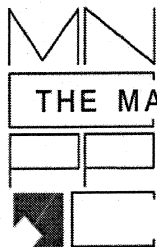


MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, July 15, 2015
PRA 9:30 a.m. – 11:30 a.m.

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*) Page	1		
2.	Approval of Commission Minutes Open Session – June 17, 2015	(+*) Page	3		
3.	General Announcements Upcoming Hispanic Heritage Celebration				
4.	Committee/Board Reports (For Information Only):				
	a) Minutes – Executive Committee Open Session – June 26, 2015	(+) Page	11		
	b) Minutes – Executive Committee Closed Session – June 26, 2015	(++)			
	c) Minutes – 115 Trust (OPEB) – March 18, 2015	(+) Page	17		
5.	Action and Presentation Items				
	a) Resolution #15-14 – Land Disposal from The Commission (Brandywine Road Park) to Mattawoman Energy to convey a permanent easement over 1.9 acres for a gas pipeline for their planned power generating facility	(+*) Page	19		
	b) Strategy for Building a Culture of Wellness (Spencer/McDonald/Hawkins)	(+) Page	23		
	c) Recommendations for Benefit Changes for Calendar Year 2016 (vote after Closed Session discussion) (Spencer/McDonald)	(*)			
6.	Open Session - Officers' Reports				
	a) Executive Director – (For Information Only) Employee Evaluations Not Completed by Due Date – (June 2015).....	(+) Page	27		
	b) Secretary-Treasurer – (For Information Only) Enterprise Resource Planning (ERP) Briefing				
	c) General Counsel – (For Information Only) Litigation Report – (June 2015).....	(+) Page	29		
7.	Closed Session				
	Pursuant to Section 3-305 (b) (1) and (b) (7) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to discuss (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; and to consult with counsel to obtain legal advice.				
	<ul style="list-style-type: none"> • Recommendations for Benefit Changes for Calendar Year 2016 (Spencer/McDonald) (+) 				

(+) 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
Open Session Minutes
June 17, 2015

The Maryland-National Capital Park and Planning Commission met on June 17, 2015, at 9:30 a.m. at the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey (arrived at 10:02 a.m.)
Manuel Geraldo
John Shoaff

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Norman Dreyfuss
Natali Fani-Gonzalez
Marye Wells-Harley

ABSENT

A. Shuanise Washington

Amy Presley

Chair Hewlett convened the meeting at 9:55 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Wells-Harley to approve the agenda
Seconded by Anderson
7 approved the motion (Bailey, Presley and Washington were absent from the vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES

May 20, 2015 – Open Session
May 20, 2015 – Closed Session
ACTION: Motion of Wells-Harley to approve the minutes
Seconded by Anderson
7 approved the motion (Bailey, Presley and Washington were absent from the vote)

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett made the following announcements:

- a) Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month – LGBT Pride Month is celebrated each year in June to commemorate the 1969 Stonewall riots in Manhattan. The month focuses on the positive stance against discrimination toward LGBT people, promotes self-affirmation, dignity and equality. This year marks the 50th anniversary of the LGBT Civil Rights Movement. Celebrations and memorials held during the month recognize the impact that LGBT individuals have had on history. The Diversity Council is sponsoring a panel discussion at the Montgomery

Regional Office on June 26th, from 1:00 p.m. – 3:00 p.m., whereby employees will share their experiences and the role that the Commission has played in their journey. This year’s theme is: “Reflections of Pride – Stonewall 45”. The panel discussion will be streamed as a webcast as well.

- b) National Caribbean American Heritage Month – President Obama issued a proclamation recognizing June as Caribbean-American Heritage Month. The proclamation acknowledges enormous contributions that immigrants from the Caribbean have made throughout history. M-NCPPC celebrated Caribbean-American Heritage Month at Bladensburg Waterfront Park on Saturday, June 12th. Over 1,000 people attended the event.

Significant June Events (not listed on the agenda)

Chair Hewlett shared the significance of Emancipation Day (June 19th), also known as Juneteenth. The Emancipation Proclamation was signed in 1862, and was effective January 1, 1863, to free the slaves. Many slaves could not read or write and did not know that they had been freed, particularly in Texas, where at least 250,000 slaves were not made aware of their freedom. The United States Government sent officials with armed troops to Texas with a directive to free the slaves. When the slaves were informed they had been freed two years prior, there was a huge celebration throughout Texas. This practice has continued to take place for 150 years starting in Texas. The M-NCPPC hosted a celebration this past weekend in commemoration of Juneteenth’s 150th anniversary.

June also holds significance for other milestones such as: Flag Day, National Fruit and Veggie Month (June 15th is Eat Your Veggies Day), Professional Wellness Month, National Soul Food Month, African-American Music Month, Rebuild Your Life Month, and National Donut Day.

Reappointments (not listed on the agenda)

Chair Hewlett announced the reappointments of Casey Anderson as Chair of the Montgomery County Planning Board and Norman Dreyfuss as one of the Commissioners of the Montgomery County Planning Board. She congratulated them for their service.

Celebrations (not listed on the agenda)

Chair Hewlett extended birthday greetings to Prince George’s County Parks and Recreation Director Ronnie Gathers in absentia and also to General Counsel Gardner. She wished a Happy Father’s Day to all fathers and father figures.

- c) Employees’ Retirement System (ERS) Certificate of Achievement for Excellence in Financial Reporting, Government Finance Officers Association (A. Rose)

Chair Hewlett commended the Employees’ Retirement System (ERS) for receiving the Certificate of Achievement for Excellence in Financial Reporting for the 15th consecutive year.

- d) Employees' Retirement System Award for Outstanding Achievement in Popular Annual Financial Reporting (A. Rose)
Chair Hewlett extended congratulations to the ERS for winning this award for the 5th consecutive year.

Recognitions (not listed on the agenda)

Commissioner Geraldo shared that Chair Hewlett was awarded the James Taylor Award by the Prince George's County Bar Association for the great service she has rendered to the legal profession throughout the State of Maryland.

He also extended his appreciation to Prince George's County Parks and Recreation Deputy Director Debbie Tyner and the Prince George's County Parks and Recreation staff. He stated that the Fort Washington Potomac Overlook Young Men's Civic Association (YMCA) is closing at the end of June and that he contacted Deputy Director Tyner about the closing of this facility. Deputy Director Tyner spoke with the director of the YMCA about agency programs in the Fort Washington area because the closing of that YMCA location will leave a significant void in that community. Deputy Director Tyner presented Commissioner Geraldo with a copy of a book compiled by the Prince George's County Parks and Recreation staff that shares information about the community centers in Fort Washington. She will be presenting copies of this publication to the YMCA to distribute to its members. This one-time publication is entitled "The Fort Washington Area Community Centers."

Chair Hewlett extended kudos to the Prince George's County Department of Parks and Recreation for the wonderful Quinceañera celebration it hosted. Commissioner Fani-Gonzalez attended the celebration and was very impressed with the event.

- e) 2014 Calendar JP Morgan Purchase Card Rebate Presentation (Zimmerman/Pearson)
Secretary-Treasurer Zimmerman introduced Finance (Purchasing) team members: Principal Administrative Specialist Stephanie Akerley, Principal Administrative Specialist Mechelle Myers, Finance Manager Stacey Pearson, and J.P. Morgan Representative Robin Daley. Secretary-Treasurer Zimmerman explained that M-NCPPC has a Purchase Card program that is used for small purchases. The agency earned rebates from J.P. Morgan by running an efficient purchase card program, which is shared among M-NCPPC departments, pro-rata based. Secretary-Treasurer Zimmerman presented a rebate check to the Commissioners in the amount of \$203,260.29. Ms. Daley stated M-NCPPC started the program with J.P. Morgan in 2012. She noted that a 26% growth was reported last year. Currently, the agency is on track with 10% growth, which is very strong. She thanked M-NCPPC for the business and the partnership. The Commissioners congratulated the Finance team. The Finance team was photographed with Chair Hewlett and Vice-Chair Anderson.

ITEM 4

COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Minutes – Executive Committee Open Session – Conference Call – June 3, 2015
b) Minutes of the Regular Employees' Retirement System Board of Trustee Meeting April 7, 2015 (No May Meeting)

ITEM 5

ACTION AND PRESENTATION ITEMS

a) Resolution #15-08 – Adoption of the FY 2016 Commission Operating Budget and FY 2016 Capital Budget (Barney/Kroll)

Corporate Budget Manager John Kroll presented a memorandum to the Commission requesting approval of the Resolution. As contained in the meeting packet, the Resolution adopts the budget for FY16 including the additions, deletions, increases and decreases from the submitted Proposed Budget as approved by the respective County Councils.

