through December 31, 2012 was 25.2%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the second quarter of FY13 was 38.8%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the second quarter are 31.9% and 18.0% respectively.
- Attachment D presents the FY13 activity for the Purchase Card program totaling approximately \$4.3 million of which 3.3 % or \$143,118 was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents

approximately 12% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to second quarter FY 2013.
- Attachments F shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analyses, MFD vendors do appear to be participating, at an overall rate of 21.6% in informal (under \$30,000) and 27.6% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 20.4%.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$36.7 million in total procurement, \$26.7 million was procured from Maryland vendors. Of the \$9.2 million in procurement from MFD vendors, \$7.8 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 17, 2011.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.7% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2013
FOR SIX MONTHS ENDED DECEMBER 31, 2012

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 51,286	\$	20,823	1	\$ 17,074	33.3%
Planning Department	1,485,947		-	-	105,668	7.1%
Parks and Recreation Department	21,204,240		443,706	6	6,759,798	31.9%
Total	<u>22,741,473</u>		<u>464,529</u>	<u>7</u>	<u>6,882,540</u>	<u>30.3%</u>
<u>Montgomery County</u>						
Commissioners' Office	13,282		-	-	851	6.4%
Planning Department	912,486		-	-	95,821	10.5%
Parks Department	11,410,958		126,564	5	2,058,837	18.0%
Total	<u>12,336,726</u>		<u>126,564</u>	<u>5</u>	<u>2,155,509</u>	<u>17.5%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	287,103		40,000	1	158,588	55.2%
Finance Department	1,311,811		-	-	49,236	3.8%
Legal Department	47,479		1,812	1	2,837	6.0%
Merit Board	17,130		-	-	17,000	99.2%
Office of Chief Information Officer	-		-	-	-	0.0%
Office of Internal Auditor	12,532		-	-	-	0.0%
Total	<u>1,676,055</u>		<u>41,812</u>	<u>2</u>	<u>227,661</u>	<u>13.6%</u>
Grand Total	<u>\$ 36,754,254</u>	<u>\$</u>	<u>632,905</u>	<u>14</u>	<u>\$ 9,265,710</u>	<u>25.2%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
January 25, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2013

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	5.9%	33.3%		
Planning Department	9.0%	7.1%		
Parks and Recreation Department	32.8%	31.9%		
Total	<u>30.9%</u>	<u>30.3%</u>		
<u>Montgomery County</u>				
Commissioners' Office	0.0%	6.4%		
Planning Department	10.2%	10.5%		
Parks Department	15.9%	18.0%		
Total	<u>15.4%</u>	<u>17.5%</u>		
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	75.4%	55.2%		
Finance Department	3.5%	3.8%		
Legal Department	15.4%	6.0%		
Merit Board	100.0%	99.2%		
Office of Chief Information Officer	0.0%	0.0%		
Office of Internal Auditor	0.0%	0.0%		
Total	<u>15.0%</u>	<u>13.6%</u>		
Grand Total	<u><u>24.7%</u></u>	<u><u>25.2%</u></u>		

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	5.9%	67.2%			33.3%
Planning Department	9.0%	4.6%			7.1%
Parks and Recreation Department	32.8%	31.0%			31.9%
Total	<u>30.9%</u>	<u>29.6%</u>			<u>30.3%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%	7.3%			6.4%
Planning Department	10.2%	11.0%			10.5%
Parks Department	15.9%	20.4%			18.0%
Total	<u>15.4%</u>	<u>19.8%</u>			<u>17.5%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	75.4%	37.9%			55.2%
Finance Department	3.5%	4.1%			3.8%
Legal Department	15.4%	3.0%			6.0%
Merit Board	100.0%	0.0%			99.2%
Office of Chief Information Officer	0.0%	0.0%			0.0%
Office of Internal Auditor	0.0%	0.0%			0.0%
Total	<u>15.0%</u>	<u>11.5%</u>			<u>13.6%</u>
Grand Total	<u><u>24.7%</u></u>	<u><u>25.7%</u></u>			<u><u>25.2%</u></u>

Prepared by Finance Department
January 25, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY

FY 2013

FOR SIX MONTHS ENDED DECEMBER 31, 2012

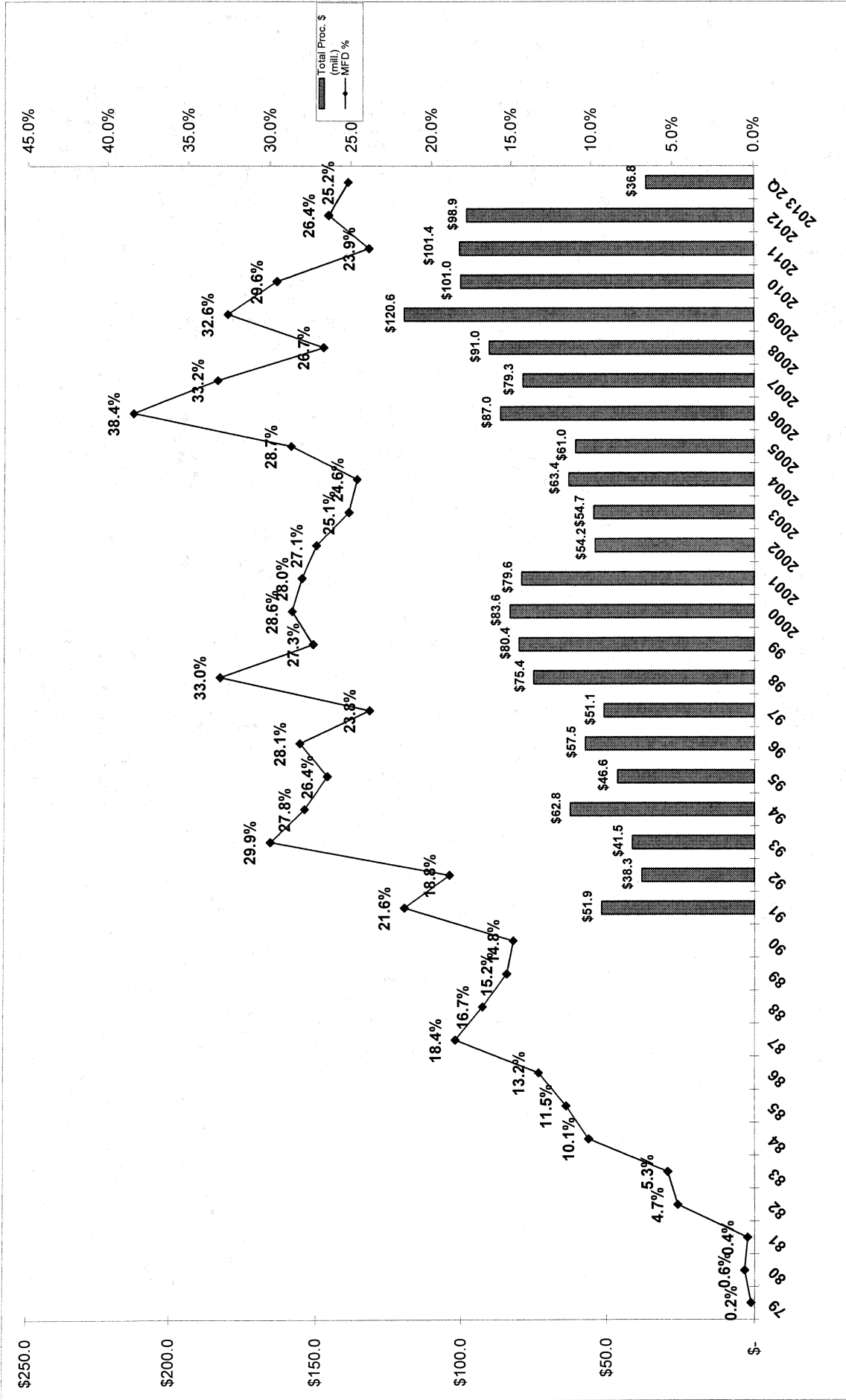
ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 10,652,108	\$ 46,098	\$ 3,126,757	\$ 6,655,116	\$ 403,047	\$ 37,000	\$ 7,100	\$ 376,990
MFD\$	\$ 904,108	\$ 7,451	\$ 151,595	\$ 661,360	\$ 30,898	\$ 17,020	\$ 2,837	\$ 32,947
Percentage	8.5%	16.2%	4.8%	9.9%	7.7%	46.0%	40.0%	8.7%
Miscellaneous Services:								
Total \$	\$ 12,114,006	\$ 593,761	\$ 2,918,349	\$ 7,448,421	\$ 489,011	\$ 147,355	\$ 9,651	\$ 507,458
MFD\$	\$ 2,996,866	\$ 63,767	\$ 804,660	\$ 1,934,662	\$ 74,770	\$ 113,092	\$ 0	\$ 5,915
Percentage	24.7%	10.7%	27.6%	26.0%	15.3%	76.7%	0.0%	1.2%
Professional Services:								
Total \$	\$ 3,609,214	\$ 253,145	\$ 230,285	\$ 1,984,264	\$ 589,164	\$ 98,384	\$ 30,728	\$ 423,244
MFD\$	\$ 1,344,120	\$ 24,603	\$ 69,049	\$ 1,215,582	\$ 0	\$ 25,312	\$ 0	\$ 9,574
Percentage	37.2%	9.7%	30.0%	61.3%	0.0%	25.7%	0.0%	2.3%
Construction:								
Total \$	\$ 10,284,696	\$ 19,482	\$ 5,135,567	\$ 5,116,439	\$ 4,725	\$ 4,364	\$ 0	\$ 4,119
MFD\$	\$ 3,985,691	\$ 0	\$ 1,033,533	\$ 2,948,194	\$ 0	\$ 3,164	\$ 0	\$ 800
Percentage	38.8%	0.0%	20.1%	57.6%	0.0%	72.5%	0.0%	19.4%
SUBTOTAL								
Total \$	\$ 36,660,024	\$ 912,486	\$ 11,410,958	\$ 21,204,240	\$ 1,485,947	\$ 287,103	\$ 47,479	\$ 1,311,811
MFD\$	\$ 9,230,785	\$ 95,821	\$ 2,058,837	\$ 6,759,798	\$ 105,668	\$ 158,588	\$ 2,837	\$ 49,236
Percentage	25.2%	10.5%	18.0%	31.9%	7.1%	55.2%	6.0%	3.8%
Pr. Geo. Commissioners' Office								
Total \$	\$ 51,286							
MFD\$	\$ 17,074							
Percentage	33.3%							
Mont. Commissioners' Office								
Total \$	\$ 13,282							
MFD\$	\$ 851							
Percentage	6.4%							
Merit Board								
Total \$	\$ 17,130							
MFD\$	\$ 17,000							
Percentage	99.2%							
Office of Chief Information Officer								
Total \$	\$ 0							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Internal Auditor								
Total \$	\$ 12,532							
MFD\$	\$ 0							
Percentage	0.0%							
GRAND TOTAL \$	\$ 36,754,254							
MFD\$	\$ 9,265,710							
Percentage	25.2%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

