

***COMMISSION
MEETING***

January 18, 2017

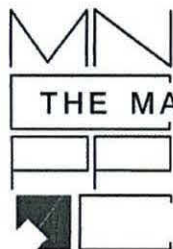
9:30 a.m. – 11:30 a.m.

***PARKS AND RECREATION
AUDITORIUM***

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING
Wednesday, January 18, 2017
Parks and Recreation Auditorium
9:30 a.m. – 11:30 a.m.**

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda (9:30)	(+*)	Page 1	_____
2.	Vote			
	a) Commission Chair	(*)		_____
	b) Commission Vice-Chair	(*)		_____
3.	Approval of Commission Minutes Open Session – December 21, 2016	(+*)	Page 3	_____
4.	General Announcements (9:30)			
	a) Upcoming M-NCPPC Black History Month Events – 2017 To Be Announced			
	b) Upcoming M-NCPPC Women’s History Month Events – 2017 To Be Announced			
5.	Committee Minutes/Board Reports (For Information Only): (9:40)			
	a) Executive Committee Meeting – Open Session – January 4, 2017	(+)	Page 7	
	b) 115 Trust (OPEB) Board of Trustees Meeting Minutes – September 21, 2016	(+)	Page 11	
6.	Action and Presentation Items (9:45)			
	a) Diversity Council 2016 End-of-Year Report and Certificates of Appreciation and Photo Op (Barney/Dugan/Gordon)	(+)	Page 15	
	b) FY16 GFOA Budget Award and Photo Op			
	c) OPEB Valuation Presentation (Boomershine Consulting/B. Walsh)	(+)	Page 31	
7.	Officers’ Reports			
	a) Executive Director’s Report (For Information Only) Employee Evaluations Not Completed by Due Date (December 2016)	(+)	Page 43	
	b) Secretary Treasurer (For Information Only) Investment Report (November 2016)	(+)	Page 45	
	c) General Counsel			
	1) Litigation Report (For Information Only)	(+)	Page 51	
	2) Legislative Update			

(+) 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 Minutes
December 21, 2016

The Maryland-National Capital Park and Planning Commission met in the Airport Operations Building second floor conference room in Prince George's County, Maryland.

PRESENT

Montgomery County Commissioners

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

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

ABSENT

A. Shuanise Washington

Chair Anderson convened the meeting at 9:34 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion Hewlett
Seconded by Dreyfuss
9 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open and Closed Session – September 8, 2016 – Conference Call
Open and Closed Session – November 10, 2016 – Conference Call
ACTION: Motion of Wells-Harley
Seconded Fani-Gonzalez
9 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- a) Prince George's Department of Parks and Recreation Winter Festival of Lights (Watkins Regional Park – November 25 – January 1)
- b) Montgomery Parks Department Winter Garden Walk Through Holiday Light Display (Brookside Gardens – November 25 – January 1)

Other Announcements:

- a) Chair Anderson and Vice-Chair Hewlett thanked everyone who worked to make the One-Commission Holiday Party a great success.
- b) Chair Anderson and Vice-Chair Hewlett introduced and welcomed Prince George's County Commissioner Dr. William Doerner to the M-NCPPC.
- c) The Commissioners wished Commissioner Geraldo a Happy Birthday.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS – (For Information Only)

- a) Executive Committee Meeting Open Session – (November 2, 2016 and attachment to minutes: Practice 2-16, Contract Employment)
- b) Executive Committee Meeting – Open Session – December 7, 2016
- c) Regular Board of Trustees Employees’ Retirement System Meeting – September 13, 2016
- d) Special Board of Trustees Employees’ Retirement System Meeting – September 23, 2016
- e) Regular Board of Trustees Employees’ Retirement System Meeting – November 1, 2016

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #16-26 – Authorizing the conveyance of M-NCPPC owned property to Third Try, L.C., a Maryland Limited Liability Company, for the John Clark Memorial Cemetery (2391 square feet, more or less) at Kings Local Park in Clarksburg, MD (Gries)
ACTION: Motion of Hewlett
Second by Wells-Harley
9 approved the motion

- b) Resolution #16-27 – Approve the conveyance of 0.3608 ± acres, along with 0.0362 ± acres for a storm drain easement, to the DPW&T to construct facilities on the Sandy Hill Creative Disposal Area (Weinrich)
ACTION: Motion of Cichy
Second by Hewlett
9 approved the motion

- c) Resolution #16-28 – Approve the conveyance of 5,910 ± square feet of Park Property to the DPW&T for Widening of Church Road South by the developer of the Oak Creek project (Weinrich)
ACTION: Motion of Geraldo
Second by Wells-Harley
9 approved the motion

- d) Resolution 16-29 – Commission’s FY 2018 Proposed Operating and Capital Budget (Kroll)
Corporate Budget Manager John Kroll presented for approval, Resolution #16-29 – FY 2018 Proposed Operating and Capital Budget. Mr. Kroll provided a summary stating that the Proposed Budget Resolution for FY18 reflects the Proposed Budgets approved by each Planning Board, as modified by a decrease in OPEB costs and other non-substantial adjustments. He stated the Proposed Budget totals \$469.8 million in funding excluding reserves, ALARF, Capital Projects and Internal Service Funds. Compared to the FY17 Adopted Budget, the FY18 Proposed Budget is \$23.3 million greater, for an increase of 5.2%. He highlighted Exhibit 1, a comparative summary of the proposed budget for each county as contained in the meeting packet. The Commissioners voted on the Resolution.
ACTION: Motion of Geraldo
Second by Wells-Harley
9 approved the motion

- e) Boomershine Presentation: Actuarial Valuation and Recommendation to Approve Contribution for Pension Plan in the Amount of \$24,822,301 (Boomershine Consulting Group, LLC, and A. Rose)
Employees’ Retirement System (ERS) Administrator Andrea Rose introduced actuary David Boomershine from Boomershine Consulting Group. Ms. Rose stated they were presenting on behalf of the ERS Board of Trustees, a recommendation for the Employer Contribution to the

Employees' Retirement System for Fiscal Year 2018. Every year, the Retirement System has an actuarial valuation performed to determine the funding requirements. Mr. Boomershine explained that when his group conducts an actuarial valuation, four primary components are used in the model: employee census data, plan provisions, plan assets, and the actuarial assumptions used for future projections.

Mr. Boomershine reviewed the following components of the Actuarial Valuation and Recommendation to Approve the Contribution for Pension Plan in the amount of \$24,822,301, as detailed in the meeting packet:

- Demographic Highlights
- Market Value of Assets Changes
- Plan Assets: Market Value and Actuarial Value
- 8-Year History of Plan Asset Values
- Rates of Return on Plan Asset Values
- 2016 Valuation Assumptions
- Total Funded Status
- 8-Year History of Funded Status
- Total Recommended Commission Contribution
- Commentary
- 5-Year Contribution Projection
- Funding Outlook – Baseline
- Baseline Contribution Projection
- GASB 67: Net Pension Liability
- GASB 68: Contribution's Pension Expense

Following questions from the Commissioners, a vote was taken to approve the employer contribution.

ACTION: Motion of Hewlett
Seconded by Geraldo
9 approved the motion

f) Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016
(C. Lehman – SB and Company, LLC, and Walsh)

Secretary-Treasurer Joseph Zimmerman presented the CAFR for the fiscal year ending June 30, 2016. He commended the Accounting Division on their efforts in producing an excellent product. He also explained that M-NCPPC had a new external auditor, SB and Company LLC. Secretary-Treasurer Zimmerman introduced external auditor Chris Lehman, Partner with SB and Company, LLC, and M-NCPPC Finance Manager Barbara Walsh. Mr. Lehman stated that SB and Company, LLC completed the audit and issued a clean, unmodified opinion on the financial statements, which is the best opinion. Ms. Walsh presented highlights of the CAFR as contained in the meeting packet:

- Land Use Article Requirements
- Auditor's Opinion
- Commission Wide Activity (Millions)
- Montgomery County Administration Account – General Fund
- Montgomery County Park Account – General Fund
- Prince George's County Administration Account – General Fund
- Prince George's County Park Account – General Fund
- Prince George's County Recreation Account – General Fund
- Enterprise Funds

Ms. Walsh also presented the actual fund balances as of June 30, 2016, compared to Commission policy for the following:

- Montgomery County Fund Balance Policy – General Fund Accounts
- Prince George’s County Fund Balance Policy – General Fund Accounts
- Montgomery County Cash Balance Policy – Enterprise Fund
- Prince George’s County Cash Balance Policy – Enterprise Fund
- Montgomery County Fund Balance Policy – Special Revenue Fund
- Prince George’s County Fund Balance Policy – Special Revenue Fund
- Fund Balance Policy – Risk Management Fund

Executive Director Barney mentioned the difference in size of the Montgomery County Fund Balance and the Prince George’s County Fund Balance of the M-NCPPC. She explained there is a difference in the way the two counties handle the M-NCPPC budget and the long-term fiscal plans. In Prince George’s County, the tax rate was increased some years ago. There is a long-term fiscal plan that shows the planned spending of the funds over the six-year plan on Capital Programs, Debt Service, and other operating expenditures. The plan is reviewed by the Prince George’s County Spending Affordability Committee.

