

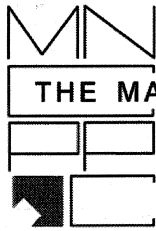
Item 1

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING**

**Wednesday, February 19, 2014
(PRA) 9:30 a.m. – 11:30 a.m.**

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*)	Page 1		
2.	Rotation of Chair	(*)			
3.	Approval of Commission Minutes				
	a) December 18, 2013 – Open Session	(+)	Page 3		
	b) January 29, 2014 (Meeting Cancelled)				
4.	General Announcements				
	a) Black History Month				
	b) Women’s History Month				
5.	Committee/Board Reports (For Information Only):				
	a) Executive Committee Minutes – January 10, 2014 (Meeting Cancelled)				
	b) Executive Committee Minutes – Open Session - February 5, 2014	(+)	Page 9		
	c) Executive Committee Minutes – Closed Session – February 5, 2014	(++)			
	d) Regular Board of Trustees Meeting Minutes – December 3, 2013	(+)	Page 13		
	e) Regular Board of Trustees Meeting Minutes Closed Session – December 3, 2013	(++)			
6.	Action and Presentation Items				
	a) GFOA Budget Award with Group Photo				
	b) Medicare Part D Prescription Plan for Medicare Eligible Retirees (Spencer/McDonald/AONHewitt Consulting and Boomershine)	(+)	Page 19		
	c) Diversity Council Annual Report (Diversity Council)				
	d) Request for use of Salary Lapse for the Department of Human Resources and Management (DHRM)	(+*)	Page 27		
7.	Officers’ Reports				
	a) Executive Director – (For Information Only)				
	Employee Performance Evaluations Not Completed by Due Date – (January 2014)	(+)	Page 29		
	b) Secretary-Treasurer – (For Information Only)				
	1. Investment Report (December 2013).....	(+)	Page 31		
	2. MFD Statistics (1 st Quarter).....	(+)	Page 37		
	c) General Counsel				
	1. Litigation Report – (January 2014).....	(+)	Page 51		
	2. Legislative Update				
8.	Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.				

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
December 18, 2013
Minutes

The Maryland-National Capital Park and Planning Commission met on December 18, 2013, in the Parks and Recreation Auditorium, in Riverdale, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth Hewlett, Chair
Dorothy Bailey
Manuel Geraldo
John Shoaff

Montgomery County Commissioners

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

ABSENT

A. Shuanise Washington

Amy Presley

Chair Hewlett convened the meeting at 9:45 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA
ACTION: Motion of Commissioner Bailey
 Second by Commissioner Anderson
 7 approved the motion (Commissioner Geraldo absent during vote)

ITEM 2 APPROVAL OF COMMISSION MINUTES
Open Session – November 20, 2013
Closed Session – November 20, 2013
ACTION: Motion of Commissioner Wells-Harley
 Second by Commissioner Bailey
 7 approved the motion (Commissioner Geraldo absent during vote)

ITEM 3 GENERAL ANNOUNCEMENTS
One Commission Black History Event:
Executive Director Barney asked Commissioners to mark their calendars for February 7, 2014 for the One Commission Black History Event at the Prince George's County Ballroom. Chair Hewlett wished everyone a happy holiday and thanked everyone for a good year.

Additional announcements made during the meeting are as follows:
Chair Hewlett announced the Prince George's County side and Central Administrative Services received an award from United Way for being in the top 150 out of 3,000 for Corporate Giving. Chair Hewlett thanked all staff for a good

year and rising to the occasion day in and day out to meet challenges. Chair Hewlett said thank you to the department heads, deputies, officers, commissioners, and all staff that stepped up to the plate. She added, the Commission is a giving place and noted some activities employees participated in such as the turkey give-away, and the coat drive. Chair Hewlett wants employees to know they are appreciated and she is really proud to have served as the chair this year.

ITEM 4 COMMITTEE/BOARD REPORTS (For Information Only)

- a) Executive Committee Minutes – Open Session – December 4, 2013
- b) Regular Board of Trustees’ Meeting Minutes – November 5, 2013

ITEM 5 ACTION AND PRESENTATION ITEMS

(Items number a and b taken out of order.)

c) Resolution 13-29, Largo Town Center Sector Plan and Sectional Map Amendment (Washburn)

ACTION: Motion of Bailey
Seconded by Carrier
7 Approved the motion (Commissioner Geraldo absent during vote)

d) Resolution #13-30, Adoption of the Approved Glenmont Sector Plan (Brown)

ACTION: Motion of Wells-Harley
Seconded by Bailey
7 Approved the motion (Commissioner Geraldo absent during vote)

e) Resolution #13-31, Adoption of the Approved County-wide Transit Corridors Functional Master Plan (Coleman)

ACTION: Motion of Anderson
Seconded by Dreyfuss
7 Approved the motion (Commissioner Geraldo absent during vote)

f) Resolution #13-32, Long Branch Sector Plan (Williams)

ACTION: Motion of Wells-Harley
Seconded by Dreyfuss
7 Approved the motion (Commissioner Geraldo absent during vote)

a) Resolution #13-27, Subregion 6 Master Plan and Sectional Map Amendment (Carlson-Jameson) (Item taken out of order)

ACTION: Motion of Bailey
Seconded by Dreyfuss
7 Approved the motion (Chair Hewlett recused herself from vote)

b) Resolution #13-28, Subregion 5 Master Plan and Sectional Map Amendment (Irminger) (Item taken out of order)

ACTION: Motion of Geraldo
Seconded by Bailey
7 Approved the motion (Chair Hewlett recused herself from vote)

g) Resolution #13-33, M-NCPPC FY 15 Proposed Operating Budget (Barney/Kroll)

Executive Director Barney introduced Corporate Budget Manager John Kroll. Mr. Kroll presented background information on the FY15 Proposed Operating Budget, and outlined minor corrections that had been made since the Planning Boards had last reviewed the document. The changes were:

- Page 5 – The Prince George’s County Special Revenue Fund total was increased by \$263,982.
- Page 6 – Change 2% to 3.47% in the first point under Assessable Base and Tax Rates.
- Page 8 – Group Insurance Fund, third paragraph: Reserve noted here is solely for the Group Insurance Fund. The other funds’ reserve reflects their policies of either 3 or 5% reserves.
- Resolution – Mr. Kroll handed out a replacement attachment (Exhibit A) which was the same as prior attachments, with the following changes:
 - \$4,707 additional fund balance available, reflected in the highlighted cells in the Park Fund
 - Page 2 of 5 – Rounding error fixed for the Park Fund Personal Property tax rate. Mr. Kroll also pointed out that the Park Fund budget as proposed will require a 0.4 cent increase

Vice-Chair Carrier asked if the executives get this level of detail. Mr. Kroll replied they receive an even greater level of detail. Vice-Chair Carrier asked if there was enough time to make the small corrections prior to the final printing; Mr. Kroll replied yes.

ACTION: Motion of Carrier
Seconded by Dreyfuss
8 Approved the motion

h) OPEB Valuation (Boomershine/Zimmerman)

Secretary-Treasurer Joe Zimmerman introduced actuary Dave Boomershine the Commission’s actuary for the retiree healthcare plan also referred to as Other Post-Employment Benefits (OPEB). Mr. Boomershine walked through the power point presentation. Highlights included the following results for the year ended June 30, 2013: Net OPEB Obligation of \$61.8 million; the Annual Required Contribution of \$20.6 million; and the funded ratio of about 9%. Expected valuation results for the year ended June 30, 2014 are as follows: Net OPEB Obligation as of June 30, 2014 of \$61.7 million and Annual Required Contribution of \$21.2 million. He noted that rating agencies are waiting to see how governments are funding their plans and whether they are making plan design changes to reduce liabilities. He stated that the Commission has done both with plan design changes such as the increase from 15% to 20% for retiree cost share and the Commission’s annual funding of OPEB in accordance with the actuarial valuation.

ACTION: Motion of Carrier to accept the report on the Actuarial Valuation Review
Seconded by Geraldo
8 Approved the motion

i) New Investment Manager Approval: ING US Investment Management (Rose)

ERS Administrator Andrea Rose stated that the pension board approved an allocation for a dedicated bank loan mandate of \$30 million or 4%. The board is recommending approval of ING U.S. Investment Management as a new investment manager.

ACTION: Motion of Dreyfuss
Seconded by Geraldo
8 Approved the motion

j) Employee Retirement System (ERS) Plan Amendments (Rose)

ERS Administrator Andrea Rose presented the plan document restatement for Plans A and B. The changes reflect the Commission's action increasing employee contributions by .5% effective July 1, 2014 for Plans A and B and clarifying that death benefits paid to a spouse will be reduced on the date the Participant would have otherwise reached eligibility for Social Security retirement benefits, just as it would have been reduced for a Participant receiving retirement benefits under Plan B.

ACTION: Motion of Dreyfuss
Seconded by Bailey
8 Approved the motion

k) CAFR 2013 (Walsh/Zimmerman) (For Information Only)

Secretary-Treasurer Zimmerman introduced Greg Bussink, Partner from Clifton Larson Allen, LLP, and Accounting Division Chief Barbara Walsh. Mr. Bussink stated that the Commission received a clean audit opinion. Ms. Walsh presented highlights of the financial results for the fiscal year ended June 30, 2013.

ITEM 6 Officers' Reports (For Information Only)

a) Executive Director

1. Late Employee Performance Evaluations – (November 2013)

Executive Director Barney stated the report title will be changed for clarity, in response to comments from Commissioners.

b) Secretary-Treasurer

1. Investment Report – (October 2013) Rates continue to be low with the same results.

c) General Counsel

1. Litigation Report – (November 2013)
Report accepted.
2. Legislative Update
 - a) Lyme Disease Bill

ACTION: Motion of Carrier to formerly oppose the bill as written, and amend it to cover other similarly situated employees of other state agencies. M-NCPPC is willing to work with the legislators on the language and provide the organization's claims statistics.

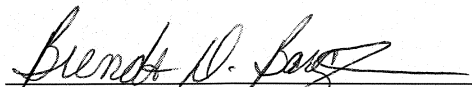
Seconded by Anderson

6 Approved the motion: Anderson, Carrier, Dreyfuss, Hewlett, Shoaff, and Wells-Harley


2 Opposed the motion: Bailey and Geraldo

ITEM 7 Removed from the Agenda.

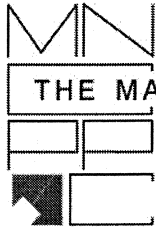
There being no further business to discuss, the M-NCPPC meeting adjourned at 11:14 a.m.