Executive Director Barney stated that Page 2 of Exhibit A (FY16 Adopted Budget – Montgomery County), which is attached to Resolution 15-08, was revised and distributed this morning. This page contained a minor correction to the Use of Fund Balance in the Park Fund on the Montgomery County side.

Mr. Kroll stated the bulk of the memorandum reflects changes from the proposed budget to the adopted budget. He stated that the FY16 budget is \$38.8 million lower as compared to the FY15 adopted budget. The Prince George's County budget is decreasing by 5.2% for FY16, while the Montgomery County budget is decreasing by 11% for FY16. With respect to the Prince George's County budget, due to the timing of the final fiscal rebalancing, most of the reductions have been placed in the non-departmental accounts of each fund. The specifics of the reductions and their effect on the departments' work programs for FY16 are being developed and will be presented to the Prince George's County Planning Board and the Commission in the near future.

Commissioner Geraldo inquired as to the meaning of ALA Debt. Corporate Budget Manager Kroll explained the acronym represents Advance Land Acquisition. M-NCPPC still has debt service outstanding in Montgomery County; however, the agency does not have any outstanding debt in Prince George's County. This allows the agency to purchase land for public purpose in advance of the need for such land, and allows the agency to purchase the land at a more reasonable cost and/or before it becomes unavailable.

Chair Hewlett and Vice-Chair Anderson commended Mr. Kroll for the work done on the agency's budget. Chair Hewlett thanked various departments, Prince George's County Parks and Recreation Deputy Director Conforti, and the budget team for working through the challenges this year.

ACTION: Motion of Geraldo to approve the Resolution

Seconded by Fani-Gonzalez

8 approved the motion (Presley and Washington were absent from the vote)

b) Pension Trustees Appointments (A. Rose)

- Acknowledge Appointment of Khalid Afzal as the Montgomery County Open Trustee for the term ending June 30, 2018 - Khalid Afzal has been on the Board of Trustees since 2001. This is a reappointment.

- Acknowledge Jenetha Facey as the Prince George's County Open Trustee for the term ending June 30, 2018 - Jenetha Facey is new to the Board of Trustees. This will be her first full term.
- Acknowledge Howard Brown as the Fraternal Order of Police (FOP) Represented Trustee for the term ending June 30, 2016 - Mr. Brown is filling the vacancy for Tracy Lieberman, who was promoted to Lieutenant which made her ineligible to represent the FOP on the Board of Trustees.
ACTION: Motion of Bailey to approve the Pension Trustees Appointments
Seconded by Geraldo
8 approved the motion (Presley and Washington were not present for the vote)
- Acknowledge the new Employees' Retirement System (ERS) Board Chairman & Vice-Chairman for term ending June 30, 2017 - The ERS Board has re-elected Elizabeth Hewlett as the Chair of the Board for the third consecutive term, and Marye Wells-Harley as the Vice-Chair for a second term.

c) Memorandum Explaining Proposed Resolutions (Barney)

Executive Director Barney presented a recommendation to approve Resolutions to authorize compensation adjustments and the transfer of the prefunding portion of the Employer's Contribution for Retiree Group Insurance to the Section 115 Trust Fund in Fiscal Year 2016.

- Resolution #15-09 – Fiscal Year 2016 Merit Increase and Cost of Living Adjustments for Park Police Command Staff and Candidates – Attachment A
ACTION: Motion of Geraldo to approve the Resolution
Seconded by Wells-Harley
8 approved the motion (Presley and Washington were absent from the vote)
- Resolution #15-10 – Fiscal Year 2016 Cost of Living Adjustments for Certain Non-represented Merit System and Certain Contract Employees – Attachment B
ACTION: Motion of Wells-Harley to approve the Resolution
Seconded by Bailey
8 approved the motion (Presley and Washington were absent from the vote)
- Resolution #15-11 – Fiscal Year 2016 Anniversary (Merit) Pay Increment Adjustment and Administrative Leave for Certain Non-represented Merit System Employees – Attachment C
ACTION: Motion of Geraldo to approve the Resolution
Seconded by Wells-Harley
8 approved the motion (Presley and Washington were absent from the vote)

- Resolution #15-12 – Fiscal Year 2016 Pay Increment Adjustments for Seasonal/Intermittent and Term Contract Employees – Attachment D
ACTION: Motion of Geraldo to approve the Resolution
Seconded by Bailey
8 approved the motion (Presley and Washington were absent from the vote)
- Resolution #15-13 – Fiscal Years 2016 and 2017 Administrative Leave for MCGEO Represented Employees – Attachment E
ACTION: Motion of Wells-Harley to approve the Resolution
Seconded by Bailey
8 approved the motion (Presley and Washington were absent from the vote)
- Resolution #15-07 – Approval of Fiscal Year 2016 Employer Contribution for Retiree Group Health Insurance – Attachment F
ACTION: Motion of Geraldo
Seconded by Wells-Harley
8 approved the motion (Presley and Washington were absent from the vote)

Executive Director Barney thanked Human Resources Director William Spencer, Human Resources Manager Boni King, and Senior Counsel LaTonya Reynolds for their efforts in preparing the Resolutions as a lot of work went into this in a short turnaround time. Chair Hewlett echoed those sentiments and also thanked Finance Manager Barbara Walsh, Senior Counsel LaTonya Reynolds, and Administrative Assistant Heather Brown for their service to the ERS Board of Trustees.

ITEM 6

OPEN SESSION – OFFICERS’ REPORTS

- a) Executive Director – (For Information Only)
Employee Evaluations Not Completed by Due Date – (May 2015) (Barney)
Executive Director Barney noted an increase in the number of employee evaluations not completed by the May 2015 due date. She will be calling the Directors to complete and submit the evaluations on time. There will be an improvement in next month’s report.
- b) Secretary-Treasurer – (For Information Only)
Enterprise Resource Planning (ERP) Briefing (Zimmerman)
Secretary-Treasurer Zimmerman shared that the team is moving forward with the ERP implementation.
- c) General Counsel – (For Information Only)
Litigation Report – (May 2015) (Gardner)
No discussion.

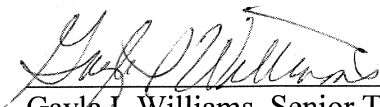
Chair Hewlett requested a motion to adjourn the meeting.

ACTION: Motion of Anderson

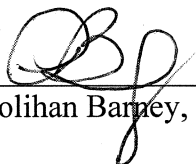
Seconded by Hewlett

8 approved the motion (Presley and Washington were absent from the vote)

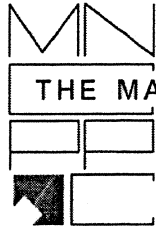
There being no further business to discuss, the meeting adjourned at 10:26 a.m.



Gayla I. Williams, Senior Technical Writer/
Senior Management Analyst



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES
June 26, 2015

The Maryland-National Capital Park and Planning Commission’s Executive Committee met in the Merit System Board Conference Room, in Riverdale, Maryland. Present were Chair Elizabeth M. Hewlett, Vice-Chair Casey Anderson and Executive Director Patricia C. Barney. Also present were:

Department Directors/Deputies/Presenters/Staff

- Adrian Gardner, General Counsel
- Joe Zimmerman, Secretary-Treasurer
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Fern Piret, Director, Prince George’s County Planning
- Mike Riley, Director, Montgomery County Parks
- John Nissel, Deputy Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning
- Anju Bennett, Division Chief, Corporate Policy and Management Operations (CPMO)
- William Spencer, Human Resources Director (arrived at 10:35 a.m.)
- Janis Thom-Grate, Policy and Corporate Records Manager (CPMO)
- Lisa Dupree, Senior Policy Analyst (CPMO)

Sustainability Committee (for presentation of Item 3a only)

- Anthony Nolan, Sustainability Committee Chair/Prince George’s County Department of Parks and Recreation
- Ellen Bennett, Co-Sustainability Coordinator/Montgomery County Parks
- Geoffrey Mason, Co-Sustainability Coordinator/Montgomery County Parks
- Christine McGrew, Sustainability Committee Member, Montgomery County Planning
- Richard Anderson, CQI Associates, Consultant to M-NCPPC
- Karen Warnick, Division Chief, Management Services, Montgomery County Planning

Input on Marketing Branding/Logo Direction (for presentation of Item 3b only)

- Amy Presley, Commissioner, Montgomery County Planning Board
- Andrea Davey, Public Affairs Officer, Prince George’s County Planning
- Bridget Schwiesow, Communications Manager, Montgomery County Planning
- Kristi Williams, Division Chief, Public Affairs and Community Partnerships, Montgomery County Parks