In Montgomery County, the tax rate is adjusted every year along with the Montgomery County tax rate. In Prince George’s County, the rate is set and remains stable for future years. The Prince George’s County Government has the Tax Reform Initiative by Marylanders (TRIM), and does not adjust its tax rates every year.

NOT LISTED ON THE AGENDA – DIVERSITY COUNCIL STRATEGIC PLAN

Executive Director Barney stated the Diversity Council Strategic Plan was distributed. She complimented and congratulated the Diversity Council on the Plan. She also thanked the Commissioners for their support of the Council.

ITEM 6 OPEN SESSION – OFFICERS’ REPORTS

a) Executive Director

Employees’ Evaluations Not Completed by Due Date – (October and November 2016)
(For Information Only)

b) Secretary-Treasurer

Investment Report (August, September, and October 2016) – (For Information Only)


c) General Counsel

- 1) Litigation Report (For Information Only)
- 2) Legislative Update – No comments were made.


d) Chief Information Officer

ERP Update will be given quarterly.

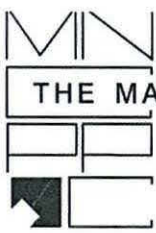
There being no further business to discuss, the meeting adjourned at 10:33 a.m.



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



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE

Minutes

January 4, 2017

On January 4, 2017, the Maryland-National Capital Park and Planning Commission’s Executive Committee met in the Executive Director’s conference room. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia Barney. The Directors participated via teleconference. Also present were:

Department Heads/Deputies/Presenters/Staff

- Joe Zimmerman, Secretary-Treasurer
- Mazen Chilet, Chief Information, CIO
- Renee Kenney, Chief, Audit Department
- Brian Coburn, Senior Management Analyst, Corporate Policy and Management Operations (CPMO)
- Deidra Walker, Administrative Specialist, Office of the Executive Director

Individuals who participated by phone

- Anju Bennett, Chief, CPMO
- Debra Borden, Acting Director, Prince George’s County Planning
- Ronnie Gathers, Director, Prince George’s County Parks and Recreation
- Boni King, Human Resources Manager, for William Spencer, Human Resources Director, Department of Human Resources and Management
- Mike Riley, Director, Montgomery County Parks
- Gwen Wright, Director, Montgomery County Planning

The meeting convened at 10:04 a.m.

ITEM 1a - APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Barney added to the agenda a discussion pertaining to the possible closing of M-NCPPC offices for Inauguration Day. She will request input from the Chair and Vice-Chair after learning other agencies’ plans to open or close offices on January 20 th .
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ITEM 1b - APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<p>The following revisions were made:</p> <ul style="list-style-type: none"> • Item 2 – Rotation of Chair: Change the “Rotation of the Chair” to “Vote for Chair and Vice-Chair” • Item 6 – Change agenda items to the following order: <ul style="list-style-type: none"> a) Diversity Council 2016 End-of-Year Report, Certificates of Appreciation and Photo Op (Barney/Dugan/Gordon) b) FY16 GFOA Budget Award and Photo Op (Kroll) c) OPEB Valuation Presentation (Boomershine Consulting/A. Rose) • Original Item 6b, MFD Purchasing Statistics – First Quarter – FY17 will be listed under Item 7b - Officers’ Reports, Secretary-Treasurer (For Information Only). • Add Closed Session for Labor Discussion
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ITEM 1c - ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	<p>The Executive Committee reviewed the Rolling Agenda for the upcoming four months.</p> <p><u>February</u></p> <ul style="list-style-type: none"> Remove the Diversity Council End-of-Year Report, as the presentation will be made in January. Add Collective Bargaining to the agenda. <p><u>March</u></p> <p>No changes were made.</p> <p><u>April</u></p> <ul style="list-style-type: none"> Secretary-Treasurer Zimmerman will be scheduling the Bond Sales for Montgomery and Prince George's Counties based on cash-flow needs and timing. <p><u>May</u></p> <ul style="list-style-type: none"> Executive Director Barney will respond to Commissioner Dreyfuss' request for information on the Defined Contribution Plan.
ITEM 2 – MINUTES	
Provided for Information	December 7, 2016, Executive Committee Minutes
ITEM 3 – DISCUSSION/REPORTS/PRESENTATIONS	
Discussion	<p><u>EOB Building Discussion (Barney)</u></p> <p>Executive Director Barney distributed the EOB and EMG Feasibility Study Status Update (November 10, 2016). The document presents background on the Executive Office Building (EOB) and an update of the facility feasibility study that was initiated with consultant EMG Corporation. EMG specializes in real estate life cycle planning and management.</p> <p>Executive Director Barney shared that a committee will be established to discuss what is important in location, building, etc., from M-NCPPC's viewpoint. Members of the committee will include M-NCPPC Officers, the Chief Information Officer, the Internal Audit Chief, CPMO Chief Anju Bennett, Commissioner Norman Dreyfuss, and Vice-Chair Betty Hewlett (attending by phone). A retreat is scheduled for next week for key leaders from Central Administrative Services and the Office of the Chief Information Officer to brainstorm ideas. These will be shared with Commissioner Dreyfuss and Vice-Chair Hewlett.</p> <p>The results of the committee's work will be presented to the Commission throughout the project to obtain input and approval of decisions (such as building/location criteria, Program of Requirements, and other key work products).</p> <p>CPMO Chief Bennett stated that the Planning Boards were briefed about the four-part feasibility study done on the EOB. That study addressed the current needs of the occupants and the cost to renovate the building to bring it to an efficient level to meet occupant needs. Chief Bennett highlighted the four phases of the study and provided the results as contained in the handout:</p>

1. **Assessment of Current Property Condition** – 22 items required immediate attention. The most critical 18 items were addressed. The estimated cost was approximately \$700,000; but that cost was reduced, as internal staff completed the most critical repairs. Four large items require completion, with an estimated cost of \$2,319,317.
2. **Energy Assessment** – EMG assessed the EOB for most enhanced energy efficiency. Preliminary recommendations have been completed as part of the assessment of property conditions.
3. **Space Use Analysis to make the building more efficient** – Phase 1 includes review of existing space use, required needs, and evaluation of potential options for redesign of available space. Office design expert Gensler, who was used by Montgomery County to evaluate space needs for the move to Wheaton, was used for Phase 1, which is complete. A meeting was held in November with Officers and Directors to discuss Phase 2 – future staffing, program, and operation needs. Another meeting is scheduled for Thursday, January 5th, with leaders of each department to discuss future needs. Phase 3 was to be completed by Gensler to identify space design needs and associated costs for design and construction for EOB. Chief Bennett can provide a copy of the EOB survey of required office space to the Executive Committee if needed.
4. **Consideration of Relocation Options** – To be completed in conjunction with Stage3. Gensler will share information about the space needs with EMG. EMG will work with CBRE (commercial real estate specialists) to conduct an analysis on the feasibility of staying with EOB and renovating the space, purchasing a building to meet operation’s needs, or utilizing one of the available spaces on the market for a lease or purchase option.

At one time, there were some delays with Gensler or EMG in producing the space analysis. M-NCPPC expects a tighter timeline to determine the next phases with Gensler in moving the project forward. Executive Director Barney stated that if the project cannot be moved forward with Gensler, OKKS Studios, Inc. may be another option. Montgomery County Planning Director Gwen Wright stated, and Montgomery County Parks Director Mike Riley confirmed, that M-NCPPC used OKKS, Inc., to develop the POR and the outcome of that work was mediocre. Gensler had to do additional work to refine the piece. Director Wright will provide a copy of the final document to Executive Director Barney. Chair Anderson added that in viewing Gensler’s presentations, their work is excellent, and the company has previous experience with the M-NCPPC. Executive Director Barney stated that based on the comments from the Directors, M-NCPPC will continue working with Gensler. The team will move forward and bring the EOB building discussion to the Commission for input and voting.

Chair Anderson mentioned that an analysis should be prepared to determine the value and potential for redevelopment of the EOB.

ITEMS NOT LISTED ON AGENDA

Updated Commission-wide Organizational Chart

Vice-Chair Hewlett requested that an updated Commission-wide organizational chart be developed. The chart should contain names, titles, locations, and telephone numbers of employees. Vice-Chair Hewlett will ask the Prince George’s County side to provide her

with a detailed list of employees that should include Police Department employees. Chair Anderson asked that Division Chiefs' cell phone numbers be added to Montgomery County Planning's telephone list. Executive Director Barney noted that the employee listing on InSite will be updated, as well.

Update on Voices in the Dark

Vice-Chair Hewlett inquired about the financial assistance requested by presenters of the play, Voices in the Dark. She stated that another email was sent by Robbin Brittingham in December to that effect. Executive Director Barney stated she responded to the group that the M-NCPPC has resources to assist. Director Wright has spoken to the organizers of the play; however, she has not received a request for money. Executive Director Barney will forward Ms. Brittingham's email to the Directors for their contribution to the request for assistance with an additional \$18,000 in funding. The Directors agreed to contribute to the request.