Brenda D. Barge, Administrative Specialist



Patricia C. Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee
February 5, 2014
OPEN SESSION - MINUTES

A meeting of The Maryland-National Capital Park and Planning Commission's Executive Committee was held at 9:00 a.m. on February 5, 2014, in the Executive Director's Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland. Present at the meeting were, Chair Elizabeth M. Hewlett, Vice-Chair Françoise M. Carrier, and Executive Director Patricia C. Barney. Also in attendance were:

Department Directors/Deputies/Presenters/Staff

Joe Zimmerman, Secretary-Treasurer

Adrian Gardner, General Counsel

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Mary Bradford, Director, Montgomery County Parks

Gwen Wright, Director, Montgomery County Planning

Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

William Spencer, Human Resources Director

Lisa Dupree, Senior Management Analyst (CPMO)

Jennifer McDonald, Health and Benefits Manager (for Item 2c)

Executive Director Barney convened the meeting at 9:15 a.m.

ITEM 1 AGENDA APPROVALS

a) EXECUTIVE COMMITTEE AGENDA

- Add Salary Lapse Request for the Department of Human Resources and Management as Item 2e.

b) COMMISSION MEETING AGENDA – February 19, 2014

- Show Place Arena Audit – Move to March to coincide with expected marketing study conducted by the Maryland Stadium Authority. Most recommendations from the Audit Committee have already been implemented. Director Gathers will provide an update on Parks and Recreation upon review of the Stadium Authority Report.
- The Executive Committee requested that General Counsel Gardner provide copies of the Legislative Report to Commissioners prior to the Commission meetings. This report will be presented in April to allow Commissioners a chance to review.

c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

The Executive Committee requested the following changes:

- March:
 - Add Showplace Arena update.
 - Remove the Fund Balance Policy. Secretary-Treasurer Zimmerman noted that he will discuss moving the Montgomery County Planning Department's Leave Fund money, which is currently in the Group Insurance Fund, to Capital the Equipment Fund at the Montgomery County Planning Board meeting.
- April:
 - Add policies on Salary Equity Adjustments and Counteroffers
- May:
 - Subject to consideration by the Merit System Board and policy input periods, Overtime Pay/Compensatory Leave Policy Recommendations will be presented this month.

PREVENTION OF SEXUAL HARASSMENT TRAINING (not listed on agenda)

Chair Hewlett inquired about the progress of Prevention of Sexual Harassment Training. William Spencer, Human Resources Director, reported that 40 training sessions have been held in which 1,200 employees have participated. Executive Director Barney shared that face-to-face training will continue with follow-up training implemented through a webinar.

ITEM 2

a) INVESTMENT REPORT – DECEMBER 2013

The Current Investment Portfolio shows a Weighted Average Return of .28%. The long rate is moving up slowly, even less for the short rate. M-NCPPC will not be making money. The agency will conduct two bond issues this spring to preserve opportunity to issue bonds for projects in Prince George's County, and for cash-flow needs in Montgomery County.

b) MFD STATISTICS – 1ST QUARTER

The first quarter utilization was 21.1%, which is slightly below the historical average.

c) MEDICARE PART D PRESCRIPTION PLAN FOR MEDICARE ELIGIBLE RETIREES

Health and Benefits Manager Jennifer McDonald presented information about Medicare Part D, (Medicare prescription drug coverage) explaining how the agency can save money on our retiree prescription plan. M-NCPPC has applied for the Federal government's Retiree Drug Subsidy (RDS) Program which reimburses employers who maintain prescription drug coverage for Medicare Eligible retirees, allowing the M-NCPPC to receive reimbursements annually from 2006 through 2012. She also described a new benefit, which was highlighted in the Executive Committee packet, titled "Employer Group Waiver Plan plus Wrap (EGWP+Wrap)". Under this program which was implemented under Healthcare reform initiatives, the Commission can produce greater savings.

Ms. McDonald explained that Montgomery County Public Schools is implementing EGWP+Wrap in 2014 and Montgomery County Government will implement the program in 2015. Washington Suburban Sanitary Commission (WSSC), Montgomery College, and Prince George's County Government are considering implementing the program in 2015. AON Hewitt, our benefits consultant, is making a presentation to the Montgomery County Council on March 27th. With assistance from Aon Consulting and Caremark, M-NCPPC will implement EGWP+Wrap January 1, 2015, to increase savings in subsidies and reduce the OPEB liability. This item will be presented to the Commission in February.

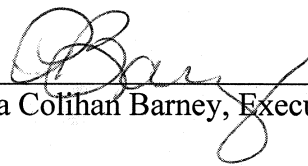
e) REQUEST FOR USE OF SALARY LAPSE FOR THE DEPARTMENT OF HUMAN RESOURCES AND MANAGEMENT (DHRM)

Executive Director Barney shared that she will be preparing a request for consideration by the Commission to use approximately \$100,000 in non-budgeted salary lapse from vacancies in the Department of Human Resources and Management (DHRM). The funds will be used to hire consultants to assist on critical priorities such as assisting with the implementation of the Enterprise Resources Program (ERP), financial analysis, and balancing workloads while staff is detailed to projects such as the ERP.

Pursuant to Section 10-508 (a) 7 and 9 of the State Government Article of the Annotated Code of Maryland, The Maryland-National Capital Park and Planning Commission's Executive Committee moved to closed session at 9:55 a.m., for purposes of consultation with legal counsel and to discuss matters relating to collective bargaining and policy recommendations pertaining to compensation.



Gayla I. Williams, Senior Technical Writer



Patricia Colihan Barney, Executive Director



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

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, December 3, 2013; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, December 3, 2013 at 10:00 a.m. Voting members present were: Khalid Afzal, Josh Ardison, Patricia Colihan Barney, Richard H. Bucher, Ph.D., LaKisha Giles, Elizabeth M. Hewlett, Elton King and Barbara Walsh. Joseph C. Zimmerman, CPA arrived at 10:40 a.m. Casey Anderson and Tracy Lieberman were not present.

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

ERS legal counsel included: M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel.

Presentations by Wilshire Associates - Mike Dudkowski, Managing Director and Bradley Baker, Associate; ING U.S. Investment Management - Mark Haak, CFA, Senior Vice President, Senior Portfolio Manager and Team Leader and Hugh Boyle, Institutional Sales and Relationship Management; and, Guggenheim Investments - Kevin Gundersen, Portfolio Manager of Corporate Credit Group and Suzanne L. Schechter, Managing Director, Head of Public Funds.

1. CONSENT AGENDA

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

- A. Approval of the December 3, 2013 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, November 5, 2013
- C. Closed Session Minutes of Meeting, November 5, 2013 (***Confidential-Trustees Only***)
- D. Disbursements Granted Report – October 2013
- E. Transfer of \$9,000,000 to Cover Administration Expenses and Benefit Payments for December 2013 – February 2014
- F. 2014 Board of Trustees Meeting Dates and Work Program
- G. 2014 Work Programs and Meeting Dates for the Audit Committee, Administration & Personnel Oversight Committee and the Investment Monitoring Group

The December 3, 2013 Board of Trustees Meeting Agenda was revised to add Item 4.C. - Fixed Income Structure Analysis & Bank Loan Discussion and pull Items 1.B. and 1.C. for separate consideration.

DR. BUCHER made a motion, seconded by MS. WALSH to approve Consent Agenda Item's 1.A-D-E-F and -G. The motion PASSED unanimously (8-0). (Motion #13-66)

CHAIRMAN HEWLETT called for a motion on Items 1.B. and 1.C. - Minutes of Regular Meeting, November 5, 2013 and Closed Session Minutes of Meeting, November 5, 2013, respectively.

MINUTES, AS APPROVED, AT THE FEBRUARY 4, 2014 BOARD OF TRUSTEES MEETING

DR. BUCHER made a motion, seconded by MS. WALSH to approve the Minutes of Regular Meeting, November 5, 2013 and Minutes of Closed Session Meeting, November 5, 2013. The motion PASSED (6-0-2) with MS. BARNEY and MR. AFZAL abstaining due to their absence from the November 5, 2013 Board of Trustees Meeting. (Motion #13-67)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
 - i. IFEBP 59th Annual Employees Benefits Conference Report by Josh Ardison

MR. ARDISON discussed the highlights of the IFEBP 59th Annual Employees Benefits Conference he attended and confirmed a written report would be sent to trustees.

3. MISCELLANEOUS

No miscellaneous items reported.

4. MANAGER REPORTS/PRESENTATIONS

- A. Wilshire Associates
 - Presentations by Mike Dudkowski, Managing Director and Bradley Baker, Associate
 - i. Executive Summary of Investment Performance; as of September 30, 2013
 - ii. Manager Comparison - 3yr and 5yr Rolling Returns; as of September 30, 2013 – Information Only
 - iii. Summary of Investment Performance – Gross of Fees; Qtr. Ending September 30, 2013 – Information Only
 - iv. Bank/Leveraged Loan Manager Search; December 3, 2013

Mike Dudkowski reported on the fund's performance for the quarter ending September 30, 2013. The ERS' total return was 11.93% (net of fees) for the one-year ending September 30, 2013. The total fund outperformed the policy index return of 11.01% by 0.92%. The ERS fund return was 10.24% for the three-years ended September 30, 2013 and 8.36% for the five-years ended September 30, 2013 versus the policy index which returned 10.08% and 7.48%, respectively. The total market value through September 30, 2013 was \$753 million.

Bradley Baker reviewed individual manager performance. MS. BARNEY questioned Artisan Partners small cap value fund performance which has been lagging the benchmark since 2012. Mr. Dudkowski explained the lag was mostly due to the underperformance in natural gas and energy stocks. Mr. Dudkowski pointed out Artisan has added value to the fund since inception. Wilshire is still comfortable with Artisan but performance will be closely monitored.

MR. ZIMMERMAN arrived at 10:40 a.m.

At its October 1, 2013 meeting, the Board of Trustees approved an allocation to bank loans. Bank loans are floating rate instruments that are senior, secured, safer and more liquid than high yield bonds. Bank loans provide diversification and are an attractive opportunity versus core fixed income with an expected return between 4.5% - 5%.

Wilshire conducted a review of the universe of bank loan managers consistent with the ERS' requirements and compiled a short list of 14 managers. Wilshire did not find any minority or emerging managers to

include in the search. The list was narrowed based on credit expertise, employing a dedicated bank loan team, and quantitative and qualitative assessment. At its November 19, 2013 meeting, the Investment Monitoring Group reviewed the list and selected two managers (Guggenheim Investments and ING U.S. Investment Management) to present to the Board based on Wilshire's recommendation and manager rankings, product characteristics, fees, product diversification, and performance, including excess returns.

B. Finalist Presentations - Bank/Leveraged Loan Manager Search

i. ING U.S. Investment Management

Presentations by Mark Haak, CFA, Senior Vice President, Senior Portfolio Manager and Team Leader and Hugh Boyle, Institutional Sales and Relationship Management

a. ING Senior Loan Strategy; December 3, 2013

Hugh Boyle and Mark Haak presented the ING U.S. Investment Management (ING) Senior Loan Strategy (Strategy) which seeks superior long-term risk-adjusted total returns over a full market cycle by avoiding realized losses related to defaults and chasing yield in high-risk environments. The Strategy targets higher quality non-investment grade senior loans that exhibit attractive relative value within the asset class and contains approximately 400 loans. ING is a global boutique-style manager that manages nearly \$18 billion in senior loans through the ING Senior Loan Group (Group). The Group is a dedicated bank loan manager and private side investor located in Scottsdale Arizona and consists of 49 team members, including 25 investment professionals. Mr. Haak said having access to the private side of the market (non-public information about the borrowers) is an information advantage. This advantage has contributed to delivering better-than-index performance with a lower default rate and less volatility. The presenters covered investment strategy, investment process, risk management, and performance.

