



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

January 20, 2021

10:00 a.m. – 11:00 a.m.

via teleconference

and live-streamed by

**The Department of Parks and Recreation,
Prince George's County**

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**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA
Wednesday, January 20, 2021**

**Via videoconference, and live-streamed by
The Department of Parks and Recreation, Prince George’s County**

10:00 a.m. – 11:00 a.m.

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – December 16, 2020	(+*)	Page 3
	b) Closed Session – December 16, 2020	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) National Blood Donor Month		
	b) National Slavery and Human Trafficking Prevention Month		
	c) Upcoming M-NCPPC Black History Month Observances – February 2021		
	d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	<i>No Executive Committee Meeting held in January</i>		
	a) Employees’ Retirement System Board of Trustees Regular Meeting – November 6, 2020	(+)	Page 7
5.	Action and Presentation Items (10:10 a.m.)		
	a) Rotation of Commission Chair (Anderson/Hewlett)	(*)	
	b) Resolution #20-28 Adoption of the Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation (Liebertz)	(+*)	Page 11
	c) Resolution #21-01 M-NCPPC CAPRA Accreditation/	(+*)	Page 33
	d) Diversity Council		
	1. Appreciation of 2020 Departing Members (Chiang-Smith)		
	2. Introduction of 2021 Diversity Council (Chiang-Smith)	(+)	Page 35
	3. Diversity Council 2020 Year in Review (Black/Jennai)	(+)	Page 37
	e) Legislative Update (Gardner)	(+*)	H
6.	Officers’ Reports (10:55 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, October 2020 (For Information Only)	(+)	Page 53
	<u>Secretary Treasurer</u>		
	No report for January		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	(+)	Page 55
(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery			

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
December 16, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland. The meeting was broadcast by Montgomery County Planning Department.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Natali Fani-Gonzalez
Partap Verma

Prince George's County Commissioners

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

NOT PRESENT

Tina Patterson

Chair Anderson called meeting to order at 10:14 a.m.

- ITEM 1 APPROVAL OF COMMISSION AGENDA
Chair Anderson moved item 5d (Actuarial Valuation – Other Post-Employment Benefits (OPEB)) to the top of the Action/Presentation Agenda
ACTION: Motion of Vice-Chair Hewlett to approve the amended agenda
 Seconded by Commissioner Washington
 9 approved the motion
- ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – November 18, 2020
Closed Session – November 18, 2020
ACTION: Motion of Vice-Chair Hewlett to approve the minutes
 Seconded by Commissioner Geraldo
 9 approved the motion
- ITEM 3 GENERAL ANNOUNCEMENTS
a) National Human Rights Month
b) National Drunk and Drugged Driving Prevention Month
c) Global AIDS Awareness month
d) Ongoing Prince George's County Department of Parks and Recreation Annual Winter Festival of Lights at Watkins Park
- ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)
a) Executive Committee – Open Session December 2, 2020
b) Executive Committee – Closed Session December 2, 2020

ITEM 5

ACTION AND PRESENTATION ITEMS (taken out of order)

d) Actuarial Valuation – Other Post-Employment Benefits (OPEB) (Zimmerman/Bolton)

Secretary-Treasurer Zimmerman introduced Kevin Binder from Actuary Bolton Partners, which evaluates and forecasts the agency's OPEB Fund. Mr. Binder introduced Mr. Barry and Ms. Szabo and presented the report included in the packet.

The report provided recommended FY22 contribution, based on the forecast from 2020 versus updated claims data and an updated discount rate. Since COVID has had an impact on turnover and adjustments to retirement/medical costs and mortality are not yet known, no adjustments were made for that in this year's valuation.

Mr. Binder described the current budget forecast and reconciliation as described in the packet. The recommendation reflected a decrease of almost \$600,000 in employer contributions, primarily due to the federal reimbursement being higher than anticipated. He noted the total outlay for the plan will remain approximately unchanged.

Commissioner Doerner asked how the M-NCPPC's discount rate compared to other public institutions. Mr. Binder replied the M-NCPPC's rate is in line or conservative, compared to other institutions. Secretary-Treasurer Zimmerman noted this was reflective of actions taken by the Employees' Retirement System's Board, which generally avoids volatility in contributions. He noted it was in line with the recommendations of their financial advisors.

Commissioner Doerner asked if there continues to be a low interest rate environment, whether the agency wanted to consider bring the rates down a little bit faster toward the end of 2021. Secretary-Treasurer Zimmerman replied that would be examined based on ongoing events and considered when they set the rates in May 2021. The Fund is not wholly interest rate sensitive, noting only a small portion of the trust is invested in fixed income and the Fund's investment portfolio is diverse. Commissioner Doerner asked that next year's report show where the volatility is in the portfolio and the different investment types.

Commissioner Fani-Gonzalez invited Commissioner Doerner to upcoming 115 Trust meetings for more information and further opportunities to ask questions.

a) Resolution 20-29 Adoption of the FY 2022 Operating and Capital Budget (Kroll)

Corporate Budget Director Kroll noted the total operating budget for FY22 is a little under one percent less than the FY21 budget. The Prince George's budget is about 2.5% less than last year; Montgomery's is about 3.7% higher. He drew attention to note on p16 of the packet – to balance the Montgomery County budget an adjustment to the tax rate was made of +0.02 of a cent for the Administration Fund and -0.3 of a cent for the Park Fund.

ACTION: Motion of Hewlett to adopt Resolution 20-29
Seconded by Geraldo
9 approved the motion

- b) Resolution 20-30 Increase in Minimum Wage for January 1, 2021 (Spencer/King)
No discussion.
ACTION: Motion of Hewlett to adopt Resolution 20-30
 Seconded by Bailey
 9 approved the motion
- c) Continuation of Health Insurance Benefits for Seasonal Employees (Spencer/McDonald)
No discussion.
ACTION: Motion of Hewlett to approve the measure
 Seconded by Washington
 9 approved the motion
- e) Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers' Association (GFOA) for the Comprehensive Annual Financial Report (CAFR) for FY2019 (Zimmerman)

Secretary-Treasurer Zimmerman reported this is the M-NCPPC's 46th year of winning this award, tying with the City of Chicago for the most consecutive awards from the GFOA. He said his team did a great job putting together 2019's CAFR under pretty trying circumstances and are currently working on the 2020 CAFR. Chair Anderson commended Secretary-Treasurer Zimmerman and his team for a job well done.

- f) Legislative Update (Gardner)
General Counsel Gardner said there is currently nothing for which we need a vote.

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (November 2020) (For information only)
Commissioner Washington asked what factors are making these numbers high.? Executive Director Chiang-Smith said she would speak with both parks departments directors to determine why there was a bump and would report back in January. Vice-Chair Hewlett noted the M-NCPPC has implemented a new automated reminder process, notifying both supervisor and department director. Commissioner Washington asked how managers are held accountable for late evaluations. Executive Director Chiang-Smith said unless there are extenuating circumstances, the supervisor is written up in their own evaluation.

Secretary Treasurer Report

- b) 1st Quarter MFD Purchasing Statistics (For information only)
Commissioner Washington asked why the Minority, Female and Disabled Purchasing statistics are trending down. Secretary-Treasurer Zimmerman noted the Purchasing Office has been disappointed in the participation for the past couple years. Moreover, the large construction project of the Southern Area Aquatic and Recreation Complex did not have the best MFD figures and pushed the figures down for 2019. The Finance department is revamping the MFD process and regulations and is in the drafting phase. They will be pursuing much better results in the future. Commission Washington asked if there will be a briefing on that. Secretary-Treasurer Zimmerman said the regulations will come to Commissioners sometime in the future. General Counsel Gardner noted it is a major

overhaul, and they are currently in mid-process now and will likely present an interim briefing once further progress is made.

General Counsel Report

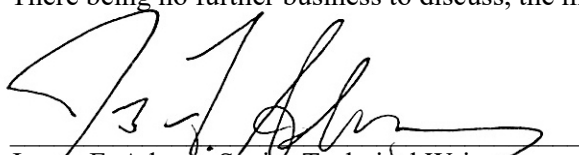
c) Litigation Report (For information only)

Chair Anderson asked for a motion to enter closed session at 10:42 a.m. Vice Chair Hewlett moved; Commissioner Bailey seconded. The motion was approved by all 9 Commissioners present for the vote.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and conduct collective bargaining discussions.

There being no further business to discuss in closed or open session, the meeting adjourned from closed session at 11:17 a.m.

There being no further business to discuss, the meeting ended at 11:21 a.m.


James F. Adams, Senior Technical Writer


Asuntha Chiang-Smith, Executive Director



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

**BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, November 3, 2020; 10:00 a.m.
via Microsoft Teams**

Due to COVID-19, the Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees ("Board") met virtually through Microsoft Teams with CHAIRMAN HEWLETT leading the call from the County Administration Building in Upper Marlboro, Maryland on Tuesday, November 3, 2020. The meeting was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board Members Present

Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Melissa D. Ford, Prince George's County Open Trustee
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Amy Millar, MCGEO Represented Trustee
Sheila Morgan-Johnson, Prince George's County Public Member
Elaine A. Stookey, Bi-County Open Trustee
Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio

Board Members Not Present

Howard Brown, FOP Represented Trustee

ERS Staff Present

Andrea L. Rose, Administrator
Sheila S. Joynes, ERS Accounting Manager

Presentations

Groom Law Group – David N. Levine, Principal
M-NCPPC Legal Department – William C. Dickerson, Principal Counsel
Cheiron – Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Patrick Nelson, FSA, CERA, MAAA, EA, Associate Actuary

ITEM 1 APPROVAL OF THE NOVEMBER 3, 2020 CONSENT AGENDA

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve the Consent Agenda. The motion PASSED unanimously (10-0). (Motion #20-61)

ITEM 2 CHAIRMAN'S ITEMS

The Maryland-National Capital Park and Planning Commission approved Resolution 20-22 at its October meeting to reappoint Gerald Cichy to the Board of Trustees for the term July 1, 2020 – June 30, 2023.

ITEM 3 MISCELLANEOUS

No items reported.

ITEM 4 **CLOSED SESSION**

At 10:05 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under Pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(7) to consult with counsel to obtain legal advice.

ACTION: MS. GOGOL made a motion, seconded by MS. FORD to go into Closed Session. The motion PASSED unanimously (10-0). (Motion #20-62)

During Closed Session, the following action was taken:

1. Approve Consents to Assignment for Wilshire Consulting and Wilshire Private Markets.

The Board moved back into Open Session at 10:45 p.m.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. FORD to ratify the actions taken in Closed Session. The motion PASSED unanimously (10-0). (Motion #20-66)

ITEM 5 **MANAGER PRESENTATIONS****Cheiron**

Presentations by Janet H. Cranna, FSA, FCA, EA, MAAA, Principal Consulting Actuary and Patrick Nelson, FSA, CERA, MAAA, EA, Associate Actuary

Janet Cranna and Patrick Nelson conducted an educational session on the actuarial valuation process, historical trends, and the identification and assessment of risk and presented the July 1, 2020 actuarial valuation results.

The July 1, 2020 actuarial valuation indicated a funded ratio (based on the actuarial value of assets) of 91.18%, which is down from 92.75% in 2019.

To meet the funding objectives, the recommended employer contribution of \$26,174,744 (15.18% of payroll) is payable July 1, 2021 for fiscal year 2022 which is an increase from \$22,312,947 (13.93% of covered payroll) as of July 1, 2019. The increase in the employer contribution from 2019 to 2020 can be primarily attributed to: 1) a \$54.6 million loss on the actuarial value of assets; 2) experience that varied from assumptions; and 3) an increase in liabilities due to a change in the investment return assumption from 6.85% to 6.80%; and 4) an increase in liabilities due to a programming change.

ACTION: MS. GOGOL made a motion, seconded by MS. MILLAR to approve an employer contribution of \$26,174,744 (15.18% of payroll) payable July 1, 2021 for fiscal year 2022. The motion PASSED unanimously (10-0). (Motion #20-67)

Ms. Cranna explained Cheiron will be conducting an experience study (for the period July 1, 2015-June 30, 2020). New mortality tables specifically for public sector pension plans have been released and will be evaluated during the experience study.

ITEM 6 **COMMITTEE REPORTS/PRESENTATIONS****A. Audit Committee**

Presentation by Committee Chairman, Joseph C. Zimmerman

SB & Company, LLC reported to the Audit Committee the results of the audit of the June 30, 2020 financial statements which resulted in the issuance of an unmodified (aka "clean") opinion on the financial statements. There were no material weaknesses or instances of fraud identified. This year SB

& Company evaluated the potential risk impact of COVID-19 which included a potential change in controls due to telework; increased risk of fraud, both internal and external; and a review of audit procedures performed remotely. Staff were congratulated on a job well done.

B. Investment Monitoring Group

Presentation by Andrea L. Rose, Administrator

- a. Regular Report of September 15, 2020
- b. Regular Report of October 20, 2020

Wilshire's Brad Baker recommended analysis and comparison of the current Loomis Sayles High Yield Full Discretion (HYFD) strategy versus Loomis' U.S. High Yield (USHY) strategy. A qualitative comparison between the HYFD and the USHY was provided to the Investment Monitoring Group. Both strategies have similar philosophies and portfolio construction guidelines with the HYFD employing a higher degree (up to 50%) of "out of benchmark" exposures compared to the USHY's exposures (up to 10%). Originally, the ERS did not have exposure in these "out of benchmark" areas; however, the ERS now has dedicated exposures to bank loans, emerging market debt, etc.