Briefing on Posting Budget Detail on Website (for presentation of Item 3c only)

- John Kroll, Corporate Budget Manager

Executive Director Barney convened the meeting at 9:37 a.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA (Executive Director Patricia Barney)

Discussion	Executive Director Barney adjusted the agenda to allow Item 3b, Input on Marketing Branding/Logo Direction, to be presented first.
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ITEM 1b – COMMISSION MEETING AGENDA FOR JULY 15, 2015 (Executive Director Patricia Barney)	
Discussion	Executive Director Barney requested that any additional items for the July Commission meeting agenda be sent to the technical writer.
ITEM 1c – ROLLING COMMISSION AGENDA (Executive Director Patricia Barney)	
Discussion	<p>Executive Director Barney reviewed the Rolling Commission Agenda for the upcoming four months. She also requested that any additional items for the Rolling Commission Agenda be sent to the technical writer.</p> <p>Chair Hewlett inquired about the Literacy contract. Executive Director Barney stated that the contract was signed today, and that the Literacy program will be launched in the fall.</p>
ITEM 2 – MINUTES	
Provided for Information Only	Executive Committee Open Session Conference Call – June 3, 2015
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
Discussion	<p>3b) Input on Marketing Branding/Logo Direction (taken out of order) This was a late delivery item as it arose during discussion at the Tuesday, June 23rd Department Directors’ meeting. The Executive Committee was provided a timeline of marketing/branding efforts that has taken place from 2013 – 2015. Executive Director Barney reviewed the marketing memorandum and stated that Department Directors were requesting direction from the Executive Committee on next steps in the Branding/ Marketing effort.</p> <p>Commissioner Presley noted that she was initially asked to participate in the Branding/Marketing effort by former Montgomery County Parks Public Affairs and Community Partnerships Chief, Kate Stookey (who has since been replaced by Kristi Williams). Commissioner Presley shared that a group of people in Montgomery County sanctioned Ms. Stookey in her role to carry out the Marketing/Branding effort. She felt the effort has unraveled but anticipates that it will get back on track.</p> <p>Chair Hewlett asked for clarification on the purpose of the meeting. She said that she and Vice-Chair Anderson had a previous discussion and agreed that the point of the marketing discussion item was to discuss the purpose of branding, what it entails, and to focus directly on the marketing effort.</p> <p>Vice-Chair Anderson shared that he is not in favor of the current logo because it is not accomplishing the agency’s intentions. He added that he does not want the agency to go through endless cycles with this project making this an infinite task. He expressed that Commissioner Presley would like to see the Marketing/Branding effort completed during her term as Commissioner, which ends in 2016. The group needs to determine the pathway to finalize this project.</p>

Chair Hewlett stated she does not share the same opinion as Vice-Chair Anderson on getting rid of the current logo. The logo is more identifiable with the public in Prince George's County because the agency carries out the recreation program in the county. She did agree that not everyone knows the magnitude of what the logo means; therefore, she is in support of modernizing it.

Commissioner Presley explained the purpose of branding is identification for customers and constituents, and what they see, feel, and associate. The purpose should quickly communicate a message to the people being engaged. If the brand does not mean what the agency is trying to communicate - which is that M-NCPPC is one agency and its offerings, such as parks and planning - then the emblem and the message are worthless.

Executive Director Barney stated the purpose of today's "check-in" was to explain where the agency is in the process, what has transpired up to this point, and to obtain direction from the Executive Committee. She explained that there has not been a consensus with regard to the logo or taglines that were recommended by the consultant LMD.

Commissioner Presley stated she was surprised that a decision was made to open the design effort to in-house staff. Her purpose at the meeting was to make a plea that the effort be restarted with a different kind of engagement and process. She stated that she was not happy with anything that the consultant presented.

Montgomery County Planning Director Gwen Wright stated that the Department Directors were not impressed with LMD's designs either. Because the Department Directors were not satisfied with the logos presented by LMD, Montgomery County Parks Director Mike Riley suggested inviting M-NCPPC's in-house graphic specialists, who are marketing professionals, to participate in the logo design process. The Department Directors agreed with the recommendation. Director Wright stated the agency's graphic designers came up with ideas, some of which the Department Directors liked. The selected concepts/logos were to be pushed back to the Marketing team and LMD to get their input and decide which could be fleshed out further with focus groups, if appropriate. Commissioner Presley stated there is no need to return to focus groups. Executive Director Barney responded that this is different than what was told to the Department Directors by the Marketing team.

Director Wright also noted that the Department Directors had some concern with proceeding with the Marketing/Branding effort at this time because of new information received about the budget, particularly on the Prince George's County side.

Vice Chair Anderson responded that there needs to be a better understanding of what the budget is to roll out this marketing plan. He added that if the cost is nominal, then that is the answer to give if questioned as to why this is occurring in the midst of a budget crisis; conversely, if the answer is it is not nominal, a plan needs to be made to get the process back on track, and perhaps roll out the branding effort the following year or year after. Vice-Chair

Anderson stated that soliciting ideas from staff sent a message that the branding project became an inward-facing exercise. The process should be more objective, data-driven and professionalized. He stated the purpose of the logo and branding exercise is the impact and the message the external audience receives or does not receive from the agency's communication efforts.

Chair Hewlett commented that the agency needs to understand the purpose of branding and what it is communicating externally. She stated that M-NCPPC's branding should communicate the core functions of the agency.

Vice-Chair Anderson stated that the problem with the logo is that the public associates the "shovel" or the Montgomery Parks/Montgomery Planning "tree" with the County; and that the message the logo conveys is inaccurate which is problematic for the agency. He suggested that before the Executive Committee meeting ends, everyone agree that this project not terminate because of short-term budget or lack of consensus concerns. He suggested someone under Commissioner Presley's direction write a memorandum explaining (1) the findings from the market research, (2) the purpose the agency hopes to achieve, (3) the objective of the exercise, and (4) the process moving forward. The purpose of the branding should be to achieve certain marketing objectives to external audiences, such as trying to remove the public misconception that M-NCPPC is a part of Montgomery or Prince George's County, and to emphasize that the agency governs parks and planning. Producing this memorandum will provide an understanding going forward, and will ensure that this process will not have to be repeated again in two years. The document should contain an explanation as to how the program can be rolled out, how much the project will cost, and what resources will be substituted and not added.

Executive Director Barney stated that the Department Directors are supportive of whatever the group decides to do about education, rollout, and communication.

Chair Hewlett and Commissioner Presley agreed that the messaging should be as uniform as possible. Chair Hewlett gave kudos to the internal graphic designers.

Commissioner Presley stated she would like to sanction Division Chief Williams to create a marketing plan to carry the agency through this project. Division Chief Williams is to outline where the agency is now and make her best marketing suggestion. The plan should include the Department Directors' highest level of concerns expressed, the proposed process, her opinion as to whether focus groups should be continued at the time of logo selection, and a schedule to roll out the plan. Vice-Chair Anderson requested the plan be oriented around June 15, 2016. Division Chief Williams agreed that Vice-Chair Anderson's request is reasonable.

Division Chief Williams shared that the LMD contract expires in two days which the Directors agreed to let expire.

Executive Director Barney thanked the Marketing team.

a) Departmental Sustainability Plans and accompanying PowerPoints (Nolan/E. Bennett/Mason)

Executive Director Barney asked Corporate Policy and Management Operations Division Chief Anju Bennett to speak to the Sustainability policy that was adopted by the Commission, and provide background on the reasons for the Departmental Plans. Division Chief Bennett explained that each Department generates a Sustainability Plan that explains how goals identified in Practice 6-40, M-NCPPC Sustainability Standards, are being implemented for its respective facilities, operations or services. These Plans are to be presented to the Executive Committee and updated at least every two years. Rather than doing seven separate departmental plans, the plans have been done on a regional basis by County, representing the location in which the department is located. Ms. Bennett also explained that the Practice called for an agency-wide sustainability committee which is charged with developing these Plans. The Executive Committee is responsible for approving the Plans.

Sustainability Co-chair Ellen Bennett and Sustainability Committee member Christine McGrew presented the Montgomery County Plan and Sustainability Chair Anthony Nolan presented the Prince George's County Plan, as contained in the meeting packet.

Mr. Nolan highlighted specific savings gained including \$1.1 million savings over 10 years, from light fixtures with high efficiency LED fixtures.


Both presentations identified that the agency is meeting or exceeding most standards in Practice 6-40. Specific costs and productivity savings accomplished by departments were highlighted in the plans. Mr. Nolan also identified specific savings related to productivity, such as significant savings in overtime/extra hours.