ING offered a 20% fee discount for being an early investor in the Common Trust.

ii. Guggenheim Investments

Presentations by Kevin Gunderson, Portfolio Manager of Corporate Credit Group and Suzanne L. Schechter, Managing Director, Head of Public Funds

a. Manager Presentation

Suzanne Schechter and Kevin Gunderson presented the Guggenheim Investments U.S. Bank Loans Composite which seeks to identify attractive investment opportunities and protect investor capital by rigorous credit research and managing downside risk. The strategy includes 100-150 loans. Guggenheim is a relative-value based, bottom-up manager that views middle market companies as the area for the greatest yield opportunity. Fundamental bottom-up credit analysis, viewed as the main driver of alpha, consists of developed proprietary models for each credit and extensive scenario testing. Guggenheim is a privately held, global financial services firm that manages \$13.5 billion in bank loans by their Corporate Credit Group. The Corporate Credit Group is located in New York, NY and consists of 90+ investment professionals. The presenters covered investment team, research and process, credit analysis, and performance.

iii. Recommendation to Approve the New Bank/Leveraged Loan Manager

MR. ARDISON left the meeting at 1:00 p.m.

LaTonya Reynolds, Associate General Counsel, joined the meeting at 1:05 p.m.

The Board agreed that ING U.S. Investment Management (ING) and Guggenheim Investments were very close contenders. It was noted that ING offers a more conservative and diversified portfolio that has a higher credit quality. ING is also offering a 20% fee discount which is important given expected returns of 4.5% - 5%. After a lengthy discussion on the different investment approaches and the 20% fee discount for being an early investor in ING's Common Trust, CHAIRMAN HEWLETT asked for a motion to select the finalist.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve ING U.S. Investment Management as a new investment manager for a dedicated bank loan mandate, subject to satisfactory review of ING's ADV form. The motion PASSED (7-1) with MR. AFZAL OPPOSED. (Motion #13-68)

C. Fixed Income Structure Analysis & Bank Loan Discussion

Presentation by Wilshire Associates - Mike Dudkowski, Managing Director and Bradley Baker, Associate

Since the introduction of a dedicated bank loan mandate would increase the return/risk profile for the fixed income portfolio, Wilshire prepared 2 alternative fixed income structure allocations. Alternative #1 includes a 4% (approximately \$30 million) allocation to bank loans with a 4% reduction in core fixed income (Eaton Vance and CS McKee). Alternative #2 includes a 5% (approximately \$40 million) allocation to bank loans with a 2.5% reduction in core fixed income and 2.5% reduction in high yield. Alternative #1 and #2 both include rebalancing the current allocations of Loomis Sayles and Neuberger Berman.

The Board discussed the risk and return profile of both alternatives. Mike Dudkowski recommended Alternative #1 since ING is a more conservative manager.

MS. BARNEY made a motion, seconded by MR. AFZAL to approve Alternative #1 - 4% (approximately \$30 million) allocation to bank loans with a 4% reduction in core fixed income (Eaton Vance and CS McKee) and to rebalance Loomis Sayles and Neuberger Berman to 3.8% each of the total fund. The motion PASSED unanimously (8-0). (Motion #13-69)

5. PLAN AMENDMENTS

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

- A. Recommendation to Approve the Plan Document Restatement effective January 1, 2014
- i. Memo from the Groom Law Group dated November 21, 2013 re: January 1, 2014 Restatement
 - ii. Plan Document dated January 1, 2014

LaTonya Reynolds presented the Groom Law Group's Memo dated November 21, 2013 which included an overview of the revisions reflected in the Plan Document Restatement effective January 1, 2014.

The amended language in Sections A-7.1 and B-7.1 increases the employee contributions by 0.5% effective July 1, 2014 as previously approved by Commission Resolution No. 13-11. The revisions in Sections B-6.1(a)(1)(A) and E-6.1(a)(1)(A) clarify that the service-connected death benefit paid to a spouse will be reduced on the date the Participant would have otherwise reached eligibility for full Social Security retirement benefits, just as it would have been reduced for a Participant receiving retirement benefits under Sections B-4.1 and E-4.1.

MS. BARNEY made a motion, seconded by DR. BUCHER to approve the Plan Document Restatement effective January 1, 2014 as recommended by legal counsel. The motion PASSED unanimously (8-0). (Motion #13-70)

6. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated November 22, 2013

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

At its November 20, 2013 meeting, the Commission approved the Board's recommended employer contribution of \$28,149,976 (21.8% of covered payroll) payable July 1, 2014 as a result of the July 1, 2013 actuarial valuation.

The ERS was notified by its' securities monitoring firm, Robbins, Geller, Rudman & Dowd, LLP, that quarterly international portfolio monitoring reports will be provided to the ERS, beginning in the fourth quarter of 2013. These reports will show the ERS' exposure in international collective actions currently being formed, as well as information about each action in which the ERS has exposure.

Following the Commission's approval of the Plan Document Restatement effective January 1, 2014, the Groom Law Group will file an IRS Determination Letter Application by the January 31, 2014 deadline.

Over 200 members (retired and active) completed the ERS' Annual Reporting Survey which closed on November 27, 2013. The survey requested feedback on the Annual Report and Annual Statements which were mailed in early November. Results will be analyzed and reported back to the Board in early 2014.

7. COMMITTEE REPORTS/RECOMMENDATIONS

A. Administration & Personnel Oversight Committee

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

- i. Regular Report of November 19, 2013
- ii. Confidential Report of November 19, 2013

DR. BUCHER presented the Administration & Personnel Oversight Committee's regular report of November 19, 2013.

DR. BUCHER reported on the Committee's review of whether trustees could participate in committee and Board meetings via conference call if they were unable to attend in person. Following a discussion with legal counsel and a discussion of the advantages and disadvantages, the Committee decided not to recommend any revisions to the Rules of Procedures at this time.

The Committee agreed to the electronic delivery of committee meeting packets. Trustees agreed to bring an iPad or laptop to the meetings in order to access materials. One to two hard copies will be available at each meeting for emergency use.

The Administration & Personnel Oversight Committee's confidential report of November 19, 2013 was presented in Closed Session.

B. Investment Monitoring Group

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

- i. Regular Report of November 19, 2013

ii. Confidential Report of November 19, 2013

In the absence of the Investment Monitoring Group (IMG) Chairman at the November 19, 2013 IMG meeting, DR. BUCHER presented highlights of the IMG's regular report of November 19, 2013.

The IMG discussed Wilshire's manager review of the Western Asset Global Multi-Sector Fixed Income fund ("Western"). Wilshire's Mike Dudkowski and Brad Baker noted the significant turnover in personnel since 2009. Wilshire met with Western and felt assured that the turnover resulted from unrelated circumstance among the employees. Wilshire's Research Team will be monitoring Western and Mr. Dudkowski agreed to provide an update to the IMG in a few months.

The IMG agreed to the electronic delivery of committee meeting packets. Trustees agreed to bring an iPad or laptop to the meetings in order to access materials. One to two hard copies will be available at each meeting for emergency use.

The IMG's confidential report of November 19, 2013 was presented in Closed Session.

8. CLOSED SESSION


The Board will meet in closed session, pursuant to State Government Article of the Annotated Code of Maryland Sections 10-508 (a)(1) to discuss personnel issues, 10-508(a)(5) to discuss investment of public funds and 10-508(a)(7) to consult with legal counsel

MS. BARNEY made a motion, seconded by DR. BUCHER to go in to Closed Session under authority of State Government Article 10-508 (a)(1) to discuss personnel issues, 10-508(a)(5) to discuss investment of public funds and 10-508(a)(7) to consult with legal counsel. The motion PASSED unanimously (8-0). (Motion #13-71)

MS. BARNEY made a motion, seconded by MS. WALSH to go out of Closed Session. The motion PASSED unanimously (8-0). (Motion #13-72)

MS. BARNEY made a motion, seconded by MS. WALSH to adjourn the Board of Trustees meeting of December 3, 2013 at 2:00 p.m. The motion PASSED unanimously (8-0). (Motion #13-73)

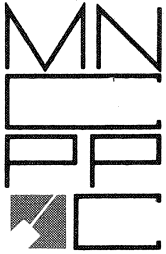
Respectfully,



Heather D. Brown
Senior Administrative Specialist



Andrea L. Rose
Administrator



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

February 19, 2014

TO: The Maryland-National Capital Park and Planning Commission

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

FROM: Jennifer McDonald, Benefits Manager

SUBJECT: Medicare Part D Prescription Plan for Medicare Eligible Retirees

For Informational Purposes

Background

Medicare Part D, also called the **Medicare prescription drug benefit**, is a United States federal-government program which subsidizes the costs of prescription drugs and prescription drug insurance premiums for Medicare beneficiaries in the United States. It was enacted as part of the Medicare Modernization Act of 2003 and went into effect on January 1, 2006. At the same time the Federal Government implemented the Retiree Drug Subsidy (RDS) Program which reimburses employers who maintained prescription drug coverage for their Medicare Eligible retirees. Since that time M-NCPPC has applied for and received annual reimbursement through this program as follows:

Year	Reimbursement Amount
2006	\$298,681
2007	\$333,101
2008	\$317,948
2009	\$374,205
2010	\$417,237
2011	\$453,236
2012	\$445,295

Instead of continuing to apply for the annual subsidy, M-NCPPC can capitalize on the changes in the Medicare Part D program to produce greater cost savings by converting the prescription plan we offer to Medicare eligible retirees to a Medicare approved Part D prescription plan, administered by Caremark through their Silver Script Part D plan. Our current plan will be wrapped around the Part D plan so that retirees do not lose any benefits that may not

be available under the Part D plan. This arrangement is commonly referred to as an Employer Group Waiver Plan plus Wrap (EGWP+Wrap) plan.

Highlights of EGWP+Wrap Plan

- Convert the current prescription plan for Medicare eligible retirees and spouses to a standard Medicare Part D plan
- The current plan for actives and under 65 retirees and spouses will remain the same, and will serve as a secondary or “Wrap” plan to preserve the current prescription plan design for the retiree
- Only one ID card is issued. From the retiree’s perspective it will appear seamless as one plan. This arrangement ensures that virtually no benefit disruption is created for the retiree
- Current estimate for the RDS subsidy for 2015 is \$64 per member per month. Current estimate for the EGWP+Wrap is \$101 per member per month
- In aggregate, the estimated additional savings over the current subsidy is \$300,000
- A greater impact will be to the Other Post Employment Benefits (OPEB) liability. The savings generated by converting to an EGWP+Wrap can be used in the OPEB liability calculation, whereas the RDS reimbursement cannot. The actuarial valuation shows a reduction of approximately \$2.6M in the Annual Required Contribution (ARC) for FY2015 and about \$3.0M in future years.
- Conversion requires a lot of administrative tasks
- The key to a successful rollout is a robust communication campaign to educate retirees.