There being no further business to discuss, the meeting adjourned at 10:38 a.m.



Gayla Williams, Senior Management Analyst/
Senior Technical Writer



Patricia Barney, Executive Director

115 Trust (OPEB)
Meeting Minutes
PRA

Wednesday, September 21, 2016

Attending: Commissioner Casey Anderson, Trustee
Patricia Colihan Barney, Commission Executive Director, Trustee;
Joseph Zimmerman, Commission Secretary-Treasurer, Trustee;
William Spencer, Commission Human Resources Director, Trustee;
LaTonya Reynolds, Senior Counsel; Staff
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 Manuel Geraldo, Chairman
William Dickerson, Internal Legal Counsel; Staff

The meeting was called to order at 8:35 a.m.

Minutes from the 6/15/16 meeting were motioned by Commissioner Anderson to be approved, seconded by Ms. Barney, and then unanimously approved.

Barry Bryant from Dahab Associates reported that the return environment in the second quarter ended June 30 was similar across different asset classes, with domestic stocks and bonds both providing 2%-3% return. Foreign equity declined 0.6% on the heels of the Brexit vote, with developed stocks down 1.2% and emerging market stocks up almost 1%. As a result, pension plan returns were tightly bunched in the 1%-3% range.

Against that backdrop, the Portfolio registered a 2.7% return vs. a median return for all public plans of 1.7%, ranking in the 4th percentile with 1st being the best and 99th being the worst.

Mr. Bryant said the superior returns resulted from manager performance and not asset allocation. The asset allocation return – from the indices used to judge performance of the active managers – was 1.3%, below the median. He indicated that the Portfolio's relatively heavy reliance on foreign equity resulted in the below-average performance of the asset allocation.

Manager returns, however, brought returns up. All the active managers outperformed their indices. The PIMCO All-Asset/All-Authority Fund, which had a poor three-year period 2013-2015, led the way with a 4.9% return. All three of the Schwab/RAFI equity funds beat their indices by wide margins. The PIMCO Unconstrained Bond Fund underperformed its benchmark, but only slightly.

The Portfolio has done very well this year, returning 4.7% in the first two quarters. Results have been weak over the intermediate 5-year period due to the reduction of risk heading into 2013, a very good year for equity. On a since inception basis, returns have been very

average, as the Portfolio was an all-equity strategy during the recovery from the 2008 bear market.

Moving forward, Mr. Bryant said he thought emphasis on foreign equity relative to many domestic pension plans would benefit the Portfolio as foreign equity was less expensive than domestic equity by most valuation measures.

Mr. Bryant noted that results for the first two months of the third quarter were very favorable, with a return of 4.2% for a 9.1% year-to-date return. Asset allocation was the major reason for this favorable return, he said, as SMid Cap domestic equity and foreign equity in which the Portfolio has above-average allocations both had stronger returns than other asset classes.

The committee next considered the Trust's first investment policy statement (IPS). Mr. Bryant noted that the IPS has a layered approach, with the process followed by the committee outlined in the first two pages, followed by the results of that process (the asset allocation and actuarial assumption), and then a page on the goals for each manager, and finally, a glossary. The committee adopted the IPS by unanimous vote.

Mr. Bryant reviewed the Trust's new real estate manager, Intercontinental Real Estate. He explained the various types of diversification in which the Trust engaged, the level and types of real estate and financial risk, and the strategy's current positioning. Abbey Rodman, Trust Administrator, noted that the capital commitment to Intercontinental had been fully met (\$832,054.87 on 6/17/16; plus \$3,777,945.13 on 9/12/16 = \$4,610,000.00) and now comprised about 10% of the Portfolio, with the balance of safety assets totaling about another 10% remaining in the PIMCO bond fund.

The committee next considered the concentration of assets with two vendors, PIMCO and RAFI. Mr. Bryant said that while PIMCO and RAFI were affiliated for marketing purposes, the two were separate organizations and largely unrelated regarding investment strategies across stocks (RAFI strategies) and bonds (PIMCO strategies). He added, however, that three of the Portfolio's four equity allocations were with RAFI, and that while each was in a separate segment of the equity market, all employed similar investment strategies. He noted that the PIMCO All-Asset/All-Authority fund invested in both RAFI equity strategies and PIMCO fixed income strategies.

Ms. Barney asked Mr. Bryant if Dahab could include returns net of fees, and Mr. Bryant said he would request that a page be added to the quarterly report to honor that request.

The committee decided that these concentrations were excessive. Mr. Bryant offered various alternatives to replace one of the RAFI allocations including consideration of active managers. Both Commissioner Anderson and Ms. Barney expressed skepticism that active managers could consistently add value. A decision was made to consider three traditional index funds to replace the RAFI large cap fund. The committee instructed Mr. Bryant to bring alternatives for it to consider at the next meeting.

Alternatives to the PIMCO UBF strategies were briefly discussed, but it was decided to deal with equity first.

The Trustees set 11:30 am on Wednesday, December 21, 2016 at MRO for the next meeting.

The meeting was adjourned at 9:35 am.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Claudia Stalker".

Claudia Stalker



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Diversity Council

6611 Kenilworth Avenue, Suite 402 • Riverdale, Maryland 20737 • 301-454-1740 Fax: 301-454-1750

December 29, 2016

To: Planning Board Commissioners

Via: Patricia C. Barney, Executive Director 

From: Marybeth Dugan, Chair, Diversity Council
 Greg Gordon, Vice Chair, Diversity Council

Subject: 2016 Diversity Council Annual Report

Thank you for the opportunity to lead the Diversity Council (Council) this past year. The purpose of this memo is to inform you of our major accomplishments for calendar year 2016. We are proud to report our accomplishments as follows:

- Completion and approval of the 2016-2018 Strategic Plan. This was a monumental task as this document had not been updated since 2012. It was approved by the Department Heads and the Executive Committee in August 2016 and the full Commission in September 2016. This plan will guide the work of the Council for the next 3 years.
- Developed new marketing print pieces to promote the Diversity Council and its mission to internal staff and stakeholders including a creative rack card and poster. Promotional items have been distributed and will be placed in strategic Commission building locations.
- Developed a Diversity Council informational brochure to be included in the orientation packet for new Commission employees.
- Updated and maintained the Diversity Council website with information about the Council and its work progress.
- Re-instated the "Diversity Council Corner" in the employee newsletter, *UPDATE*. This included monthly articles of diversity celebrations and promote the work program of the Diversity Council to Commission employees and stakeholders.
- Organized and implemented the one Commission Women's History Month Celebration with the theme: "Working to Form a More Perfect Union: Honoring Women in Public Service and Government" held at the Newton White Mansion in March 2016. Included

in this celebration was a keynote speaker, dance presentation, donations of business clothing for the *Dress for Success* non-profit organization and donations to the *Family Crisis Center*.

- Supported and organized the one Commission Asian Pacific American Heritage Month Celebration with the theme: “Walk Together, Embrace Differences, Build Legacies”. The informational programs included traditional, educational and interesting awareness activities for all staff to participate.
- Enhanced monthly Council meetings by inviting impressive guest speakers to educate Council members on diversity and inclusion. This included an educational session on Autism and other disabilities during Autism Awareness month in April; and celebrating LGBT month in June specifically highlighting the transgender community.
- Developed and implemented the first Diversity Council New Member Orientation for all new Council members to be educated in the mission and the work program of the Diversity Council.
- Updated the Commission-wide Diversity and Inclusion Survey to be distributed to all Commission employees in January 2017. Updates include appropriate questions that will assist the Council in gauging diversity awareness and diversity competence in employees. The results will be compiled and presented at the diversity celebration in May 2017.
- Established the date, theme and overall program of the one Commission diversity event, entitled, “CONNECT... Celebrating Diversity and Inclusion” to be held on May 3, 2017 at the Clarice Smith Performing Arts Center at the University of Maryland, College Park.

This Council has completed a significant amount of work this past year, including the promotion of the Diversity Council; invigorating one Commission diversity events and just as importantly, laying solid groundwork in a Strategic Plan for the next Council to accomplish even greater tasks on the Diversity front. In the upcoming year, the Council will be evaluating and updating Commission policies and practices; coordinating and implementing the One Commission Diversity event on May 3, 2017 entitled, “CONNECT... Celebrating Diversity and Inclusion” and obtaining constructive feedback from all employees and ensuring this feedback is used to further develop a more inclusive and diverse workplace.

The 2016 Diversity Council members worked very hard to continue to meet the values of the Diversity Council to build upon the success of previous Councils. We are grateful to the Commissioners and members of the executive staff who support the Commission’s Diversity program.