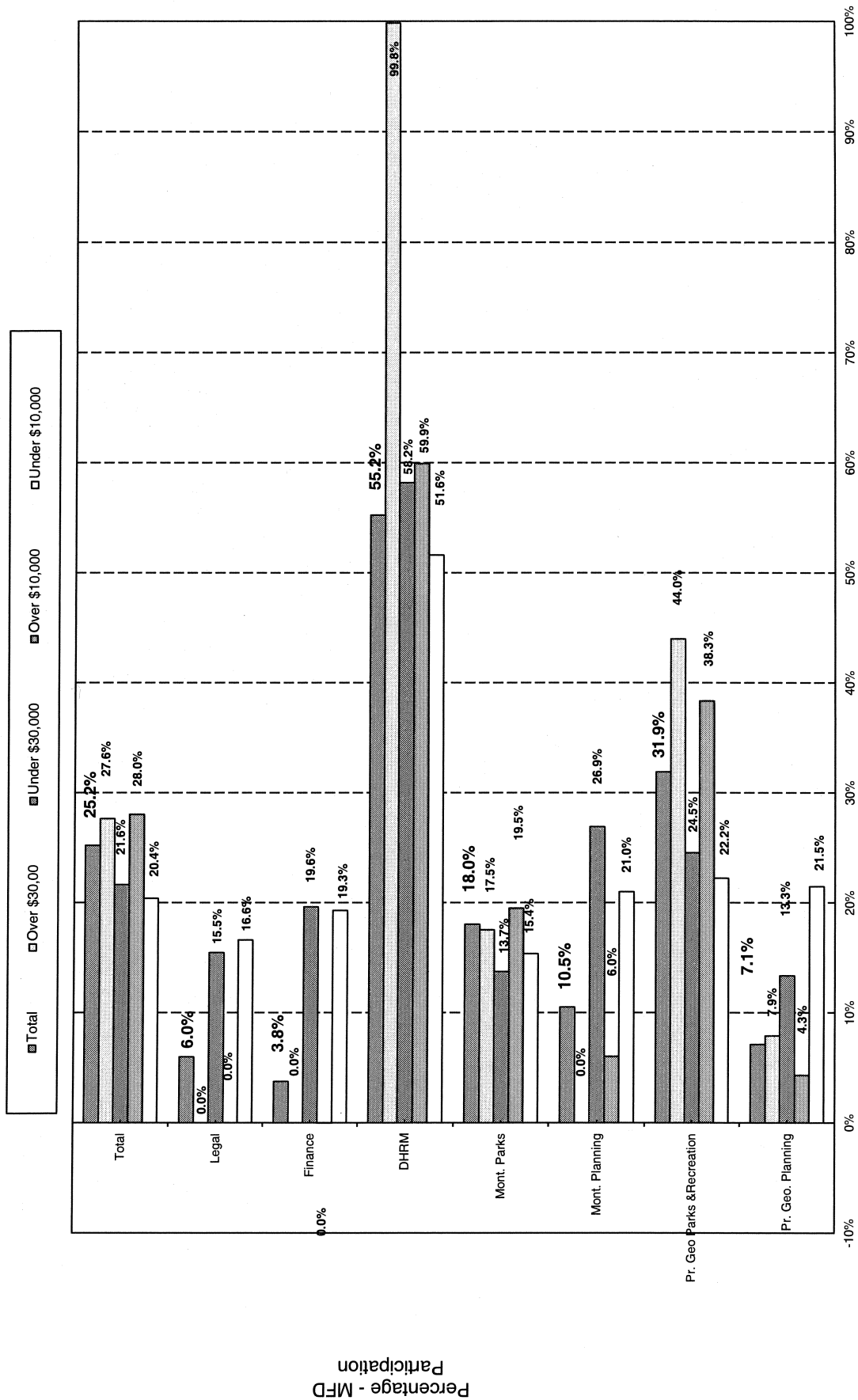
MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



Prepared by Finance Department
January 25, 2013

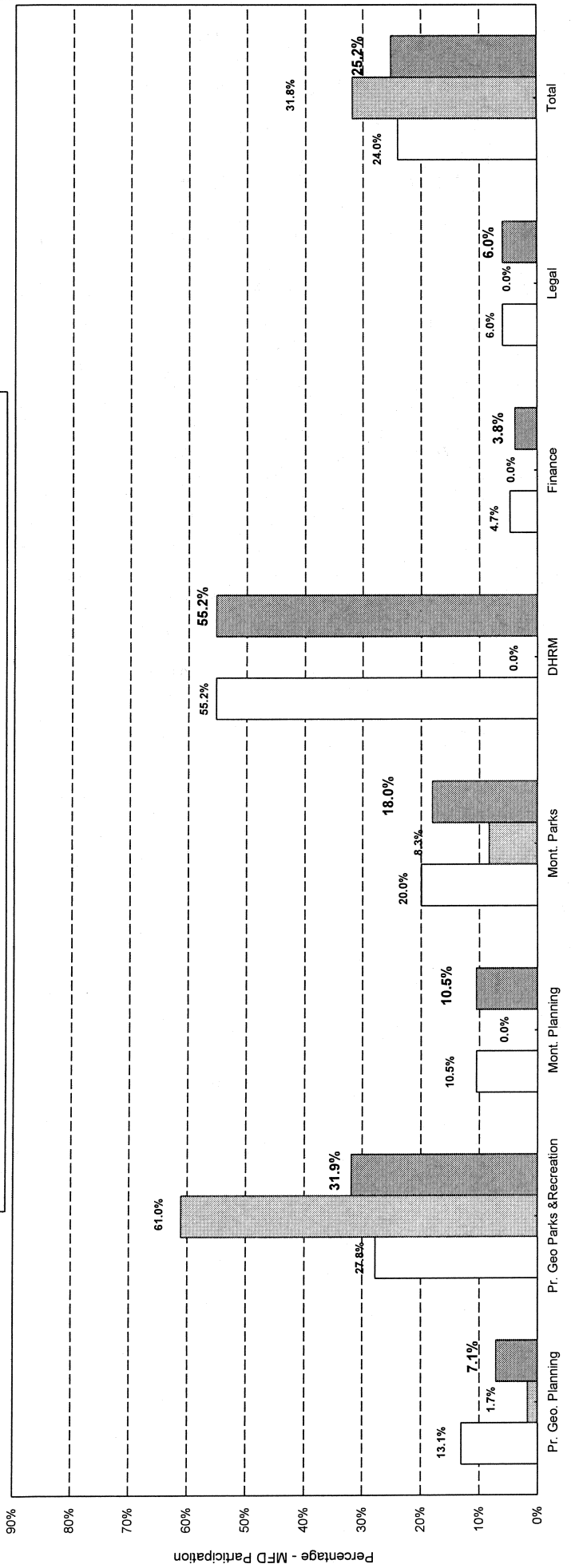
The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under / Over \$10,000 and \$30,000 and Total
 FY 2013 2Q



Prepared by Finance Department
 January 25, 2013

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total
 FY 2013 2Q

□ Under \$250,000 □ Over \$250,000 ■ TOTAL



Prepared by Finance Department
 January 25, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2013
FOR SIX MONTHS ENDED DECEMBER 31, 2012

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 8,608,638	23.4%	295	16.4%
Prince George's County	8,449,011	23.0%	664	36.8%
Subtotal	17,057,649	46.4%	959	53.2%
Maryland - other locations	9,728,747	26.6%	320	17.7%
Total Maryland	26,786,396	73.0%	1,279	70.9%
District of Columbia	1,558,437	4.2%	75	4.2%
Virginia	1,671,610	4.5%	127	7.0%
Other Locations	6,737,811	18.3%	322	17.9%
Total	\$ 36,754,254	100.0%	1,803	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 4,944,547	18.0%	203	15.9%
Prince George's County	6,147,495	22.4%	418	32.7%
Subtotal	11,092,042	40.4%	621	48.6%
Maryland - other locations	7,890,566	28.7%	238	18.7%
Total Maryland	18,982,608	69.1%	859	67.3%
District of Columbia	754,472	2.7%	39	3.1%
Virginia	1,210,797	4.4%	89	7.0%
Other Locations	6,540,667	23.8%	289	22.6%
Total	\$ 27,488,544	100.0%	1,276	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 3,664,091	39.6%	92	17.5%
Prince George's County	2,301,516	24.8%	246	46.6%
Subtotal	5,965,607	64.4%	338	64.1%
Maryland - other locations	1,838,181	19.8%	82	15.6%
Total Maryland	7,803,788	84.2%	420	79.7%
District of Columbia	803,965	8.7%	36	6.8%
Virginia	460,813	5.0%	38	7.2%
Other Locations	197,144	2.1%	33	6.3%
Total	\$ 9,265,710	100.0%	527	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 23,579,500	64.2%	\$ 6,996,370	75.5%
Montgomery County	13,174,754	35.8%	2,269,340	24.5%
Total	\$ 36,754,254	100.0%	\$ 9,265,710	100.0%