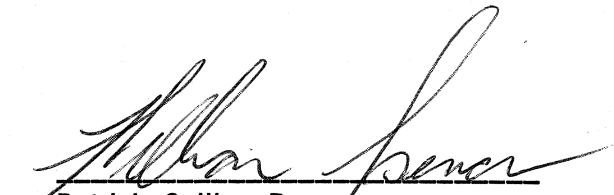
Vice-Chair Anderson asked if the Sustainability Committee has looked at parking at park facilities, as well as how to minimize impervious surfaces for parking lots. He stated M-NCPPC should reconsider use of surfaces and should consider shared parking with other private or public businesses. The Montgomery County Sustainability Committee members responded that the Montgomery County communication plan will be pivotal for this issue, as it can encourage the public to use public transportation options and address an increased use of carpooling. Co-chair Geoffrey Mason added that the storm water management program is addressing impervious surfaces.

The Executive Committee asked whether anyone has looked into capturing costs for recycled items. Secretary-Treasurer Joe Zimmerman responded that it is very difficult to make a profit from recycled resources. Vice-Chair Anderson requested that the Sustainability Committee quantify savings from the agency's efforts, and determine whether this effort is really fiscally prudent because M-NCPPC is a public sector entity, and does not enjoy benefits of tax incentives. He added that scenario needs to be factored into sustainability initiatives. Chair Hewlett commented that these presentations are very valuable in helping showcase the wonderful efforts within the agency.

	<p>ACTION: Motion of Hewlett to approve the Montgomery County and Prince George's County two-year Sustainability Plans Seconded by Anderson 3 approved the motion</p> <p>At 11:37 a.m., the Executive Committee moved to closed session to discuss Benefit Plan Design Changes.</p> <p>At 12:08 p.m., the Executive Committee reconvened to open session.</p> <p>c) Briefing (Barney/Kroll) (taken out of order) Web Posting of Budget Detail Corporate Budget Manager John Kroll distributed a copy of the Budget Office's page of the budget, which is posted on the M-NCPPC website. He provided a brief explanation as to how to access and manipulate the document.</p> <p>d) Enterprise Resource Planning (ERP) Briefing (Zimmerman) The ERP team is working with the highest level at Infor to address issues.</p>
Follow Up/Action Items	<p><u>3a) Departmental Sustainability Plans and accompanying PowerPoint</u> Sustainability Committee is to quantify savings from the agency's recycling efforts.</p> <p><u>3b) Input on Marketing Branding/Logo Direction</u></p> <ul style="list-style-type: none"> • Division Chief Williams to prepare marketing plan/summary of objectives. • Marketing team to provide budget for Marketing/Branding effort.

The meeting adjourned at 12:08 p.m.


 Gayla Williams, Senior Technical Writer/
 Senior Management Analyst


 Patricia Colihan Barney
 Executive Director

115 Trust (OPEB)
Meeting Minutes
PRA

Wednesday, March 18, 2015

Attending: Commissioner Manuel Geraldo, Chairman;
Patricia Colihan Barney, Commission Executive Director, Trustee;
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
Barbara Walsh, Commission Accounting Manager, Staff
Abbey Rodman, Commission Investment Manager, Administrator;
Claudia Stalker, Commission Accountant, Staff;
Barry Bryant, Investment Consultant, DAHAB Assoc.

Absent: Commissioner Casey Anderson, Trustee

The meeting was called to order at 8:32 a.m.

Minutes from the December 17, 2014 meeting were motioned by Patti Barney to be approved, seconded by Commissioner Geraldo, and then unanimously accepted.

Following approval of the minutes, Mr. Bryant provided an overview of the economy and the markets in the fourth quarter as backdrop for the Fund's performance.

Mr. Bryant said the second estimate of GDP had come in at 2.2%, somewhat weaker than recent quarters, raising the possibility that the recovery was losing steam. He noted that this was the first estimate and that a second estimate and final estimate would be released in coming months. He said the domestic equity market increased 5% with a 10% increase in small cap stocks, the foreign equity market decreased 3%, domestic bonds increased about 2% and foreign bonds decreased about 3%.

This mix of returns was not favorable for the portfolio. Return for the quarter was -0.3%. The shadow index – an indicator of how the asset allocation performed – was up 0.9%, well behind the median return of 2.5%. The fund had greater than average exposure to emerging market equity which was the worst performing equity sector, while having no exposure to small cap domestic equity, which was the best. Manager performance also hurt. The Pimco All-Asset/All Authority fund registered a -4.2% decline against a hedge fund composite increase of 0.9% due primarily to its position in foreign stocks and bonds, and its short position in US equity. The Schwab fundamental index strategies also underperformed their indices, with the decline in the emerging market strategy being particularly severe. Mr. Bryant explained that these were due to the tendency of the strategies to take positions in equities with declining prices and the way that played out in oil and oil-related equities in the fourth quarter. Longer term he noted that the fund still had excellent returns, with a 14% annual return since the first quarter of 2009.

In discussing the fund going forward, Mr. Bryant noted that an asset allocation study would be presented in April. Commissioner Geraldo indicated that he wanted consideration given to minority owned firms, if they were qualified. Mr. Bryant indicated that he would attempt to provide appropriate choices to the commissioners with that in mind.

Patti Barney noted that the fund had never crafted an investment policy statement and asked Mr. Bryant to look at the IPS for the large fund and consider crafting an appropriate document for MNCPC.

Patti Barney and Joseph Zimmerman questioned the cash flows being used for the asset allocation report. Mr. Bryant said he would set up a call between committee members and Luci Ryan, the person at Dahab responsible for creating cash flows for asset allocation studies.

The Committee approved a fee of \$18,500 for the Groom legal firm to review the real estate contract for Intercontinental, a private real estate fund recently approved by the committee.

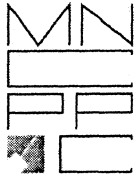
Mr. Bryant noted that he had prepared a discussion of the various strategies employed by the Pimco All-Asset, All-Authority Fund, but there was not enough time prior to the Commission meeting to cover that topic. The Commissioners agreed to save that discussion for another meeting.

The meeting was adjourned at 9:34 am.

Respectfully Submitted,



Claudia Stalker



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

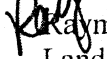
Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

July 7, 2015

SUBJECT: PGCPB Resolution No. 15-61 (MNCPPC No. 15-14)

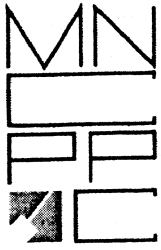
TO: The Maryland-National Capital Park and Planning Commission

FROM:  Raymond B. Palfrey
Land Acquisition Supervisor
Park Planning and Development Division

Attached, please find the above-referenced Resolution regarding the conveyance of a permanent easement over approximately 1.9 ± acres in Brandywine Road Park to Mattawoman Energy, LLC and an associated temporary construction easement over approximately 8.1 acres.

It has been scheduled for Full Commission on July 15, 2015.

- Attachment: M-NCPPC Resolution No. 15-14.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 15-61
MNCPPC No. 15-14

Resolution

WHEREAS. The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under Maryland Annotated Code, Land Use Article §17-205, 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 **Brandywine Road Park (R77)**, located in Brandywine, Maryland, having an address in the neighborhood of 1500 Brandywine Road, identified as Tax Map 156, Grids A-1 and B-2, Parcels 105, 7, and 93 and Election District 11, Tax Account Numbers 1151190, 1179092, and 1156223 at Liber 34369, folio 25; Liber 34369, folio 16; and Liber 34369, folio 05, containing 246.95 ± total acres, hereinafter collectively referred to as part of "Brandywine Road Park", and

WHEREAS. Mattawoman Energy, LLC has requested approval to enter into an option contract to convey a permanent easement extending approximately 1.2 miles (6,300 ± linear feet) and covering 1.9 ± acres of Brandywine Road Park to facilitate the construction of a gas pipeline to serve their planned power generating facility in Brandywine, as well as an associated temporary construction easement over 8.1 ± acres and,

WHEREAS, Mattawoman Energy, LLC has agreed to pay \$1,000 per year for an option agreement and requested that the option agreement can be extended for two one-year periods, if necessary, also for an additional payment of \$1,000 per each year.

WHEREAS. Mattawoman Energy, LLC has also requested that the Commission convey a permanent easement upon the provision of the compensation described below.

WHEREAS. Mattawoman Energy LLC has proffered to pay \$6,334.93 and convey title to two parcels of land, described as the Donald & Pamela Keith *et al.* property, Tax Account Number 1157908, Tax Map 155, Grid F-1, Parcel 21, 12.0 ± acres, and a parcel of Prince George's County surplus property described as Tax Account Number 1159896, Parcel 111, 3.91 ± acres, Tax Map 156, Grid B-2, as compensation for the conveyance of the permanent and temporary construction easements.