Mr. Baker confirmed there are approximately 70 managers in the high yield universe and both the Loomis HYFD and USHY strategies are of the highest rated strategies by Wilshire's manager research group (2nd decile, A Rated) and on Wilshire's focus list for high yield bond strategies. After giving due consideration to other strategies, the USHY is the most appropriate based upon qualitative and quantitative analysis. Wilshire's Brad Baker recommended migrating the current investment in the Loomis Sayles HYFD strategy to the USHY strategy and the Investment Monitoring Group agreed.

ACTION: MS. CHIANG-SMITH made a motion, seconded by VICE CHAIRMAN CICHY to accept Wilshire's recommendation to migrate the Loomis Sayles High Yield Full Discretion Strategy to the Loomis Sayles U.S. High Yield Strategy. The motion PASSED unanimously (10-0). (Motion #20-68)

Principal is proposing changes to the U.S. Property Separate Account ("Separate Account") structure effective January 4, 2021 or after receipt of all regulatory approvals. The new account structure will allow other investors, not currently eligible to invest together in the Portfolio and thus create the opportunity for a large pool of assets.

The investment strategy of the Separate Account is unchanged and the Portfolio will be managed according to that same investment strategy and objective. The fees paid by the unitholders of the Separate Account will not change. The ERS has two choices related to the structure change as follows: 1) Provide an affirmative approval and remain in the Separate Account or 2) Request a redemption of the ERS' units prior to December 15, 2020.

The Investment Monitoring Group recommended the Board approve Wilshire's recommendation to remain in the Principal's Separate Account, contingent upon legal counsel's review of the independent fiduciary opinion. Ms. Rose confirmed there were no legal concerns requiring a separate briefing.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. CHIANG-SMITH to approve Wilshire's recommendation to remain in Principal's Separate Account. The motion PASSED unanimously (10-0). (Motion #20-69)

ITEM 7

REPORT OF THE ADMINISTRATOR

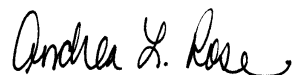
Andrea Rose presented the Administrator's Report dated October 23, 2020.

SB & Company, LLC reviewed the K-1s for the various partnerships and did not identify any additional filing requirements for the ERS.

ACTION: VICE CHAIRMAN CICHY made a motion, seconded by MS. GOGOL to adjourn the Board meeting of November 3, 2020. The motion PASSED unanimously (10-0). (Motion #20-70)

The Board meeting of November 3, 2020 adjourned at 12:26 p.m.

Respectfully,



Andrea L. Rose
Administrator

Resolution of Adoption of the Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation

JL John Liebertz, Planner Coordinator, Historic Preservation, Functional Planning and Policy
John.Liebertz@montgomeryplanning.org, 301.563.3405

RB Rebecca Ballo, Historic Preservation Supervisor, Functional Planning and Policy
Rebecca.Ballo@montgomeryplanning.org, 301.563.3404

JS Jason Sartori, Division Chief, Functional Planning and Policy
Jason.Sartori@montgomeryplanning.org, 301.495.2172

Completed: 1/6/2021

Staff Recommendation

Approve the Resolution of Adoption.

Summary

Attached for your review and approval is the M-NCPPC Resolution Number 20-28 to adopt the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation*. The Montgomery County Council, sitting as the District Council, approved the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation* by Resolution Number 19-647 on November 10, 2020. The Montgomery County Planning Board approved the adoption of the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation* by Resolution Number 20-126 on December 10, 2020.

Attachments:

1. Montgomery County Planning Board Resolution No. 20-126; M-NCPPC Resolution No. 20-28.
2. Montgomery County Council Resolution 19-647.

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MCPB NO. 20-126

M-NCPPC NO.

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly-advertised public hearing on July 23, 2020, on the Public Hearing Draft for the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation*, being also an amendment to *Master Plan for Historic Preservation in Montgomery County, Maryland* (1979), as amended; *Bethesda-Chevy Chase Master Plan* (1990), as amended; and the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties* (1964), as amended.

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on July 23, 2020, approved the Planning Board Draft Plan for the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation*, recommended that it be approved by the District Council, and on August 24, 2020, forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation* and forwarded those recommendations and analysis to the District Council; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a duly-advertised public hearing on October 20, 2020, wherein testimony was received concerning the Planning Board Draft; and

WHEREAS, the District Council, on November 10, 2020 approved the Planning Board Draft Plan for the *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation* by Resolution No. 19-647.

Approved for legal sufficiency
MNCPPC Office of the General Counsel

Resolution No.: 19-647
Introduced: November 10, 2020
Adopted: November 10, 2020

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of the Planning Board Draft Amendment to the Master Plan for
Historic Preservation: the Mihran Mesrobian House

1. On August 24, 2020, the Montgomery County Planning Board transmitted to the Council the Planning Board Draft Amendment to the Master Plan for Historic Preservation: the Mihran Mesrobian House (hereafter referred to as the Amendment).
2. The attached Planning Board recommended amendment to the Master Plan for Historic Preservation would designate the Mihran Mesrobian House (#35/99-1), located at 7410 Connecticut Avenue, Town of Chevy Chase, as a historic site.
3. On October 20, 2020, the County Council held a public hearing on the Planning Board Draft Amendment. All public testimony favored the historic designation of the Mihran Mesrobian House #35/99-1.
4. On November 10, 2020, the County Council reviewed the Planning Board Draft Amendment.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Amendment to the Master Plan for Historic Preservation: the Mihran Mesrobian House #35/99-1 is approved.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council




PLANNING BOARD DRAFT PLAN
for the
MESROBIAN HOUSE

 **Montgomery Planning**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION





The *Mihran Mesrobian House: An Amendment to the Master Plan for Historic Preservation*, contains the text and supporting documentation for the Planning Board Draft. If adopted by the Montgomery County Council and approved by the Maryland-National Capital Park and Planning Commission, this document amends the *Master Plan for Historic Preservation in Montgomery County, Maryland* (1979), as amended; *Bethesda-Chevy Chase Master Plan* (1990), as amended; and *The General Plan (on Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties* (1964), as amended.

The Planning Board Draft presents the Montgomery County Planning Board's recommendation for the Mihran Mesrobian House located at 7410 Connecticut Avenue, Town of Chevy Chase. The heirs of Mihran Mesrobian, requested the evaluation of the subject property for potential listing and protection under Chapter 24A of the Montgomery County Code. In February 2020, the Historic Preservation Commission (HPC) recommended that the subject property be listed in the *Locational Atlas and Index of Historic Sites in Montgomery County* and subsequently designated in the *Master Plan for Historic Preservation*. In July 2020, the Planning Board listed the subject property in the *Locational Atlas and Index of Historic Sites in Montgomery County* and recommends designation in the *Master Plan for Historic Preservation*.

The Maryland-National Capital Park and Planning Commission

The Maryland-National Capital Park and Planning Commission is a bi-county agency created by the General Assembly of Maryland in 1927. The Commission's geographic authority extends to the great majority of Montgomery and Prince George's Counties; the Maryland-Washington Regional District (M-NCPPC planning jurisdiction) comprises 1,001 square miles, while the Metropolitan District (parks) comprises 919 square miles, in the two counties.

The Commission is charged with preparing, adopting and amending or extending The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's counties. The Commission operates in each county through Planning Boards appointed by those county governments. The Planning Boards are responsible for implementation of local plans, zoning ordinances, and subdivision regulations and the administration of the bi-county park system.

The Maryland-National Capital Park and Planning Commission encourages the involvement and participation of individuals with disabilities through its accessible facilities. For assistance with special needs (e.g., large print materials, listening devices, sign language interpretation, etc.), please contact the M-NCPPC Montgomery County Commissioners Office by telephone 301-495-4605 or by email at mcpchair@mncppc-mc.org. Maryland residents can also use the free Maryland Relay Service for assistance with calls to or from hearing- or speech-impaired persons; for information, go to www.mdrelay.org/ or call 866-269-9006.

Master Plan for Historic Preservation

The *Master Plan for Historic Preservation* is a functional master plan with countywide application. The plan and the Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code, are designed to protect and preserve Montgomery County's historic and architectural heritage. When a historic resource is placed in the *Master Plan for Historic Preservation*, the adoption action officially designates the property as a historic site or historic district, and subjects it to the further procedural requirements of the Historic Preservation Ordinance.

Designation of historic sites and districts serves to highlight the values that are important in maintaining the individual character of the County and its communities. It is the intent of the County's preservation program to provide a rational system for evaluating, protecting and enhancing the historic and architectural heritage of the County for the benefit of present and future generations.

The following criteria apply, as stated in §24A-3 of the County Code when historic resources are evaluated for designation in the Master Plan for Historic Preservation:

Evaluation Criterion (1): Historical and Cultural

The historic resource:

- a. has character, interest or value as part of the development, heritage or cultural characteristics of the County, State or Nation;
- b. is the site of a significant historic event;
- c. is identified with a person or a group of persons who influenced society; or
- d. exemplifies the cultural, economic, social, political or historic heritage of the County and its communities; or

Evaluation Criterion (2): Architectural and Design

The historic resource:

- a. embodies the distinctive characteristics of a type, period or method of construction;
- b. represents the work of a master;
- c. possesses high artistic values;
- d. represents a significant and distinguishable entity whose components may lack individual distinction; or
- e. represents an established and familiar visual feature of the neighborhood, community, or County due to its singular physical characteristic or landscape.

The Process of Amending the Master Plan for Historic Preservation

The Staff Draft Plan (comprised of the Master Plan Historic Site Designation Form and Historic Preservation staff report) is prepared for presentation to the Historic Preservation Commission (HPC). The Staff Draft Plan reflects the recommendations of the Historic Preservation staff. The HPC holds a public hearing and receives testimony, after which it holds a public worksession to review the testimony and revise the Staff Draft Plan as appropriate. When the HPC's changes are incorporated, the document becomes the Public Hearing Draft Plan.

The Public Hearing Draft Plan reflects the HPC's recommendations for amending the Master Plan for Historic Preservation. The Planning Board holds a public hearing and receives testimony, after which it holds a public work session to review the testimony, consider the analysis and recommendations provided by the HPC and Historic Preservation staff, and revise the Public Hearing Draft Plan as appropriate. When the Planning Board's changes are made, the document becomes the Planning Board Draft Plan.

The Planning Board Draft Plan is the Planning Board's recommended Plan and reflects its revisions to the Public Hearing Draft Plan. The Regional District Act requires the Planning Board to transmit a master plan amendment to the County Council with copies to the County Executive who must, within 60 days, prepare and transmit a fiscal impact analysis of the Planning Board Draft Plan to the County Council. The County Executive may also forward to the County Council other comments and recommendations.

After receiving the Executive's fiscal impact analysis and comments, the County Council holds a public hearing to receive public testimony. After the hearing record is closed, the Council's Planning, Housing, and Economic Development (PHED) Committee holds public worksessions to review the testimony and make recommendations to the County Council. The Council holds its own worksessions, revises the Planning Board Draft according to its assessment of which resources and districts should be designated, then adopts a resolution approving the final amendment to the Master Plan for Historic Preservation.

After Council approval, the plan is forwarded to the Maryland-National Capital Park and Planning Commission for adoption. Once the Commission adopts the plan, it

officially amends the master plans, functional plans and sector plans cited in the Commission's adoption resolution.

Implementing the Master Plan for Historic Preservation

Once designated in the *Master Plan for Historic Preservation*, historic resources are subject to protection under the Historic Preservation Ordinance, Chapter 24A of the County Code. Any substantial changes to the exterior of a resource or its environmental setting must be reviewed by the Historic Preservation Commission (HPC) and a Historic Area Work Permit (HAWP) issued under the provisions of §24A-6 of the Ordinance. In accordance with the *Master Plan for Historic Preservation* and unless otherwise specified in the master plan amendment, the environmental setting or each site, as defined in §24A-2 of the Ordinance, is the entire parcel on which the resource is located as of the date it is designated on the Master Plan.

Designation of the entire parcel provides the County adequate review authority to preserve historic sites in the event of development. It also ensures that from the beginning of the development process, important features of these sites are recognized and incorporated in the future development of designated properties. In the case of large acreage parcels, the amendment may provide general guidance for the refinement of the setting by indicating when the setting is subject to reduction in the event of development; by describing an appropriate area to preserve the integrity of the resource; and by identifying buildings and features associated with the site which should be protected as part of the setting. For most of the sites designated, the appropriate point at which to refine the environmental setting will be when the property is subdivided.

Public improvements can profoundly affect the integrity of an historic area. Section §24A-6 of the Ordinance states that a HAWP for work on public or private property must be issued prior to altering a historic resource or its environmental setting. The design of public facilities in the vicinity of historic resources should be sensitive to and maintain the character of the area. Specific design considerations should be reflected as part of the Mandatory Referral review processes.