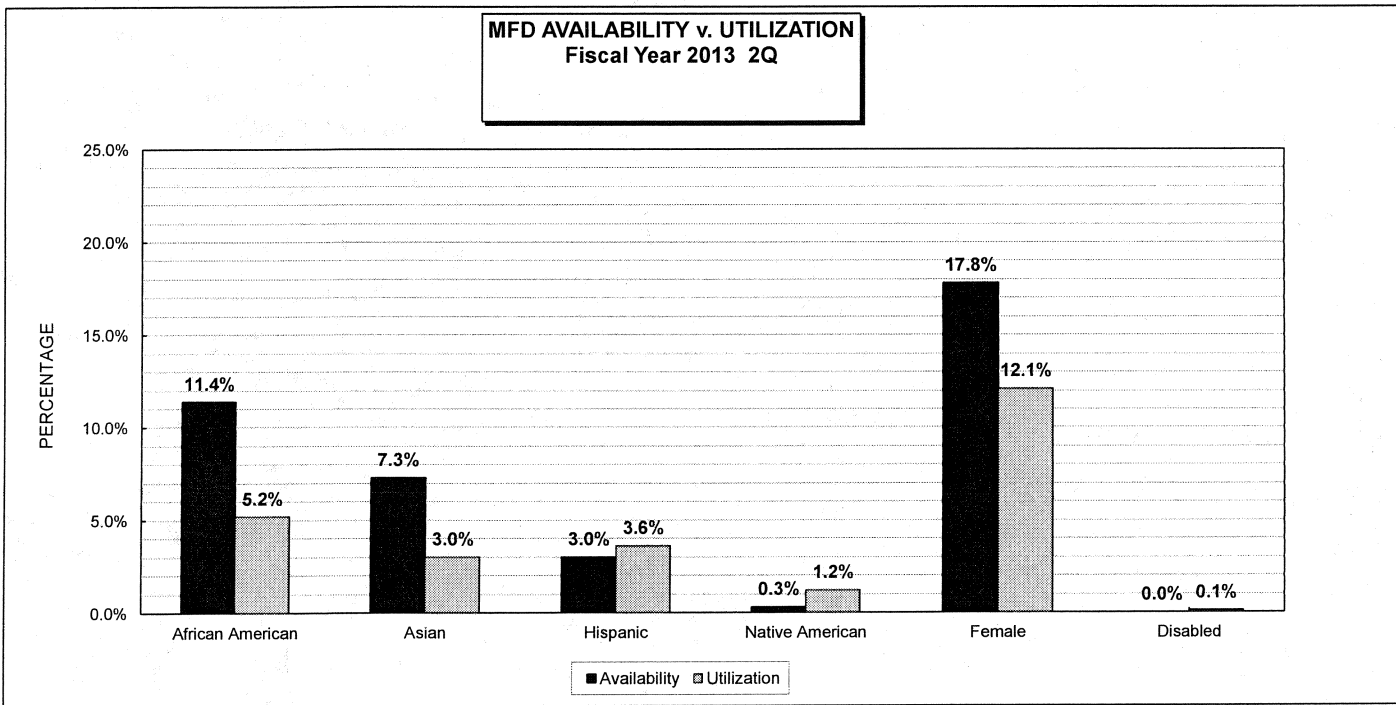
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2013
FOR SIX MONTHS ENDED DECEMBER 31, 2012

Attachment I

Total Amount of Procurement \$ 36,754,254

**Amount, Percentage of Procurement by Category, and
 Percentage of Availability by Category:**

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 1,914,813	5.2%	11.4%
Asian	1,116,290	3.0%	7.3%
Hispanic	1,333,946	3.6%	3.0%
Native American	430,606	1.2%	0.3%
Total Minority Owned Firms	4,795,655	13.0%	22.0%
Female Owned Firms	4,448,892	12.1%	17.8%
Disabled Owned Firms	21,163	0.1%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 9,265,710	25.2%	39.8%



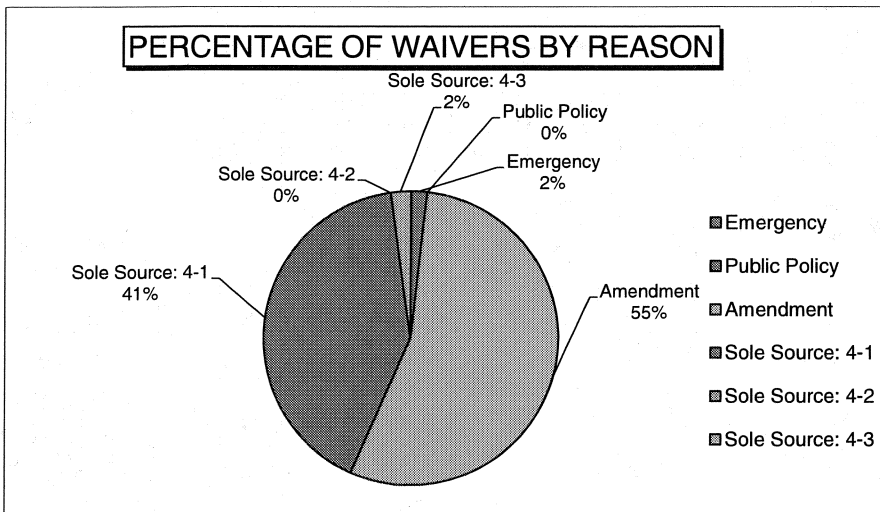
Note: (1) Availability percentages are taken from State of Maryland study titled "The State of Minority- and Women-Owned Business Enterprise: Evidence from Maryland", dated February 17, 2011, table 4.23A on page 169.
 (2) n/a = not available

Prepared by Finance Department
 January 25, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2013
FOR SIX MONTHS ENDED DECEMBER 31, 2012

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	1	\$ 11,153	2%
Public Policy	0	-	0%
Amendment	7	\$ 347,047	55%
Sole Source: 4-1	5	\$ 260,822	41%
Sole Source: 4-2	0	-	0%
Sole Source: 4-3	1	\$ 13,883	2%
Total	14	\$ 632,905	100%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
 PROCESSED FY 2013
 FOR THE SIX MONTHS ENDED DECEMBER 31, 2012

Attachment K

	Total Waivers		MFD/Waivers		% of MFD		Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source	
	Number	\$	Number	\$	Number	%	Number	\$	Number	\$	Number	\$	Number	%
Prince George's County														
Commissioners' Office	1	\$ 20,823	1	\$ 20,823	1	100.0%	1	\$ 20,823	-	0	-	0	0	100.0%
Planning Department	0	-	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Parks and Recreation Department	6	443,706	2	129,999	2	29.3%	3	338,670	-	0	13,883	1	79.5%	
Total	7	464,529	3	150,822	3	32.5%	4	359,493	-	0	13,883	1	80.4%	
Montgomery County														
Commissioners' Office	0	-	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Planning Department	0	-	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Parks Department	5	126,564	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Total	5	126,564	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Central Administrative Services														
Dept. of Human Resources and Mgt.	1	40,000	0	-	0	0.0%	1	40,000	-	0	-	0	0	100.0%
Finance Department	0	-	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Legal Department	1	1,812	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Merit Board	0	-	0	-	0	0.0%	0	-	-	0	-	0	0	0.0%
Total	2	41,812	0	-	0	0.0%	1	40,000	-	0	-	0	0	95.7%
Grand Total	14	\$ 632,905	3	\$ 150,822	3	23.8%	5	\$ 399,493	-	0	\$ 13,883	1	65.3%	

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
 To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Human Resources and Management
 January 3, 2013



**Office of the General Counsel
Maryland-National Capital Park and Planning Commission**

Reply To

**Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax**

March 20, 2013

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Adrian R. Gardner
General Counsel
RE: Litigation Report for the Month of February 2013

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, March 20, 2013. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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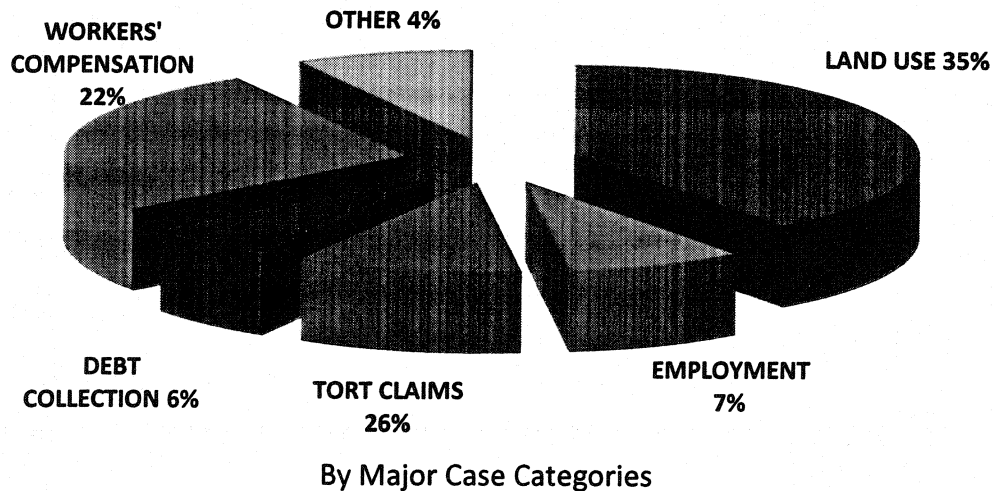
Composition of Pending Litigation..... Page 1
Overview of Pending Litigation (Chart)..... Page 1
Litigation Activity Summary Page 2
Index of New & Resolved Cases Page 2
Disposition of FY14 Closed Cases Sorted by Department Page 3
Index of Reported Cases Sorted by Department..... Page 6
Litigation Report Ordered By Court Jurisdiction Page 8

February 2013 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	8		4				12
Admin Appeal: Other							0
Land Use Dispute	1						1
Tort Claims	5						5
Employment Dispute	1	3	1				5
Contract Dispute	0						0
Property Dispute	1		1				2
Civil Enforcement	1						1
Workers' Compensation	6		2				8
Debt Collection	1						1
Bankruptcy							0
Miscellaneous	1		1				2
Per Forum Totals	25	3	9	0	0	0	37

OVERVIEW OF PENDING LITIGATION



February 2013 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD	Resolved Cases F/YTD	Pending Current Month
Admin Appeal: Land Use	14		2	16	1	5	12
Admin Appeal: Other				0			0
Land Use Disputes	1			1			1
Tort Claims	5			5	2	2	5
Employment Disputes	4	1		4	1		5
Contract Disputes	0			1		1	0
Property Disputes	2			2			2
Civil Enforcement	1			1			1
Workers' Compensation	10		2	14		6	8
Debt Collection	1			3		2	1
Bankruptcy				0			0
Miscellaneous	2			1	1		2
Totals	40		2	48	3	10	37

Index of New and Resolved Cases

A. New Trial Court Cases.

Presensky v. Commission

Unit

PG Parks

Subject Matter

Employment Dispute

B. New Appellate Court Cases.

C. Trial Court Cases Resolved.

Commission v. Hoffmaster

PG Police

Workers' Compensation

Galloway v. Commission

PG Parks

Workers' Compensation

Kelly Canavan & Randy

Phoebus, et al. v. Commission

PGPB

Admin Appeal: Land Use

Lake Marlton Limited

Partnership, et al. v. Commission

PGPB

Admin Appeal: Land Use

D. Appellate Court Cases Resolved.

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 15% permanent partial disability to his right lower extremity (knee), and 5% was found to be due to a pre-existing condition. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 37% permanent partial disability reasonably attributable to the accidental injury, and 24% was found to be due to pre-existing conditions. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Montgomery County Park Police		
Montgomery County Planning Board Commission v. Johnson	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Judgment granted in favor of the Commission 10/19/12.
Sandler, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed for Decision of the Montgomery County Planning Board regarding enforcement action: Violation of category I conservation easement in connection with forest conservation plan 120020730.	Final Order entered on 10/18/12 affirming the Planning Board's decision.