WHEREAS. upon receipt of the compensation described above, Mattawoman Energy, LLC has requested that the Commission convey the permanent and temporary construction easements described above to them.

WHEREAS, it has been agreed that if the easement is not utilized for the construction of a gas pipeline within five years of its conveyance to Mattawoman Energy, LLC, the easement will cease to exist.

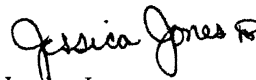
NOW, THEREFORE, BE IT RESOLVED THAT the Prince George's County Planning Board at its meeting on Thursday, June 25, 2015, authorized the Executive Director to execute the option contract to convey a permanent and temporary construction easement. Additionally, upon receipt of the proffered compensation, the Executive Director is authorized to execute the permanent easement over 83,000 ± square feet or 1.9 ± acres, along with a temporary construction easement of 352,000 ± square feet or 8.1 ± acres, to Mattawoman Energy, LLC, all of which is subject to approval by the Full Commission. The Executive Director is hereby authorized to take any and all actions including signing any needed agreements, easements, option contracts, deeds and/or plats of dedication to convey a permanent easement from Brandywine Road Park to Mattawoman Energy, LLC.

* * * * *

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 Bailey, with Commissioners Geraldo, Bailey, Hewlett, Shoaff, and Washington voting in favor of the motion on Thursday, June 25, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of July, 2015.

Elizabeth M. Hewlett
Chairman

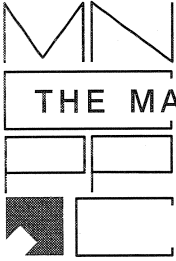


By: Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/2/15



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

July 15, 2015

TO: The Maryland-National Capital Park and Planning Commission

VIA: *PC* Patricia Colihan Barney, Executive Director *PC*
William Spencer, Human Resources DirectorFROM: Jennifer McDonald, Benefits Manager *JM*
Juanita Hawkins, Wellness Coordinator *JH*

SUBJECT: Strategy for Building a Culture of Wellness

On May 11, 2015, Juanita Hawkins joined the Health and Benefits office as The Maryland-National Capital Park and Planning Commission's (M-NCPPC's) Wellness Coordinator.

Juanita's primary responsibilities includes developing and implementing a comprehensive, data-driven wellness strategy for the Commission, including developing programs and strategies designed to promote a culture of health for our employees.

A health and wellness enthusiast, Juanita has over 10 years of experience in the HR field and most recently worked at Samueli Institute, a nonprofit research-oriented organization advancing the science of whole-person healing, as the HR Director where she implemented a comprehensive worksite wellness program. Juanita has a Bachelor's degree in Management from University Maryland University College; additionally, she is certified in worksite wellness, a certified Wellcoach, and an ACE certified Fitness Nutrition Specialist.

Juanita will provide a high level presentation on her framework for implementing a robust wellness program that will attempt to change M-NCPPC's culture to one of wellness.

A culture of health is defined by the CDC as the creation of a working environment where employee health and safety is valued, supported and promoted through workplace health programs, policies, benefits, and environmental supports. With our wellness program, our goal is to give our employees tools and resources to make smart, healthy decisions, which in turn adds value to the organization and increases employee engagement, attraction, and retention. Since poor well-being can reduce engagement and morale, increase the usage of contingent staff, increase turnover, etc., the availability of health and wellness programs at work can help employees feel more appreciated, engaged, more productive, and can lower the risk of work-related injuries.

Currently, we are utilizing random tactical programs for employee wellness. We are planning to move toward a more comprehensive holistic strategy, with a focus on prevention and behavior modification, increased linkage to benefit offerings, and measured outcomes. Some of the programs and activities we plan to implement in the near future include:

- Wellness challenges
- Promoting standing and walking meetings
- Healthy vending options
- Financial workshops
- Stairwell programs

Having a healthy work culture is vital to the success of worksite wellness programs. The emphasis will be on the creation of a culture and environment that supports health and wellness through various channels such as procedures, environmental support, reducing barriers, and support from organizational leaders.

Recognizing that health and wellness is personal, our programs will address a spectrum of needs from low-to-high risk employees. Additionally, this will be a collaborative effort as we will be partnering with other departments and staff to achieve our goals. Because leadership support is imperative to our success, we will engage leadership from the onset, to find out what's important to them and provide support to encourage them to participate in our programs and exhibit well-being. Likewise, we will have wellness champions at various locations that we will leverage to assist with marketing our programs, encourage employees to participate and provide input regarding the programs to offer to our staff.

Because addressing health and wellness from a holistic standpoint is critical, our framework will focus on five components as identified in “Well-being: The Five Essential Elements,” by Tom Rath and Jim Harter. These areas include: career, social, financial, community, and physical. All of our programs and activities will fall into these categories so that we address a full range of employee needs. Our communication strategy will utilize newsletters, email, videos, and the development of an intranet site. The implementation process will include:

- **Assessments:** reviewing analytics from our healthcare providers, surveying staff, reviewing current policies and procedures
- **Planning:** identifying wellness champions, developing a logo, tagline, mission statement, and dedicating resources
- **Program rollout:** marketing education, awareness, communicating to staff
- **Evaluation:** tracking utilization rates, surveys, communicating results, etc.

Additionally, we will ensure that our programs are HIPPA and ACA compliant and we will utilize best practices from the CDC Worksite health Scorecard, HERO, and benchmarking with other similar organizations. We have a tremendous opportunity to change the culture at the Commission. I am excited to have this opportunity to help others improve their overall well-being, not just for the short-term, but to make a lifestyle change. I want to equip our staff with the skills and tools they need and surround them with a supportive environment that makes the healthy choice the easy choice. I appreciate the opportunity to present to you today.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF JUNE 2015

	31 - 60 DAYS *****	61 - 90 DAYS *****	91 + DAYS *****	DEPARTMENT TOTALS *****				
	05/15	06/15	05/15	06/15	05/15	06/15	06/15	
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	1	0	1	
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	
OFFICE OF CIO	0	0	0	0	0	0	0	
INTERNAL AUDIT	0	0	0	0	0	0	0	
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	
DEPT. OF HUMAN RESOURCES & MGT.	0	2	0	0	0	0	2	
LEGAL DEPARTMENT	1	0	0	1	0	0	1	
FINANCE DEPARTMENT	3	2	0	0	1	0	3	
PRINCE GEORGE'S PLANNING	1	0	0	1	0	0	1	
PRINCE GEORGE'S PARKS & RECREATION	3	4	2	0	0	0	4	
MONTGOMERY COUNTY PARKS	2	1	0	0	0	0	2	
MONTGOMERY COUNTY PLANNING	3	2	0	0	0	0	3	
DEPARTMENT TOTAL BY DAYS LATE	8	11	2	2	1	1	---	
COMMISSION WIDE TOTAL:							15	14

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

SECRET



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

Reply To

July 2, 2015

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 June, 2015

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, July 15, 2015. 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.

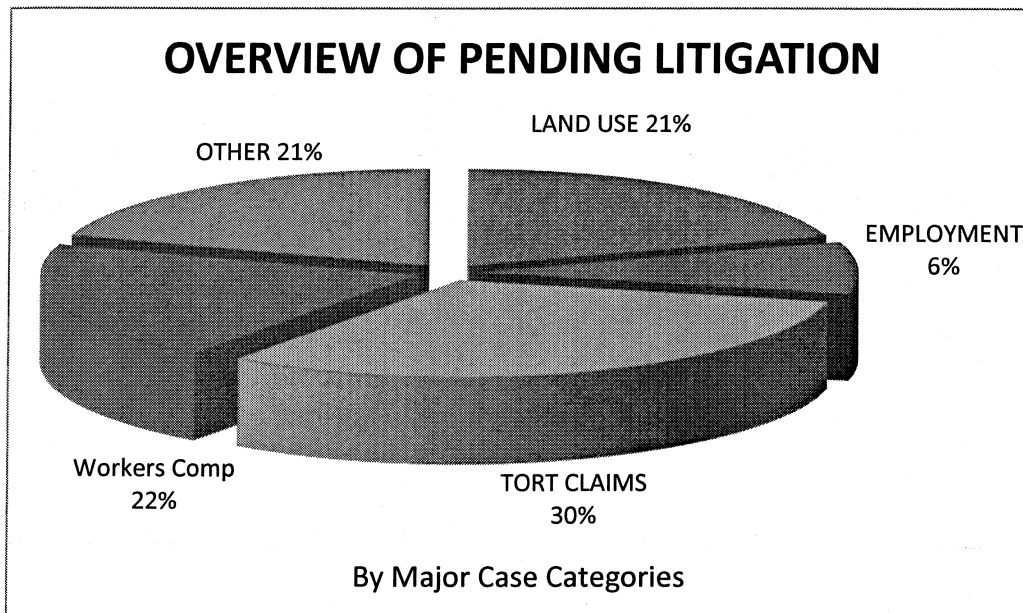
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Litigation Report Ordered By Court Jurisdiction	Page 13