In many cases, historic resources and their associated parcels are also affected by other planned facilities in a master plan; this is particularly true with respect to transportation

right-of-way. In general, when establishing an environmental setting boundary for a historic resource, the need for the ultimate transportation facility is also acknowledged, and the environmental setting includes the entire parcel minus the approved and adopted master planned right-of-way. In certain specific cases, however, the master planned right-of-way directly affects an important contributing element to the historic resource. In such cases, the amendment addresses the specific conflicts existing at the site and suggests alternatives to assist in balancing preservation with the implementation of other equally important community needs.

In addition to protecting designated resources from unsympathetic alteration and insensitive redevelopment, the County’s Historic Preservation Ordinance also empowers the County’s Department of Permitting Services and the HPC to prevent the demolition of historic buildings through neglect.

Montgomery County provides a tax credit against County real property taxes to encourage the restoration and preservation of privately-owned historic resources located in the County. The credit applies to all properties designated in the *Master Plan for Historic Preservation* (Chapter 52, Art. VI). The HPC maintains current information on the status of preservation incentives including tax credits, tax benefits possible through the granting of easements, outright grants and low-interest loans. In 2001, the County Council passed legislation requiring an owner of a resource on the *Master Plan for Historic Preservation* or the *Locational Atlas and Index of*

Historic Sites in Montgomery County to disclose the property’s historic status to each prospective buyer before signing a sales contract (§40-12A).

The Amendment

The National Park Service listed the subject property in the National Register of Historic Places (NRHP) for local significance under Criterion C (architecture) in 2017. The property’s listing in the NRHP provides owners with access to state and federal historic preservation tax credits but offers no protection to the resource outside of a state or federal-funded project.

This amendment presents the result of the Montgomery County Planning Board’s evaluation of the *Mihran Mesrobian House* (35/99-1), 7410 Connecticut Avenue, Chevy Chase. In July 2020, the Planning Board listed the resource in the *Locational Atlas and Index of Historic Sites* and recommended designation in the *Master Plan for Historic Preservation*. The listing of the property in the *Locational Atlas and Index of Historic Sites* protects the resource from demolition or substantial alteration under §24A-10, the Moratorium on Demolitions and Substantial Alterations, until review of the amendment by the County Council. If designated in the *Master Plan of Historic Preservation* by the County Council, the resource would be protected by the Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code.

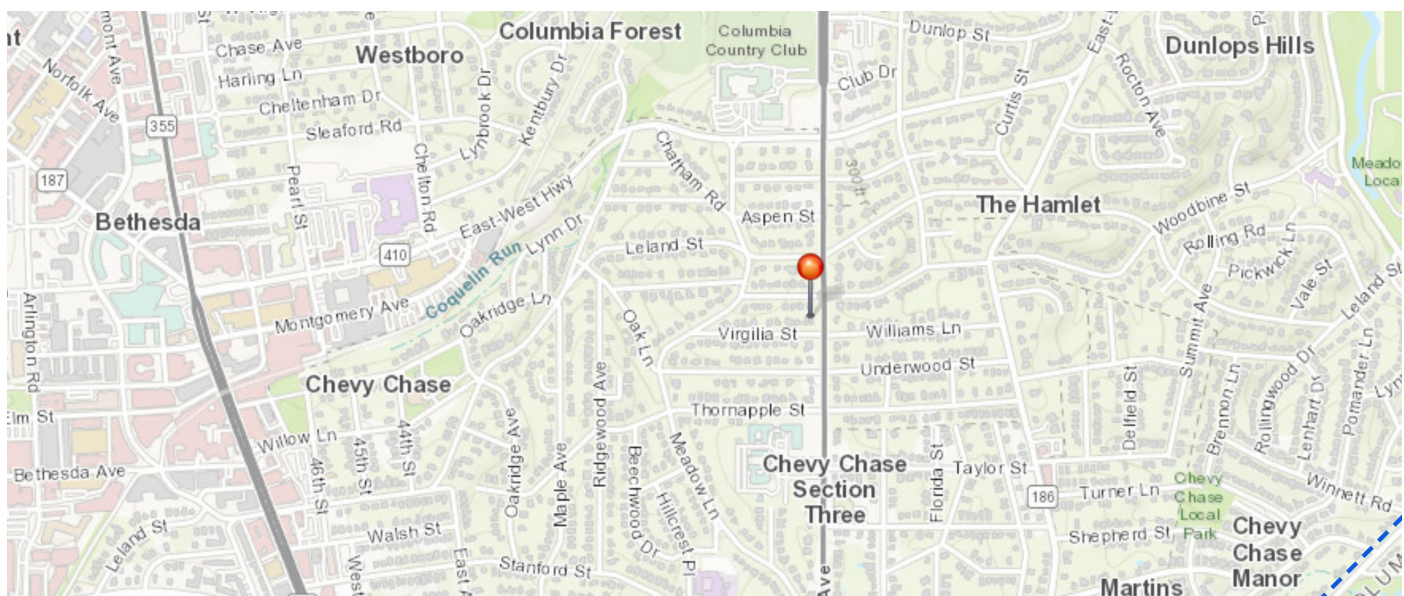


Figure 1: The Mihran Mesrobian House is located in Chevy Chase Village, to the east of downtown Bethesda. Source: Montgomery Planning GIS.

Description

The Mihran Mesrobian House at 7410 Connecticut Avenue is located in the Town of Chevy Chase, a residential subdivision that was developed in the early 20th century by the Chevy Chase Land Company. The single-family dwelling stands on the southwest corner of Woodbine Street and Connecticut Avenue, the latter being the major north-south transportation artery that bisects Chevy Chase. The property is zoned R-60 for moderate density residential uses with a predominance of detached houses.

Mihran Mesrobian (1889- 1975), a well-regarded Washington-based architect, designed the house in 1941 as the family's personal residence. The Art Moderne-styled, wood-framed dwelling with whitewashed brick veneer consists of two stories and a full basement. The house is capped with a shallow, slate-shingle, hipped roof. Signature elements of the Art Moderne-style include asymmetrical massing, whitewashed brick to resemble concrete, glass block at the front entrance, steel casement windows, and a 2nd-floor sun porch. Narrow brick stringcourses and inset geometric panels further define the elevations. The interior contains an entrance hall from which the common areas are accessed. The first-floor plan is multilevel, with the formal living room, dining room, and den accessed by low rises of stairs. The second floor contains the private areas, with three bedrooms, two baths, and a sitting room that overlooks Connecticut Avenue.

The property, like the neighboring houses on the west side of Connecticut Avenue, is elevated approximately 3-½ feet from the avenue. The red brick and concrete block retaining wall, features piers capped with classical urns. The wall reflects Georgian Revival architecture rather than the Art Moderne style of the house. As a result, the wall facilitates a visual transition with the house and the neighboring traditional houses that line the avenue.

See Appendix One: Master Plan Historic Site Designation Form for a detailed site and architectural description.



Figure 2: View of the front (east) elevation from the center of Connecticut Avenue, 2020.
Source: Historic Preservation Program.



Figure 3: View of the front (east) elevation from the entrance gate, 2020.
Source: Historic Preservation Program.

Statement of Significance

Master architect Mihran Mesrobian designed the Art Moderne-styled house at 7410 Connecticut Avenue for himself and his wife, Zabelle, in 1941. Although Mesrobian was better known for his classically inspired designs of the 1920s and Art Deco buildings of the 1930s, both he and Zabelle wanted a modernist residence. It was the only house he designed for himself and served as his residence until his death in 1975. The house is a highly visible example of a Washington-area residence designed by an architect for his own use due to its location on an arterial road. The modernist house is a striking anomaly among the traditional, revival-style residences that line Connecticut Avenue and side streets of Chevy Chase, MD. Concessions to the Chevy

Chase Land Company’s conservative design covenants resulted in a modified design that retains certain modernist elements such as glass block and flat or shallow roofs, while incorporating traditional building elements such as denticulated brick, double stringcourses, incised geometrics and a hipped roof. It is a creative example of the Art Moderne style, reflecting an informed blending of elements of modernism and classicism.

See Appendix One: Master Plan Historic Site Designation Form for a detailed historic context, including the acquisition of the property and construction of the dwelling and information on the Modern Movement and the International and Art Moderne styles.

Master Architect Mihran Mesrobian

Mesrobian (1889-1975) was born in Afyon Karahisar, Turkey. He graduated from the Imperial Academy of Fine Arts in Istanbul in 1908 and began a promising career as a municipal architect in Izmir in the office of the palace architect in Istanbul. The extraordinary circumstances under which he trained and practiced architecture in Turkey during the final years of the Ottoman Empire profoundly altered his career trajectory. His graduation from the Imperial School of Fine



Figure 4: Portrait of Mihran Mesrobian.

Source: Mihran Mesrobian Archive, Private Collection, Washington, D.C.

Arts occurred as the Young Turks, political dissidents, seized power from the sultan, resulting in political and social reforms that would culminate in the founding of the Republic of Turkey. During World War I, Mesrobian served as an army corps engineer in the Turkish army. After the war, he returned to Istanbul and took a position as chief designer in the office of the prominent engineer Ismail Hakki.

In 1921, Mesrobian immigrated to the United States with his wife, Zabelle, and their two young sons. Shortly after relocating to Washington, DC, he entered the architectural office of Harry Wardman. At that time, Wardman was the preeminent real estate developer in the nation’s capital. Mesrobian’s quick rise to the position of chief architect came during the developer’s most ambitious building period that ended only with Wardman’s death in 1938. His premier hotels for Wardman include hallmarks of Beaux-Arts classicism such as the Hay-Adams (1927, overlooking Lafayette Park and the



Figure 5: Mesrobian designed the Beaux-Arts styled Hay-Adams Hotel (Washington, D.C.) in 1928. The hotel is listed in the Lafayette Square National Register Historic District.

Source: Library of Congress.



Figure 6: Mesrobian designed the DuPont Circle Building (Washington, D.C.) in the Art Deco-style in 1931. The building is listed in the DuPont Circle National Register Historic District. Source: Library of Congress.

White House), the Carlton/ St. Regis (1926, 16th Street at K Street) and the English revival-style Wardman Tower (1928, 2660 Connecticut Ave NW).

During the 1930s and 1940s, Mesrobian's commissions for apartments, office buildings and shopping centers showed an evolving interest in modernist design, particularly the Art Deco. This new movement stimulated remarkable creativity in Mesrobian's work, especially in his use of architectural ornamentation. His predilection for Near-Eastern motifs reflected his Ottoman heritage and earlier practice of

architecture in Turkey. Notable examples of his innovative schemes of the 1930s are 1350 Connecticut Avenue (Dupont Circle between Connecticut Avenue and 19th Street), the Nejb Hekimian Oriental rug store (18th Street at Connecticut Avenue), and Sedgwick Gardens (Connecticut Avenue at Sedgwick Street). During World War II, Mesrobian designed large-scale, Federal Housing Authority-insured garden apartment complexes in northern Virginia that helped accommodate the influx of government workers to the metropolitan area. In comparison to other garden apartment



Figure 7: Mesrobian designed Sedgwick Gardens (Washington, D.C.) in the Art Deco style for developer Max Gorin in 1931. The apartment building is listed in the National Register of Historic Places.



Figure 8: Mesrobian designed Wakefield Manor Garden Apartments (Arlington, Virginia) in 1943. Here he designed a brick retaining wall similar to the one at his residence. Source: Arlington County Historic Preservation Program.

complexes, Mesrobian’s buildings reflected a higher standard of design during a period of material shortages.

Mesrobian also single-handedly maintained a prolific private practice, producing well-designed buildings for a variety of clients and budgets, skillfully adapting historicist design to modern building typologies, and embracing new stylistic movements with originality. In the past 20 years, the National Park Service listed several of Mesrobian’s projects on the National Register of Historic Places.

Designation Criteria

The Mihran Mesrobian House meets two Designation Criteria of the Historic Preservation Ordinance as listed in §24A-3 of the Montgomery County Code.

2.A Architectural and Design: Embodies the distinctive characteristics of a type, period or method of construction

The Mesrobian House is a premier example of an Art Moderne-styled dwelling with restrained traditional building elements that respond to the surrounding predominance of Colonial Revival architecture. In general, Art Moderne-styled houses emphasized horizontality and featured multi-dimensional rectangular and square forms, smooth exterior wall surfaces, flat or shallow roofs, rounded corners, a high ratio of solid to void, and minimal applied ornamentation.

Responding to the requirements of the Chevy Chase Land Company, Mesrobian respected the surrounding architectural landscape, but incorporated his masterful

interpretation of the Art Moderne-style for his own home. The dwelling features an amalgamation of square, rectangular and rounded forms that create a sculptural quality to the building, but with a massing that aligns with the surrounding Colonial Revival styled-houses. Mesrobian further wove modern building methods and traditional materials. He omitted a stucco or parged finish in lieu of a concrete block structural system with a six-course, American-bond, whitewashed brick veneer. This allowed the traditional building material to be visible but created a smoother finish typical of the Art Moderne-style. Glass block windows with no sills or surrounds amplified the smoothness of the exterior walls, but steel-sash windows (a hallmark of the style) were recessed and had traditional brick sills. Chimneys flank the entry and add the only vertical emphasis to the dwelling, but frame a sweeping, curved glass block wall that leads to the recessed main door.

The brick-and-concrete block wall with classically inspired cast-stone decoration defines the perimeter of the property. The wall provides a visual transition from the Art Moderne-styled house and the neighboring traditional houses. Mesrobian designed similar walls at other notable projects such as Wakefield Manor, a garden apartment complex in Arlington, VA. He incorporated this landscape feature in the design of his own home.