Aon Consulting is making a presentation to the Montgomery County Council on March 27th on the potential savings if all five county agencies were to convert to this arrangement. Montgomery County Public Schools is implementing EGWP+Wrap in 2014. Montgomery County Government will implement in 2015. WSSC, Montgomery College and Prince George’s County Government are considering implementation for 2015.

Summary

The Health & Benefits office plans to implement the EGWP+Wrap January 1, 2015 to increase the savings in subsidies and to reduce the OPEB liability. This conversion requires a long lead time to implement, minimum six months, and a lot of administrative work. Both Aon Consulting and Caremark will assist in the implementation.



Retiree Health Care Strategy

Medicare Part D Prescription Drug Coverage

for M-NCPPC Retirees

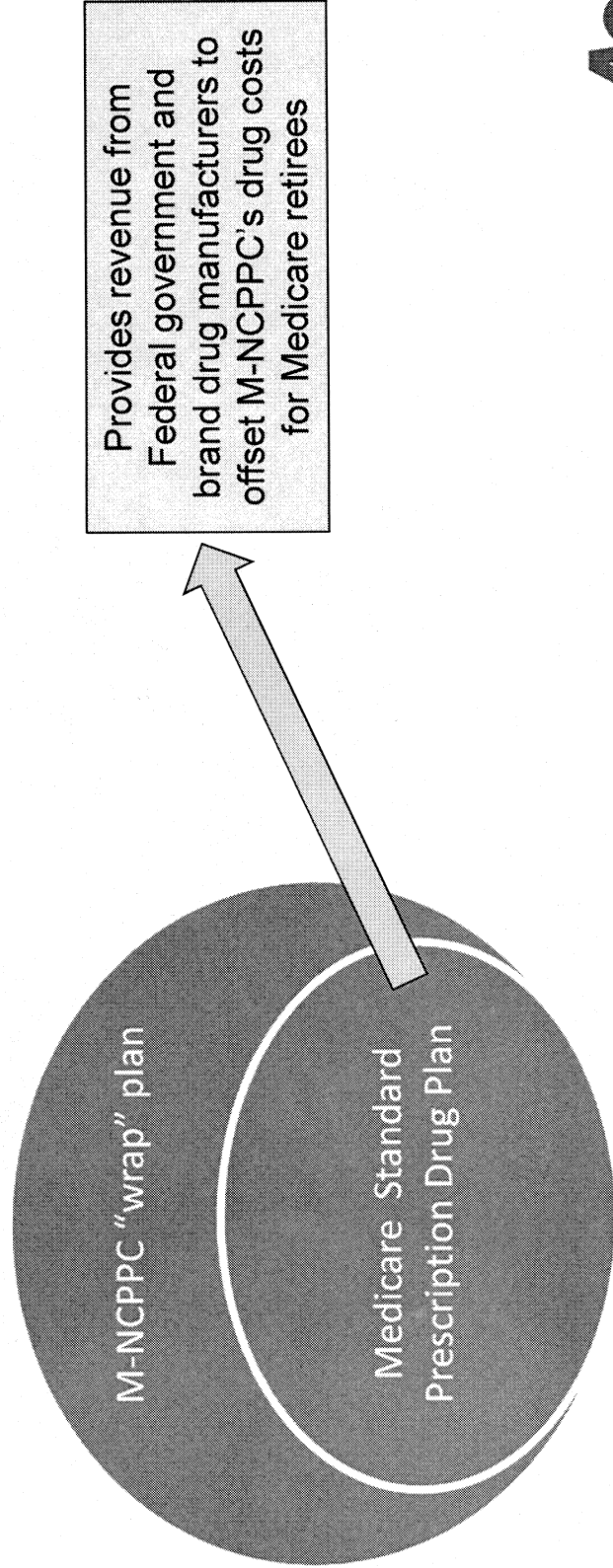
February 19, 2014

Prepared by Consulting
Health & Benefits

AON

Medicare Retirees Prescription Drug Coverage

- M-NCPPC converts the current Rx arrangement into a group Standard Part D plan design
- M-NCPPC provides a secondary, or “Wrap”, plan design around the Standard Part D plan which attempts to preserve the current prescription drug plan design (copays) and formulary strategy (covered drugs), from the retiree’s perspective
 - The Standard Part D and Wrap coordinate at the pharmacy, with one ID card, so that retirees only experience the Wrap plan design and formulary strategy
 - This can ensure that virtually no benefit disruption is created for the retiree
- Called an “EGWP+Wrap”



Medicare Retirees Prescription Drug Coverage: EGWP + Wrap

- Currently, M-NCPPC applies for and receives Retiree Drug Subsidy (RDS) from the federal government for its Medicare eligible retiree members' drug utilization
 - EGWP + Wrap replaces the RDS and will result in more revenue to offset costs than RDS
- Estimated net cash savings in total plan Medicare retiree Rx costs, over RDS approach:
 - \$31 ppm, or \$0.32 million in 2015 (13% savings for 1st year) on an incurred basis
- Estimated net GASB OPEB savings for EGWP approach over RDS approach for FY2015*
 - RDS is not recognized in GASB OPEB valuation as an offset to costs or liability for the plan
 - EGWP subsidies are recognized as an offset to plan costs and therefore they offset GASB OPEB costs
 - 13.5%, or \$43 million, reduction in Accrued Liability, from \$319 million to \$276 million
 - \$2.6 million reduction in Annual OPEB Cost, reflecting ½ year recognition, from \$22.5 million to \$19.9 million
 - \$3.0 million reduction in future years for full year recognition
- Proposed effective date: January 1, 2015
 - Need at least six (6) months to implement, but suggest longer due to several clients looking to implement with Caremark for 2015
- M-NCPPC contracts with Caremark's Medicare Part D plan, SilverScript

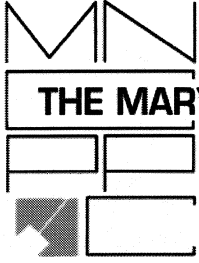
* Prepared by Boomershine Consulting, 1/7/2014

Medicare Retirees Prescription Drug Coverage: EGWP + Wrap

- The impact on Medicare retirees is minimal to none
- Plan design (copays) under the current retiree plan will continue for Medicare retirees
- Caremark's formulary (covered drugs and preferred status) for the plan covering early retirees and actives, which will likely change annually as it does today, will continue for Medicare retirees
 - EGWP+Wrap will first process under Medicare Part D EGWP formulary, but then the Wrap will protect the member experience at the pharmacy and honor active employees' plan formulary
 - Because the EGWP formulary is different than the active employees' formulary, Medicare Part D requires additional communications to retirees when they submit for a drug different than how the EGWP formulary would cover it
 - Could result in increased communications for some retirees
 - SilverScript customer service can assist with retiree questions
 - Some retirees may be required to gain prior authorization for certain drugs they are taking that could result in waiting for their medication at the pharmacy
 - During implementation, retirees currently on these drugs will be advised to get with their physician to prepare for the prior authorization request the first time they need this medication after the effective date

Medicare Retirees Prescription Drug Coverage: EGWP + Wrap

- Some retirees eligible for low income subsidies under the Part D program will pay less for coverage
 - Low income status is determined by the federal government after the retiree applies for it through Social Security
 - Applies to individuals with income less than 150% of Federal Poverty Level (\$17,200 in 2013 for single person) and assets less than \$11,570 (for single person in 2013)
- High income retirees will see additional premiums for Rx coverage just as they do now for Medicare Part B coverage
 - Extra premiums range from \$12 - \$69 per person per month in 2014, based on adjusted gross income (AGI)
 - Triggers at \$85,000 AGI for single income tax filer and \$170,000 for joint income tax filer




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

PCB14-03

February 10, 2014

To: Commissioners
From: Patricia C. Barney, Executive Director 
Subject: DHRM Request to Use Salary Lapse

Action

Approve request to utilize \$100,000 of unbudgeted salary lapse of DHRM - Administration Fund to assist the CAS staff assigned to the ERP project with regular work program assignments, implementation tasks and system issues after go live dates.

Background

When initially planning the ERP project, the Executive Director and the Secretary-Treasurer requested that Department Directors enable the temporary reassignment of some key staff to assist with backfilling current CAS job tasks and assisting the CAS staff efforts on the ERP project. As time progressed, it was apparent that the operating departments' staff did not have the time available to be temporarily reassigned. They have represented their departments well on subject matter expert teams and are currently involved in testing. We very much appreciate their past and on-going work on the ERP project.

However, as we get closer to the go live dates for the financial, procurement and HR/payroll modules and as we kick-off the budget module, our CAS team will require additional resources to backfill some regular work tasks and to assist with implementation and clearing up issues after we go live. I am requesting the flexibility to utilize \$100,000 of unbudgeted salary lapse to fund this critical need.

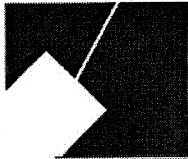
This transfer from personnel services to contracting services will enable us to acquire resources to assist in carrying out critical priorities while continuing current efforts to fill positions on a career basis.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF A JANUARY 2014

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	12/13	01/14	12/13	01/14	12/13	01/14	12/13	01/14
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	3	1	0	0	0	0	3	1
LEGAL DEPARTMENT	0	0	1	0	0	0	1	0
FINANCE DEPARTMENT	0	2	0	0	0	0	0	2
PRINCE GEORGE'S PLANNING	3	0	0	0	0	0	3	0
PRINCE GEORGE'S PARKS & RECREATION	0	4	0	0	0	0	0	4
MONTGOMERY COUNTY PARKS	0	3	0	0	0	0	0	3
MONTGOMERY COUNTY PLANNING	2	3	0	0	0	0	2	3
DEPARTMENT TOTAL BY DAYS LATE	8	13	1	0	1	1	---	---

COMMISSION WIDE TOTAL: 10 14

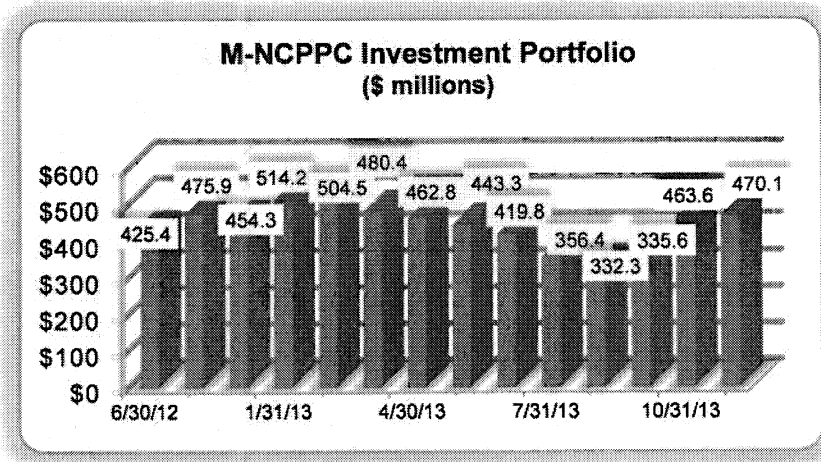
*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.