South-East Rural Civic Assn v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Preliminary Plan 120100250 and Site Plan 820100080 First Baptist Church of Wheaton.	Final Order reversing the Planning Board's decision issued and remand to the Board to deny preliminary and site plans.
South-East Rural Olney Civic Assn et al. v. Montgomery County Planning Board	Civil Compliant for Declaratory Judgment and Injunctive Relief filed in connection with Preliminary Plan 120100250 and Site Plan 820100080.	Complaint voluntarily dismissed by Plaintiffs on 10/17/12.
Prince George's County Department of Parks and Recreation		
Commission v. Batson	Commission is appealing the Workers' Compensation Commission decision.	Case Dismissed 09/21/12.
Commission v. Hill	Commission is appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 10/29/12.
Commission v. Kohlheim	Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.	Case closed. Judgment uncollectable 05/11/12.
Commission v. Nyagbona	Commission filed suit to recover funds paid to repair a Commission vehicle that was struck by Defendant's uninsured automobile.	Defendant is in active military service and can't be served.
Japones v. Montgomery	Defense of Commission employee against suit for personal injury resulting from automobile accident.	Case Dismissed 01/14/13.
Lawson v. Commission	Defense of claim arising from injury to minor child playing game at playground camp held at Carrollton Elementary School.	Case Settled 09/14/12.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	Commission's Motion to Dismiss granted on 12/17/12.
Quick v. Legal Department	Defense of claim for injuries arising from alleged defective exercise bike.	Commission's Motion to Dismiss granted on 12/17/12.
Prince George's County Planning Department		

<p>Prince George's County Planning Board Accokeek, Mattawoman, Piscataway Creeks, et al. v. Commission</p>	<p>Defense against Administrative Appeal of decision by the Planning Board to approve Special Exception 4669 in Robin Dale Property.</p>	<p>Judge Cotton granted Motions and Petition Notice of Voluntary Dismissal in case 10/26/12.</p>
<p>Keller Brothers Inc. v. Commission</p>	<p>Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.</p>	<p>Order of Court reversing the Commission's purchase order decisions – appeal recommended 01/07/13.</p>
<p>Tipton, et al. v. Commission</p>	<p>Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11028 in Salubria Center.</p>	<p>Opinion and Order for Circuit Court affirming Planning Board decision 11/30/12.</p>
<p>Prince George's Park Police</p>		

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CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

Galloway v. Commission

Case No. 02C11164910

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: The Workers' Compensation Commission awarded Claimant 22% permanent partial disability to his left leg (knee). Claimant is appealing this award.

Status: Dismissed

Docket:

10/18/11	Petition filed
10/27/11	Response to Petition filed
06/20/12	Pretrial conference held
2/28/13-3/1/13	Trial scheduled
02/22/13	Claimant dismissed appeal.

DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

Butler v. Commission, et al.
Case No. 0502-0036998-2012

Lead Counsel: Reynolds
Other Counsel:

Abstract: Defense of Commission employee against suit for personal injury resulting from automobile accident.

Status: Notice of Intention to Defend filed

Docket:

12/18/12	Complaint filed
01/24/13	Notice of Intention to Defend Filed

Commission v. Burke
Case No. 0502-0008216-2009

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission filed confessed judgment against Defendant for failure to pay rental fee for park property. Currently attempting to locate defendant in order to enforce judgment.

Status: Confessed Judgment Filed

Docket:

03/10/09	Confessed Judgment filed
05/14/12	Notice of Lien filed

Commission v. Eludoyin
Case No. 0502-0006727-2012

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.

Status: Currently attempting to locate Defendant to serve summons and complaint

Docket:

03/28/12	Complaint filed
04/02/12	Summons issued for Defendant
09/04/12	Motion filed to Vacate Order of Dismissal
10/02/12	Order vacated – awaiting summons.

Quick v. Legal Department
Case No. 0502-0000105-2013

Lead Counsel: Harvin
Other Counsel: Mills

Abstract: Defense of claim for alleged violations of the American with Disabilities Act.

Status: Awaiting Trial

Docket:

01/02/13	Complaint filed
01/24/13	Answer filed
03/11/13	Trial Scheduled

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Brown
Case No. CAL03-24561

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.

Status: Post-judgment Collection Activity

Docket:

11/21/03	Complaint filed
07/02/04	Summary judgment granted
09/13/04	Hearing on damages – Award: \$11,680.00
05/14/12	Renewal of Judgment filed

Commission v. Pinkney
Case No. CAL11-31133

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Trial Scheduled

Docket:

11/07/11	Petition filed
11/11/11	Response to Petition filed
11/29/11	Commission's Certificate Regarding Discovery filed
07/13/12	Scheduling Order filed
12/19/12	Pretrial Conference scheduled
02/27/13	Trial Scheduled

Corsetti v. Commission
Case No. CAL12-02521

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's award of compensation to her right shoulder.

Status: Trial Scheduled

Docket:

01/26/12	Petition filed
02/13/12	Response to Petition filed

05/01/12	Pretrial Conference cancelled
04/18/13	Trial scheduled

Donaldson v. Commission
Case No. CAL12-14411

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant is appealing the Workers' Compensation Commission's Order denying compensability of his claim.

Status: Trial Scheduled

Docket:

02/13/12	Petition filed
03/02/12	Commission filed Motion to Dismiss or Change of Venue
03/15/12	Plaintiff filed Line consenting transfer
04/30/12	Notice of Case Transfer issued
10/30/12	Pretrial conference scheduled
06/13/13	Trial scheduled

Jackson v. Commission
Case No. CAL11-18249

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claims arising from injury sustained by patron while playing tennis.

Status: In Discovery

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed

Keller Brothers Inc. v. Commission
Case No. CAL11-18249

Lead Counsel: Calcote-Heatley
Other Counsel: Johnson

Abstract: Defense of claim for Judicial Review of construction change order request for Glenarden Community Center and Theresa Banks Pool.

Status: Mediation Scheduled.

Docket:

07/29/11	Complaint filed
10/19/11	Joint Motion to Stay Case filed
10/31/11	Order Staying Case
01/06/12	Status Hearing rescheduled

02/23/12	Status Hearing scheduled
03/15/12	Administrative Record filed
05/15/12	Appellant brief due
06/15/12	Commission brief due
11/09/12	Appellant brief due
12/10/12	Commission brief due
01/03/13	Oral argument held
01/07/13	Order of Court reversing the Commission's purchase order decisions – appeal recommended.
01/25/13	Notice of Appeal Filed – Mediation scheduled.

Kelly Canavan & Randy Pheobus, et al. v. Commission
Case No. CAL12-14365

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-07076 in Estate of Pleasant Valley.

Status: Judgment in favor of Commission
Docket:

04/27/12	Petition for Judicial Review filed
05/15/12	Commission filed Response to Petition
05/15/12	Commission filed Certificate of Compliance
05/15/12	Commission filed Notice of Appeal
05/21/12	Saddle Creek, LLC filed Response to Petition
07/13/12	Commission filed Record and Transcript
08/02/12	Petitioners filed Motion for Completion of the Record
08/13/12	Petitioners filed Memorandum in Support of the Petition for Judicial Review
08/17/12	Order granting Petitioners' Motion for Completion of the Record
08/20/12	Commission filed Response to Petitioners' Motion for Completion of the Record
09/12/12	Saddle Creek, LLC filed Memorandum of Law
09/17/12	Commission filed Memorandum of Law
09/18/12	Joint Motion for Continuance of Oral Argument filed
09/21/12	Order granting for Continuance
11/7/2012	Received Petitioners' Reply Memorandum
11/09/12	Oral Argument held, Under Advisement
12/07/12	Commission filed Letter and Proposed Findings of Fact and Conclusions of Law per Judge Nicholas E. Rattal request
12/07/12	Applicant Saddle Creek, LLC filed its Proposed Findings of Fact and Conclusion of Law
02/19/13	Prince George's Circuit Court Issued a Memorandum Opinion Affirming the Planning Board's decision approving Saddle Creek's Preliminary Plan of Subdivision.

Lake Marilton Limited Partnership, et al. v. Commission

Case No. CAL11-37406

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11003 in Heathermore.

Status: Case Dismissed
Docket:

12/20/11	Petition for Judicial Review Filed
01/10/12	Commission filed Response to Petition
01/10/12	Commission filed Notice of Appeal
01/10/12	Commission filed Certificate of Compliance
03/01/12	Commission filed Record and Transcript
03/19/12	Parties filed Joint Motion to Continue Oral Argument
03/26/12	Order from Circuit Court
03/28/12	Continuance Notice from Circuit Court
04/06/12	Heathermore Associates filed a Motion To Extend Time For Filing A Response, Or In the Alternative, Motion To Intervene As A Party Defendant
04/18/12	Petitioners filed Response to Motion To Extend Time For Filing A Response, Or In the Alternative, Motion To Intervene As A Party Defendant
04/18/12	Heathermore Associates filed Supplemental Motion To Extend Time For Filing A Response, Or In the Alternative, Motion To Intervene As A Party Defendant
04/27/12	Commission filed Response to Motion To Extend Time For Filing A Response, Or In the Alternative, Motion To Intervene As A Party Defendant
05/10/12	Order from Circuit Court that Heathermore Associates may file a response in this case if it can establish that it is a successor in interest to the applicant
05/24/12	Heathermore Associates filed Response to Petition
07/10/12	Joint Motion to Continue Oral Argument Hearing and Stipulation to Extend Time for Filing Memoranda filed
08/09/12	Order granting Continuance of Oral Argument
08/14/12	Petitioners filed Memorandum of Law
09/06/12	Petitioner, Lake Marilton Limited Partnership, filed Line of Dismissal
09/08/12	Line of Dismissal granted. Case Dismissed by Clerk of the Circuit Court.

Presensky v. Commission

Case No. CAL12-37360

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: In Discovery

Docket:

11/27/12	Complaint filed
02/12/13	Answer filed

Rogers v. Commission
Case No. CAL08-17670

Lead Counsel: McCarthy
Other Counsel:

Abstract: Plaintiff filed complaint for declaratory judgment and injunctive relief claiming easement rights concerning Commission property in Prince George's County.