Mesrobian deftly recognized and incorporated elements of the surrounding traditional architecture to create a modern building that embodied the ideal of variation and expression. This Art Moderne-styled building reflected that architecture can be unmistakably modern while producing the look of permanent beauty and comfort recognized by the populace.



Figure 9: View of the front (east) elevation from the entrance gate, 2020.
Source: Historic Preservation Program.

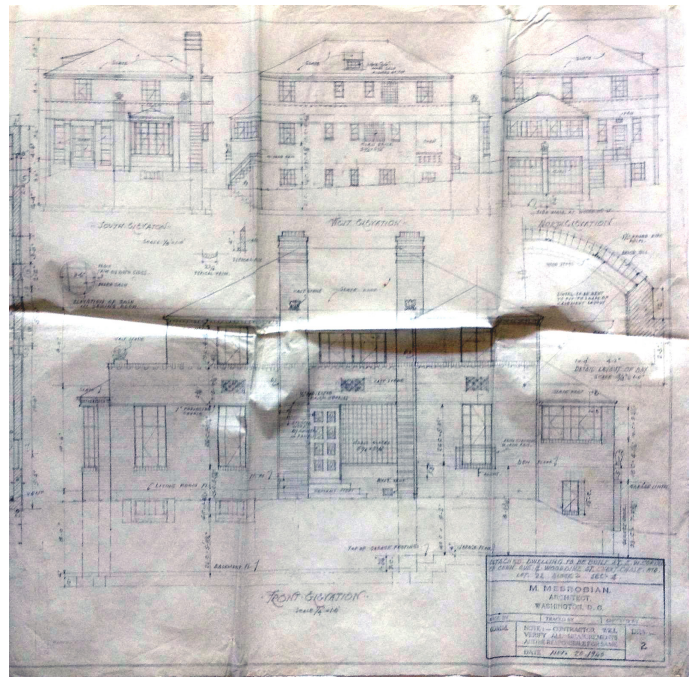


Figure 10: Mesrobian's architectural elevations of the house, 1940.
Source: Mihran Mesrobian Archive, Private Collection, Washington, D.C.



Figure 11: View of the front (east) elevation, 2020. The façade features a sweeping curved glass block wall that leads to the recessed main door.
Source: Historic Preservation Program.



Figure 12: Detailed view of the brick and concrete block retaining wall.
Source: Historic Preservation Program.

2.B Architectural and Design: Represents the work of a master

Mihran Mesrobian is recognized as a master architect in the Washington, DC, metropolitan region. His projects include signature hotels, office buildings, apartments and residences constructed for a variety of socio-economic constituencies in diverse neighborhoods, for prominent and lesser-known real estate developers. Many of these buildings are designated national and local landmarks. While Mesrobian is known

for his Beaux-Arts, classically inspired designs, and Art Deco buildings, the subject Art Moderne-styled building is a showcase of his design skill and individuality. He had a preference towards forward-looking designs, forms, and materials and implemented these elements on his own dwelling.



Figure 13: Mihran Mesrobian at his home office, 7410 Connecticut Avenue, 1954.
Source: Mihran Mesrobian Archive, Private Collection, Washington, D.C.

Historic Area Work Permits

In approaching possible alterations to a historic home, it is beneficial to review the Preservation Briefs from the National Park Service. The National Park Service has prepared more than 40 Preservation Briefs since 1975, and they cover numerous topics such as roofing, energy efficiency, window replacements and paint. These booklets provide easy-to-read guidance on preserving, rehabilitating and restoring historic buildings that help homeowners, preservation professionals, organizations and government agencies. Preservation Briefs may be viewed online or ordered via the National Park Service website.

A Historic Area Works Permit (HAWP) is required to change the exterior features of a historic site or a building located in a historic district. Per §24A-6 of the Historic Preservation Ordinance, Historic Area Works Permits (HAWPS) **must be issued** for any work on public or private properties containing a historic resource before the following actions:

1. Constructing, reconstructing, moving, relocating, demolishing or in any manner modifying, changing, or altering the exterior features of any historic site or any historic resource located within any historic district.
2. Performing any grading, excavating, construction or substantially modifying, changing or altering the environmental setting of an historic site or an historic resource located within an historic district.

Examples of projects that require a HAWP include but are not limited to:

- New construction or additions
- Demolition of any exterior elements
- Alteration, addition, or removal of architectural features, including the size, shape, and placement of windows
- Replacement of windows
- Installation of siding or other changes to exterior materials
- Installation of or alteration to site features including walkways and retaining walls
- Grading and removing live trees greater than six inches in diameter
- Painting unpainted surfaces or removing paint from masonry
- Alteration to the hand-painted motif on the soffit between the two chimneys.

Examples of projects that do not require a HAWP include:

1. Ordinary maintenance and repair of exterior features
 - This includes painting non-masonry surfaces, painting already painted masonry surfaces, roof repairs, gutters, trim, lights, etc. with materials and design matching what is already in place.
2. Interior alterations to the resources that does not affect the exterior
3. Typical gardening and landscaping
4. In-kind replacement or repairs to the walkways or driveway with matching materials

An overview of the review and approval process is described in §24A-6 to §24A-8 of the Historic Preservation Ordinance and on the Historic Preservation program's website: <https://montgomeryplanning.org/planning/historic/historic-area-work-permits/>





Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland-National Capital Park and Planning Commission

Online at: https://montgomeryplanning.org/planning/historic/research-and-designation/mihran_mesrobian_house/

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution 21-01

January 6, 2021

Whereas, the Maryland-National Capital Park and Planning Commission (M-NCPPC) is committed to enriching the quality of life for almost two million residents and visitors each year through award winning parks and recreation experiences, innovative planning and services, and stewardship of natural, cultural, and historical resources.

Whereas, every five years, the agency undergoes a rigorous, independent review by the Commission for Accreditation of Park and Recreation Agencies (CAPRA), the accrediting body of the National Recreation and Park Association (NRPA) to assess the agency's compliance with the highest standards related to the management and administration of park land, facilities, resources, programs, safety, and services.

Whereas, CAPRA is the only national accreditation for park and recreation agencies. It is comprised of representatives from NRPA, the American Academy for Park and Recreation Administration, the National Association of County Park and Recreation Officials, the International City/County Management Association, the Academy for Leisure Sciences, the Armed Forces Recreation Network, and the Council of State Executive Directors.

Whereas, the M-NCPPC earned its fourth consecutive national recognition and CAPRA reaccreditation on October 26, 2020. This signifies a mark of distinction that recognizes commitment to the highest level of service in the Montgomery and Prince George's County communities. The agency achieved this award through rigorous presentations, interviews, and a thorough agency-wide review of services, policies, and standards covering all areas of the operation.

NOW, THEREFORE BE IT RESOLVED, that the M-NCPPC commits to continue meeting the standards of excellence through the completion of the CAPRA reaccreditation process. This entails the completion of an in-depth five-year self-assessment of our award-winning agency to strengthen the value of our programs, facilities, services, and experiences provided to the Montgomery and Prince George's County communities, and to visitors from around the world.

BE IT FURTHER RESOLVED, that the M-NCPPC adopts the five-year CAPRA Action Plan approved by the Executive Committee of the CAPRA Commissioners, which details the planning and completion of CAPRA self-assessment.

APPROVED FOR LEGAL SUFFICIENCY

William Dickerson,
M-NCPPC Legal Department,
January 13, 2021

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The Maryland-National Capital Park and Planning Commission

DIVERSITY COUNCIL

MANY CULTURES, ONE COMMISSION | 2021



ASUNTHA CHIANG-SMITH
Executive Director



ANJU BENNETT
Corporate Policy
and Management
Operations Director



TINA PATTERSON
Commissioner
Montgomery County
Planning Board
Special Adviser



BRIAN ANLEU, Term: 2021-2022
Special Advisor to Chair Casey Anderson | Commissioner's Office | Montgomery County Planning Board
Diversity helps us make better informed decisions on behalf of the people we serve. I look forward to helping the Diversity Council achieve its goals of inclusion and understanding.



CALISTA BLACK, Term: 2019-2021, Diversity Council Chair 2020
Principal Public Affairs and Marketing Specialist | Office of the Chairman | Prince George's County Planning Board
I look forward to contributing my perspectives and suggestions based on my life experiences and 20-year professional background in communications and marketing. As a parent of a teenager with special needs, I hope to be a strong advocate for colleagues with unique abilities.



YASMIN BROWN, Term: 2021-2022, Park Police Liaison
Captain | Prince George's County Division | M-NC Park Police
As a person with a diverse background/family, I hope to emphasize the importance of acceptance of all persons, regardless of their cultural background or other differences. It is imperative, especially in the workplace, to have respect for one another and to understand that everyone brings a new/different outlook on issues or projects.



CARLOS DE LA TORRE, Term: 2020-2021
Park Naturalist II | Meadowside Nature Center | Department of Parks, Montgomery County
I am excited to positively influence a change towards creating comfortable workplaces and celebrating cultural richness, in able to connect people with diverse perspectives and increase a sense of community. I hope to channel the voices of the staff to meet the needs of a healthy diverse work environment.



LISA DUPREE, Term: 2021-2022
Senior Management Analyst | Department of Human Resources Management | M-NCPPC
I look forward to being part of the amazing tapestry that is our "One Commission" attitude: acknowledging the diverse employees, jobs and departments within our agency; highlighting the rich cultural heritage of the communities in the two Counties we serve; and bringing it all together into one organization which stands even stronger together.



HYOJUNG GARLAND, Term: 2021-2022
Supervisor | Park Planning and Stewardship Division | Department of Parks, Montgomery County
As an immigrant from Korea with a Jewish husband, I would like to be the bridge between many different cultures. More frequent interaction and exposure to a little dose of a new culture can go far. Therefore, I am committed to bringing incremental changes to accomplish a larger transformation.



RYAN HARRISON, Term: 2021-2022
Sr. Talent Acquisition Partner | Director's Office | Department of Parks and Recreation, Prince George's County
Diversity is an important key of all aspects of life whether personal and/or professional as it helps us to grow as a society. I wish to not only continue the inclusion efforts of the Diversity Council at any capacity, but to also further my development in that regard as well.



GENEVIEVE JENNAI, Term: 2020-2021, Diversity Council Vice Chair 2020
Countywide Program Access Specialist | Management Services Division | Dept. of Parks, Montgomery County
 I plan to bring my enthusiasm and dedicated work ethic to enhance the Council’s initiatives to promote behavior in the workplace that contributes to understanding, respecting, and valuing all people, especially those with differing abilities, including mental health.



TANYA JOHNSON, Term: 2021-2022
Administrative Specialist | Corporate Procurement | Finance Department



ANDREW W. McCRAY, Term: 2021-2022
Senior Planner | Community Planning Division | Prince George’s County Planning Department
 As a Diversity Council member, I’m looking forward to helping to cultivate a workspace that celebrates culture, embraces tradition, and recognizes the uniqueness of all M-NCPPC employees.



MONDRIAAN MILLER, Term: 2019-2021
Recruitment Specialist | Management Services | Montgomery County Planning Department
 I hope to promote the importance of inclusion Commission-wide. I look forward to using my personal and Human Resources experience advocating that representation matters. My goal is for our communities to see themselves in M-NCPPC staff and feel connected to our work.



SHAWN MILLER, Term: 2020-2021
Park Maintenance Leader | Central Area Maintenance | Dept. of Parks and Recreation, Prince George’s County
 I will be committed to achieving and sustaining a diverse and inclusive workplace environment. It is my belief that M-NCPPC is more effective when its workforce embraces and includes individuals whose backgrounds reflect the rich diversity of the communities it serves. I hope to promote the inclusion of every employee, regardless of individual differences, which I project will be evident in all aspects of business operations.



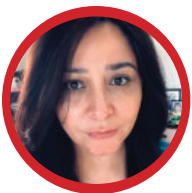
SHIBU PHILIPOSE, Term: 2021-2022, Park Police Liaison
Captain, Asst. Chief of Investigative Branch | Montgomery County Division | M-NC Park Police
 Living in a global society both at the macro and micro level, it is vital to foster inclusion by recognizing and celebrating the value diversity brings. Inclusion succeeds where there is cultural competency.



CAROL RUBIN, Term: 2020-2021
Special Project Manager | Director’s Office | Montgomery County Planning Department
 Recent events have elevated hate crimes aimed toward religious bias, particularly motivated by anti-Semitism. Through the Diversity Council, I would like the Commission employees to learn that diversity takes many forms, and elevate the Commission’s efforts toward knowledge growth to create a community in which we all belong, regardless of our differences.



SHARON SIMMONS, Term: 2021-2022
Department Human Resources Manager | Director’s Office | Prince George’s County Planning Department
 As an HR professional for 25+ years, I believe I can bring a high level of the related people and training expertise to the Council. Additionally, working extensively in establishing various HR metrics over the last year, I hope to add value to the Council in measuring the effectiveness of the Diversity Council program. Diversity AND inclusion is important to me because without it, society will never reach the level of enlightenment and cohesiveness necessary to become who we say we are, and what we want to be.