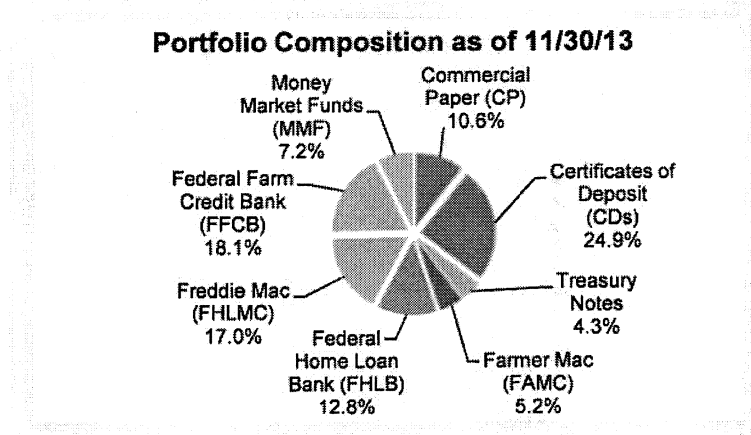
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *AR*
DATE: 12/17/2013
SUBJECT: Investment Report – November 2013

The Commission’s pooled cash investment portfolio totaled \$470.1 million as of November 30, 2013, with a 1.40 % increase from October 31, 2013. Details are as follows:

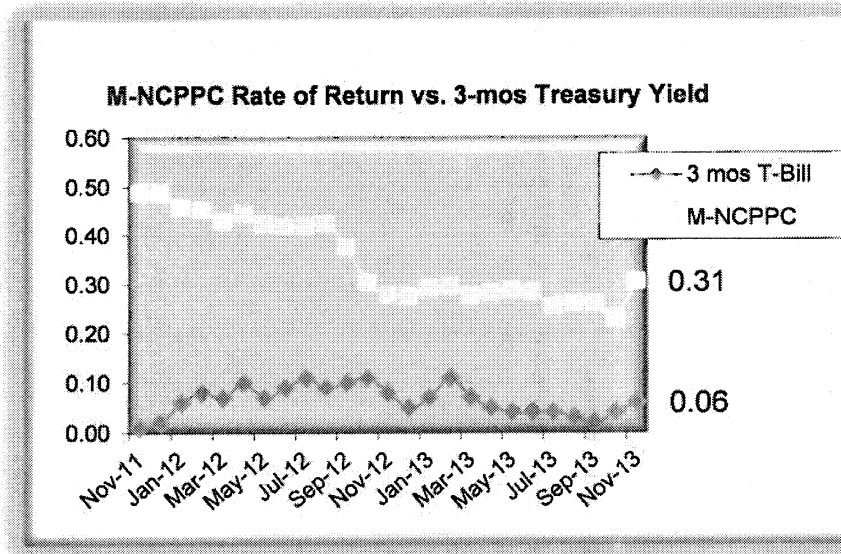


The composition of the pooled cash portfolio as of November 30, 2013 is summarized below:

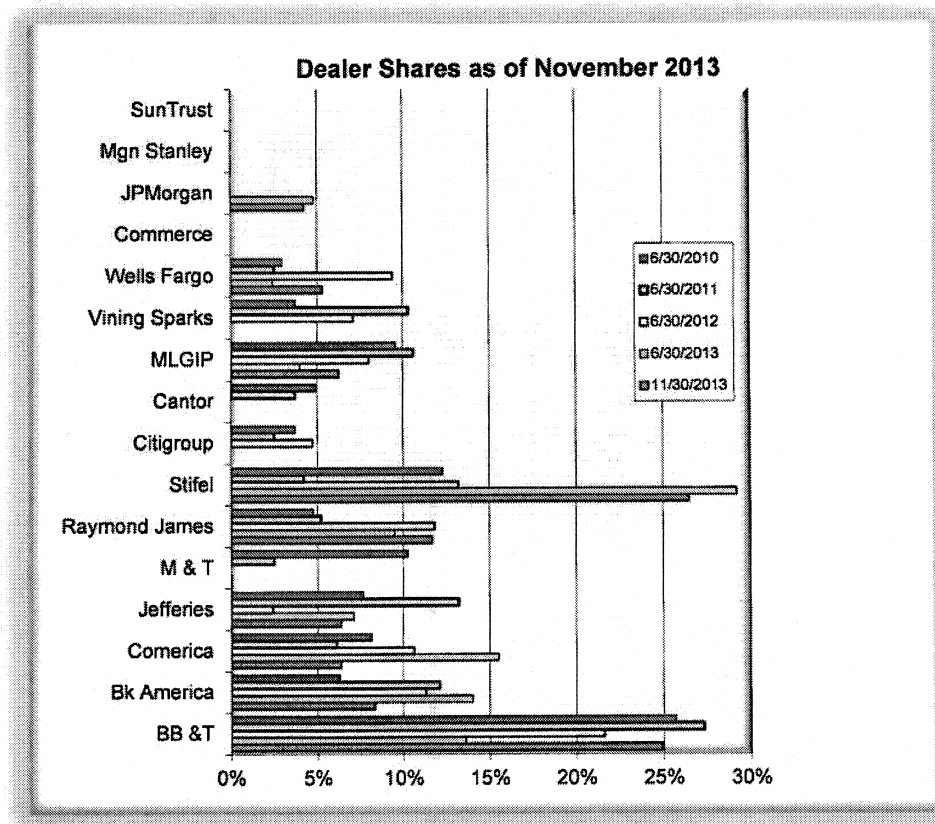


Current Investment Portfolio - November 2013				
Instrument	Policy Limit	Actual	Par Value	Wtd. Avg. Return (B/E)
Certificates of Deposit	50%	25%	\$ 117,000,000	0.22%
Federal Farm Credit Bureau	20%	18%	85,000,000	0.26%
Freddie Mac	20%	17%	80,000,000	0.36%
Federal Home Loan Banks	20%	13%	60,000,000	0.30%
Commercial Paper	10%	11%	50,000,000	0.50%
Money Funds	25%	7%	33,641,354	n/a
Farmer Mac	20%	5%	24,500,000	0.29%
Treasury Notes	100%	4%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 470,141,354	0.31%

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



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



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

Market Value- 11/30/13	
Montgomery County (MC-2012A)	\$ 2,112,909
Montgomery County (MC-2012B)	882,228
	<u>\$ 2,995,137</u>

The Commission had debt service payments during the month totaling \$1,930,276, of which \$1,282,228 was principal and \$648,048 was interest.

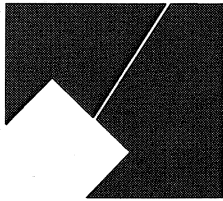
Details by issue of debt outstanding as of November 30, 2013 appear below:

Debt Balances - November 2013					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	9,855,000	26%	Mar-04	Jan-24
PG-2012A	11,420,000	11,380,000	100%	Jun-12	Jun-24
JJ-2	8,900,000	6,770,000	76%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 47,503,123	53%		
Montgomery County					
Cabin John Ice	6,000,000	-	0%	Apr-99	Nov-13
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	305,000	20%	Dec-02	Dec-14
CC-2	12,155,000	555,000	5%	Dec-02	Dec-14
LL-2	8,405,000	5,340,000	64%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,360,000	68%	Nov-04	Dec-24
FF-2	4,000,000	1,040,000	26%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,200,000	80%	May-09	Nov-28
MC-2012A	12,505,000	12,505,000	100%	Apr-12	Dec-32
MC-2012B	3,000,000	3,000,000	100%	Apr-12	Dec-32
Total Montgomery County	\$ 65,010,000	\$ 32,230,000	50%		
Total	\$ 154,235,000	\$ 79,733,123	52%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2014 - November 30, 2013

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government		100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined		60%			
US Federal Agencies - each		20%			
Repurchase Agreements		60%			
CD's and Time Deposits		50%			
Commercial Paper		10%			
Money Market Mutual Funds		25%			
MD Local Gov't Investment Pool		25%			
Investing Bond Proceeds:					
State and local agency securities		100%			
Money Market Mutual Funds		10%			
Bond Proceeds:				Yes	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants		30%		Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities				Yes	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 25 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.31% and 0.06%, respectively.					



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

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

January 10, 2014

TO: Commissioners
VIA: Patricia C. Barney, Executive Director
FROM: Joseph C. Zimmerman, Secretary/Treasurer
SUBJECT: MFD Purchasing Statistics— First Quarter FY14

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

Some of the observations of this FY14 report include:

- Attachment A indicates that through the first quarter of FY14, the Commission procured approximately \$29.5 million in goods, professional services, construction and miscellaneous services. Approximately 21.1% or \$6.2 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 21.1%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY14 was 16.1%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 15.0% and 24.1%, respectively.
- Attachment D presents the FY14 activity for the Purchase Card program totaling approximately \$2.5 million of which 1.8 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 8.5% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to first quarter FY14.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analyses, MFD vendors do appear to be participating, at an overall rate of 21.1% in informal (under \$30,000) and 21.1% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 19.3%. MFD vendors are participating at an overall rate of 24.0% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$29.5 million in total procurement, \$22.9 million was procured from Maryland vendors. Of the \$6.2 million in procurement from MFD vendors, \$5.4 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 17, 2011.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.7% of total procurement.