M-NCPPC DIVERSITY COUNCIL ANNUAL REPORT 2016

Presented by Marybeth Dugan, 2016 Diversity Council Chair
Greg Gordon, 2016 Diversity Council Vice-Chair



MAJOR ACCOMPLISHMENTS

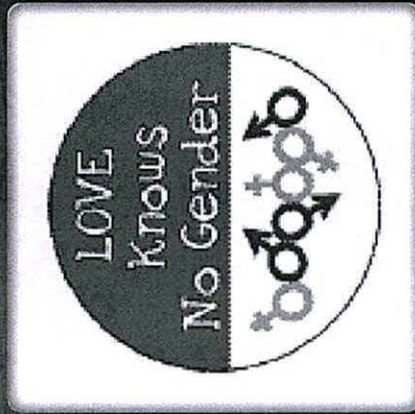
POLICY COMMITTEE

Completion and approval of the 2016-2018 Strategic Plan that will guide the work of the Diversity Council for the next 3 years.

MAJOR ACCOMPLISHMENTS

POLICY COMMITTEE

Enhanced Diversity Council meetings by inviting guest speakers to educate members on various, diverse topics.



MAJOR ACCOMPLISHMENTS

MARKETING AND COMMUNICATIONS COMMITTEE

Development of promotional print pieces to include creative rack card, poster and informational document for all employees and stakeholders.

MAJOR ACCOMPLISHMENTS

MARKETING AND COMMUNICATIONS COMMITTEE

Updated and maintained the Diversity Council website to include important Council work program information. Website is accessible for all to view and located on Insite at http://insite.mncpppc/Our_People/Diversity.html

MAJOR ACCOMPLISHMENTS

MARKETING AND COMMUNICATIONS COMMITTEE

Re-instated the "Diversity Council Corner" in the employee newsletter, *Update*. Articles, special interest stories and event photos promote and celebrate Council activities.

MAJOR ACCOMPLISHMENTS

DEVELOPMENT AND TRAINING COMMITTEE

Developed and implemented the first Diversity Council new member orientation program for all new Diversity Council members.



MAJOR ACCOMPLISHMENTS

DEVELOPMENT AND TRAINING COMMITTEE

Updated the Commission-wide Diversity and Inclusion survey with appropriate questions to be distributed to all employees to gauge diversity awareness and competence.

MAJOR ACCOMPLISHMENTS

DEVELOPMENT AND TRAINING COMMITTEE

One Commission Diversity Celebrations!

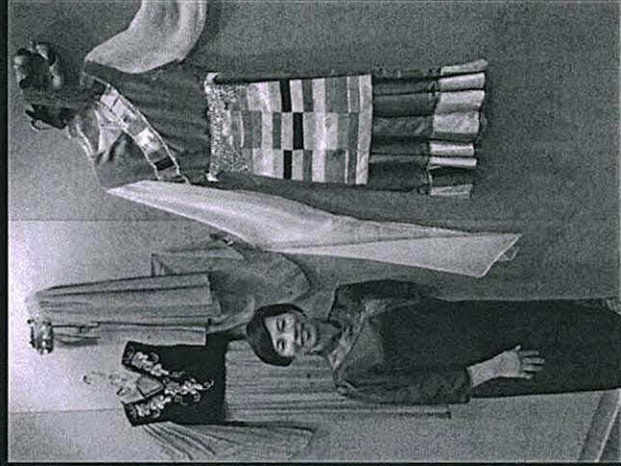
Developed and implemented the Women's History Month program in March entitled, "Working to Form a More Perfect Union: Honoring Women in Public Service and Government".

MAJOR ACCOMPLISHMENTS

DEVELOPMENT AND TRAINING COMMITTEE

One Commission Diversity Celebrations!
Supported and organized the Asian-Pacific American Heritage Month program in May entitled, "Walk Together, Embrace Differences, Build Legacies".

WE HAD FUN!!

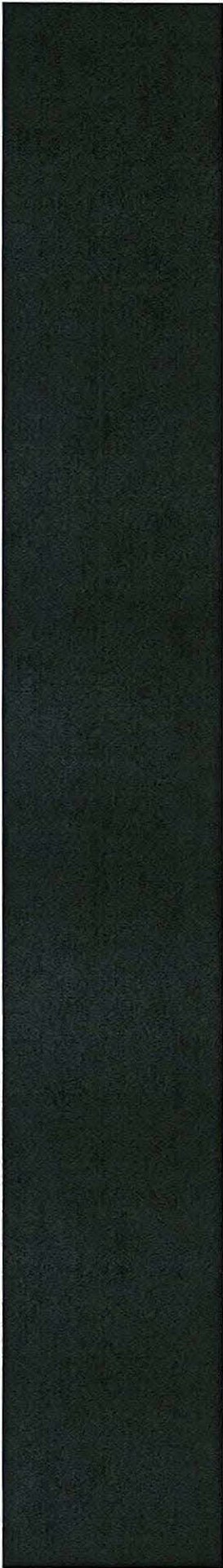


COMING MAY 3, 2017.....

"CONNECT" ...

Celebrating Diversity and Inclusion

The One Commission Diversity and Inclusion celebration at Clarice Smith Performing Arts Center, University of Maryland, College Park.



Retiree Healthcare Programs

2016 Actuarial Valuation Review

December, 2016



Overview of Current GASB Rules

- Key financial statement components – Current GASB #45
 - Annual Required Contribution (annual expense) – ARC
 - Annual OPEB Cost (adjusted annual expense) – AOC
 - Net OPEB Obligation (balance sheet liability) – NOO
- Advance funding is not required; however there are some advantages
 - The Net OPEB Obligation will be close to zero
 - The actuary can use a more favorable discount rate to value the plan
- GASB Rules will be changing in 2 years (FY 2018)

To Fund or Not To Fund?

Discount Rate Basis

Per GASB 45: Basis for setting Discount Rate is determined by the source of funds used for paying benefits

- Assuming the Plan is pre-funded:
 - Benefits paid through Trust Fund
 - Investment portfolio similar to pension plans
 - Use Discount Rate – 7.00%
- Assuming the Plan is not pre-funded:
 - Benefits paid through General Fund
 - Low fixed interest return
 - Use Discount Rate – about 4.0%
- New GASB 75 Rules – similar effect

Potential Impact of Funding

Bond Rating Agency views

- Looking for “funding plan”; may include:
 - Funding annual costs
 - Full
 - Partial
 - Phase In
 - Plan design revisions
- Funding approach/plan changes and impacts
- Actuarial Assumption Basis
- New GASB Rules

Market Value of Assets

	(\$ in thousands)
Market Value of Assets as of 7/1/2015	\$44,668
Employer Contributions for 2014-2015 Plan Year	\$16,846
Retiree Contributions	2,522
Net Investment Income	(1,773)
Benefit Payments and Administrative Expenses	(14,289)
Market Value of Assets as of 7/1/2016	\$47,974
Estimated investment return rate: (4%)	

2016 Valuation Assumptions

Note: Separate assumptions for Police and Non-Police: Change in Assumption based on Experience Study

Method	Entry Age Normal (Last Year – Projected Unit Credit)
Investment Return	7.0% (Last Year – 7.25%)
Wage Inflation	2.50% (Last Year – 3.00%)
Inflation	2.5%
Retirement Age	Rates of Retirement based on years of service
Mortality	RP 2000 (+1M, +2F) with Generational Scale BB factors
Disability	Table based on age
Withdrawal	Table based on years of service
Healthcare Inflation	Medical: 6.25% to 4.00% Dental: 4.00% Vision: 3.50%
Asset Valuation	Market Value
Participation	Future retirees: 100% One person coverage: 30% Two person coverage: 70%

Net OPEB Obligation (NOO) Summary

7/1/2014 – 6/30/2016

(\$ in thousands)

	FY ending 6/30/2016	FY ending 6/30/2015
<u>Annual Required Contribution (ARC)</u>	\$ 18,044	\$ 19,143
<u>Annual OPEB Cost (AOC)</u>		
ARC	\$ 18,044	\$ 19,143
Interest on Net OPEB Obligation (NOO)	5,273	5,035
Adjustment to ARC	<u>(4,222)</u>	<u>(3,593)</u>
Total AOC	\$ 19,095	\$ 20,585
<u>Employer Contributions</u>		
Increase in NOO	\$ 18,847	\$ 17,347
NOO – 7/1	\$ 248	\$ 3,238
NOO – 6/30	\$ 72,728	\$ 68,044
Contribution Rate (vs. ARC)	\$ 72,976	\$ 71,282
	104%	91%

Valuation Results Summary

2015 Valuation

- Valuation Date – 7/1/2016
- Funding Approach – Full Funding
- Discount Rate – 7.00%
- Level % of Pay Amortization – 30 years; closed period starting in 2016
- Decreased number of active Participants and increased number of retired Participants from prior valuation

<u>Number of Participants</u>	<u>Police</u>	<u>Non-Police</u>	<u>Total</u>
• Actives	165	1,706	1,871
• Retirees, Spouses and Disabled	<u>139</u>	<u>1,056</u>	<u>1,195</u>
• Total	304	2,762	3,066