LOURDES SULC, Term: 2021-2022
Facility Director | Langley Park Community Center | Dept. of Parks and Recreation, Prince George’s County
 Diversity is important to me because more than ever, we need to come together as one human race with compassion, love and understanding. We are all different and we all experience in different circumstances processes of cultural shock, cultural adaptation and self-development, we just need to be aware of this and support and embrace other’s differences with open mind and open heart. Our differences make us stronger.



2020 DIVERSITY COUNCIL YEAR END REVIEW

Presented by:
Calista Black, Chair and Genevieve Jennai, Vice Chair
January 2021

MISSION & VISION

MISSION:

- Advise the Commission on developing and implementing a diversity policy framework that promotes an inclusive workplace.
- Measures progress and ensures effective programming and services, both internally and externally, through the lens of diversity.

VISION & VALUES:

- Promote behavior in the workplace that contributes to understanding, respecting and valuing all people.
- Fairness, equal treatment, leveling the playing field, integrity & understanding



MANY CULTURES, ONE COMMISSION

DIVERSITY COUNCIL



ASUNTHA CHIANG-SMITH
Executive Director



ANJU BENNETT
Corporate Policy and Management Operations Director



TINA PATTERSON
Commissioner
Montgomery County Planning Board
Special Adviser



CALISTA BLACK
Diversity Council Chair 2020
Public Affairs Spec.
Office of Chairman
Prince George's Co.



JILLIAN CHAPMAN
Diversity Council Vice Chair 2020
HR Info Systems Spec.
Dept. of Human Resources & Mgmt.



GENEVIEVE JENNAI
Diversity Council Vice Chair 2020
Countywide Program Access Spec.
Dept. of Parks
Montgomery County



JONATHAN BUSH
Term: 2019-2020
Planner Coordinator
Montgomery Co.
Planning Dept.



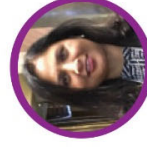
CATHERINE COELLO
Term: 2018-2019
Administrative Asst.
Commissioners Office
Montgomery County



MONDRIAH MILLER
Term: 2019-2020
Recruitment Spec.
Montgomery County
Planning Dept.



CARLOS OCASIO
Term: 2019-2020
Acting Program Superintendent
Dept. of Parks & Rec.
Prince George's Co.



SELINA PRADHAN
Term: 2019-2020
Programmer Analyst
Office of CIO



NATALIE SMART
Term: 2019-2020
Facility Director
Bowie Comm Cntr.
Dept of Parks & Rec.
Prince George's Co.



SHIRL SPICER
Term: 2019-2020
Museum Manager
Dept. of Parks
Montgomery County



MISHELLE CARSON
Term: 2020-2021
Programmer Analyst II
Prince George's Co.
Planning Department



CARLOS DE LA TORRE
Term: 2020-2021
Park Naturalist
Dept. of Parks
Montgomery County



SHAWN MILLER
Term: 2020-2021
Park Maintenance Leader
Dept. of Parks & Rec.
Prince George's Co.

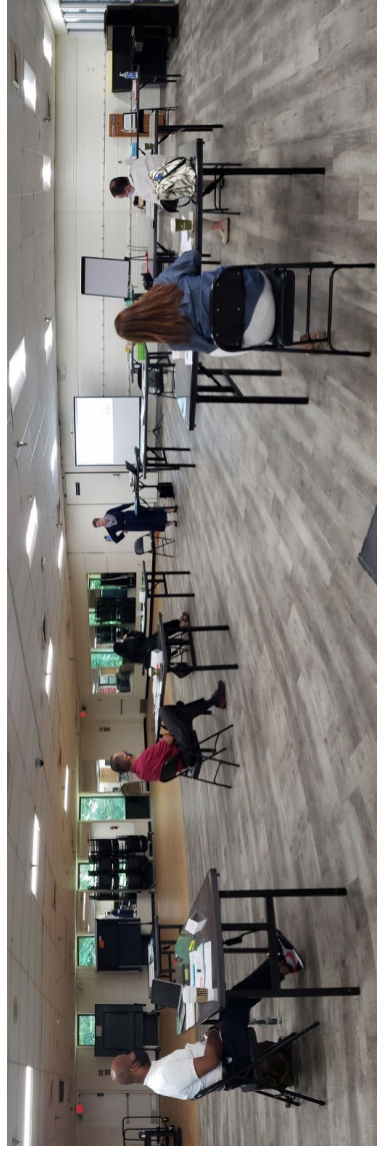
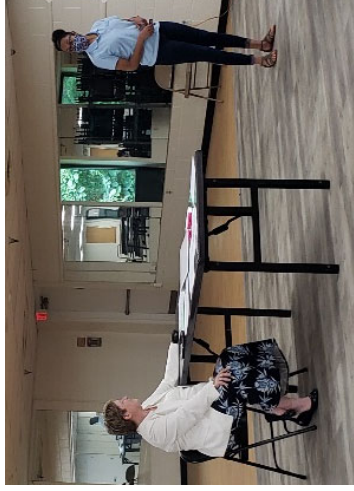


CAROL RUBIN
Term: 2020-2021
Special Project Manager
Montgomery County
Planning Department

DIVERSITY, EQUITY & INCLUSION TRAINING

Participated in Diversity Training

- Researched and procured diversity instructor to “train-the-trainers.”
- Coordinated arrangements and logistics for members to attend in-person training sessions in August 2020.
- Debriefed and explored how to adapt training to a virtual platform.
- Considered future budget restraints that may impact M-NCPPC and how an in-house training class to support the Commission’s D.E.I. efforts.



OUTREACH

The Maryland-National Capital Park and Planning Commission DIVERSITY COUNCIL MANY CULTURES. ONE COMMISSION

MESSAGE FROM THE M-NCPPC DIVERSITY COUNCIL

Dear Commission Colleagues:

Like so many of you, we were angry, distraught, frustrated and outraged by past and recent events that have taken the lives of African Americans across the nation. From the killing of George Floyd by police officers in Minneapolis to the slaying of Ahmaud Arbery who was jogging in a Georgia neighborhood to the shooting of Breonna Taylor in her own home in Louisville, Kentucky, these events have created a new AWAKENING and generated activism and discussions across the United States and world. We, the M-NCPPC Diversity Council, believe there is unity found in our diversity and stand with you to denounce racism and condemn actions that perpetuate racial and ethnic injustices. We are ONE Commission and also support our M-NC Park Police in their efforts to serve ALL members of our diverse neighborhoods and organization and ensure that our communities, facilities and parks are safe and peaceful spaces for ALL residents and visitors. We endorse the Commission on its past and present dedication and approval on resolution 80-13 on June 17, 2020 to stand in solidarity with the movement to eliminate racism, oppression, injustice and violence against African Americans and to treat all people fairly and equitably.


The M-NCPPC Diversity Council was established 20 years ago on June 21, 2000 and the two-year appointments of the first members began on July 1, 2000. Over the years, colleagues representing various departments have worked to advise the Commission on developing and implementing a diversity policy framework that promotes respect and inclusion in the workplace. We have a shared vision to promote behavior in the workplace that contributes to the understanding and valuing all people. We believe the strength of the Commission is found in our colleagues who represent various cultures, ethnicities, races, genders, national origins, ages, religions, physical characteristics, abilities, sexual identities, experiences, opinions, and beliefs.

In the upcoming weeks and months, we look forward to continuing the dialogue on diversity and inclusion with you. We are committed to supporting and implementing initiatives that contribute to the understanding, acceptance and inclusion of all.


2021 M-NCPPC Diversity Council Call for New Members!

- Diversity and inclusion training sessions for all employees
- Expectations for DEI recommended drive conduct business w/ diversity
- Digital information department, or BCC
- Virtual Events and f accommodations

JOIN US!
The M-NCPPC Diversity Council is recruiting new members to serve for a two-year term beginning January 1, 2021. Interested M-NCPPC employees should contact the Office of the Executive Director no later than November 16, 2020.



DIVERSITY COUNCIL
MANY CULTURES. ONE COMMISSION



The M-NCPPC Diversity Council was formed more than 20 years ago to foster and promote greater awareness of diversity and inclusion in the workplace. The Council is comprised of a cross section of employees who bring unique experiences, attributes and perspectives to

The Maryland-National Capital Park and Planning Commission
DIVERSITY COUNCIL
MANY CULTURES. ONE COMMISSION



JOIN US!

The 2021 call for new members is now open. We are seeking individuals who are interested in diversity and inclusion and who want to contribute to the Commission's mission. The Council is currently accepting applications from all employees who bring unique experiences, attributes and perspectives to the Commission. Applications will be accepted until November 16, 2020.

- 2 - CEO/Deputy CEO
- 1 - Deputy Director
- 1 - Deputy Director
- 1 - Deputy Director
- 1 - Deputy Director
- 1 - Deputy Director

HOW TO APPLY:

Interested M-NCPPC employees should send a letter of interest to the Diversity Council Director no later than November 16, 2020.
EMAIL: ODE@mdnccppc.gov
NAME: Asantha.Chang-Smith@mdnccppc.gov
MAIL: 6411 Kenilworth Avenue, Room 207, Bethesda, Maryland 20775

Your letter of interest should include:

- Who we are & what we do
- Approved by the Executive Director, the M-NCPPC Diversity Council consists of representatives from the various departments and divisions of the agency. The Diversity Council members have worked to advance the Commission on developing and implementing a diversity policy framework that promotes respect and inclusion in the workplace. We have a shared vision to promote behavior in the workplace that contributes to the understanding and valuing all people. We believe the strength of the Commission is found in our colleagues who represent various cultures, ethnicities, races, genders, national origins, ages, religions, physical characteristics, abilities, sexual identities, experiences, opinions, and beliefs.
- With our shared passion for promoting behavior in the workplace that contributes to the understanding and valuing all people, we contribute to the Commission's mission. We believe the strength of the Commission is found in our colleagues who represent various cultures, ethnicities, races, genders, national origins, ages, religions, physical characteristics, abilities, sexual identities, experiences, opinions, and beliefs.
- Advise and recommend policies to the Commission that promote diversity, equity and inclusion.
- Implement the 3-year Diversity Council Strategic Plan adopted by the Commission.
- Provide support and contribute to the development and implementation of the Commission's diversity initiatives (e.g., Employee Resource Groups, American Public Garden Heritage, Hispanic Heritage and more).
- Provide recommendations for a more culturally and linguistically competent workplace environment to support the Commission's mission.
- Develop and promote recommendations to highlight the Commission's diversity and inclusion efforts, awareness and conversations.

To learn more about the Diversity Council and review the application process, please visit the [M-NCPPC Diversity Council website](https://www.mdnccppc.gov/diversity).

Promoted consistent mission and vision for the M-NCPPC Diversity Council

- Issued statement via M-NCPPC News email in response to nationwide events and the Commission's Resolution on Black Lives Matter and position on diversity and inclusion.
- Identified new strategies for communicating Diversity Council's vision & mission in 2021 new member recruitment.
- Provided "in-person" presence and content for the Commission's virtual new employee onboarding and orientation.

MEMBERSHIP ON THE DIVERSITY COUNCIL:



- The Executive Director, in consultation with Department Heads, appoints members who represent various departments and divisions of the agency and the communities we serve.
- Appointments are for three-year terms with staggered terms to provide continuity.
- Members are required to meet once a month and participate in activities to achieve the objectives of the Council's Strategic Plan.
- Members are required to meet once a month for one hour (one 15-hour block) for onboarding and meeting and the 15 hours for training and development.

COMMUNICATION

- **Maintained continuous communication**
- Redesigned collateral and identified new color scheme based on accessibility & inclusion guidelines.
- Contributed messaging and content to the weekly “M-NCPPC Sunshine Bunch” email distribution – *a morale project based out the Office of the Executive Director.*
- Developed “The Diversity Dip” quarterly e-newsletter to be launched in 2021.



MANY CULTURES, ONE COMMISSION

DIVERSITY COUNCIL

OUR MISSION & VISION

MISSION
Advise the Commission on developing and implementing diversity initiatives in the workplace. We believe the strength of the Commission is found in our colleagues who represent various cultures, ethnicities, races, characteristics, abilities, sexual identities, experiences, opinions, and beliefs.

VISION
Promote behavior in the workplace that contributes to understanding, respecting, and valuing all people services both internally and externally.

WHO WE ARE & WHAT WE DO

- Appointed by the Executive Director, the Diversity Council consists of Commission staff with an interest in supporting and implementing diversity initiatives in the workplace. We believe the strength of the Commission is found in our colleagues who represent various cultures, ethnicities, races, characteristics, abilities, sexual identities, experiences, opinions, and beliefs.
- We implement our Mission and Vision in accordance with our Strategic Plan adopted by the Commission every two years.

If you are interested in joining the Diversity Council, please consult with your supervisor and look out for an email in the fall with application details.

TO LEARN MORE ABOUT THE DIVERSITY COUNCIL, VISIT US ON INSIDE OR EMAIL US AT [DIVERSITYCOUNCIL@MNCPPC.ORG](mailto:diversitycouncil@mncppc.org)

Your Weekly Email from The Sunshine Bunch

October Awareness

October is Global Diversity Month – a perfect time to learn more about new cultures and explore the ways in which diversity can benefit our organization. The Diversity Council was formed more than 20 years ago to raise and promote greater awareness of diversity and recommend initiatives and policies that strengthen the agency's commitment to its workforce and the communities it serves.