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

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 9,498	\$	-	-	\$ 3,048	32.1%
Planning Department	457,466		-	-	163,703	35.8%
Parks and Recreation Department	19,697,444		446,572	7	4,748,838	24.1%
Total	<u>20,164,408</u>		<u>446,572</u>	<u>7</u>	<u>4,915,589</u>	<u>24.4%</u>
<u>Montgomery County</u>						
Commissioners' Office	2,976		-	-	410	13.8%
Planning Department	345,745		12,964	1	7,895	2.3%
Parks Department	7,835,559		49,662	2	1,176,012	15.0%
Total	<u>8,184,280</u>		<u>62,626</u>	<u>3</u>	<u>1,184,317</u>	<u>14.5%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	141,053		-	-	45,747	32.4%
Finance Department	847,325		-	-	63,097	7.4%
Legal Department	62,634		-	-	1,769	2.8%
Merit Board	17,000		-	-	17,000	100.0%
Office of Chief Information Officer	94,719		-	-	4,388	4.6%
Office of Internal Auditor	14,245		-	-	4,201	29.5%
Total	<u>1,176,976</u>		<u>-</u>	<u>-</u>	<u>136,202</u>	<u>11.6%</u>
Grand Total	<u>\$ 29,525,664</u>	<u>\$</u>	<u>509,198</u>	<u>10</u>	<u>\$ 6,236,108</u>	<u>21.1%</u>

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

Prepared by Finance Department
December 8, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2014

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	32.1%			
Planning Department	35.8%			
Parks and Recreation Department	24.1%			
Total	<u>24.4%</u>			
<u>Montgomery County</u>				
Commissioners' Office	13.8%			
Planning Department	2.3%			
Parks Department	15.0%			
Total	<u>14.5%</u>			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	32.4%			
Finance Department	7.4%			
Legal Department	2.8%			
Merit Board	100.0%			
Office of Chief Information Officer	4.6%			
Office of Internal Auditor	29.5%			
Total	<u>11.6%</u>			
Grand Total	<u><u>21.1%</u></u>			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	32.1%				32.1%
Planning Department	35.8%				35.8%
Parks and Recreation Department	24.1%				24.1%
Total	<u>24.4%</u>				<u>24.4%</u>
<u>Montgomery County</u>					
Commissioners' Office	13.8%				13.8%
Planning Department	2.3%				2.3%
Parks Department	15.0%				15.0%
Total	<u>14.5%</u>				<u>14.5%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	32.4%				32.4%
Finance Department	7.4%				7.4%
Legal Department	2.8%				2.8%
Merit Board	100.0%				100.0%
Office of Chief Information Officer	4.6%				4.6%
Office of Internal Auditor	29.5%				29.5%
Total	<u>11.6%</u>				<u>11.6%</u>
Grand Total	<u><u>21.1%</u></u>				<u><u>21.1%</u></u>

Prepared by Finance Department
December 8, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY

FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 7,124,963	\$ 24,587	\$ 2,117,273	\$ 4,803,201	\$ 59,172	\$ 57,804	\$ 5,347	\$ 57,579
MFD\$	\$ 601,431	\$ 3,424	\$ 74,324	\$ 419,348	\$ 5,559	\$ 45,747	\$ 1,501	\$ 51,528
Percentage	8.4%	13.9%	3.5%	8.7%	9.4%	79.1%	28.1%	89.5%
Miscellaneous Services:								
Total \$	\$ 6,965,187	\$ 176,981	\$ 1,990,379	\$ 4,109,236	\$ 264,232	\$ 19,498	\$ 13,827	\$ 391,034
MFD\$	\$ 3,180,635	\$ 4,471	\$ 273,723	\$ 2,861,137	\$ 41,036	\$ 0	\$ 268	\$ 0
Percentage	45.7%	2.5%	13.8%	69.6%	15.5%	0.0%	1.9%	0.0%
Professional Services:								
Total \$	\$ 2,151,229	\$ 144,177	\$ 314,375	\$ 1,061,939	\$ 124,815	\$ 63,751	\$ 43,460	\$ 398,712
MFD\$	\$ 314,653	\$ 0	\$ 27,873	\$ 158,103	\$ 117,108	\$ 0	\$ 0	\$ 11,569
Percentage	14.6%	0.0%	8.9%	14.9%	93.8%	0.0%	0.0%	2.9%
Construction:								
Total \$	\$ 13,145,847	\$ 0	\$ 3,413,532	\$ 9,723,068	\$ 9,247	\$ 0	\$ 0	\$ 0
MFD\$	\$ 2,110,342	\$ 0	\$ 800,092	\$ 1,310,250	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	16.1%	0.0%	23.4%	13.5%	0.0%	0.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 29,387,226	\$ 345,745	\$ 7,835,559	\$ 19,697,444	\$ 457,466	\$ 141,053	\$ 62,634	\$ 847,325
MFD\$	\$ 6,207,061	\$ 7,895	\$ 1,176,012	\$ 4,748,838	\$ 163,703	\$ 45,747	\$ 1,769	\$ 63,097
Percentage	21.1%	2.3%	15.0%	24.1%	35.8%	32.4%	2.8%	7.4%
Pr. Geo. Commissioners' Office								
Total \$	\$ 9,498							
MFD\$	\$ 3,048							
Percentage	32.1%							
Mont. Commissioners' Office								
Total \$	\$ 2,976							
MFD\$	\$ 410							
Percentage	13.8%							
Merit Board								
Total \$	\$ 17,000							
MFD\$	\$ 17,000							
Percentage	100.0%							
Office of Chief Information Officer								
Total \$	\$ 94,719							
MFD\$	\$ 4,388							
Percentage	4.6%							
Office of Internal Auditor								
Total \$	\$ 14,245							
MFD\$	\$ 4,201							
Percentage	29.5%							
GRAND TOTAL \$	\$ 29,525,664							
MFD\$	\$ 6,236,108							
Percentage	21.1%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 9,498	32.1%	\$ 7,916	24.4%
Planning Department	457,466	35.8%	33,406	0.0%
Parks and Recreation Department	19,697,444	24.1%	1,372,240	0.7%
Total	20,164,408	24.4%	1,413,562	0.9%
<u>Montgomery County</u>				
Commissioners' Office	2,976	13.8%	2,117	0.0%
Planning Department	345,745	2.3%	29,498	0.0%
Parks Department	7,835,559	15.0%	1,031,816	3.1%
Total	8,184,280	14.5%	1,063,431	3.0%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	141,053	32.4%	6,096	0.0%
Finance Department	847,325	7.4%	26,339	0.0%
Legal Department	62,634	2.8%	4,075	0.0%
Merit Board	17,000	100.0%	-	0.0%
Office of Chief Information Officer	94,719	4.6%	1,331	0.0%
Office of Internal Auditor	14,245	29.5%	-	0.0%
Total	1,176,976	11.6%	37,841	0.0%
Grand Total	\$ 29,525,664	21.1%	\$ 2,514,834	1.8%

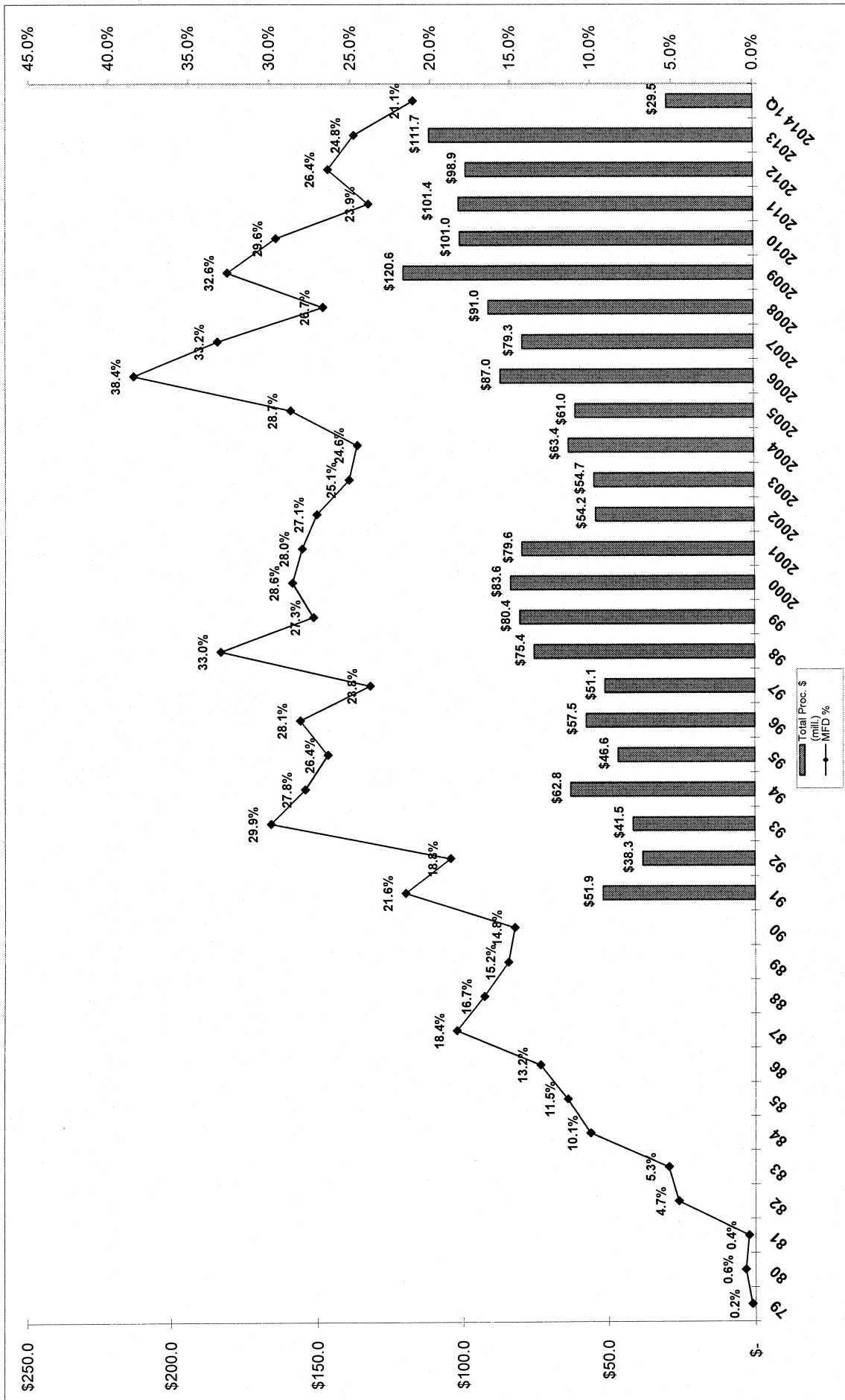
Percentage of Purchase Card Procurement to Total Procurement **8.5%**

Prepared by Finance Department
December 8, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