Valuation Results Summary

	Police	Non-Police	Total
	(\$ in thousands)		
Discount Rate: 7.00%			
Actuarial Accrued Liability (AAL)	\$ 50,574	\$ 251,721	\$ 302,295
Asset Value 6/30/2016	<u>8,026</u>	<u>39,948</u>	<u>47,974</u>
Unfunded Actuarial Accrued Liability (UAAL)	\$ 42,548	\$ 211,773	\$ 254,321
Funded Ratio	16%	16%	16%
<u>Annual Required Contribution (ARC)</u>			
Normal Cost	\$ 759	\$ 4,178	\$ 4,938
30 Year Amortization of UAAL	<u>2,505</u>	<u>12,593</u>	<u>15,099</u>
Total ARC	\$ 3,264	\$ 16,772	\$ 20,037
<u>Annual OPEB Cost (AOC)</u>			
	\$ 3,421	\$ 17,487	\$ 20,909
<u>Expected Contributions</u>			
Implicit Subsidy	\$ 433	\$ 2,214	\$ 2,647
Retiree Premiums	1,564	8,837	10,401
Trust Fund	<u>1,156</u>	<u>5,833</u>	<u>6,989</u>
Total	\$ 3,153	\$ 16,884	\$ 20,037
Increase in NOO	\$ 268	\$ 603	\$ 872

Valuation Highlights

- ARC increased from \$18.0M to \$20.0M
- Funded Ratio stayed same at 16%
- Primary reasons for cost/liability changes are:
 - Decrease in discount rate
 - Actuarial Method and Assumption changes
 - Investment income loss
 - Plan experience: 2016 claims costs/premium rates
 - Full funding of Annual Required Contribution

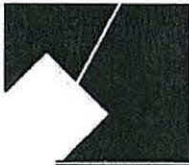
Up Next?

- GASB Accounting changes in 2 years

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF DECEMBER 2016

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	11/16	12/16	11/16	12/16	11/16	12/16	11/16	12/16
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0	0	0	0	0
LEGAL DEPARTMENT	2	0	0	0	0	0	2	0
FINANCE DEPARTMENT	4	2	0	0	0	0	4	2
PRINCE GEORGE'S PLANNING	2	2	2	1	0	0	4	3
PRINCE GEORGE'S PARKS & RECREATION	3	3	0	2	0	0	3	5
MONTGOMERY COUNTY PARKS	1	0	0	0	0	0	1	0
MONTGOMERY COUNTY PLANNING	3	2	2	2	0	0	5	4
DEPARTMENT TOTAL BY DAYS LATE	15	9	4	5	0	0	19	14
							---	---
							COMMISSION WIDE TOTAL:	19 14

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

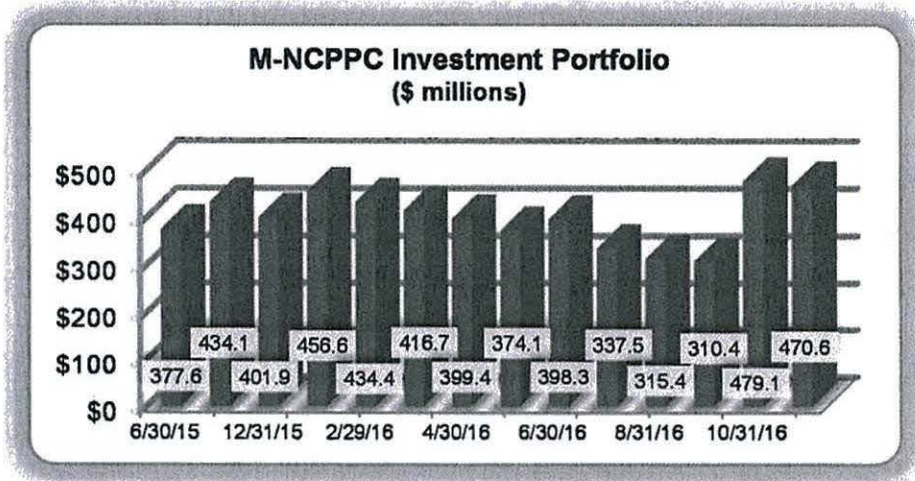


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

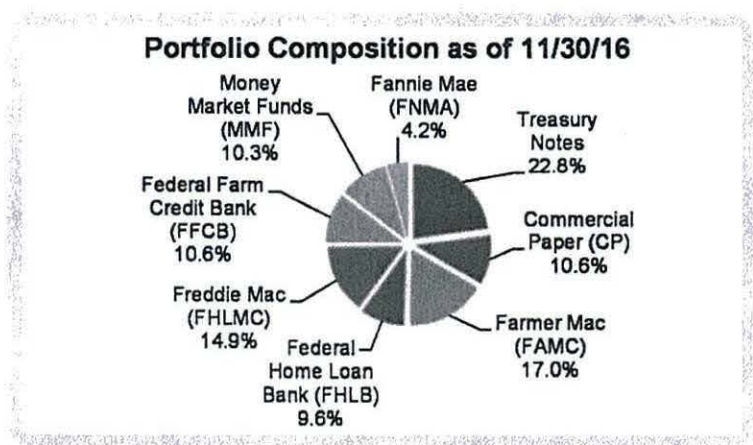
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *[Signature]*
DATE: 1/5/2017
SUBJECT: Investment Report – November 2016

The Commission’s pooled cash investment portfolio totaled \$470.6 million as of November 30, 2016, with a 1.5% decrease from October 31, 2016. Details are as follows:

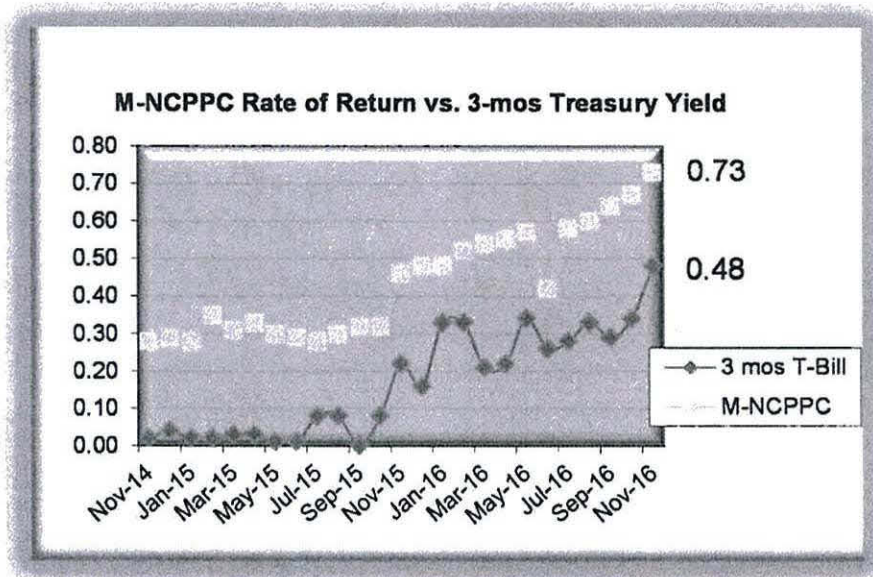


The composition of the pooled cash portfolio as of November 30, 2016 is summarized below:

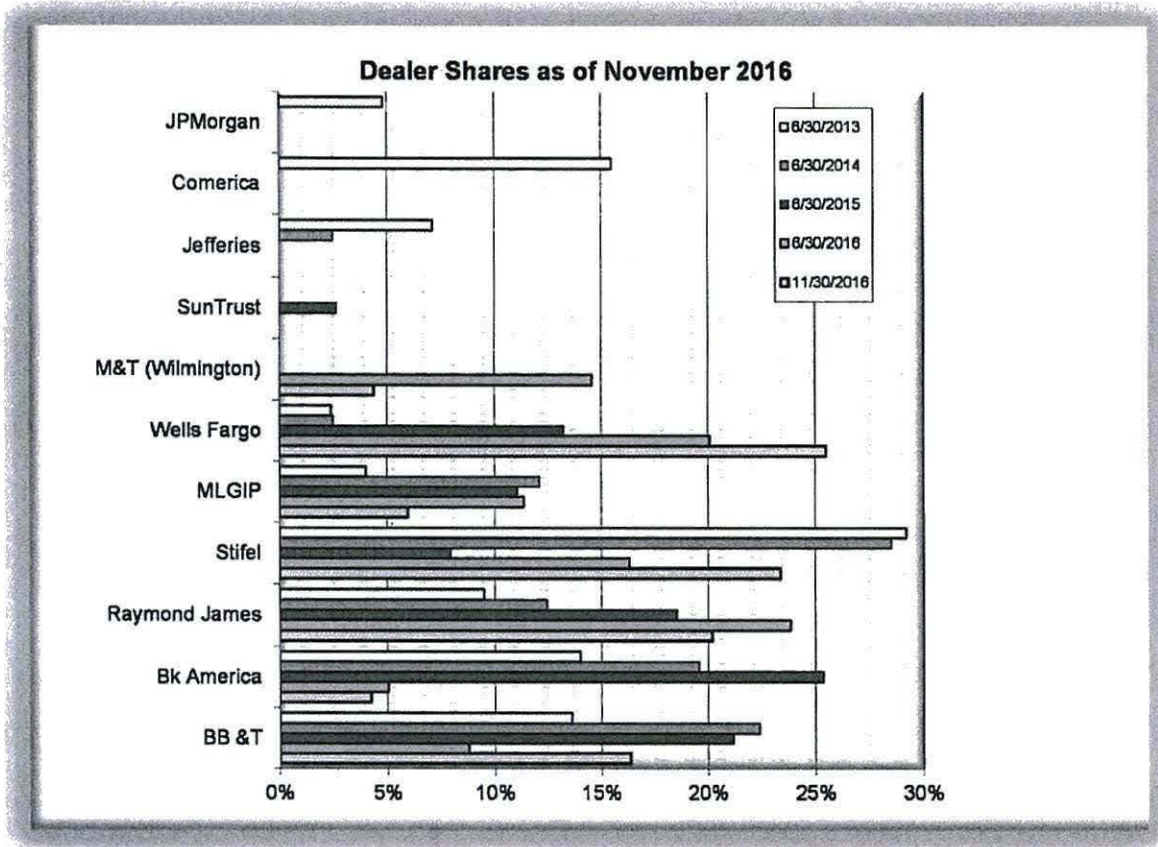


Current Investment Portfolio - November 2016				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Treasury Notes	100%	23%	\$ 107,000,000	0.70%
Farmer Mac	20%	17%	80,000,000	0.62%
Freddie Mac	20%	15%	70,000,000	0.80%
Federal Farm Credit Bureau	20%	11%	50,000,000	0.71%
Commercial Paper	10%	11%	50,000,000	1.33%
Money Funds	25%	10%	48,620,901	n/a
Federal Home Loan Banks	20%	10%	45,000,000	0.90%
Fannie Mae	20%	4%	20,000,000	0.65%
Certificates of Deposit	50%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 470,620,901	0.82%

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



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- 11/30/16	
Prince George's County (PGC-2015A)	\$ 5,502,006
Montgomery County (MC-2016A)	3,628,040
Prince George's County (PGC-2014A)	2,358,010
	\$ 11,488,056

The Commission had debt service payments during the month totaling \$2,342,530, of which \$1,615,000 was principal and \$727,530 was interest.

Details by issue of debt outstanding as of November 30, 2016 appear below:

Debt Balances - November 2016					
	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	3,683,126	21%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	6,865,000	49%	Mar-10	May-21
EE-2	12,235,000	2,305,000	19%	Mar-04	Jan-17
PGC-2012A (Refunded P-2, M-2, EE-2)	11,420,000	7,060,000	62%	Jun-12	Jun-24
PGC-2014A	26,565,000	24,350,000	92%	May-14	Jan-34
PGC-2015A (Refunded JJ-2)*	24,820,000	24,820,000	100%	Oct-15	Jan-25
Total Prince George's County	\$ 106,420,000	\$ 69,083,126	65%		
Montgomery County					
LL-2	8,405,000	2,625,000	31%	May-09	Nov-20
MM-2	5,250,000	735,000	14%	Nov-16	Nov-19
MC-2012A (Refunded CC-2, FF-2)	12,505,000	10,900,000	87%	Apr-12	Dec-32
MC-2012B	3,000,000	2,630,000	88%	Apr-12	Dec-32
MC-2014A	14,000,000	13,005,000	93%	Jun-14	Jun-34
MC-2016A	12,000,000	11,580,000	97%	Apr-16	Nov-35
MC-2016B (Refunded FF-2, II-2, MM-2)	6,120,000	6,120,000	100%	Apr-16	Nov-28
MC-2016C (Refunded FF-2 ALA of 2004)	1,075,000	1,020,000	95%	Apr-16	Nov-24
Total Montgomery County	\$ 62,355,000	\$ 48,615,000	78%		
Total	\$ 168,775,000	\$ 117,698,126	70%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2017 - November 30, 2016

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
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:					
Highly-rated state / local agency securities				Yes	T. Rowe Price managed all funds within limits
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					
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				Yes	All maturities within limits
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 25 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.73% and 0.48%, respectively.					



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

Reply To

January 9, 2017

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 December, 2016

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 18, 2017. 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.

Table of Contents – October Report

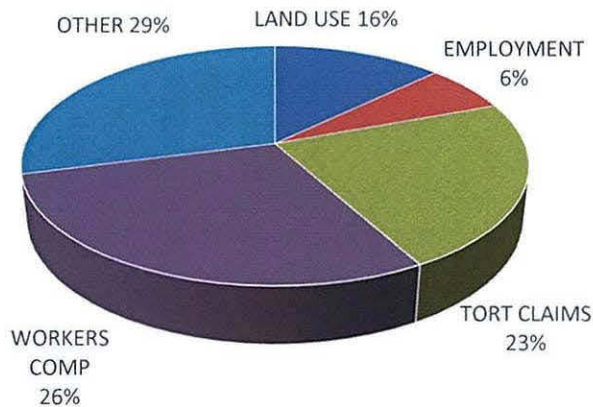
Composition of Pending Litigation	Page 01
Overview of Pending Litigation (Chart).....	Page 01
Litigation Activity Summary.....	Page 02
Index of New YTD Cases (FY17)	Page 03
Index of Resolved YTD Cases (FY17)	Page 04
Disposition of FY17 Closed Cases Sorted by Department	Page 05
Index of Reported Cases Sorted by Jurisdiction.....	Page 08
Litigation Report Ordered By Court Jurisdiction	Page 10

December 2016 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				1
Admin Appeal: Other							0
Land Use Dispute	2	1					3
Tort Claim	6	1					7
Employment Dispute	1		1				2
Contract Dispute	1			1			2
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	8						8
Debt Collection							0
Bankruptcy							0
Miscellaneous	2		2		1		5
Per Forum Totals	22	2	4	1	1	0	30

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

December 2016 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2017			
	Pending In Nov/16	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	1			2		1	1
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	3			3		1	3
Tort Claims (T)	7			10	5	6	7
Employment Disputes (ED)	2			1	1		2
Contract Disputes (CD)	3		1	3	1	2	2
Property Disputes (PD)	1			1	1	1	1
Civil Enforcement (CE)	1			1			1
Workers' Compensation (WC)	8			12	1	5	8
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	5			4	2	2	5
Totals	31		1	37	11	18	30

**INDEX OF YTD NEW CASES
(7/1/2016 TO 6/30/17)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brooks v. PG County Planning Board, et al	PG	LD	July 16
Green v. Commission	PG	Tort	July 16
Commission v. Town of Forest Heights	PG	Misc	Sep 16
Commission v. Edwards	MC	WC	Sep 16
North Point Builders v. Commission	PG	Tort	Sep 16
Burnette v. Commission	PG	ED	Sep 16
Swain v. Seay, et al	PG	Tort	Oct 16
State Farm/Lee v. Commission	MC	Tort	Oct 16
Commission v. Ayoub	MC	PD	Nov 16

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Fort Myer Construction Corp.	MC	CD	Aug 16
Cohn v. Commission	MC	Misc	Sep 16

**INDEX OF YTD RESOLVED CASES
(7/1/2016 TO 6/30/17)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Leeks v. Commission	PG	WCC	July 2016
Newell v. Commission	PG	Tort	July 2016
Commission v. 2005 Toyota Camry	MC	MISC	July 2016
Commission v. Morgan	MC	WCC	July 2016
Progressive Specialty Insurance Co. v. Davis, et al	MC	Tort	Sept 2016
Prince George's County, Md. v. Commission	PGPR	LD	Sept 2016
Commission v. Landover Polk Street Property, LLC	PGPR	PD	Sept 2016
Town of Riverdale Park, et al v. Commission	PGPB	AALU	Sept 2016
Cohn, et al v. Commission	MCPR	Misc	Sept 2016
Smith v. Commission	MC	WCC	Sept 2016
Merlos-Montoya v. Commission	MC	Tort	Oct 2016
Richardson v. Arnette	MC	Tort	Oct 2016
Beatty v. Commission	PGPR	Tort	Oct 2016
Burnette v. Commission	PG	WCC	Oct 2016
Starks v. Kellogg, et al	MC	Tort	Oct 2016
Belt v. Commission	MC	WCC	Nov 2016
Harford Casualty Insurance Co. v. Commission	PG	CD	Nov 2016

D. Appellate Court Cases Resolved.

Fort Myer Construction Co. v. Commission	MC	CD	Sept 2016
------------------------------------------	----	----	-----------

Disposition of FY17 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Cohn, et al v. Commission	Plaintiff filed complaint attempting to restrain Commission from implementing Archery Managed Deer Hunting Program in Montgomery County.	08/25/16-Court grants Commission's Motion for Summary Judgment.
Commission v. 2005 Toyota Camry	Commission filed motor vehicle forfeiture incident to drug related arrest	06/14/16-Commission withdraws complaint.
Commission v. Morgan	Commission appealed WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.	06/28/16- Stipulation of Dismissal filed with Court; to be remanded back to Workers' Compensation Commission
Fort Myer Construction Corporation v. Commission Commission v. URS Corporation	Fort Myer Construction Corporation appeals award of sanctions against it. Commission notes cross appeal, as does URS Corporation.	08/19/16-Court of Appeals grants Petition for Certiorari of Commission and URS
Merlos-Montoya v. Commission	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/07/16-Case dismissed
Progressive Specialty Insurance Co. v. Davis, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	07/08/16-Case dismissed by Plaintiff.