Status: In Discovery

Docket:

07/10/08	Complaint filed
08/19/08	Complaint served
09/17/08	Commission Answer filed
11/05/08	Amended Complaint served
11/24/08	Commission Answer to Amended Complaint filed
03/04/09	Second Amended Complaint served
03/20/09	Commission Answer to Second Amended Complaint filed
08/28/09	Commission Motion for Partial Summary Judgment filed
08/31/09	Plaintiff's Motion for Partial Summary Judgment filed
09/28/09	Plaintiff's Motion for Leave to file Third Amended Complaint filed
09/29/09	Pretrial Conference
12/10/09	Pretrial Conference
02/22/10	Pretrial Conference
09/17/10	Motion Hearing held
01/19/11	Pretrial Conference held
05/3-5/11	Trial continued

Rollins v. Commission
Case No. CAL-11-17871

Lead Counsel: Johnson
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-10026 in Middleton Lane

Status: Trial Scheduled

Docket:

08/01/11	Petition for Judicial Review filed
12/06/12	Petitioner's Filed Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Opposition to Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing

12/10/12	Commission Filed Response to Petition
12/10/12	Commission Filed Notice of Appeal
12/10/12	Commission filed Certificate of Compliance
12/10/12	Commission filed Record & Transcript
12/13/12	Oral Argument Scheduled
01/10/13	Petitioners' filed a Joint Stipulation to Extend Time to File Memoranda of Law
01/22/13	Petitioners' filed their Memorandum of Law in Circuit Court
02/25/13	Commission filed its Memoranda of Law in Circuit Court

Schwartz v. Dobbins
Case No. CAL12-25208

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim arising from motor vehicle accident.

Status: In Discovery

Docket:

08/13/12	Complaint filed
09/24/12	Answer filed
03/04/13	Pre-trial conference scheduled

White v. Commission
Case No. CAL12-07503

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's order.

Status: Trial Scheduled

Docket:

03/07/12	Petition filed
03/26/12	Response to Petition filed
09/18/12	Pretrial Conference scheduled
04/23/13	Trial scheduled

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Beatty v. Montgomery County, et al.

Case No. 360768V

Lead Counsel: Chagrin

Other Counsel:

Abstract: Claimant is suing for torts arising from slip and fall.

Status: Pretrial Conference Scheduled

Docket:

03/29/12	Complaint filed
04/25/12	Commission's Answer to Complaint filed
04/27/12	Montgomery County Motion to Dismiss and/or for Summary Judgment filed
06/04/12	Conference scheduled re: Motion to Dismiss
06/15/12	Scheduling hearing
08/16/12	Motion for Summary Judgment scheduled
09/27/12	Motion for Summary Judgment continued
12/19/12	Oral argument for Summary Judgment
12/19/12	Summary Judgment in favor of Commission Granted
12/27/12	Pretrial Conference scheduled
01/17/13	Plaintiff filed a Notice of Appeal

Commission v. Hoffmaster

Case No. 360767V

Lead Counsel: Chagrin

Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Remanded to WCC

Docket:

03/14/12	Petition filed
03/30/12	Response to Petition filed
08/13/12	Pretrial Statement due
08/23/12	Pretrial Hearing scheduled
11/27/12	Order issued postponing trial
2/4/13	Trial Scheduled
2/05/13	Verdict Affirming Workers' Compensation Commission decision. Case Remanded.

Commission v. Martinez

Case No. 369652V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Pretrial Hearing Scheduled

Docket:

10/15/12	Petition filed
10/23/12	Response to Petition filed
03/21/13	Pretrial Hearing scheduled

Commission v. Rivera

Case No. 369970V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Pretrial Hearing Scheduled

Docket:

10/23/12	Petition filed
04/04/13	Pretrial Hearing scheduled

Commission v. Mereos

Case No. 369081-V

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.

Status: Awaiting service upon Defendant

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued

Kambiz Kazemi v. Commission

Case No. 351430-V

Lead Counsel: Lieb
Other Counsel: Sorrento

Abstract: Request for Judicial Review filed by Kambiz Kazemi in the case of Alvermar Woods, Lot 17, Preliminary Plan 11999034A.

Status: Stayed until December 31, 2012

Docket:

08/25/11	Petition for Judicial Review filed
09/07/11	Petitioner's Motion for Stay of Proceedings filed
09/23/11	Order Staying Proceedings
03/05/12	Petitioner's Motion for Extension of Stay of Proceedings filed
04/04/12	Order – Proceedings shall be stayed until July 1, 2012
07/27/12	Petitioner's Motion to Extend Stay of Proceedings until December 31, 2012 filed
10/19/12	Order Staying Proceedings

Makfinsky, et al. v. Montgomery County Planning Board

Case No. 360249-V

Lead Counsel: Rubin
Other Counsel: Sorrento

Abstract: Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.

Status: Commission filed Response to Petition, Notice to Parties of Record and Certificate of Compliance.

Docket:

01/04/13	Petition for Judicial Review filed
01/23/13	Commission's Response, Certificate of Compliance and Notice to Parties of Record filed

McClure v. Montgomery County Planning Board

Case No. 362946-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.

Status: Oral Argument held. Decision Pending.

Docket:

05/09/12	Petition filed
07/09/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal
09/19/12	Motions hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
09/28/12	Petitioner's memorandum filed
11/11/12	Commission's answering memorandum filed
11/16/12	Petitioner's Reply Memorandum filed
12/18/12	Hearing scheduled
01/29/13	Oral Argument Held

Sahady v. Montgomery County Planning Board

Case No. 364354-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.

Status: Trial Held
Docket:

06/15/12	Petition filed
06/09/12	Motion to Stay May 17, 2012 Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal filed
08/16/12	Line and Administrative Record filed
09/19/12	Motions Hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
	Petitioner's memorandum filed
11/22/12	Commission's answering memorandum due
12/05/12	Petitioner's Reply Memorandum filed
12/18/12	Oral Argument Held, Matters Taken Under Advisement

Shady Grove Technical Center Associates v. Montgomery County Planning Board

Case No. 359937-V

Lead Counsel: Rubin
Other Counsel: Lieb

Abstract: Petition for Judicial Review of Resolution by Montgomery County Planning Board in Case MCPB NO. 11-108.

Status: Trial Scheduled

Docket:

03/02/12	Petition filed
03/08/12	Response, Certificate of Compliance/Notice
03/15/12	Line of Appearance
03/19/12	Notice of Withdrawal of Appearance
03/21/12	Response – Notice of Intention to Participate in Petition for Judicial Review filed by Woodfield/Meridian Shady Grove, LLC
04/30/12	Line and Administrative Record filed
05/29/12	Order granting Motion of Petitioners for Extension of Time to File Memorandum of Law
07/17/12	Order granting extension of time to file Memorandum of Law
07/31/12	Consent Motion to Stay Proceedings filed
08/01/12	Order granting 30-day stay of proceedings
08/31/12	Request to Extend Stay on Consent Motion of all Parties filed by joint letter granted by Court

11/30/12	Scheduling Order
04/03/13	Oral Argument Scheduled

Smith v. Montgomery County Planning Board
Case No. 367472-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.

Status: Oral Argument held. Supplemental information filed with the Court regarding the Planning Board's authority to Administratively enforce easement.

Docket:

08/27/12	Petition filed
09/05/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
09/04/12	Scheduling Order – Hon. Ronald B. Rubin
09/06/12	Response to Petition for Judicial Review filed by Commission
09/13/12	Notice of pending events
11/27/12	Plaintiff's Memorandum filed
12/21/12	Joint Stipulation as to Briefing Schedule filed
02/15/13	Supplemental informational correspondence filed with the Court.

Town of Washington Grove v. M-NCPPC
Case No. 370437-v

Lead Counsel: Sorrento
Other Counsel: Lieb

Abstract: Petition of Judicial Review of Forest Conservation Plan

Status: Administrative Record filed

Docket:

11/08/12	Petition for Judicial review filed by Town of Washington Grove.
12/06/12	Response to Petition filed by Applicant, Towne Crest Apts.
12/07/12	Commission's Response filed
01/18/13	Administrative Record filed
02/19/13	Petitioner's Memorandum filed

MARYLAND COURT OF SPECIAL APPEALS

Albert Arking, et al. v. Montgomery County Planning Board

September Term 2011, No. 02346

Lead Counsel: Rubin
Other Counsel:

Abstract: Petitioner filed an Appeal in the Circuit Court for Montgomery County of the Order dated December 12, 2011, denying the Petition for Judicial Review and affirming the Planning Board's decision.

Status: Decision Pending

Docket:

01/10/12	Notice of Appeal and Civil Information Report filed
01/23/12	Civil Information Report filed by Commission to clarify information filed by Petitioner
05/17/12	Scheduling Order
06/15/12	Appellants Request for Extension of Time for Filing of Appellant's Brief
06/20/12	Commission's Opposition to Appellant's Request for Extension to Time to File Brief
07/03/12	Scheduling Order from Hon. Peter B. Krauser
07/23/12	Appellant's Brief due
09/14/12	Commission's Brief filed
10/4/12	Appellant's Reply Brief
10/25/12	Notice to Parties from Court – Case to be decided without oral argument

Bethesda Place LLP v. MCPB

Case No. (No. 1909, September Term, 2012)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Notice of Appeal filed regarding the Judge's ruling in favor of the Commission on October 24, 2012.

Status: Pre-Hearing mediation conference date extended to March 19, 2013.

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued
01/30/13	Order for Prehearing conference - mediation

Hall, et al. v. Commission

September Term 2009, No. 01247

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Administrative Appeal of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status:
Docket:

Decision Pending

01/10/08	Petition for Judicial Review filed
02/04/08	Commission filed Response to Petition; Certificate of Compliance and Notice of Appeal
03/12/08	Commission filed Record and Transcript
06/09/08	Petitioner filed Memorandum
07/14/08	Commission filed Memorandum
09/26/08	Oral Argument
07/15/09	Circuit Court Opinion affirming Planning Board decision issued
07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
11/04/09	Commission received Appellants' Brief
11/23/09	Commission filed a Stipulation For Extension of Time for Filing Memoranda (Commission's Brief)
12/18/09	Commission's Brief filed

Jones v. McNeal

September Term 2011, No. 01928

Lead Counsel:
Other Counsel:

Calcote-Heatley

Abstract:

Defense of suit under Maryland Public Information Act against Alvin McNeal. Plaintiff appeals decision of Circuit Court.