The Council is recruiting new members to serve for a two-year term beginning January 4, 2021. Interested M-NCPPC employees should send a letter of interest to the office of Executive Director, M-NCPPC, 1000 North Washington Street, Room 20737, Your Letter of Interest should include your current employment, experience, background, and why you would like to become a Diversity Council member. Please also forward a copy of your submitted letter to your Department Director. To learn more about the 2021-2022 Strategic Plan, visit us on [inside](https://www.mncppc.org). Feel free to email questions to <mailto:diversitycouncil@mncppc.org>.



JOIN US!

The M-NCPPC Diversity Council is recruiting new members to serve for a two-year term beginning January 4, 2021. Interested M-NCPPC employees should send a letter of interest to the office of Executive Director, M-NCPPC, 1000 North Washington Street, Room 20737, Your Letter of Interest should include your current employment, experience, background, and why you would like to become a Diversity Council member. Please also forward a copy of your submitted letter to your Department Director. To learn more about the 2021-2022 Strategic Plan, visit us on [inside](https://www.mncppc.org). Feel free to email questions to diversitycouncil@mncppc.org.

WEBSITE, INSITE & SHAREPOINT

Home | About Us | Workplace of Excellence | Diversity Initiatives

DIVERSITY INITIATIVES

The Commission is located within the Washington Metropolitan Area, which is one of the most diverse areas in the United States. Every person is unique - whether it is because of culture, background, family, religious beliefs, race, education, and life experiences. This diversity adds richness to our community as it also does for an organization.

It is the dynamic mix of personal and cultural characteristics, perspectives, and experiences that makes each of us who we are. We strive to be an employer that embraces the diversity and unique talents of each employee. The Commission created a Diversity Council to promote open dialogue and create initiatives that strengthen understanding and appreciation of individual uniqueness. The Commission believes that it is the individual uniqueness that is the common bond each employee has in enriching the organization's tapestry.

Diversity Goals

- Conduct all personnel activities in a way that assures equal employment opportunities on the basis of merit and encourage and administer diversity within adopted laws, operating principles, rules, and regulations
- Demands (and rewards) behaviors in the workplace, which contribute to understanding, respecting, and valuing all individuals



Increased and enhanced online content

- Researched and identified best practices with company and agency diversity and inclusion web pages. Met with IT specialist to discuss content and layout options. Developing content for public-facing website to highlight agency's commitment to diversity.
- Updated Diversity Council's content on InSite. Added Strategic Plan, annual reports and lists of past and present members.
- Established a SharePoint drive for collaboration and migrated archived Diversity Council files.

inSite.mnccppc

Our Organization | Our People | Our Communications & Policy | Our Departments

Let Your Voice Be Heard

JOIN US! The M-NCCPPC Diversity Council is looking for members to begin January 1, 2021.

MEETINGS ON THE DIVERSITY COUNCIL

SharePoint

M-NCCPPC Diversity Council

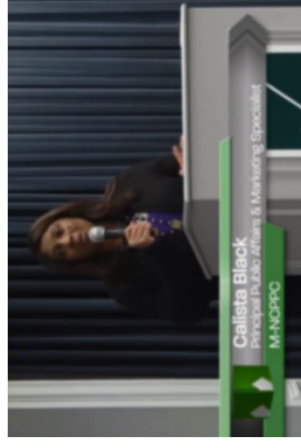
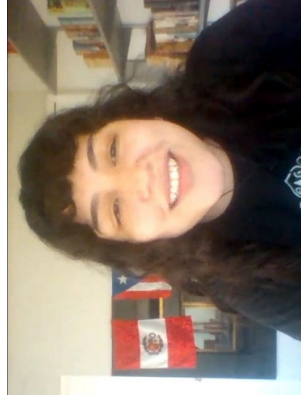
Documents

Name	Modified	Modified By
2020 STATEMENT	June 10	Black, Colita
Agendas & Minutes	October 28, 2019	Black, Colita
Archived Docs from 2017	September 6, 2019	Chapman, Julian
Archives - Clipped from GCS Diversity M Drive	February 4	Chapman, Julian
Chair Meetings	January 28	Chapman, Julian
Email Attachments	September 11, 2019	Wiles, Jeremy
General	February 21	Amick, Greenlee
Logins	January 13	Black, Colita
Marketing Communication	October 29, 2019	Black, Colita

M-NCPPC EVENTS

Contributed to programming of various diversity-related Department events

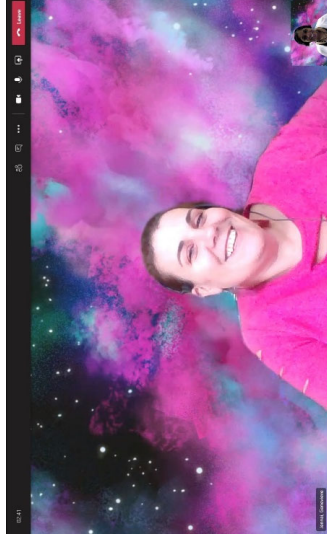
- **February 2020:** Prince George's Planning Department's Black History Month Program and HBCU Panel Discussion
- **May & July 2020:** Prince George's Planning Department's Speakers Series – Women's Suffrage Sites and Pandemics, Protests and Planning
- **October 2020:** Montgomery Parks and Planning Departments' Hispanic Heritage Month Celebration and Panel Discussion
- **November 2020:** Montgomery Parks & Prince George's Parks and Recreation Maryland Emancipation Day



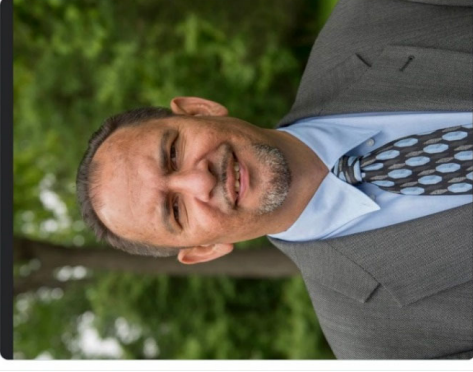
REPRESENTATION & SUPPORT

Participated in initiatives & supported Commission & Department event organizers

- **February 2020:** Literacy and Language Reception
- **April & June 2020:** Montgomery Planning Department & American Planning Association's LGBTQIA webinars and trainings
- **May 2020:** Montgomery Parks and Planning Departments' Asian-American Pacific Islander Heritage Month Panel Discussion
- **September 2020:** Prince George's Parks & Recreation Hispanic Heritage Month Celebration
- **November 2020:** Prince George's Parks & Recreation Veterans Drive-thru Appreciation Celebrations



 Peaks & Recreation Retrieved
Prince Georges County Latino
@CountyGeorges
@pgparks County employee, spotlight: Carlos A Ocasio
He/Him
Acting Program Superintendent
Puerto Rican
US Army SFC Retired 1984-2008
"I believe that volunteering and helping others strengthen your community."
#PrinceGeorgesProud #HispanicHeritageMonth2020






POLICY & RECOMMENDATIONS




- ## Recommended and endorsed initiatives
- **VETERANS:** Researched, collaborated with colleagues and advocated for the recognition of veterans on M-NCPPC's employment application. Question will be added to NEOgov (HR online portal) to allow new and current employees to identify military experience.
 - **PARK POLICE:** Following national events and protests, explored opportunities to partner with Park Police. Invited Montgomery & Prince George's Park Police Divisions to select representatives to serve as first-ever Diversity Council liaisons beginning in 2021.



2019-2021 STRATEGIC PLAN PROGRESS

	Task/Action Item
	<p data-bbox="646 149 776 1906">Develop an in-house Diversity Training Program for leadership based on survey results to determine most requested diversity and employees training topics. Utilize Diversity Council Members, past and present, who will receive training for trainers.</p> <ul data-bbox="789 149 873 1906" style="list-style-type: none"> <li data-bbox="789 149 824 1906">▪ Research and procure an appropriately qualified Diversity instructor to “train-the-trainers.” <li data-bbox="834 149 873 1906">▪ Develop the program: timeframe, topics, agenda, preparation, handouts, schedule.
	<p data-bbox="930 149 966 1906">Promote a consistent mission and vision for the Diversity Council.</p> <ul data-bbox="979 149 1063 1906" style="list-style-type: none"> <li data-bbox="979 149 1063 1906">▪ Utilize multiple media types to communicate the Agency’s commitment to and Council’s vision of Diversity and Inclusion to include web, video, and traditional print media.
	<p data-bbox="1120 149 1156 1906">Provide continuous, consistent communication to Departments and employees regarding initiatives.</p> <ul data-bbox="1169 149 1253 1906" style="list-style-type: none"> <li data-bbox="1169 149 1205 1906">▪ Contribute content for the employee email, <i>Message from M-NCPPC’s Sunshine Bunch</i> <li data-bbox="1214 149 1253 1906">▪ Created “The Diversity Dip” quarterly e-newsletter.

2019-2021 STRATEGIC PLAN PROGRESS

	Task/Action Item
✓ 	<p>Increase Diversity Council content on website to include video, events, articles as well as other Diversity-related content.</p> <ul style="list-style-type: none">▪ Monitor website use and activity. Update for increased viewing, as needed.▪ Develop and update InSite specific content with current councilmember contacts.
✓	<p>Support Department event organizers.</p> <ul style="list-style-type: none">▪ Offer assistance to other event organizers.▪ Plan, organize and execute diversity events.
✓	<p>Develop Diversity Council outreach strategies, including video and paper educational content for showing Council's goals and focus on employee engagement.</p> <ul style="list-style-type: none">▪ Design promotional rack card/brochure.▪ Draft and submit "Year End Review" progress report of Council accomplishments.

PLANNING FOR 2021

Looking forward...

- **Training:** Rollout Commission-wide program – *Cultivating a Culture of Diversity, Equity & Inclusion*
- **Communication:** Launch *The Diversity Dip* quarterly e-newsletter
- **Video:** Engage employees to produce “How we address diversity at M-NCPPC.” Highlight the agency’s commitment to diversity and how we integrate it into our policies and work programs.
- **Virtual Events:** Program and host events centered around diversity and inclusion topics and awareness
- **Survey:** Prepare and conduct survey to measure progress in promoting core values of diversity and inclusion



QUESTIONS & COMMENTS



THANK YOU!

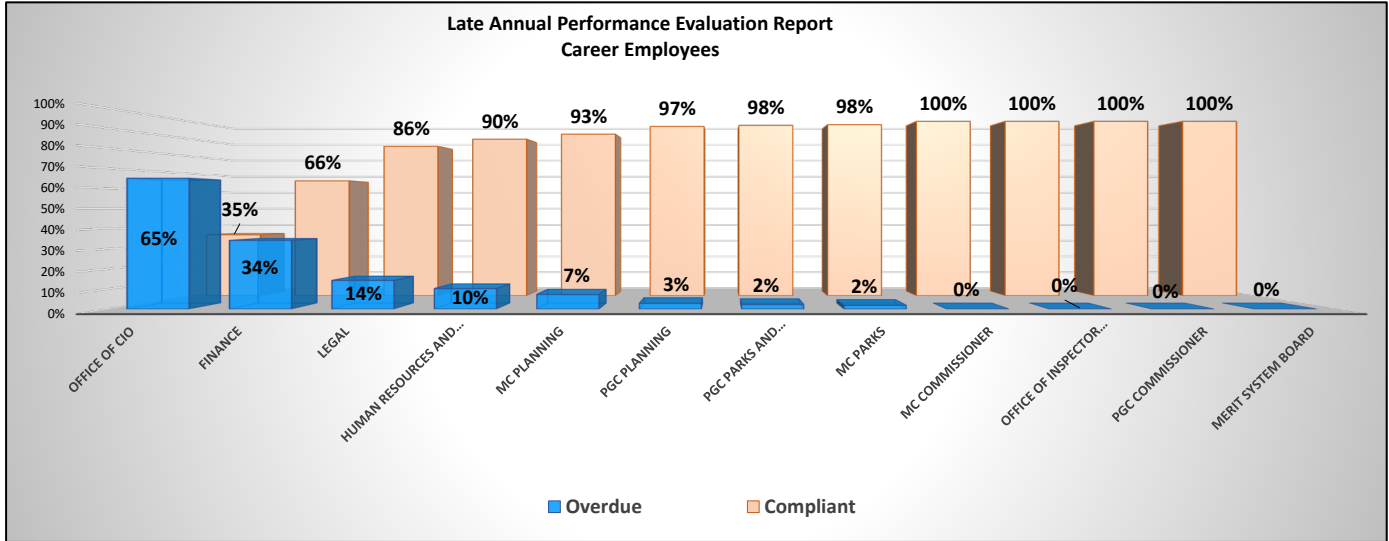
We are honored to serve on the 2020 M-NCPPC Diversity Council!