Richardson v. Arnette	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	09/21/16-Case dismissed.
Smith v. Commission	Claimant/employee is appealing the WCC's award of permanent partial disability under "other cases".	08/09/16-Trial; verdict in favor of Plaintiff; remanded to Worker's Compensation.
Starks v. Kellogg, et al	Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.	
Montgomery County Park Police		
Montgomery County Planning Board		
Prince George's County Department of Parks and Recreation		
Beatty v. Commission	Defense of claim for personal injuries involving a vehicle allegedly owned by Commission and operated by Commission employee.	9/30/16-Case settled and dismissed.
Belt v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	10/25/16-Case remanded to WCC
Burnette v. Commission	Claimant/employee is appealing the WCC's decision regarding permanent partial disability benefits.	09/08/16-Case remanded to WCC.
Commission v. Landover Polk Street Property, LLC	Commission filed a condemnation action to acquire property for use by the Department of Parks and Recreation.	08/02/16-Stipulation of Dismissal filed.

Leeks v. Commission	Claimant/employee is appealing the WCC's decision denying occupational hypertension disease as causally related to his course of employment.	06/27/16-Case remanded to WCC.
Newell v. Commission	Defense of claim for trip and fall on alleged wire hanging from the light display at Watkins Regional Park	06/07/16-Case settled and dismissed.
Prince George's County, Md. v. Commission	Defense of claim for injunctive relief issued by Prince George's County for unlicensed dog kennel on Commission property which is actually owned by person in neighborhood encroaching on Commission property.	08/11/16-Case dismissed.
Prince George's County Planning Department		
Hartford Casualty Insurance Company v. Commission	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.	09/09/16 Case settled.
Prince George's County Planning Board		
Town of Riverdale Park, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Permit SP-150003 in 7-Eleven, Inc.	07/13/16-Court affirms decision by Planning Board.
Prince George's Park Police		
Office of Internal Audit		

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	10
Commission v. Ayoub.....	10
State Farm & Lee v. Commission	10
CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND.....	11
Shipe v. Louketis, et al	11
Tugwell v. Louketis, et al	11
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND	13
Brooks v. Prince George's County Planning Board, et al	13
Burnette v. Commission.	13
Commission v. Ford	13
Commission v. Fulwood	14
Commission v. The Town of Forest Heights	14
Green, et al v. Commission.....	14
North Point Builders v. Commission.....	15
Swain v. Seay, et al.....	15
Watkins v. Commission	16
Watkins v. Commission	16
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND.....	17
Berry v. Volk-Lopez, et al	17
Commission v. Atwell.....	17
Commission v. Edwards.....	18
Commission v. Johnson	18
Dixon v. Commission.....	18
Dixon v. Commission.....	19
Fort Myer Construction Corporation v. Commission	19
Trevan v. Cannizo, et al.....	20

MARYLAND COURT OF SPECIAL APPEALS	21
Cohn v. Commission	21
Commission v. Hill	21
Friends of Croom Civic Association, et al v. Commission	21
Town of Forest Heights v. Commission	22
MARYLAND COURT OF APPEALS	23
URS Corporation, et al v. Fort Myer Construction Corporation.....	23
U.S. DISTRICT COURT OF MARYLAND	24
Pulte Home Corp, et al v. Montgomery County, et al.....	24
Sutton v. Commission	25
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT	26
American Humanists Association, et al v. Commission	26

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Ayoub

No. 2016060100037660 (PD)

Lead Counsel: Harvin
Other Counsel:

Abstract: Complaint for tenant holding over on Commission property located in Montgomery County.

Status: Judgment entered for possession.

Docket:

11/10/16	Complaint filed
12/14/16	Default judgment and right of possession

State Farm & Lee v. Commission

Case No. 0602-00138102016(Tort)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Defense of claim for property damage involving fallen tree on insured's property.

Status: Complaint filed.

Docket:

10/14/16	Complaint filed
11/10/16	Notice of Intention to Defend filed by Commission
02/08/17	Trial date

CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

Shipe v. Louketis, et al

Case No. 06-C-15-070021 (Tort)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/26/15	Complaint filed
11/20/15	Commission served
12/18/15	Motion to Dismiss and Memorandum filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis
01/22/16	Opposition to Motion to Dismiss & Request for Hearing filed
03/07/16	Court grants & denies portions of Commission Motion to Dismiss
06/20/16	Counter-claim filed by Defendant Louketis
08/30/16	Order consolidating case with 06-C-15-069996
12/02/16	Pre-trial conference
02/27/17	Trial

Tugwell v. Louketis, et al

Case No. 06-C-15-069996 (Tort)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.

Status: In discovery.

Docket:

10/21/15	Complaint filed
11/20/15	Commission served
12/16/15	Motion to Dismiss and supporting Memorandum, Motion for Protective Order filed by Commission
01/04/16	Partial Motion to Dismiss filed by Louketis

01/22/16	Amended Complaint filed by Plaintiff
01/27/16	Second Amended Complaint filed by Plaintiff
02/17/16	Line filed by Commission responsive to Second Amended Complaint and renewing previous Motion to Dismiss
04/15/16	Motions hearing
05/31/16	Motion to Dismiss denied. Court orders Commission to produce documents with 30 days for in-camera inspection.
06/09/16	Court order modifying scheduling order for discovery and expert identification
08/30/16	Order consolidating case with 06-C-15-070021
12/02/16	Pre-trial hearing
02/27/16	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Brooks v. Prince George's County Planning Board

CAE16-25941 (LD)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory judgment action challenging Planning Board approval of an application pertaining to a parcel neighboring that of the Plaintiffs.

Status: Case dismissed.

Docket:

06/27/16	Complaint for Declaratory Judgment filed
07/25/16	Complaint served on Commission
08/17/16	Joint Motion to Dismiss for Failure to State Claim filed
09/06/16	Opposition to Motion to Dismiss filed by Plaintiff
11/17/16	Joint Reply to Opposition to Motion to Dismiss filed
12/19/16	Court order-Motion to Dismiss granted, case dismissed.

Burnette v. Commission

CAL16-35180 (ED)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Former park police officer seeks judicial review of termination.

Status: Petition filed.

Docket:

09/08/16	Petition filed
09/23/16	Response to Petition filed by Commission
02/07/17	Pre-trial conference

Commission v. Ford

CAL16-02123 (WC W070371)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding determination that injury occurred during course of employment.

Status: In discovery.

Docket:

02/12/16	Petition for Judicial Review filed
02/29/16	Response to Petition for Judicial Review filed by Commission

09/21/16	Pre-trial conference
03/07/17	Trial date

Commission v. Fulwood
CAL16-02193 (WC W070371)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission is appealing the WCC's finding that claimant had an occupational disease.

Status: Petition filed.
Docket:

02/26/16	Petition for Judicial Review filed
09/06/16	Motion to Exclude Claimant as Party filed by Commission
10/28/16	Court denied Commission's Motion to Exclude Claimant as Party
01/19/17	Pretrial conference

Commission, et al v. The Town of Forest Heights
CAL 16-29110 (M)

Lead Counsel: Mills
Other Counsel:

Abstract: Commission filed a declaratory judgment action against the Town of Forest Heights.

Status: Complaint filed.

Docket:

07/20/16	Complaint filed
08/31/16	Defendant filed Answer
09/20/16	Court returns Defendant's Answer failure to pay filing fees
09/27/16	Defendant files Answer
02/08/17	Pretrial conference

Green, et al v. Commission
CAL16-26277 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.

Status: Complaint filed.

Docket:

06/14/16	Complaint filed.
08/22/16	Commission files answer.
02/28/16	Pre-trial conference

North Point Builders v. Commission

CAL16-31910 (Tort)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of College Park Airport Operations Building in College Park, Maryland.

Status: Case settled in principle.

Docket:

09/14/16	Complaint filed
10/28/16	Motion to Dismiss, or in the Alternative, for Summary Judgment filed by Commission
11/14/16	Consent Motion to Extend Time to Respond to Commission Motion for Summary Judgment
12/23/15	Third Consent Motion to Extend Time to Respond to Commission Motion for Summary Judgment

Swain v. Seay, et al

CAEF16-10315 (M)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Plaintiff files to foreclose a statutory attorney's lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.

Status: Complaint filed.

Docket:

04/01/16	Complaint filed
09/23/16	Motion to Dismiss filed
10/06/16	Opposition to Motion to Dismiss filed
11/18/16	Answer to Petition filed by Commission

Watkins v. Commission
CAL15-40296 (WC W050003)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.
Docket:

12/30/15	Petition for Judicial Review filed
01/21/16	Response to Petition filed
06/08/16	Pretrial conference
04/03/17	Trial date

Watkins v. Commission
CAL16-07583 (WC W050003)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is seeking de novo judicial review of the WCC's decision denying authorization for medical treatment.