Status:

Trial Scheduled

Docket:

10/31/11	Plaintiff Appeals to Court of Special Appeals
12/27/11	Mr. Jones' Brief due
01/03/12	Appellant's brief and request for waiver of 15 copies of brief filed
01/26/12	A. McNeal Brief due
03/12/12	Appellant's Motion to Waive Fees and Affidavit filed
04/04/12	Order – Appellant's obligation to deposit court fees waived
04/20/12	Five additional copies Appellant's 01/03/12 Brief filed
06/1-12/12	Oral Argument scheduled
09/12/12	A. McNeal Motion to Dismiss Appeal filed
10/15/12	Order – appeal may be dismissed on Court's motion unless Appellant files corrected brief
11/09/12	A. McNeal line withdrawing appearance of Jared M. McCarthy and entering appearance of Donna Y. Calcote-Heatley
11/10/12	Motion to Extend Time for filing Appellant's Briefs filed
12/31/12	Appellant's Corrected Brief due
01/04/13	Order – Appellant's Motion to Extend Time for filing brief granted
01/10/13	Order – Appellee's Motion to Dismiss denied
02/07/13	Appellant's Motion for Extension of Time Filed
02/12/13	Appellant's brief and record due

02/20/13	A. McNeal's Response to Appellant's Motion for Extension of Time Filed
05/2013	Oral Argument Scheduled

Prince George's County, Maryland v. Mazzei et al.
September Term 2011, No. 02656

Lead Counsel: Chagrin
Other Counsel:

Abstract: Order from Workers' Compensation Commission which found that he did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from court in favor of Claimant, Mazzei.

Status: Briefing Scheduled

Docket:

01/23/12	Order -- Commission dismissed from appeal without prejudice
02/23/12	Notice of Appeal filed by Prince George's County, Maryland
08/2012	Motion for Extension to file Brief granted
02/13/13	Motion to Postpone Oral Argument and Further Extend Time to File Brief filed.

Pringle v. Montgomery County Planning Board
September Term 2011, No. 02334

Lead Counsel: Sorrento
Other Counsel: Rubin

Abstract: Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.

Status: Decision Pending

Docket:

01/03/12	Petitioner filed Notice of Appeal and Civil Information Report
02/21/12	Order – Appeal to proceed without a Prehearing Conference
07/02/12	Appellant Brief due
08/03/12	Commission's Brief filed
08/06/12	Brief of Appellee Minkoff Development Corporation filed
01/04/13	Oral Argument held

Rounds v. Commission
Case No. TBA

Lead Counsel: Gardner and Mills
Other Counsel:

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Appeal Filed

Docket:

07/06/12	Notice of Appeal filed
01/07/13	Appellant's Brief filed

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460

Lead Counsel:
Other Counsel:

Lieb
Rubin

Abstract:

Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status:

Trial Held

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
11/08/11	Order to proceed without pre-hearing conference
01/25/12	Appellants' Memorandum of Law in Support of Notice of Judicial Review and Record Extract
03/01/12	Scheduling Order from the Court
03/08/12	Brief of Appellee, Montgomery County Planning Board
03/08/12	Brief of Appellees, Louis Donatelli and Ann Donatelli
03/28/12	Reply Brief of Appellants
10/10/12	Oral argument held – matter taken under advisement

Wilson v. Commission

September Term 2011, No. 02362

Lead Counsel:
Other Counsel:

Harvin

Abstract:

Appeal of dismissal of claim alleging discriminatory termination.

Status:

On Appeal

Docket:

01/12/12	Notice of Appeal filed
07/24/12	Mr. Wilson's Brief filed
08/22/12	Commission's Brief filed
02/05/13	Oral Argument

U.S. DISTRICT COURT OF MARYLAND

Freeman v. Commission
Case No. CAD 11-CV-2894

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination in employment by former employee.

Status: Trial Scheduled
Docket:

10/11/11	Complaint filed
11/14/11	Motion for Summary Judgment filed
05/25/12	Second Motion for Summary Judgment filed
07/26/12	Reply to Plaintiff's Opposition to Motion for Summary Judgment filed
11/08/12	Hearing held on Motion for Summary Judgment. All counts dismissed as to Defendant Gathers and six of seven counts dismissed as to the Commission.
10/1/13	Trial Scheduled

Streeter v. Commission
Case No. RWT 12-CV-0976

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order
Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions

Neal v. Commission
Case No. RWT 12-CV-1186

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: In Discovery
Docket:

04/23/12	Complaint filed
04/25/12	Waiver of Summons filed
06/25/12	Motion for Summary Judgment filed
09/12/12	Reply to Defendant's Opposition filed
1/7/13	Motion denied



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

April 10, 2013

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for the Month of March 2013

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, April 10, 2013. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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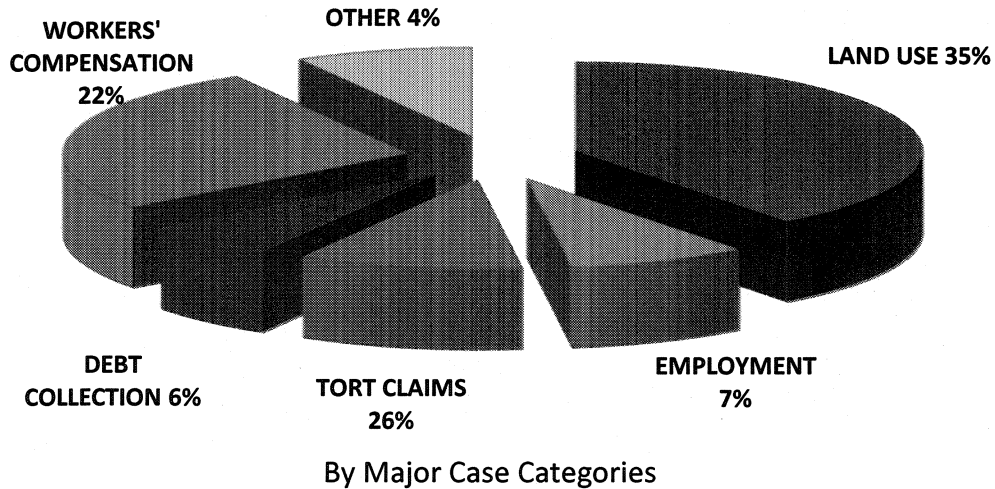
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March 2013 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	8		4				12
Admin Appeal: Other							0
Land Use Dispute	1						1
Tort Claims	5						5
Employment Dispute	1	3	1				5
Contract Dispute	1						1
Property Dispute	1		1				2
Civil Enforcement	1						1
Workers' Compensation	5		2				7
Debt Collection	1						1
Bankruptcy							0
Miscellaneous	0		1				1
Per Forum Totals	24	3	9	0	0	0	36

OVERVIEW OF PENDING LITIGATION



March 2013 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD	Resolved Cases F/YTD	Pending Current Month
Admin Appeal: Land Use	12	1	1	16	2	6	12
Admin Appeal: Other	0			0			0
Land Use Disputes	1			1			1
Tort Claims	5			5	2	2	5
Employment Disputes	5			4	1		5
Contract Disputes	0	1		1	1	1	1
Property Disputes	2			2			2
Civil Enforcement	1			1			1
Workers' Compensation	8		1	14		7	7
Debt Collection	1			3		2	1
Bankruptcy	0			0			0
Miscellaneous	2		1	1	1	1	1
Totals	37	2	1	48	7	19	36

Index of New and Resolved Cases

A. New Trial Court Cases.

Fort Myer Construction Corp. v. Commission

Unit

PG Parks

Subject Matter

Contract Dispute

B. New Appellate Court Cases.

Kelly Canavan & Randy Pheobus, et al.
v. Commission

PGPB

Admin Appeal: Land Use

C. Trial Court Cases Resolved.

Commission v. Martinez
Quick v. Legal Department

PG Parks
PG Parks

Workers' Compensation
Miscellaneous

D. Appellate Court Cases Resolved.

Bethesda Place LLP v. MCPB

MCPB

Admin Appeal: Land Use

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 15% permanent partial disability to his right lower extremity (knee), and 5% was found to be due to a pre-existing condition. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 37% permanent partial disability reasonably attributable to the accidental injury, and 24% was found to be due to pre-existing conditions. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Montgomery County Park Police Commission v. Hoffmaster	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 02/05/13.
Montgomery County Planning Board Commission v. Johnson	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Judgment granted in favor of the Commission 10/19/12.
Sandler, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed for Decision of the Montgomery County Planning Board regarding enforcement action: Violation of category I conservation easement in connection with forest conservation plan 120020730.	Final Order entered on 10/18/12 affirming the Planning Board's decision.

South-East Rural Civic Assn v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Preliminary Plan 120100250 and Site Plan 820100080 First Baptist Church of Wheaton.	Final Order reversing the Planning Board's decision issued and remand to the Board to deny preliminary and site plans.
South-East Rural Olney Civic Assn et al. v. Montgomery County Planning Board	Civil Compliant for Declaratory Judgment and Injunctive Relief filed in connection with Preliminary Plan 120100250 and Site Plan 820100080.	Complaint voluntarily dismissed by Plaintiffs on 10/17/12.
Prince George's County Department of Parks and Recreation		
Commission v. Batson	Commission is appealing the Workers' Compensation Commission decision.	Case Dismissed 09/21/12.
Commission v. Hill	Commission is appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 10/29/12.
Commission v. Kohlheim	Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.	Case closed. Judgment uncollectable 05/11/12.
Commission v. Nyagbona	Commission filed suit to recover funds paid to repair a Commission vehicle that was struck by Defendant's uninsured automobile.	Defendant is in active military service and can't be served.
Japones v. Montgomery	Defense of Commission employee against suit for personal injury resulting from automobile accident.	Case Dismissed 01/14/13.
Galloway v. Commission	The Workers' Compensation Commission awarded Claimant 22% permanent partial disability to his left leg (knee). Claimant is appealing this award.	Claimant Dismissed Appeal 02/22/13.
Lawson v. Commission	Defense of claim arising from injury to minor child playing game at playground camp held at Carrollton Elementary School.	Case Settled 09/14/12.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	Commission's Motion to Dismiss granted on 12/17/12.
Quick v. Legal Department	Defense of claim for injuries arising from alleged defective exercise bike.	Commission's Motion to Dismiss granted on 12/17/12.
Prince George's County Planning Department		

Prince George's County Planning Board		
Accokeek, Mattawoman, Piscataway Creeks, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Exception 4669 in Robin Dale Property.	Judge Cotton granted Motions and Petition Notice of Voluntary Dismissal in case 10/26/12.
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Order of Court reversing the Commission's purchase order decisions – appeal recommended 01/07/13.
Kelly Canavan & Randy Pheobus, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-07076 in Estate of Pleasant Valley.	Judgment in favor of Commission 02/19/13.
Lake Marlton Limited Partnership, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11003 in Heathermore.	Case Dismissed by Clerk of Circuit 09/08/12.
Tipton, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11028 in Salubria Center.	Opinion and Order for Circuit Court affirming Planning Board decision 11/30/12.
Prince George's Park Police		

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DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

Butler v. Commission, et al.