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**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF DECEMBER 2020**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Nov-20	Dec-20	Nov-20	Dec-20	Nov-20	Dec-20	Nov-20	Dec-20
CHAIRMAN, MONTGOMERY COUNTY	1	0	0	0	0	0	1	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	5	6	1	1	7	6	13	13
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	3	0	0	2	2	3	5
LEGAL DEPARTMENT	3	2	0	1	0	0	3	3
FINANCE DEPARTMENT	5	5	6	1	5	7	16	13
PRINCE GEORGE'S PLANNING	3	4	1	1	0	0	4	5
PRINCE GEORGE'S PARKS & RECREATION	31	19	1	5	1	0	33	24
MONTGOMERY COUNTY PARKS	15	10	2	2	1	1	18	13
MONTGOMERY COUNTY PLANNING	16	10	3	0	0	0	19	10
DEPARTMENT TOTAL BY DAYS LATE	80	59	14	11	16	16		
COMMISSION-WIDE TOTAL							110	86

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data As Of December 31, 2020

Employee Count	Evaluation Status		Total Employees
	Overdue	Compliant	
Department	Overdue	Compliant	Total Employees
Finance	13	25	38
Human Resources and Mgt	5	44	49
Legal	3	18	21
MC Commissioner		4	4
MC Parks	13	686	699
MC Planning	10	127	137
Merit System Board		1	1
Office of CIO	13	7	20
Office of Inspector General		4	4
PGC Commissioner		8	8
PGC Parks and Recreation	24	1,023	1,047
PGC Planning	5	170	175
Total Employees	86	2,117	2,203



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

Reply To

January 13, 2021

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 2020 – FY 2021

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 20, 2021. 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 – FY 2021 Report

Composition of Pending Litigation.....Page 01
Overview of Pending Litigation (Chart).....Page 01
Litigation Activity SummaryPage 02
Index of New YTD Cases (FY21)Page 03
Index of Resolved YTD Cases (FY21)Page 04
Disposition of FY21 Closed Cases Sorted by DepartmentPage 05
Index of Reported Cases Sorted by Jurisdiction.....Page 07
Litigation Report Ordered by Court Jurisdiction.....Page 09

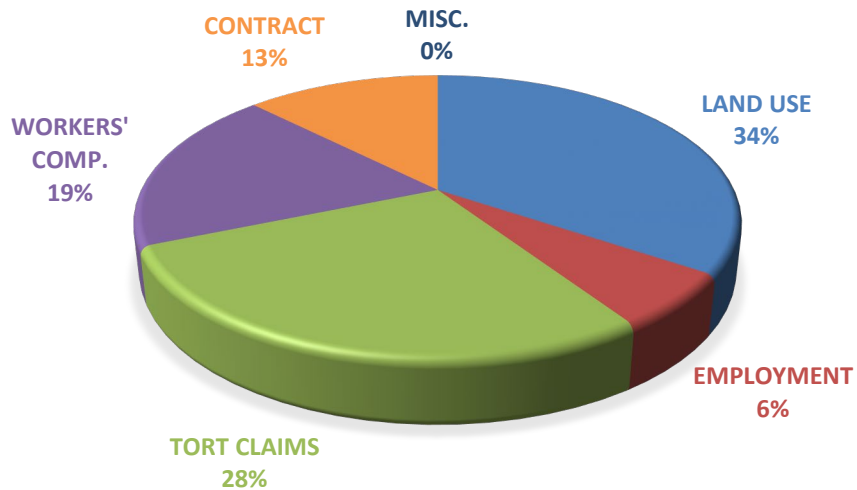
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December 2020 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	8	3					11
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	4						4
DEBT COLLECTION							
EMPLOYMENT DISPUTE	1			1			2
LAND USE DISPUTE							
MISCELLANEOUS							
PROPERTY DISPUTE							
TORT CLAIM	9						9
WORKERS' COMPENSATION	6						6
PER FORUM TOTALS	28	3		1			32

OVERVIEW OF PENDING LITIGATION



December 2020 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2021			
	Pending In Nov. 2020	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	12		1	8	8	5	11
Admin Appeal: Other (AAO)							
Land Use Disputes (LD)							
Tort Claims (T)	9			5	5	1	9
Employment Disputes (ED)	2			3		1	2
Contract Disputes (CD)	4				4		4
Property Disputes (PD)							
Civil Enforcement (CE)							
Workers' Compensation (WC)	5	1		3	3		6
Debt Collection (D)							
Bankruptcy (B)							
Miscellaneous (M)							
Totals	32	1	1	19	19	3	32

**INDEX OF YTD NEW CASES
(7/1/2020 TO 6/30/21)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Getnet v. M-NCPPC	PG	Tort	July 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	July 20
Snyder v. State of Maryland, et al.	PG	Tort	July 20
Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Uzlyan v. Montgomery County, Maryland, et al.	MC	Tort	Aug. 20
Heard v. M-NCPPC	PG	AALU	Aug. 20
Wolf, et al. v. Planning Board of Prince George's County	PG	AALU	Aug. 20
Structural Engineering Group Inc. v. M-NCPPC	MC	Contract	Aug. 20
Concerned Citizens of Cloverly, et al v. Montgomery County Planning Board	MC	AALU	Sep. 20
Shipkovitz v. Montgomery County Planning Board	MC	AALU	Sep. 20
Coakley & Williams v. Commission	PG	Contract	Sep. 20
Gibson v. Commission	PG	WC	Sep. 20
Murray v. Commission	PG	WC	Sep. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Sep. 20
Dana v. Lenk, et al.	MC	Tort	Oct. 20
HMF Paving Contractors, Inc. v. M-NCPPC	MC	Contract	Oct. 20
Hoening v. Commission (case should be on prior reports as filed in March)	PG	WC	Dec. 20

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Aug. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Benton v. Woodmore Overlook Commercial LLC	PG	AALU	Sep. 20

**INDEX OF YTD RESOLVED CASES
(7/1/2020 TO 6/30/2021)**

<u>A. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McCourt v. Commission	PG	ED	Sep. 20
Estreicher v. Montgomery County Planning Board	MC	AALU	Sep. 20
Uzlyan v. Montgomery County, et al.	MC	Tort	Oct. 20
Newton, et al. v. Prince George's County Planning Board	PG	AALU	Nov. 20
<u>B. Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	July 20
(Appeared on the June report in error. The Commission was not a party to this suit)			
Gaspard v. Montgomery County Planning Planning Board	MC	AALU	Oct. 20
Benton v. Woodmore Overlook Commercial, LLC	PG	AALU	Oct. 20

Disposition of FY21 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
McCourt v. Commission	Judicial Review of Merit Board Decision related to reclassification under the Administrative Series	09/04/20 – Decision of Merit Board Affirmed.
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Uzylan v. Montgomery Count, Maryland, et al.	Personal injuries matter as a result of a tulip poplar tree striking a home.	10/15/20 - Case Consolidated with Case No. 483068-V.
Montgomery County Park Police		
Montgomery County Planning Board		
Gaspard v. Montgomery County Planning Board	Judicial review of decision affirming Planning Board's approval of Preliminary Plan 120160180 Glen Mill – Parcel 833	10/29/2020 – Judgment of Circuit Court Affirmed.
Prince George's County Department of Parks and Recreation		
Prince George's County Planning Department		
Benton v. Woodmore Overlook Commercial, LLC	Judicial Review of decision of Prince George's County Planning Board	10/23/2020 – Petition for Writ of Cert. denied. Matter still pending in Court of Special Appeals.
Newton, et al. v. Prince George's County Planning Board	Judicial review of Prince Georges County Planning Board's approval of preliminary plan of subdivision 4 -19048	11/09/2020 - Petition dismissed by Petitioner.

Prince George's County Planning Board			
Prince George's Park Police			
Office of Internal Audit			

INDEX OF CASES

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND 9

DISTRICT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 9

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND 9

Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC 9

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND 10

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al. 10

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board..... 10

Dana v. Lenk, et al. 11

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 11

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission 12

Jan A.J. Bove, et al. v. Montgomery County Planning Board 12

Kosary v. Montgomery County Planning Board 12

Shipkovitz v. Montgomery County Planning Board..... 13

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission..... 13

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND 14

6525 Belcrest Road, LLC v. Dewey, L.C., et al..... 14

Alexander v. Proctor..... 15

Brown v. City of Bowie 16

Coakley & Williams Construction v. Commission 16

Coe v. Commission 17

Commission v. Batson 17

Getnet v. Maryland-National Capital Park and Planning Commission 18

Gibson v. Commission 18

Heard v. Maryland-National Capital Park and Planning Commission..... 19

Hoenig v. Commission 19

Jackson v. Prince George’s County Sports & Learning Complex..... 19

King v. Commission 20

Montague v. Newton White Mansion 20

Murray v. Commission 21

Pumphrey v. Wilson 21

Snyder v. State of Maryland, et al. 22

Stewart v. P.G. Planning Board 22

Wolf, et al. v. Planning Board of Prince George’s County 23

MARYLAND COURT OF SPECIAL APPEALS 24

Benton v. Woodmore Overlook Commercial, LLC 24

Benton v. Woodmore Overlook Commercial, LLC 25
Estreicher v. Montgomery County Planning Board..... 25
MARYLAND COURT OF APPEALS..... 26
U.S. DISTRICT COURT OF MARYLAND 26
Evans v. Commission, et al..... 26

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

No Pending Cases

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

No Pending Cases

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

Maryland-National Capital Park and Planning Commission v. Mail My Meds, LLC

Case No. C-02-CV-20-001143 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Judicial Review of WCC decision regarding mail order prescription medication.

Status: Decision of WCC affirmed.

Docket:

05/01/2020	Petition for Judicial Review filed
05/27/2020	Response to Petition filed
6/26/2020	Commission's Memorandum in Support of on the record Petition for Judicial Review
06/08/2020	Scheduling Order and Order for Mediation
06/29/2020	Order Vacating 6/8/2020 Order. Matter to proceed in normal course.
07/27/2020	Opposition and Response to Commission's Memorandum in Support of on the Record Judicial Review
08/11/2020	Commission's Reply to Opposition
11/02/2020	Hearing
11/23/2020	Order of Court affirming Worker's Compensation Commission
12/03/2020	Commission's Motion to Alter or Amend Judgment
12/16/2020	Opposition to Motion to Alter or Amend Judgment
12/23/2020	Order of Court denying Motion to Alter or Amend Judgment

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Amica Mutual Insurance Company v. Montgomery County, Maryland, et al.
Case No. 483068-V (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Subrogation suit for damages caused by a tulip poplar tree striking home.

Status: Motion pending.

Docket:

08/06/2020	Complaint filed.
08/19/2020	Commission served.
09/08/2020	Plaintiff's Motion to Consolidate with Case 483039-V
09/18/2020	Defendant Montgomery County Maryland's Answer to Complaint
09/22/2020	Commission's Motion to Dismiss
09/22/2020	Commission's Motion to Consolidate with Case 483039-V
10/15/2020	Order of the Court Granting Motion to Consolidate. All future pleadings to be filed in case 483068V.

Concerned Citizens of Cloverly, et al. v. Montgomery County Planning Board
Case No. 483411-V (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of RCCG Jesus House Preliminary Plan 120160040

Status: Petition filed.

Docket:

09/10/2020	Petition for Judicial Review filed
10/01/2020	Planning Board's Response to Petition for Judicial Review filed
10/09/2020	RCCG Jesus House DC's Response to Petition filed

Dana v. Lenk, et al.
Case No. 482474-V (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Plaintiff disputes the existence of, and access to, a right-of-way utilized by an adjacent property owner.

Status: Amended Complaint filed.
Docket:

06/17/2020	Complaint filed
07/28/2020	Defendant Lenk's Motion to Dismiss
07/30/2020	Opposition to Motion to Dismiss
08/06/2020	Defendant Lenk's Reply to Plaintiff's Opposition to Motion to Dismiss
10/13/2020	Motion to Dismiss granted in part and denied in part
10/21/2020	Defendant Lenk's Answer to Complaint
10/22/2020	Amended Complaint filed
10/29/2020	Commission served
11/16/2020	Montgomery County's Answer to Amended Complaint
12/10/2020	Order of Court - Count IV of Amended Complaint dismissed with prejudice

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission
Case No. 481768-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Construction suit alleging failure to pay two pay applications.

Status: In discovery.

Docket:

04/30/2020	Complaint filed
08/28/2020	Motion to Dismiss filed
09/24/2020	Opposition to Motion to Dismiss
11/13/2020	Commission's Reply to Motion to Dismiss
11/19/2020	Motions hearing postponed
11/25/2020	Commission's Supplemental Memorandum
12/01/2020	Motions hearing held
12/01/2020	Motion to Dismiss or in the Alternative for Summary Judgment denied
12/16/2020	Answer to Complaint

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission

Case No. 483255-V (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Construction suit alleging failure to pay final payment.

Status: Motions pending.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss

Jan A.J. Bove, et al. v. Montgomery County Planning Board

Case No. 480775-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of 7025 Longwood Drive subdivision no. 620190100.

Status: Planning Board affirmed.

Docket:

03/09/2020	Petition for Judicial Review filed
03/18/2020	Commission's Response to Petition filed
11/06/2020	Oral argument held
12/02/202	Resolution of planning board affirmed

Kosary v. Montgomery County Planning Board

Case No. 476283-V (AALU)

Lead Counsel: Sorrento
Other Counsel:

Abstract: Judicial Review of Montgomery County Planning Board's approval of Primrose School Preliminary Forest Conservation Plan CU-18-08.

Status: Case stayed.

Docket:

12/06/2019	Petition for Judicial Review filed
12/11/2019	Planning Board's Motion to Dismiss filed
12/12/2019	Response to Petition for Judicial Review filed
12/19/2019	Petitioner's Supplemental Petition for Judicial Review filed
12/23/2019	Petitioner's Response to Motion to Dismiss filed.