Prepared by Finance Department
December 8, 2013

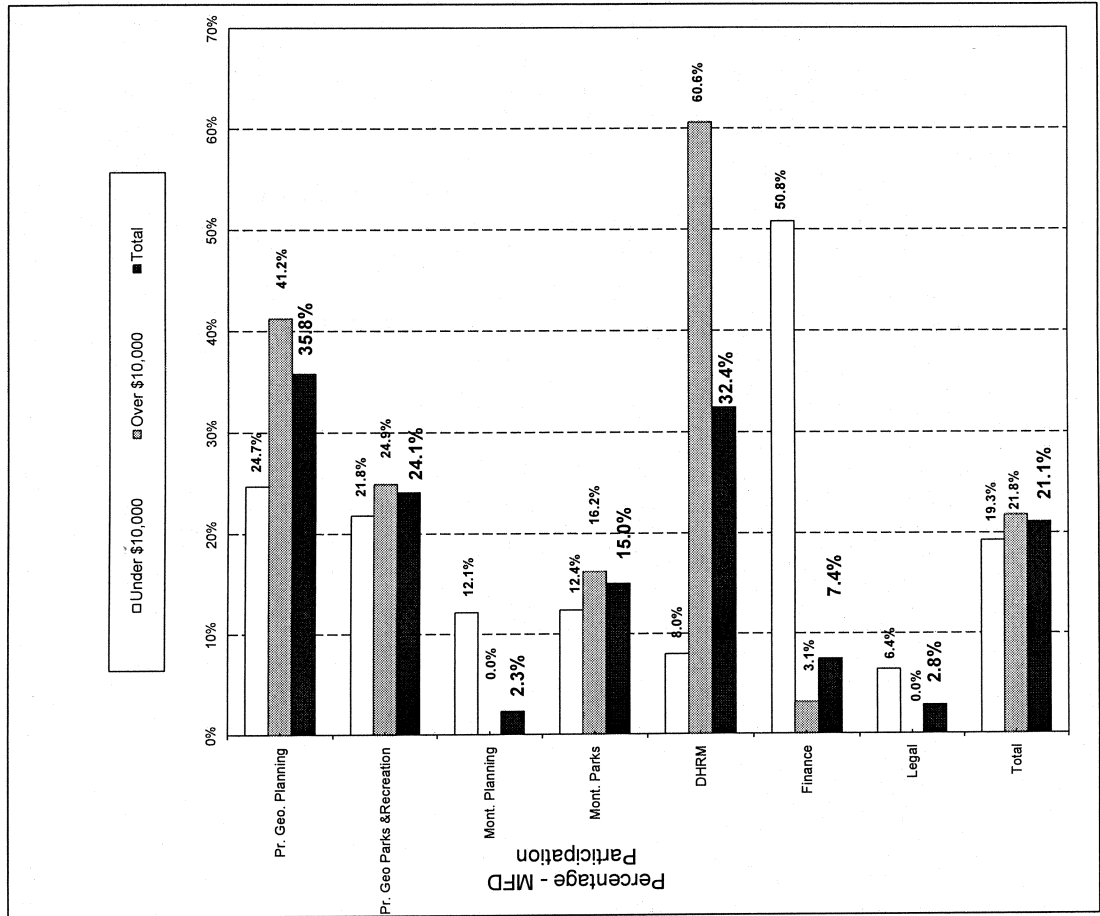
Attachment F

The Maryland-National Capital Park and Planning Commission

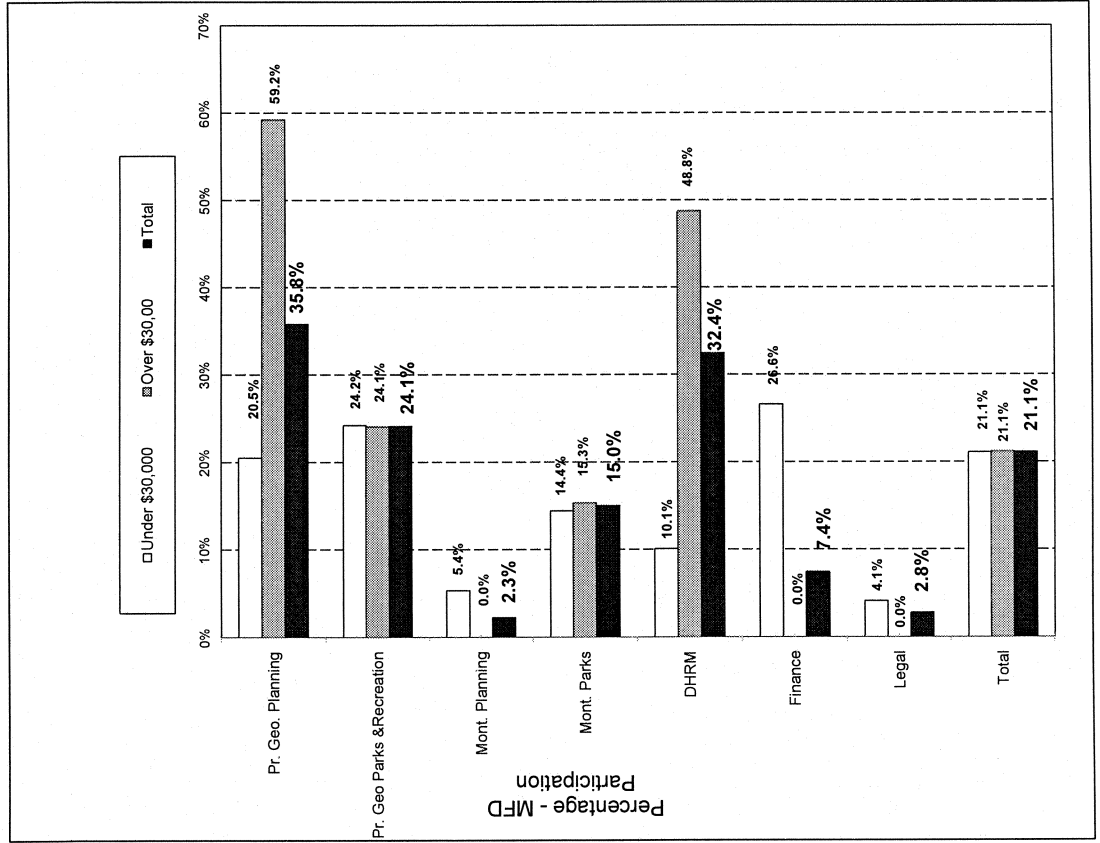
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2014 1Q

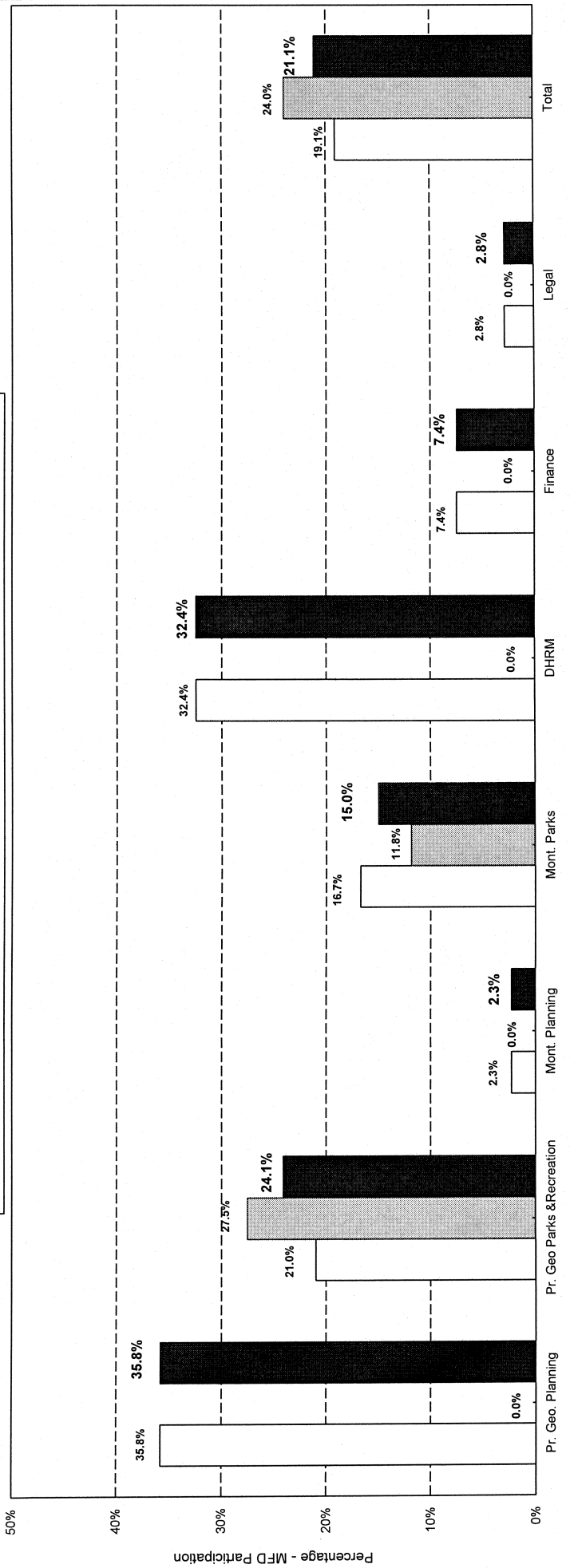
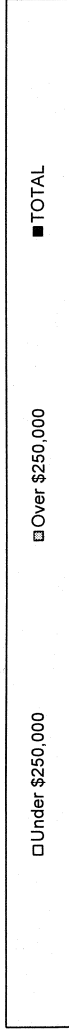
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2014 1Q



Prepared by Finance Department
 December 8, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 6,551,466	22.2%	238	17.6%
Prince George's County	4,191,818	14.2%	489	36.1%
Subtotal	10,743,284	36.4%	727	53.7%
Maryland - other locations	12,157,720	41.1%	234	17.3%
Total Maryland	22,901,004	77.5%	961	71.0%
District of Columbia	347,325	1.2%	64	4.7%
Virginia	766,924	2.6%	85	6.3%
Other Locations	5,510,411	18.7%	244	18.0%
Total	\$ 29,525,664	100.0%	1,354	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 4,992,968	21.4%	156	16.6%
Prince George's County	1,427,246	6.1%	300	32.0%
Subtotal	6,420,214	27.5%	456	48.6%
Maryland - other locations	11,118,859	47.8%	176	18.7%
Total Maryland	17,539,073	75.3%	632	67.3%
District of Columbia	165,708	0.7%	37	3.9%
Virginia	286,137	1.2%	61	6.5%
Other Locations	5,298,638	22.8%	210	22.3%
Total	\$ 23,289,556	100.0%	940	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 1,558,498	25.0%	82	19.8%
Prince George's County	2,764,572	44.3%	189	45.7%
Subtotal	4,323,070	69.3%	271	65.5%
Maryland - other locations	1,038,861	16.7%	58	14.0%
Total Maryland	5,361,931	86.0%	329	79.5%
District of Columbia	181,617	2.9%	27	6.5%
Virginia	480,787	7.7%	24	5.8%
Other Locations	211,773	3.4%	34	8.2%
Total	\$ 6,236,108	100.0%	414	100.0%

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

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 20,752,896	70.3%	\$ 4,983,690	79.9%
Montgomery County	8,772,768	29.7%	1,252,418	20.1%
Total	\$ 29,525,664	100.0%	\$ 6,236,108	100.0%