June 2015 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	1		2				3
Admin Appeal: Other							0
Land Use Dispute	1	1					2
Tort Claims	11						11
Employment Dispute	2	1					3
Contract Dispute	1	1					3
Property Dispute	1		1	1			2
Civil Enforcement	2						2
Workers' Compensation	7						7
Debt Collection							0
Bankruptcy							0
Miscellaneous	1	1					2
Per Forum Totals	27	4	3	1	-	-	35



June 2015 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	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 (AALU)	3			9	3	9	3
Admin Appeal: Other (AAO)	0			-			-
Land Use Disputes (LD)	2			1	3	2	2
Tort Claims (T)	12		1	10	12	10	11
Employment Disputes (ED)	3	1	1	1	4	2	3
Contract Disputes (CD)	4		1	4	6	7	3
Property Disputes (PD)	3	1	2	4	1	3	2
Civil Enforcement (CE)	2			1	1		2
Workers' Compensation (WC)	9		2	10	7	11	7
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	2			1	1		2
Totals	40	2	7	41	38	44	35

**INDEX OF YTD NEW CASES
(7/1/2014 TO 6/30/15)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
Prince George's County v. Darnell	PG	Tort	Aug 2014
Moore v. Perry, et al	PG	Tort	Sep 2014
Commission v. Kernan, et al	MC	CD	Oct 2014
Jackson v. Commission (D.Ct)	MCParks	Tort	Oct 2014
Tuckman-Barbee v. Commission	PG	CD	Nov 2014
Pulte v. Montgomery County, et al (Cir Ct)	MCPB	LD	Nov 2014
Jackson v. Commission (C.Ct)	MCParks	Tort	Nov 2014
Quick v. Commission	PGPR	Tort	Nov 2014
Jones v. Kellogg, et al	MC	Tort	Dec 2014
Quick v. Gathers	PGPR	Tort	Dec 2014
Pulte, et al v. Montgomery Cty, et al (Fed Ct)	MCPB	LD	Dec 2014
Nicholson v. Commission	PG	ED	Jan 2015
Corsetti-Barczy v. Commission	PG	WC	Feb 2015
L. Jackson v. Commission	MC	WC	Feb 2015
L. Jackson v. Commission	MC	WC	Feb 2015
Pollard v. Commission	PG	WC	Feb 2015
Armstrong v. Commission	PG	ED	Feb 2015
Burnette v. Commission	PG	WC	Feb 2015
Hill v. Commission	MC	ED	Mar 2015
Commission, et al v. The Town of Forest Heights	PG	M	Mar 2015
Friends of Croom Civic Assoc. v. Commission	PGPB	AALU	Mar 2015
Jang v. Commission	MC	Tort	Apr 2015
Newell v. Commission	PGPR	Tort	Apr 2015
Bell v. Commission	MC	LD	Apr 2015
Fort Myers Construction Corp v. Commission	MC	CD	Apr 2015
Leeks v. Commission	PG	WC	May 2015
McDonnell v. Commission	PG	WC	May 2015
Rounds v. Commission	MC	PD	June 2015
Armstrong v. Commission	PG	ED	June 2015

<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Fort Myer Construction Corp. v. Commission	MCParks	CD	Mar 2015

**INDEX OF YTD RESOLVED CASES
(7/1/2014 TO 6/30/15)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Sweeney	PG	WC	July 2014
Commission v. Ferman	MC	WC	July 2014
Beatty v. Montgomery County, et al	MC	Tort	July 2014
Commission v. Rivera	PG	WC	July 2014
Bundi v. Soresi	PG	Tort	Aug 2014
Letke Security Contract v. Commission	MC	CD	Sept/Oct 2014
Commission v. Paniagua	MC	CD	Sept/Oct 2014
Reijerson v. Commission	PG	WC	Sept/Oct 2014
White v. Commission	PG	WC	Sept/Oct 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Butler v. Commission	PGPR	Tort	Oct 2014
Jackson v. Commission (D. Ct.)	MCParks	Tort	Nov 2014
Bell v. Commission	PGPR	Tort	Nov 2014
Litrenta v. Commission	PGPR	Tort	Nov 2014
Duvall v. Commission	PGPB	LD	Nov 2014
Commission v. Kernan, et al	MC	CD	Dec 2014
Geico v. Ness, et al	PG	Tort	Dec 2014
Phoenix v. Commission	PG	Tort	Dec 2014
Pulte Home Corp, et al v. Mont. Cty, et al	MCPB	Tort	Jan 2015
Prince George's County, Md. vs Darnell	PG	Tort	Jan 2015
Munoz-Saucedo v. Commission	MC	WC	Feb 2015
Munoz-Saucedo v. Commission	MC	WC	Feb 2015
Fort Myer Construction Corp. v. Commission	MCParks	CD	Mar 2015
Rivera v. Commission	PG	WC	Apr 2015
Jones v. Kellogg	MC	Tort	May 2015
Tuckman-Barbee Const. Co.,Inc. v. Commission	PGPD	CD	May 2015
Commission v. 6509 Rhode Island Realty Corp.	PGPB	PD	June 2015
Commission v. MARCOPOLO GF Co.	PGPB	PD	June 2015
Kelly v. Commission	PGParks	Tort	June 2015
Nicholson v. Commission	PG	ED	June 2015
D. Savoy v. Commission	PG	WC	June 2015
G. Savoy v. Commission	PG	WC	June 2015
Howard Entertainment v. Commission	MCParks	CD	June 2015

D. Appellate Court Cases Resolved.

Slover et al. v. Montgomery County Planning Board	MCPB	AALU	July 2014
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Arking, et al v. MCPB	MCPB	AALU	July 2014
Kelly Canavan, et al v. Commission	PGPB	AALU	Oct 2014
Fort Myers Construction Corp v. Commission	MCParks	CD	Nov 2014

Bernando Rene Flores v. Commission	PGPB	PD	Dec 2014
McClure v. Montgomery County Planning Board	MCPB	AALU	Dec 2014
Hall, et al v. Commission	PGPB	AALU	Feb 2015
Sahady v. Montgomery County Planning Board	MCPB	AALU	Mar 2015
Rock Creek Hills Citizens Assoc v. Commission	MCPB	AALU	Apr 2015
Streeter V. Commission	PG	ED	May 2015

Disposition of FY15 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 Commission v. Paniagua	Claim for breach of rental contract	Dismissed on 09/10/14.
Kaviani v. Montgomery County Planning Board	Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.	Order of Court affirming Planning Board Decision on 8/25/14.
Letke Security Contract v. Commission	Defense of claim for breach of contract	Complaint dismissed on 09/03/14.
Slover et al. v. Montgomery County Planning Board	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.	Order of Court of Special Appeals affirming Judgment on 06/20/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Opinion from Court of Special Appeals affirming Montgomery County judgment on 05/27/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Court of Appeals denied Petition for Certiorari on 09/22/14. Original Montgomery County judgment affirmed by COSA on 05/27/14.

Montgomery County Department of Parks			
Beatty v. Montgomery County, et al.	Claimant is suing for tort arising from slip and fall.	Order by Court of Special Appeals affirming Judgment on 06/4/14.	
Commission v. Fermin	WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.	Case Settled and Dismissed on 04/11/14.	
Commission v. Kernan, et al	Claim for breach of rental contract, seeking possession of property	Case dismissed on 11/03/14, tenant vacated property	
Fort Myer Construction Corp v. Commission	Third party defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation.	Court of Special Appeals dismissed appeal on 09/25/14 with leave to file notice of appeal from a final judgment.	
Fort Myer Construction Corp. v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County. Commission filed third party complaint for alleged breach of contract seeking contribution and indemnity, and defense from URS Corporation	Fort Myer's case dismissed without prejudice on 03/31/14 and Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68 on 04/28/14.	
Howard Entertainment Inc. v. Commission	Plaintiff filed complaint for breach of contract of payment for services for Southern Area Operations Festival of Nations	05/18/15-Case settled and dismissed.	
Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	Jury trial prayed; case forwarded to Circuit Court on 11/06/14.	
Munoz-Saucedo v. Commission	WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed. (388096 -V)	Case dismissed by Court on 02/03/15.	
Munoz-Saucedo v. Commission	WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.	Case dismissed by Court on 02/03/15.	
Montgomery County Park Police			
Jones v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	Notice of Dismissal under Rule 3-506 (b) on 03/27/15.	