Case No. 0502-0036998-2012

Lead Counsel: Reynolds
Other Counsel:

Abstract: Defense of Commission employee against suit for personal injury resulting from automobile accident.

Status: Notice of Intention to Defend filed

Docket:

12/18/12	Complaint filed
01/24/13	Notice of Intention to Defend Filed

Commission v. Burke

Case No. 0502-0008216-2009

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission filed confessed judgment against Defendant for failure to pay rental fee for park property. Currently attempting to locate defendant in order to enforce judgment.

Status: Confessed Judgment Filed

Docket:

03/10/09	Confessed Judgment filed
05/14/12	Notice of Lien filed

Commission v. Eludoyin

Case No. 0502-0006727-2012

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.

Status: Currently attempting to locate Defendant to serve summons and complaint

Docket:

03/28/12	Complaint filed
04/02/12	Summons issued for Defendant
09/04/12	Motion filed to Vacate Order of Dismissal
10/02/12	Order vacated – awaiting summons.

Quick v. Legal Department
Case No. 0502-0000105-2013

Lead Counsel: Harvin
Other Counsel: Mills

Abstract: Defense of claim for alleged violations of the American with Disabilities Act.

Status: Case Dismissed

Docket:

01/02/13	Complaint filed
01/24/13	Answer filed
03/11/13	Trial Scheduled
03/11/13	Case Dismissed. Motion for Judgment Granted.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Brown

Case No. CAL03-24561

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.

Status: Post-judgment Collection Activity

Docket:

11/21/03	Complaint filed
07/02/04	Summary judgment granted
09/13/04	Hearing on damages – Award: \$11,680.00
05/14/12	Renewal of Judgment filed

Commission v. Pinkney

Case No. CAL11-31133

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Trial Scheduled

Docket:

11/07/11	Petition filed
11/11/11	Response to Petition filed
11/29/11	Commission's Certificate Regarding Discovery filed
07/13/12	Scheduling Order filed
12/19/12	Pretrial Conference scheduled
02/27/13	Trial Postponed
03/27/13	Trial Scheduled

Corsetti v. Commission

Case No. CAL12-02521

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's award of compensation to her right shoulder.

Status: Trial Scheduled

Docket:

01/26/12	Petition filed
02/13/12	Response to Petition filed
05/01/12	Pretrial Conference cancelled
04/18/13	Trial scheduled

Donaldson v. Commission

Case No. CAL12-14411

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant is appealing the Workers' Compensation Commission's Order denying compensability of his claim.

Status: Trial Scheduled

Docket:

02/13/12	Petition filed
03/02/12	Commission filed Motion to Dismiss or Change of Venue
03/15/12	Plaintiff filed Line consenting transfer
04/30/12	Notice of Case Transfer issued
10/30/12	Pretrial conference scheduled
06/13/13	Trial scheduled

Jackson v. Commission

Case No. CAL11-18249

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claims arising from injury sustained by patron while playing tennis.

Status: In Discovery

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed

Keller Brothers Inc. v. Commission

Case No. CAL11-18249

Lead Counsel: Calcote-Heatley
Other Counsel: Johnson

Abstract: Defense of claim for Judicial Review of construction change order request for Glenarden Community Center and Theresa Banks Pool.

Status: Mediation Scheduled.

Docket:

07/29/11	Complaint filed
10/19/11	Joint Motion to Stay Case filed
10/31/11	Order Staying Case
01/06/12	Status Hearing rescheduled
02/23/12	Status Hearing scheduled
03/15/12	Administrative Record filed
05/15/12	Appellant brief due
06/15/12	Commission brief due
11/09/12	Appellant brief due

12/10/12	Commission brief due
01/03/13	Oral argument held
01/07/13	Order of Court reversing the Commission's purchase order decisions – appeal recommended.
01/25/13	Notice of Appeal Filed – Mediation scheduled.

Presensky v. Commission

Case No. CAL12-37360

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: In Discovery

Docket:

11/27/12	Complaint filed
02/12/13	Answer filed

Rogers v. Commission

Case No. CAL08-17670

Lead Counsel: McCarthy
Other Counsel:

Abstract: Plaintiff filed complaint for declaratory judgment and injunctive relief claiming easement rights concerning Commission property in Prince George's County.

Status: In Discovery

Docket:

07/10/08	Complaint filed
08/19/08	Complaint served
09/17/08	Commission Answer filed
11/05/08	Amended Complaint served
11/24/08	Commission Answer to Amended Complaint filed
03/04/09	Second Amended Complaint served
03/20/09	Commission Answer to Second Amended Complaint filed
08/28/09	Commission Motion for Partial Summary Judgment filed
08/31/09	Plaintiff's Motion for Partial Summary Judgment filed
09/28/09	Plaintiff's Motion for Leave to file Third Amended Complaint filed
09/29/09	Pretrial Conference
12/10/09	Pretrial Conference
02/22/10	Pretrial Conference
09/17/10	Motion Hearing held
01/19/11	Pretrial Conference held
05/3-5/11	Trial continued

Rollins v. Commission
Case No. CAL-11-17871

Lead Counsel: Johnson
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-10026 in Middleton Lane

Status: Oral Argument held

Docket:

08/01/11	Petition for Judicial Review filed
12/06/12	Petitioner's Filed Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Opposition to Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Response to Petition
12/10/12	Commission Filed Notice of Appeal
12/10/12	Commission filed Certificate of Compliance
12/10/12	Commission filed Record & Transcript
12/13/12	Oral Argument Scheduled
01/10/13	Petitioners' filed a Joint Stipulation to Extend Time to File Memoranda of Law
01/22/13	Petitioners' filed their Memorandum of Law in Circuit Court
02/25/13	Commission filed its Memoranda of Law in Circuit Court
03/15/13	Oral Argument held. Judge Nichols took matter under advisement.

Schwartz v. Dobbins
Case No. CAL12-25208

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim arising from motor vehicle accident.

Status: In Discovery

Docket:

08/13/12	Complaint filed
09/24/12	Answer filed
03/04/13	Pre-trial conference scheduled

White v. Commission
Case No. CAL12-07503

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner is appealing the Workers' Compensation Commission's order.

Status: Trial Scheduled

Docket:

Circuit Court for Prince George's County, Maryland

Page 13 of 25

03/07/12	Petition filed
03/26/12	Response to Petition filed
09/18/12	Pretrial Conference scheduled
04/23/13	Trial scheduled

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Beatty v. Montgomery County, et al.

Case No. 360768V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant is suing for torts arising from slip and fall.

Status: Pretrial Conference Scheduled

Docket:

03/29/12	Complaint filed
04/25/12	Commission's Answer to Complaint filed
04/27/12	Montgomery County Motion to Dismiss and/or for Summary Judgment filed
06/04/12	Conference scheduled re: Motion to Dismiss
06/15/12	Scheduling hearing
08/16/12	Motion for Summary Judgment scheduled
09/27/12	Motion for Summary Judgment continued
12/19/12	Oral argument for Summary Judgment
12/19/12	Summary Judgment in favor of Commission Granted
12/27/12	Pretrial Conference scheduled
01/17/13	Plaintiff filed a Notice of Appeal

Commission v. Martinez

Case No. 369652V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Case Dismissed. Remanded to WCC.

Docket:

10/15/12	Petition filed
10/23/12	Response to Petition filed
03/04/2013	Case dismissed. Remanded to WCC.

Commission v. Rivera

Case No. 369970V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission appealing the Workers' Compensation Commission's decision.

Status: Pretrial Hearing Scheduled

Docket:

10/23/12	Petition filed
04/04/13	Pretrial Hearing scheduled

Commission v. Mereos

Case No. 369081-V

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.

Status: Awaiting service upon Defendant

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued

Fort Myer Construction Corporation v. Commission

Case No. 369478-V

Lead Counsel: Dixon
Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: In Discovery.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts

Kambiz Kazemi v. Commission

Case No. 351430-V

Lead Counsel: Lieb
Other Counsel: Sorrento

Abstract: Request for Judicial Review filed by Kambiz Kazemi in the case of Alvermar Woods, Lot 17, Preliminary Plan 11999034A.

Status: Stayed until December 31, 2012. Parties agreed on Motion to Extend to Stay to be filed with Court.

Docket:

08/25/11	Petition for Judicial Review filed
09/07/11	Petitioner's Motion for Stay of Proceedings filed
09/23/11	Order Staying Proceedings
03/05/12	Petitioner's Motion for Extension of Stay of Proceedings filed
04/04/12	Order – Proceedings shall be stayed until July 1, 2012
07/27/12	Petitioner's Motion to Extend Stay of Proceedings until December 31, 2012 filed
10/19/12	Order Staying Proceedings

Makfinsky, et al. v. Montgomery County Planning Board

Case No. 360249-V

Lead Counsel: Rubin
Other Counsel: Sorrento

Abstract: Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.

Status: Hearing Scheduled

Docket:

01/04/13	Petition for Judicial Review filed
01/23/13	Commission's Response, Certificate of Compliance and Notice to Parties of Record filed
03/04/13	Administrative Record Filed
03/14/13	Notice of Hearing
03/20/13	Supplement to Administrative Record Filed
07/08/13	Hearing Scheduled

McClure v. Montgomery County Planning Board

Case No. 362946-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.

Status: Oral Argument held. Decision Pending.

Docket:

05/09/12	Petition filed
07/09/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal
09/19/12	Motions hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
09/28/12	Petitioner's memorandum filed
11/11/12	Commission's answering memorandum filed
11/16/12	Petitioner's Reply Memorandum filed
12/18/12	Hearing scheduled

01/29/13	Oral Argument Held
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Sahady v. Montgomery County Planning Board

Case No. 364354-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.