01/21/2020	Motion to Dismiss denied as moot.
01/22/2020	Plaintiff's Motion for Stay and Request for Hearing.
02/06/2020	Primrose School Opposition to Motion to Stay.
02/28/2020	Motion for Stay Granted
03/03/2020	Case stayed pending resolution from County Hearing Examiner
03/26/2020	Plaintiff's interim report on status of administrative proceedings

Shipkovitz v. Montgomery County Planning Board

Case No. 483442-V (AALU)

Lead Counsel: Coleman
Other Counsel:

Abstract: Petition for Judicial Review of Planning Board Approval of 12500 Ardennes Avenue Site Plan820200080

Status: Petition for Judicial Review filed.

Docket:

09/15/2020	Petition for Judicial Review filed.
09/28/2020	Planning Board's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's Response to Petition filed.
10/26/2020	Ardennes Partners, LLC's and Planning Board's Joint Motion to Dismiss Petition for Judicial Review
11/23/2020	Ardennes Partners LLC's Opposition to Motion for Extension of Time
12/02/2020	Plaintiff's Motion to Suspend Proceedings
12/10/2020	Opposition to Motion to Suspend Proceedings

Structural Engineering Group Inc. v. Maryland-National Capital Park and Planning Commission

Case No. 483234-V (CD)

Lead Counsel: Dickerson
Other Counsel: Johnson

Abstract: Construction change order dispute and time delay claim related to greenhouse at Brookside Gardens.

Status: In discovery.

Docket:

08/21/2020	Complaint filed.
08/31/2020	Commission served.
09/29/2020	Motion to Dismiss or in the Alternative for Summary Judgment filed.
10/09/2020	Opposition to Motion to Dismiss filed.
12/09/2020	Motions hearing held.
12/09/2020	Motion to Dismiss or in the alternative for Summary Judgment denied.
12/28/2020	Answer to Complaint filed.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

6525 Belcrest Road, LLC v. Dewey, L.C., et al.

Case No. CAE 20-11589 (AALU)

Lead Counsel: Dickerson
Other Counsel: Harvin

Abstract: Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contends that Defendants have misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff seeks to enjoin the Planning Board from approving a Detailed Site Plan.

Status: Awaiting decision.

Docket:

04/14/2020	Complaint filed
06/05/2020	Commission served
07/06/2020	Answer filed by Commission
07/21/2020	Motion to Dismiss filed by Defendant Dewey, L.C.
07/23/2020	Motion to Dismiss filed by BE UTC Dewey Parcel, LLC
08/20/2020	Opposition to Motion to Dismiss
09/14/2020	Defendant, Dewey, L.C.'s Reply Response in Support of its Motion to Dismiss or Stay and Request for hearing
09/16/2020	Defendant, BE UTC Dewey Parcel, LLC's Reply in Support of Motion to Dismiss and Request for hearing
10/22/2020	Motions Hearing continued
10/26/2020	Defendants Dewey, L.C. and Bald Eagle Partners, Inc. Line Requesting Judicial Notice of Arbitrator's Decision
12/23/2020	Motions hearing held. Court takes under advisement.

Alexander v. Proctor
Case No. CAL19-37187 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Alexander filed complaint against Park Police officer arising from arrest on Commission property.

Status: In discovery.

Docket:

11/20/2019	Complaint filed
12/06/2019	Proctor served
12/09/2019	Commission served
01/03/2020	Commission's Motion to Dismiss filed
01/23/2020	Motion to Dismiss denied. Plaintiff to file Amended Complaint on or before 02/07/2020.
02/08/2020	Amended Complaint filed
02/21/2020	Motion to Strike Amended Complaint or in the alternative to Dismiss
03/09/2020	Opposition to Motion to Strike
03/27/2020	Court orders matter to be set in for hearing on Motion
05/06/2020	Motion to Quash and for Protective Order
05/06/2020	Plaintiff's Opposition to Motion to Quash and for Protective Order
05/22/2020	Order of Court – Motion to Quash and for Protective Order held in abeyance
06/19/2020	Motions Hearing postponed due to COVID-19
09/16/2020	Motions Hearing
9/23/2020	Order of Court – Motion to Strike or in the alternative Motion to Dismiss denied. Motion to Quash and for Protective Order moot. Case to continue to due course.
9/30/2020	Answer to Amended Complaint filed.

Brown v. City of Bowie
Case No. CAL19-35931 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission.

Status: 3rd Amended Complaint filed.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daugherty's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
11/23/2020	Motion to Compel Discovery from Defendant Daugherty
12/08/2020	Answer to complaint by Defendant Knode

Coakley & Williams Construction v. Commission
Case No. CAL 20-13593 (CD)

Lead Counsel: Adams
Other Counsel: Dickerson

Abstract: Breach of contract regarding work done at the Southern Area Aquatics Recreation Center.

Status: Motion to dismiss filed

Docket:

07/15/2020	Complaint filed
09/15/2020	Commission served
10/08/2020	Motion to Dismiss filed
10/27/2020	Opposition to Motion to Dismiss

Coe v. Commission
Case No. CAL19-39808 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Coe filed for Judicial Review of decision to terminate employment following LEOBR police disciplinary hearing.

Status: Awaiting decision.

Docket:

12/13/2019	Petition for Judicial Review filed
01/03/2020	Commission's Response to Petition for Judicial Review
06/12/2020	Oral argument continued at Judge's request
08/7/2020	Oral argument held

Commission v. Batson
Case No. CAL19-24204 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: The Commission filed for Judicial Review on the record of WCC order regarding surgical authorization for leg causally related to accidental injury.

Status: Awaiting Trial.

Docket:

07/26/2019	Petition for Judicial Review filed
08/19/2019	Batson's Notice of Intent to Participate, Jury Demand
08/22/2019	Commission's Motion to Strike Request for De Novo Review and Request for Jury Demand
09/03/2019	Opposition to Motion to Strike filed
09/06/2019	Memo in Support of on the record Judicial Review filed
10/02/2019	Order of Court- Commission's Motion to Strike Request for De Novo Review and Request for Jury Trial denied. Case to proceed De Novo before a jury.
11/21/2019	Motion to Bifurcate filed by Commission in an attempt to litigate the dispositive legal issue preliminarily before any de novo trial.
12/16/2019	Motion to Bifurcate denied.
04/06/2021	Trial.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Harvin
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property.

Status: 2nd Amended Complaint filed.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/04/2020	Consent Motion for Extension of Time to File Opposition to Defendant's Motion to Dismiss
09/10/2020	Order of Court – Motion to Extend Time Granted
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
09/24/2020	Consent Motion for Extension of Time to File a Responsive Pleading to First Amended Complaint.
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only

Gibson v. Commission

Case No. CAL 20-15318 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying causal connection of back injury to the accidental injury of October 20, 2017.

Status: In discovery.

Docket:

09/03/2020	Petition for Judicial Review filed
09/18/2020	Response to Petition and Expert Designation
08/11/2021	Trial

Heard v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-14095(AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Petition for Judicial Review filed.

Docket:

07/30/2020	Petition filed
08/16/2020	Commission served
08/31/2020	Response to Petition for Judicial Review filed.

Hoenig v. Commission

Case No. CAL 20-07257 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of February 7, 2020 order from the Workers' Compensation Commission regarding extent of disability.

Status: In discovery.

Docket:

03/04/2020	Petition for Judicial Review filed
03/16/2020	Response to Petition and Expert Designation
09/12/2021	Trial

Jackson v. Prince George's County Sports & Learning Complex

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor from use of equipment at the Sports & Learning Complex.

Status: In discovery.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
09/02/2021	Trial

King v. Commission

Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed response to Petition.
06/30/2020	Trial continued due to COVID-19
03/25/2021	Trial

Montague v. Newton White Mansion

Case No. CAL 20-05753 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Slip and fall on ice at Newton White Mansion.

Status: In discovery.

Docket:

02/13/2020	Complaint filed.
06/19/2020	Amended Complaint filed.
07/21/2020	Answer filed.
09/15/2021	Trial.

Murray v. Commission
Case No. CAL 20-16372 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission that held claimant is not permanently and totally disabled.

Status: In discovery.

Docket:

09/18/2020	Petition for Judicial Review filed
10/05/2020	Response to Petition for Judicial Review and Expert Designation
10/13/2020	Subsequent Injury Fund's Response to Petition for Judicial Review
10/13/2020	Subsequent Injury Fund's Cross-Petition for Judicial Review
10/21/2020	Claimant's Response to Cross-Petition
10/27/2020	Commission's Response to Cross-Petition
10/27/2020	Notice of Cross-Appeal
08/11/2021	Trial

Pumphrey v. Wilson
Case No. CAL 19-30161 (Tort)

Lead Counsel: Dickerson
Other Counsel: Foster

Abstract: Automobile accident with vehicle driven by deceased former Commission employee.

Status: In discovery.

Docket:

09/16/2019	Complaint filed
07/24/2020	Motion to Dismiss
08/17/2020	Opposition to Motion to Dismiss and Request for Hearing.
09/02/2020	Order of Court – Motion to Dismiss Denied
09/18/2020	Answer filed
06/08/2021	Trial

Snyder v. State of Maryland, et al.
Case No. CAL 20-13024 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.

Status: 2nd Amended Complaint filed.

Docket:

06/19/2020	Complaint filed.
07/27/2020	Commission's Motion to Dismiss
07/27/2020	Motion to Transfer Venue
08/11/2020	Opposition to Motion to Dismiss
08/25/2020	State of Maryland's Motion to Dismiss
08/26/2020	Consent to extend deadline for Plaintiff to file an Opposition to Motion to Dismiss
09/10/2020	Amended Complaint.
10/14/2020	Motions hearing moot
10/30/2020	2 nd Amended Complaint filed

Stewart v. P.G. Planning Board
Case No. CAL 20-11215 (AALU)

Lead Counsel: Goldsmith
Other Counsel:

Abstract: Judicial Review of Prince George's County Planning Board's approval of GB Mall Limited Partnership/Quantum Company Preliminary Plan Case No.4-19023

Status: Petition for Judicial Review filed.

Docket:

04/01/2020	Petition for Judicial Review filed
04/13/2020	Amended Petition for Judicial Review filed.
06/26/2020	Second Amended Petition filed.
07/20/2020	Response to Petition filed.

Wolf, et al. v. Planning Board of Prince George's County

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Motions pending.
Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council

MARYLAND COURT OF SPECIAL APPEALS

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-2118-2019 (AALU)

(Originally filed under CAL19-14488 in Prince George's County)

Lead Counsel: Borden
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board No. 19-32, File No. 4-180007.

Status: Awaiting decision.

Docket:

12/19/2019	Appeal filed
02/11/2020	Show Cause issued by Court regarding non-lawyer representing corporate entities
02/25/2020	Response to Show Cause filed
03/04/2020	Order of Court. Show Cause satisfied, appeal to proceed.
05/07/2020	Motion for Emergency Ex Parte Temporary Restraining Order Pending Appeal and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued
05/13/2020	Commission's Response to Motion filed.
05/18/2020	Appellant's Motion for Leave & Notice of Intent to Respond to Commission's Opposition to Temporary Restraining Order Pending Appeal
05/26/2020	Appellant's Motion for Leave of the Maryland Rules Regard the Page Limit, Word Count, Content or Form of Appellant's Motion for Temporary, Preliminary and Permanent Injunction.
06/03/2020	Woodmore Overlook's Motion to Join in Commission's Opposition and Response to Appellant's Motion for Temporary Restraining Order and Preliminary Injunction.
06/04/2020	Order of the Court. Appellant's Motion's denied.
06/23/2020	Appellant Brief and Record Extract filed
06/30/2020	Order – Appellee to refile brief in compliance with Maryland Rules by 8/28/2020
08/03/2020	Petition for Writ of Certiorari
10/22/2020	Summary Notice from Court. Matter to be decided without oral argument
10/23/2020	Petition for Writ denied

Benton v. Woodmore Overlook Commercial, LLC

CSA-REG-0707-2020 (AALU)

(Originally filed under CAL20-13237 in Prince George's County)

Lead Counsel: Warner
Other Counsel: Goldsmith

Abstract: Judicial Review of decision of the Prince George's County Planning Board on Preliminary Plan of Subdivision 4-18007, Woodmore Overlook Commercial.

Status: Appeal filed.

Docket:

09/09/2020	Appeal filed
09/30/2020	Entry of Appearance by Commission
10/27/2020	Motion to Dismiss
11/18/2020	Motion to Dismiss denied

Estreicher v. Montgomery County Planning Board.

CSA-REG-0781-2020 (AALU)

(Originally filed under 472672-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of August 28, 2020 Order reversing Planning Board Resolution MCPB No 19-108 approving Sketch Plan 320190100 and remanding the matter to the Planning Board for further proceedings pursuant to the Court's findings.

Status: Appeal filed.

Docket:

09/28/2020	Appeal filed
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MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.

8:19-cv-02651 TDC (ED)

Lead Counsel: Dickerson

Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: Case management conference set.

Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/19/2019	Case Management Conference held
11/20/2019	Order directing Plaintiff's Counsel to file Status Report by November 26, 2019
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
12/30/2019	Case Management conference held
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.

05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim
08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part and denied in part. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
101/11/2021	Case management conference.