Montgomery County Planning Board		
Arking, et al. v. MCPB	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.	Petition for Writ of Certiorari denied on 04/21/14.
McClure v. Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of 21611 Ripplemead Drive; rejecting property owner's claim that lot not covered by conservation easement.	Judgment of the Circuit Court for Montgomery County affirmed on 12/02/14.
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland (Case No. 397601V)	Notice of Removal to U. S. Federal District Court filed; case closed in State Court on 12/18/14.
Sahady v. Montgomery County Planning Board	Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive wherein Court rejected property owner's claim that his lot is not covered by a valid conservation easement	Judgment of the Circuit Court for Montgomery County affirmed on 02/09/15.

Prince George's County Department of Parks and Recreation		
Bell v. Commission	Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.	Case settled and dismissed on 10/02/14.
Bundi v. Soresi	Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee.	Trial. Judgment for Plaintiff in amount of \$7,510.10 on 08/13/14.
Commission v. Rivera	Commission is appealing the WCC's decision regarding permanency award	Case dismissed on 06/25/14.
Commission v. Sweeney	WCC ordered temporary total disability and Commission appealed. CAL13-35118	Case settled and dismissed on 3/24/14.
GEICO v. Ness, et al	Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee	Complaint dismissed under Rule 3-506 on 11/25/14.

Kelly v. Commission	Defense of claim for injuries sustained in alleged slip and fall at Newton White Mansion.	Case dismissed on 04/10/15.
Litrenta v. Commission	Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. The driver is also named as a defendant.	Case settled and dismissed on 10/08/14.
Phoenix v. Commission	Defense of claim seeking damages for injuries sustained during a baseball game at Fletcher's Field. Commission filed a third party complaint against game officials.	Case settled without any payment from the Commission on 11/25/14.
Prince George's County v. Darnell	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle operated by Commission employee.	Judgment entered in favor of Commission employee on 01/14/15.
Reijerson v. Commission	WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.	Case remanded to WCC on 09/25/14.
Savoy (D.) v. Commission	WCC found claimant sustained 9% permanent partial disability under "other cases" and claimant appealed.	06/02/15- Stipulation of Dismissal filed with court; remanded to WCC
Savoy (G.) v. Commission	WCC found claimant sustained 2% permanent partial disability of right hand and claimant appealed.	05/13/15- Case dismissed and remanded back to WCC
Streeter v. Commission	Defense of claim alleging discrimination and retaliatory termination	Order Granting Motion to Dismiss Complaint with Prejudice on 03/31/15.
White v. Commission	WCC ordered certain surgery not causally related to accident injury and claimant appealed	Case remanded to WCC on 09/24/14.
Prince George's County Planning Department		
Tuckman-Barbee v. Construction Co., Inc. v. Commission	Alleged breach of contract involving Southern Regional Technology and Recreation Complex in Fort Washington, Maryland.	Notice of Voluntary Dismissal filed in accordance with Settlement Agreement on 04/14/15.
Prince George's County Planning Board		

Kelly Canavan, et al v. Commission	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Prince George's County Circuit Court decision on 02/19/13 to uphold the Planning Board's approval of Saddle Creek's preliminary Plan of Subdivision.	Petition for Writ of Certiorari denied on 07/21/14.
Commission v. 6509 Rhode Island Realty Corp.	Condemnation initiated by the Commission.	Case dismissed on 04/28/15.
Commission v. MARCOPOLO GF Co.	Condemnation initiated by the Commission.	Settlement on damages; case dismissed on 05/11/15
Duvall v. Commission	Defense of Claim for land dispute.	Commission's Motion to Dismiss granted by Court.; case dismissed on 10/17/14.
Bernardo Rene Flores v. Commission	Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.	Judgment of the Circuit Court for Prince George's County affirmed on 12/02/14.
Hall, et al v. Commission	Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.	Court of Special Appeals affirmed Planning Board's subdivision approval on 9/23/14
Prince George's Park Police		
Butler v. Commission	Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer	Case settled and dismissed on 08/22/14.
Rivera v. Commission	Claimant/employee is appealing the WCC's decision regarding permanency award.	Consent Order to remand to Workers Compensation; case dismissed on 03/26/15.
Office of Internal Audit		
Nicholson v. Commission	Claimant/employee is appealing the DLLR's decision regarding unemployment insurance benefits	05/27/15- Oral Argument; DLLR decision affirmed.

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Quick v. Commission

Case No. 0502-0023986-2014 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Case Dismissed

Docket:

11/06/14	Complaint filed.
11/14/14	Service via certified mail
11/25/14	Notice of Intention to Defend filed by Commission
03/19/15	Court to reschedule case for trial
04/27/15	Amended Complaint filed.
06/18/15	Complaint dismissed by Court

Quick v. Gathers

No. 0502-0026963-2014 (Tort)

Lead Counsel: Harvin
Other Counsel:

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

Status: Case Dismissed.

Docket:

11/10/14	Complaint filed.
11/14/14	Service via Sheriff
03/19/15	Court to reschedule case for trial
06/18/15	Complaint dismissed by Court

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Jang v. Commission, et al
Case No. 060100054592015 (Tort)

Lead Counsel: Aleman
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending trial.

Docket:

04/03/15	Complaint filed
07/29/15	Trial date

CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND

Corsetti-Barczy v. Commission

13-C-15-102403 (WC)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Claimant/employee is appealing the WCC's permanency award.

Status: Petition filed.

Docket:

02/11/15	Petition filed
09/03/15	Settlement Conference

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission
Case No. CAL14-07980 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: In discovery.

Docket:

04/07/14	Complaint filed
05/30/14	Motion to Dismiss filed by Commission
08/06/14	Motion to Dismiss denied.
01/27/15	Pretrial conference
07/21/15	Trial

Armstrong v. Commission
Case No. CAL14-22103 (ED)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: Case Removed to U. S. District Court.

Docket:

08/08/14	Complaint filed
02/25/15	Service on Commission
03/27/15	Commission files Motion to Dismiss
05/11/15	Commission's Response to Plaintiff's Motion for Time Extension to Respond to Motion to Dismiss
05/27/15	Notice of Removal filed
05/28/15	Court orders Plaintiff to file Response to Commission's Motion to Dismiss by 06/01/15
06/01/15	Notice of Removal filed by Commission
06/15/15	Case removed to U. S. District Court
06/26/15	Supplemental Memorandum filed by Commission in Support of Motion to Dismiss

Burnette v. Commission
CAL15-18263 (WC)
(W050308)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.

Status: Petition filed.

Docket:

02/24/15	Petition filed
06/03/15	Case transferred from Charles County

Commission v. Fleming

CAL 14-15514 (Tort)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.

Status: In discovery.

Docket:

06/20/14	Complaint filed
07/31/14	Defendant served via certified mail
08/29/14	Defendant filed answer
09/16/14	Court accepts Defendant's letter as answer to complaint
02/02/15	Pretrial conference
10/05/15	Trial Date

Commission, et al v. The Town of Forest Heights

CAL 15-04255 (M)

Lead Counsel: Borden
Other Counsel: Mills

Abstract: Commission filed lawsuit to stop the unlawful attempt by the Town of Forest Heights, Maryland to expand its geographical boundaries by annexing properties without the required consent of any affected property owner or popular vote.

Status: Complaint filed.

Docket:

03/03/14	Complaint filed
05/26/15	Status hearing continued
06/04/15	Motion to Stay denied; Motion to Extend Time to Answer granted for sixty days
08/18/15	Status hearing

Commission v. McDonnell
Case No. CAL15-15567 (WC #B694587)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petitioner/Employer is appealing the WCC's decision for medical treatment to Claimant for her right shoulder injury.

Status: Pending trial.

Docket:

05/07/15	Petition filed.
10/28/15	Pre-trial conference.

Friends of Croom Civic Association, et al. v. Commission
Case No. CAL-14-32333 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status: Pending Oral Argument

Docket:

11/26/14	Petition for Judicial Review filed
12/15/14	Commission filed Response to Petition
12/15/14	Commission filed Certificate of Compliance
12/29/14	Brandywine T/B Southern Regional Coalition filed a Response to Petition for Judicial Review
01/12/15	Route 301/Industrial/CPI Limited Partnership filed a Response to Petition for Judicial Review
07/01/15	Oral Argument

Glessner v. Surratt House
CAL 14-17158 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Complaint filed-never served.