Status: Oral Argument held. Decision Pending.
Docket:

06/15/12	Petition filed
06/09/12	Motion to Stay May 17, 2012 Order of the Montgomery County Planning Board and Request for hearing
07/24/12	Answer of the Montgomery County Planning Board to Motion for Stay Pending Appeal filed
08/16/12	Line and Administrative Record filed
09/19/12	Motions Hearing held, ruling from the Bench
09/20/12	Order – Hon. Joseph M. Quirk – staying enforcement of Planning Board's Order
	Petitioner's memorandum filed
11/22/12	Commission's answering memorandum due
12/05/12	Petitioner's Reply Memorandum filed
12/18/12	Oral Argument Held, Matters Taken Under Advisement

Shady Grove Technical Center Associates v. Montgomery County Planning Board

Case No. 359937-V

Lead Counsel: Rubin
Other Counsel: Lieb

Abstract: Petition for Judicial Review of Resolution by Montgomery County Planning Board in Case MCPB NO. 11-108.

Status: Stipulation of Dismissal with Prejudice filed.

Docket:

03/02/12	Petition filed
03/08/12	Response, Certificate of Compliance/Notice
03/15/12	Line of Appearance
03/19/12	Notice of Withdrawal of Appearance
03/21/12	Response – Notice of Intention to Participate in Petition for Judicial Review filed by Woodfield/Meridian Shady Grove, LLC
04/30/12	Line and Administrative Record filed
05/29/12	Order granting Motion of Petitioners for Extension of Time to File Memorandum of Law
07/17/12	Order granting extension of time to file Memorandum of Law
07/31/12	Consent Motion to Stay Proceedings filed
08/01/12	Order granting 30-day stay of proceedings

08/31/12	Request to Extend Stay on Consent Motion of all Parties filed by joint letter granted by Court
11/30/12	Scheduling Order
03/12/13	Stipulation of Dismissal with Prejudice filed
04/03/13	Oral Argument Scheduled

Smith v. Montgomery County Planning Board

Case No. 367472-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.

Status: Oral Argument held. Supplemental information filed with the Court regarding the Planning Board's authority to Administratively enforce easement.

Docket:

08/27/12	Petition filed
09/05/12	Motion to Stay Order of the Montgomery County Planning Board and Request for hearing
09/04/12	Scheduling Order – Hon. Ronald B. Rubin
09/06/12	Response to Petition for Judicial Review filed by Commission
09/13/12	Notice of pending events
11/27/12	Plaintiff's Memorandum filed
12/21/12	Joint Stipulation as to Briefing Schedule filed
02/15/13	Supplemental informational correspondence filed with the Court.

Town of Washington Grove v. M-NCPPC

Case No. 370437-V

Lead Counsel: Sorrento
Other Counsel: Lieb

Abstract: Petition of Judicial Review of Forest Conservation Plan

Status: Answering Memorandum filed by Commission.

Docket:

11/08/12	Petition for Judicial review filed by Town of Washington Grove.
12/06/12	Response to Petition filed by Applicant, Towne Crest Apts.
12/07/12	Commission's Response filed
01/18/13	Administrative Record filed
02/19/13	Petitioner's Memorandum filed
03/20/13	Commission's Answering Memorandum filed

MARYLAND COURT OF SPECIAL APPEALS

Albert Arking, et al. v. Montgomery County Planning Board

September Term 2011, No. 02346

Lead Counsel: Rubin
Other Counsel:

Abstract: Petitioner filed an Appeal in the Circuit Court for Montgomery County of the Order dated December 12, 2011, denying the Petition for Judicial Review and affirming the Planning Board's decision.

Status: Decision Pending

Docket:

01/10/12	Notice of Appeal and Civil Information Report filed
01/23/12	Civil Information Report filed by Commission to clarify information filed by Petitioner
05/17/12	Scheduling Order
06/15/12	Appellants Request for Extension of Time for Filing of Appellant's Brief
06/20/12	Commission's Opposition to Appellant's Request for Extension to Time to File Brief
07/03/12	Scheduling Order from Hon. Peter B. Krauser
07/23/12	Appellant's Brief due
09/14/12	Commission's Brief filed
10/4/12	Appellant's Reply Brief
10/25/12	Notice to Parties from Court – Case to be decided without oral argument

Bethesda Place LLP v. MCPB

Case No. (No. 1909, September Term, 2012)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Notice of Appeal filed regarding the Judge's ruling in favor of the Commission on October 24, 2012.

Status: Notice of Dismissal filed by Appellant. Appeal Dismissed.

Docket:

9/28/12	Petition to Enforce Planning Board Order filed
10/02/12	Summons issued
01/30/13	Order for Prehearing conference – mediation
02/26/13	Notice of Dismissal

Hall, et al. v. Commission

September Term 2009, No. 01247

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Administrative Appeal of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Decision Pending

Docket:

01/10/08	Petition for Judicial Review filed
02/04/08	Commission filed Response to Petition; Certificate of Compliance and Notice of Appeal
03/12/08	Commission filed Record and Transcript
06/09/08	Petitioner filed Memorandum
07/14/08	Commission filed Memorandum
09/26/08	Oral Argument
07/15/09	Circuit Court Opinion affirming Planning Board decision issued
07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
11/04/09	Commission received Appellants' Brief
11/23/09	Commission filed a Stipulation For Extension of Time for Filing Memoranda (Commission's Brief)
12/18/09	Commission's Brief filed

Jones v. McNeal

September Term 2011, No. 01928

Lead Counsel: Calcote-Heatley

Other Counsel:

Abstract: Defense of suit under Maryland Public Information Act against Alvin McNeal. Plaintiff appeals decision of Circuit Court.

Status: Trial Scheduled

Docket:

10/31/11	Plaintiff Appeals to Court of Special Appeals
12/27/11	Mr. Jones' Brief due
01/03/12	Appellant's brief and request for waiver of 15 copies of brief filed
01/26/12	A. McNeal Brief due
03/12/12	Appellant's Motion to Waive Fees and Affidavit filed
04/04/12	Order – Appellant's obligation to deposit court fees waived
04/20/12	Five additional copies Appellant's 01/03/12 Brief filed
06/1-12/12	Oral Argument scheduled
09/12/12	A. McNeal Motion to Dismiss Appeal filed
10/15/12	Order – appeal may be dismissed on Court's motion unless Appellant files corrected brief
11/09/12	A. McNeal line withdrawing appearance of Jared M. McCarthy and entering appearance of Donna Y. Calcote-Heatley
11/10/12	Motion to Extend Time for filing Appellant's Briefs filed
12/31/12	Appellant's Corrected Brief due
01/04/13	Order – Appellant's Motion to Extend Time for filing brief granted
01/10/13	Order – Appellee's Motion to Dismiss denied
02/07/13	Appellant's Motion for Extension of Time Filed
02/12/13	Appellant's brief and record due

02/20/13	A. McNeal's Response to Appellant's Motion for Extension of Time Filed
05/2013	Oral Argument Scheduled

Kelly Canavan & Randy Pheobus, et al. v. Commission

No Case Number Assigned

Lead Counsel: Johnson
Other Counsel: Mills

Abstract: Plaintiff's appeal of Prince George's County Circuit Courts decision on 02/19/2013 to uphold the Planning Board's approval of Saddle Creek's Preliminary Plan of Subdivision.

Status: Appeal Filed

Docket:

03/15/13	Notice of Appeal filed by Plaintiff
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Prince George's County, Maryland v. Mazzei et al.

September Term 2011, No. 02656

Lead Counsel: Chagrin
Other Counsel:

Abstract: Order from Workers' Compensation Commission which found that he did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from court in favor of Claimant, Mazzei.

Status: Briefing Scheduled

Docket:

01/23/12	Order -- Commission dismissed from appeal without prejudice
02/23/12	Notice of Appeal filed by Prince George's County, Maryland
08/2012	Motion for Extension to file Brief granted
02/13/13	Motion to Postpone Oral Argument and Further Extend Time to File Brief filed.

Pringle v. Montgomery County Planning Board

September Term 2011, No. 02334

Lead Counsel: Sorrento
Other Counsel: Rubin

Abstract: Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.

Status: Decision Pending

Docket:

01/03/12	Petitioner filed Notice of Appeal and Civil Information Report
02/21/12	Order – Appeal to proceed without a Prehearing Conference

07/02/12	Appellant Brief due
08/03/12	Commission's Brief filed
08/06/12	Brief of Appellee Minkoff Development Corporation filed
01/04/13	Oral Argument held

Rounds v. Commission

Case No. TBA

Lead Counsel: Gardner and Mills
Other Counsel:

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Appeal Filed

Docket:

07/06/12	Notice of Appeal filed
01/07/13	Appellant's Brief filed

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460

Lead Counsel: Lieb
Other Counsel: Rubin

Abstract: Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Decision Pending

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
11/08/11	Order to proceed without pre-hearing conference
01/25/12	Appellants' Memorandum of Law in Support of Notice of Judicial Review and Record Extract
03/01/12	Scheduling Order from the Court
03/08/12	Brief of Appellee, Montgomery County Planning Board
03/08/12	Brief of Appellees, Louis Donatelli and Ann Donatelli
03/28/12	Reply Brief of Appellants
10/10/12	Oral argument held

Wilson v. Commission

September Term 2011, No. 02362

Lead Counsel: Harvin
Other Counsel:

Abstract: Appeal of dismissal of claim alleging discriminatory termination.

Status: On Appeal

Docket:

01/12/12	Notice of Appeal filed
07/24/12	Mr. Wilson's Brief filed
08/22/12	Commission's Brief filed
02/05/13	Oral Argument

U.S. DISTRICT COURT OF MARYLAND

Freeman v. Commission
Case No. CAD 11-CV-2894

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination in employment by former employee.

Status: Trial Scheduled
Docket:

10/11/11	Complaint filed
11/14/11	Motion for Summary Judgment filed
05/25/12	Second Motion for Summary Judgment filed
07/26/12	Reply to Plaintiff's Opposition to Motion for Summary Judgment filed
11/08/12	Hearing held on Motion for Summary Judgment. All counts dismissed as to Defendant Gathers and six of seven counts dismissed as to the Commission.
10/1/13	Trial Scheduled

Streeter v. Commission
Case No. RWT 12-CV-0976

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order
Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions

Neal v. Commission
Case No. RWT 12-CV-1186

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: In Discovery
Docket:

04/23/12	Complaint filed
04/25/12	Waiver of Summons filed
06/25/12	Motion for Summary Judgment filed
09/12/12	Reply to Defendant's Opposition filed
1/7/13	Motion denied