Status: Pending trial.
Docket:

03/16/16	Petition for Judicial Review filed
04/05/16	Response to Petition filed
08/18/16	Pre-trial conference; Court orders this case to be consolidated with case CAL15-40296 for hearing.
04/03/17	Trial date

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Berry v. Lopez, et al

Case No. 414115-V (Tort)

NOTE-Case Venue Transferred from Prince George's County

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Defense of police liability claim for alleged false imprisonment and wrongful detention arising from an incident in Montgomery County

Status: Summary Judgment entered in favor of Commission.

Docket:

01/21/16	Original Record from Prince George's County-CAL15-25864 transferred to Montgomery County
02/11/16	Commission files Motion to Dismiss and Memorandum
03/30/16	Court grants Commission's motion to dismiss on counts #1, #2, #3, #5, and #6 with prejudice. Court dismisses counts #4 without prejudice with leave to amend within 15 days.
04/21/16	Amended Complaint filed by Plaintiff
04/29/16	Defendant files Motion to Strike Amended Complaint
05/16/16	Plaintiff's Opposition to Defendant's Motion to Strike filed
07/06/16	Motion to Strike was denied
07/14/16	Defendant's Answer to Amended Complaint filed
10/17/16	Motion for Summary Judgment filed by Commission
11/03/16	Pre-trial conference held
12/12/16	Motions Hearing-Court grants Commission's Motion for Summary Judgment, case dismissed

Commission v. Atwell

Case No. 422131-V (WC #W072421)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order finding that employee sustained an accidental injury arising out of and in the course of employment.

Status: Petition filed.

Docket:

06/03/16	Petition filed.
11/17/16	Pretrial hearing
02/28/17	Trial date

Commission v. Edwards
Case No. 425765-V (WC #W072408)

Lead Counsel: Harvin
Other Counsel:

Abstract: Commission seeks judicial review of WCC Order entitling Claimant to 25% loss of body use under other cases.

Status: Petition filed.

Docket:

09/30/16	Petition for Judicial Review filed by Commission.
10/11/16	Answer by Claimant
03/09/17	Pretrial hearing

Commission v. Johnson
Case No. 366677-V (CE)

Lead Counsel: Harvin
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

Dixon v. Commission
Case No. 417969-V (WC #069068)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that employee sustained an accidental injury arising out of and in the course of employment.

Status: Pending trial.

Docket:

03/28/16	Petition filed.
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04/13/16	Response to Petition filed
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.
12/08/16	Case stayed for 30 days

Dixon v. Commission
Case No. 417970-V (WC #043782)

Lead Counsel: Harvin
Other Counsel:

Abstract: Claimant/employee is appealing WCC Order denying that further medical treatment and total temporary disability.

Status: Pending trial.

Docket:

03/28/16	Petition filed.
04/13/16	Response to Petition filed.
04/27/16	Order of Court consolidating Case #417969V with 417970V and to follow scheduling in Case #417969.
09/08/16	Status/pre-trial hearing.
12/08/16	Case stayed for 30 days

Fort Myer Construction Corporation v. Commission
Case No. 399804-V (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: Pending status hearing.

Docket:

01/23/15	Complaint filed
04/27/15	Motion for Appropriate Relief (Motion to Stay) filed by Commission
05/19/15	Plaintiff's Response to Commission's Motion for Appropriate Relief
10/27/15	Court grants Commission's Motion to Stay pending decisions from Court of Special Appeals
10/27/15	Commission's Motion for Stay granted

10/28/16	Notice of 2-507 Letter issued
11/23/16	Plaintiff's Motion to Defer Entry of Md. Rule 2-507
12/05/16	Commission's response to Plaintiff's Motion to Defer Entry of Dismissal or in alternative Motion to Compel Answer
12/23/16	Court orders case to stay on the docket, to be set in for status hearing
3/16/17	Status Hearing

Trevan, et al v. Cannizzo, et al
Case No. 415094-V (LD)

Lead Counsel: Dickerson

Other Counsel:

Abstract: Claim related to transferable development rights associated with private party transaction relating to a parcel of land in Montgomery County.

Status: Pending Trial.

Docket:

02/19/16	Complaint filed.
03/10/16	Commission served with complaint
04/07/16	Motion to Dismiss filed by Commission
04/20/16	Amended Complaint filed; Motion in Opposition to Commission's Motion to Dismiss filed by Plaintiff
04/26/16	Answer to Amended Complaint and Response to Commission's Motion to Dismiss filed by Montgomery County
05/04/16	Court denies Commission's Motion to Dismiss
06/07/16	Answer to Amended Complaint filed by Commission
06/20/16	Second Amended Complaint filed by Plaintiff
10/31/16	Montgomery County's Motion to Dismiss and/or Motion for Summary Judgment
11/09/16	Third Amended Complaint filed by Plaintiff
11/10/16	Commission filed Motion for Summary Judgment
11/14/16	Plaintiffs filed Motion for Summary Judgment
11/28/16	Plaintiff's Opposition to Commission's Motion for Summary Judgment filed
12/01/16	Pre-trial/Settlement Conference
01/24/17	Pending Motions hearing
03/20/17	Trial

MARYLAND COURT OF SPECIAL APPEALS

Cohn v. Commisison

September Term 2016, No. 1577 (M)
(Originally filed under 409148-V in Montgomery County)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting the judgment in favor of the Commission and denying Plaintiff's request to restrain Commission's Archery Managed Deer Hunting Program in Montgomery County.

Status: Appeal filed.

Docket:

09/30/16	Notice of Appeal filed
10/2017	Oral Argument

Commission v. Hill

September Term 2015, No. 01516 (ED)
(Originally filed under CAL15-04057)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Commission appealed Circuit Court ruling reversing and remanding employee termination to Merit Board System.

Status: Awaiting decision.

Docket:

09/11/15	Notice of Appeal filed
11/09/16	Oral Argument held, pending decision

Friends of Croom Civic Association, et al. v. Commission

Case No. 02177, September Term 2015 (AALU)
(Originally filed under CAL14-32333)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to

approve Preliminary Plan 4-11004 in Stephen's Crossing at Brandywine.

Status:
Docket:

Awaiting decision.

12/07/15	Notice of Appeal
05/27/16	Commission Brief due
12/06/16	Oral Argument, pending decision

The Town of Forest Heights v. Commission

Case #02711, September Term 2015 (M)
(Originally filed under CAL 15-04255)

Lead Counsel:
Other Counsel:

Borden
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. Appellant files appeal after Circuit Court declares 6th and 7th annexation null and void.

Status:

Appeal dismissed.

Docket:

02/22/16	Notice of Appeal
08/08/16	Brief filed by Appellant
10/28/16	Commission brief is due
11/28/16	Appeal dismissed by Plaintiff

MARYLAND COURT OF APPEALS

URS Corporation, et al v. Fort Myer Construction Corporation
September Term, 2016, No. 31 (CD)

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

Abstract: Commission seeks review of reversal of award of sanctions against Fort Myers and other related procedural issues.

Status: Awaiting decision.
Docket:

06/07/16	Petition for Writ of Certiorari filed by Commission.
08/19/16	Court grants Certiorari petitions of Commission and URS.
12/02/16	Oral Argument, pending decision

U.S. DISTRICT COURT OF MARYLAND

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: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/Adams

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

Status: In discovery.

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
07/17/15	Order denying Pulte's Motion to Remand; Order denying MNCPPC's Motion to Dismiss with leave to respond to complaint with 14 days
07/31/15	Commission's Answer to Complaint
07/31/15	Commission's Motion for Reconsideration
08/26/15	Plaintiffs' Opposition to Commission's Motion for Reconsideration filed
09/24/15	Commission's Reply to Plaintiff's Opposition to Reconsideration of the Court's Denial of the Commission's Motion to Dismiss filed
12/29/15	Court denies Commission Motion for Reconsideration of Denial of Motion to Dismiss
01/07/16	Chambers Conference Call
02/19/16	E-Discovery Conference
04/01/16	E-Discovery Conference
05/27/16	County's Motion for Protective Order filed
05/27/16	Commission's Motion for Protective Order filed
06/16/16	Protective Order Motions denied without prejudice
05/14/17	Dispositive pretrial motions
09/17/16	Joint Defense Agreement executed between Commission and Montgomery County, Maryland
09/29/16 & 10/3/16	Outside counsel enters appearance
01/12/17	Motions hearing on discovery related matters

Sutton v. Commission
Case No. 1:15-cv-01996-CCB(Tort)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of police liability claim.

Status: Awaiting decision on motions.

Docket:

07/23/15	Complaint filed.
11/20/15	Answer to Complaint filed by Commission.
12/18/15	Court grants dismissal of case against State of Maryland
08/26/16	Commission files Motion to Compel Discovery
10/18/16	Motion for Summary Judgment filed by Commission
10/31/16	Plaintiff's Motion for Judgment on the Pleadings
11/17/16	Commission's Response to Plaintiff's Motion for Judgment on the Pleadings

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

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

Status: Awaiting decision.

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed
12/07/16	Oral Argument held, awaiting decision

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