Docket:

07/02/14	Complaint filed; no summons issued for service on Commission.
08/06/14	Motion to Enter Judgment filed by Plaintiff, despite lack of service
10/21/14	Complaint filed; Court orders Request for Waiver of fees granted
11/14/14	Complaint filed.
05/12/15	Court dismisses case without prejudice
06/01/15	Court rescinds Order of Dismissal and finds service defective
08/14/15	Status hearing

Hawkins v. Commission
CAL14-17950 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.

Status: In discovery.

Docket:

05/30/14	Complaint filed.
09/05/14	Answer filed.
12/15/14	Plaintiff's counsel files Motion to Strike Appearance
01/22/15	Court grants Motion to Strike Appearance of Plaintiff's Counsel.
04/07/15	Pre-trial Conference
04/13/15	Commission's Motion for Sanctions filed for failure to comply with discovery
10/05/15	Trial

Hill v. Commission
CAL15-04057 (ED)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Employee is seeking judicial review of the Merit Board 's dismissal of her appeal.

Status: Petition filed.

Docket:

02/18/15	Petition for Judicial Review filed
03/18/15	Certificate of Compliance filed
03/27/15	Response to Petition filed
05/05/15	Record filed by Merit System Board
08/14/15	Oral Argument

Jones v. Commission
CAL14-17154 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.

Status: In discovery.

Docket:

07/15/14	Complaint filed.
08/22/14	Answer filed by Commission.
01/20/15	Pretrial conference scheduled.
08/03/15	ADR Conference
10/19/15	Trial Date

Leeks v. Commission
CAL15-09048 (WC W060284) (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.

Status: Pending trial.

Docket:

05/06/15	Petition for Judicial Review filed
05/21/15	Answer filed.
09/30/15	Pre-trial conference.

Moore v. Perry, et al
CAL14-22308(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.

Status: In discovery.

Docket:

08/18/14	Complaint filed.
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03/24/15	Pretrial conference
09/21/15	Trial

Newell v. Commission
Case No. CAL15-05386 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park.

Status: Pending trial.

Docket:

03/11/15	Complaint filed
04/15/15	Notice of Intention to Defend filed by Commission
10/28/15	Pre-trial conference.

Pollard v. Commission
CAL15-00392 (WC-B629257)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision denying the left hip surgery is causally related to his workers' compensation claim.

Status: Pending Trial.

Docket:

12/19/13	Petition filed
05/01/15	Motions Hearing; Motion to Dismiss denied.
10/19/15	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Bell, et al v. Commission

Case No. 401282-V (LD)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Plaintiffs filed complaint for Declaratory Judgment to declare invalid a Conservation Easement Agreement

Status: Complaint filed.

Docket:

02/23/15	Complaint filed.
05/26/15	Commission filed Motion to Dismiss
06/22/15	Motion to Dismiss granted; plaintiff's case dismissed without prejudice.
06/22/15	Plaintiff's Motion to Consolidate with 394157-V (Pirtle) filed
06/22/15	Plaintiff's filed Motion for Summary Judgment and Response to Defendant's Motion to Dismiss

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action and attempts to seek compliance by foreclosing bank.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Commission v. Pirtle

Case No. 394157-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Pending Motions hearing.

Docket:

08/12/14	Petition filed.
09/02/14	Affidavit of Service on Defendant filed.
10/07/14	Motion to Dismiss or in the alternative for Summary Judgment filed by Defendant
10/27/14	Commission's Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
09/10/15	Hearing on Motion to Dismiss or in the alternative for Summary Judgment

Fort Myer Construction Corporation v. Commission

Case No. 399804V (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
 Other Counsel: Dickerson

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

Status: Complaint filed.
 Docket:

01/23/15	Complaint filed
11/06/15	Status Hearing
12/04/15	Pre-trial hearing
04/27/15	Motion for Appropriate Relief filed by Commission
02/22/16	Trial

Jackson v. Commission

Case No. 397287-V (Tort)

Lead Counsel: Chagrin
 Other Counsel:

Abstract: Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.

Status: Pending trial.

Docket:

11/06/14	Complaint filed
02/05/15	Defendant files Motion to Dismiss
04/16/15	Hearing on Motion to Dismiss or in the Alternative for Summary Judgment
06/12/15	Status/Pre-trial conference.
08/10/15	Trial

L. Jackson v. Commission

Case No. 401201-V (WC)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding low back exclusion from claim arising from 5/27/14 accidental injury.

Status: Pending trial.

Docket:

02/18/15	Petition filed.
07/30/15	Pretrial hearing

L. Jackson v. Commission

Case No. 401202-V (WC)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding low back not causally related to the accidental injury and denial of medical treatment and other benefits.

Status: Pending trial.

Docket:

02/18/15	Petition filed
07/30/15	Pretrial hearing

Rounds v. Commission

Case #350954-V (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson

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

Status:

Docket:

04/30/15	Mandate returned from Court of Appeals; judgment affirmed in part and reversed in part; case remanded.
05/14/15	Commission's renewal of Motion to Dismiss
06/01/15	Plaintiff's Response to Commission's renewal of Motion to Dismiss
06/25/15	Court grants Commission's Motion to Dismiss Plaintiff's Amended Complaint

MARYLAND COURT OF SPECIAL APPEALS

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third Party claim by Commission)

2015 Term, No. 16 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.

Status: Appeal filed.
Docket:

03/09/15	Notice of Appeal filed by Plaintiff.
03/19/15	Notice of Appeal filed by Commission
03/20/15	Notice of Appeal filed by URS Corporation
06/17/15	Mediation

Kaviani v. Montgomery County Planning Board

September Term 2014, No. 01554 (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Appeal filed from the Circuit Court ruling in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Awaiting oral agrument.

Docket:

09/23/14	Notice of Appeal
06/2015	Oral Argument

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.

Status: Awaiting decision.

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
05/15/14	Reply Brief filed
06/11/14	Oral Argument held.

MARYLAND COURT OF APPEALS

Rounds v. Commission

September Term 2014, No. 00019 (PD)
(Reopened in Montgomery County-350954V)

Lead Counsel: Gardner
Other Counsel: Dickerson

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

Status: Judgment affirmed in most aspects with remand and Motion for Reconsideration.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted
06/30/14	Order re-scheduling case to November, 2014 session
11/12/14	Oral Argument
01/29/15	Opinion from Court of Appeals affirming most aspects and remanding for a limited purpose.
02/24/15	Defendant Brown files Motion for Reconsideration.
03/16/15	Plaintiff Appellant responds agreeing to dismiss claim against Defendant Brown.
03/27/15	Mandate from Court of Appeals affirming in part and reversing in part; remanding to Court of Special Appeals directing that they remand case to Montgomery County for further proceedings
04/08/15	Order from Court of Special Appeals remanding case to Circuit Court for Montgomery County for further proceedings
05/14/15	Commission's Renewal of Motion to Dismiss filed
06/01/15	Plaintiff's Response consenting to Commission's Motion to Dismiss filed
06/25/15	Court enters order dismissing remaining claim against Commission.

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Harvin

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Dispositive Motions.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed
04/25/14	Motion for Leave to submit Amicus filed by interested Marylanders
05/01/14	Motion to Intervene filed by American Legion entities
09/18/14	Court grants Motion of Eleven Marylanders for Leave to Appear Jointly as Amicus Curiae in Support of Defendants and grants Motion to Intervene by The American Legion, The American Legion Department of Maryland and The American Legion Colmar Manor Post 131
05/01/15	Parties are in process of filing cross-motions for Summary Judgment pursuant to Scheduling Order
05/05/15	Plaintiff's Motion for Summary Judgment filed
06/11/15	Commission's Opposition to Plaintiff's Motion for Summary Judgment and Commission's Motion for Summary Judgment and supporting Memorandum filed.

Armstrong v. Commission

Case No. 8:15-cv-01558 (ED)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of employment-related claim alleging discrimination.

Status: Pending trial.

Docket:

05/28/15	Complaint filed
06/26/15	Commission's Motion to Dismiss filed.

Hartford Casualty Insurance Company v. Commission

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Pending mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.
01/26/15	Court extends stay for 120 days
05/11/15	Mediation
05/26/15	Order granting Consent Motion to Stay for 45 days

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson
Other Counsel: Harvin

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Awaiting decision on pending motions.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand.
02/05/15	Defendant Montgomery County's Opposition to Motion to Remand
02/06/15	Commission's Opposition to Plaintiff's Motion to Remand
02/06/15	Plaintiff's Opposition to Defendant M-NCPPC's Motion to Dismiss
02/23/15	Plaintiff's Reply in Support of Motion to Remand
02/23/15	Commission's Reply to Opposition to Motion to Dismiss