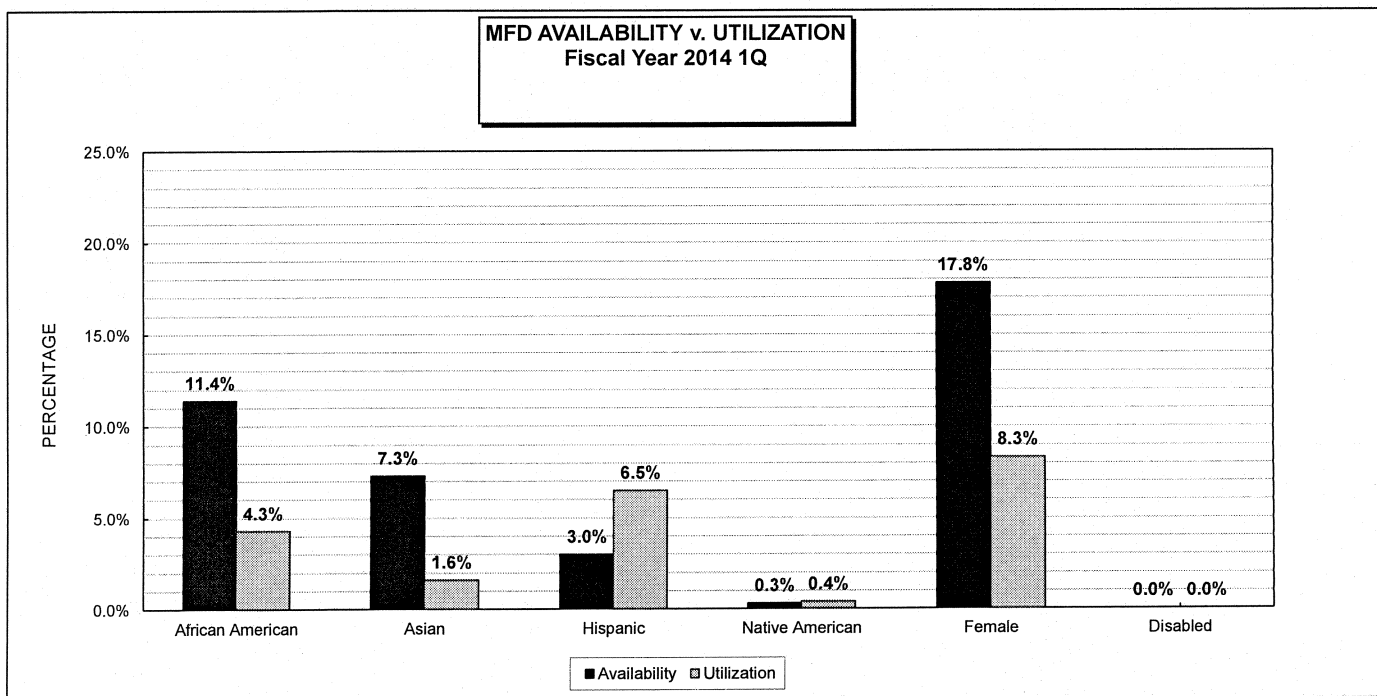
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment I

Total Amount of Procurement \$ **29,525,664**

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

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 1,277,715	4.3%	11.4%
Asian	472,587	1.6%	7.3%
Hispanic	1,905,091	6.5%	3.0%
Native American	103,492	0.4%	0.3%
Total Minority Owned Firms	3,758,885	12.8%	22.0%
Female Owned Firms	2,467,041	8.3%	17.8%
Disabled Owned Firms	10,182	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	<u>\$ 6,236,108</u>	<u>21.1%</u>	<u>39.8%</u>



Note: (1) Availability percentages are taken from State of Maryland study titled "The State of Minority- and Women-Owned Business Enterprise: Evidence from Maryland", dated February 17, 2011, table 4.23A on page 169.

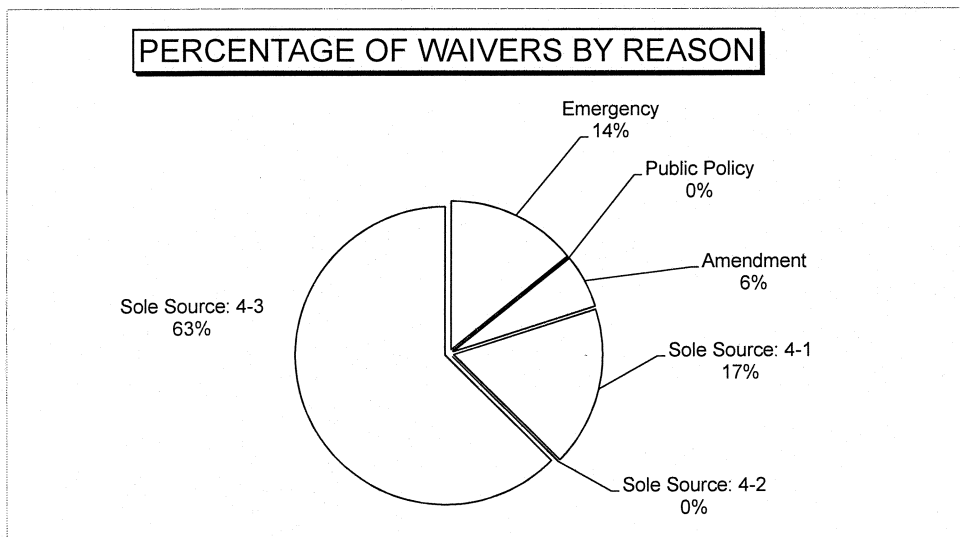
(2) n/a = not available

Prepared by Finance Department
December 8, 2013

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2014
FOR THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	2	\$ 72,362	14%
Public Policy	0	\$ -	0%
Amendment	5	\$ 29,764	6%
Sole Source: 4-1	1	\$ 88,428	17%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	2	\$ 318,644	63%
Total	10	\$ 509,198	100%



Waiver Reason Definitions:

Emergency:

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

Required by Law or Grant:

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

Amendment:

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

Sole Source 4:

It has been determined that:

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

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2014

FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2013

Attachment K

	Total Waivers		MFD/Waivers		% of MFD	Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source
	\$	Number	\$	Number		\$	Number	\$	Number	\$	Number	
Prince George's County												
Commissioners' Office	\$ 0	0	\$ -	0	0.0%	\$ -	0	\$ -	0	\$ -	0	0.0%
Planning Department	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks and Recreation Department	446,572	7	39,500	3	8.8%	39,500	1	-	0	318,644	2	80.2%
Total	446,572	7	39,500	3	8.8%	39,500	1	-	0	318,644	2	80.2%
Montgomery County												
Commissioners' Office	-	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Planning Department	12,964	1	-	0	0.0%	-	0	-	0	-	0	0.0%
Parks Department	49,662	2	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	62,626	3	-	0	0.0%	-	0	-	0	-	0	0.0%
Central Administrative Services												
Dept. of Human Resources and Mgt.	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Finance Department	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Legal Department	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Merit Board	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Total	0	0	-	0	0.0%	-	0	-	0	-	0	0.0%
Grand Total	\$ 509,198	10	\$ 39,500	3	7.8%	\$ 39,500	1	\$ -	0	\$ 318,644	2	70.3%

Purpose of Summary of Waiver Report:

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

Sole Source: 4

It has been determined that:

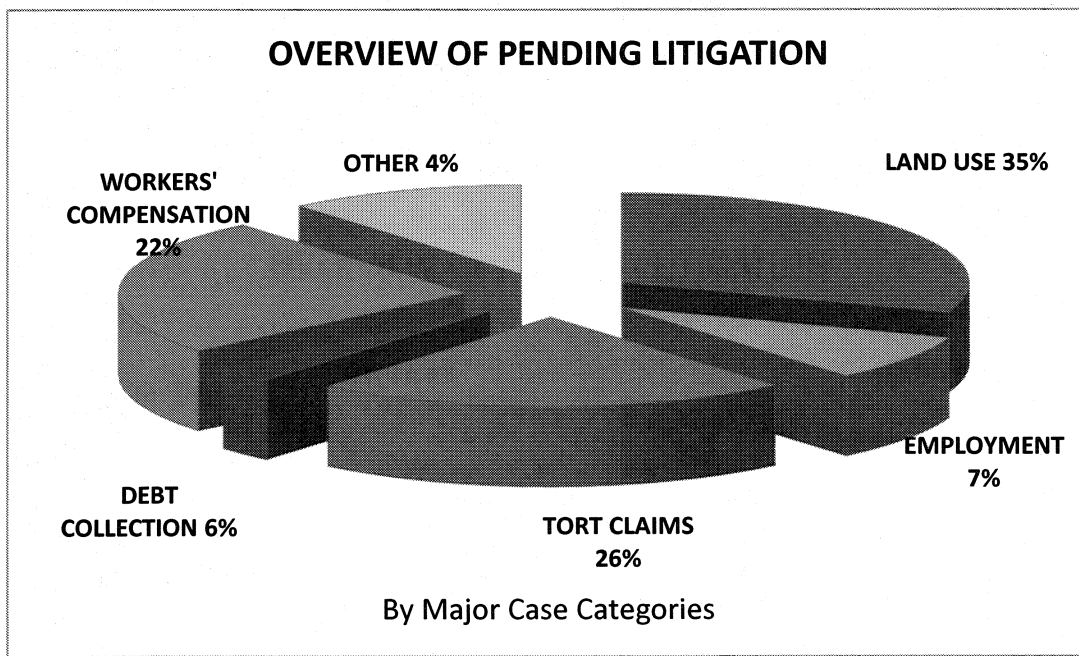
- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to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

Prepared by Department of Human Resources and Management
November 1, 2013

January 2014 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	7		7				14
Admin Appeal: Other							0
Land Use Dispute							0
Tort Claims	6		1				7
Employment Dispute	1	2					3
Contract Dispute	2						2
Property Dispute	2			1			3
Civil Enforcement	2						2
Workers' Compensation	7						7
Debt Collection	2						2
Bankruptcy							0
Miscellaneous	2		1				3
Per Forum Totals	31	2	9	0	0	0	43



January 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD	Resolved Cases F/YTD	Pending Current Month
Admin Appeal: Land Use	11	5	2	16	15	12	14
Admin Appeal: Other	0			0	0	0	0
Land Use Disputes	0			1	0	1	0
Tort Claims	8	3	4	5	16	15	7
Employment Disputes	3			4	1	1	3
Contract Disputes	2			1	2	1	2
Property Disputes	2	1	1	2	3	1	3
Civil Enforcement	1	1		1	2	0	2
Workers' Compensation	9	1	3	14	9	17	7
Debt Collection	1	1		3	2	2	2
Bankruptcy	0			0	0	0	0
Miscellaneous	4		1	1	5	2	3
Totals	41	12	11	48	55	52	43

Index of New and Resolved Cases

A. New Trial Court Cases.

Bell v. Commission
 Butler v. Commission
 Commission v. 6509 Rhode Island Realty
 Commission v. MARCOPOLO GF Co.
 Phoenix v. Commission
 Rivera v. Commission

Unit

PG Parks
 PG Parks
 PGPB
 PGPB
 PG Parks
 PG Parks

Subject Matter

Tort Claim
 Tort Claim
 Condemnation
 Condemnation
 Tort Claim
 Judicial Review: WC

B. New Appellate Court Cases.

Rounds v. Commission

MCPB

Admin Appeal: Land Use

C. Trial Court Cases Resolved.

Commission v. Eludoyin
 GEICO v. Poirier et al. and Commission
 Glessner v. Surrat House Museum, *et al.*
 Rollins v. Commission
 Schwartz v. Dobbins
 Smithy v. Commission

PG Parks
 PG Parks
 PG Parks
 PGPB
 PG Parks
 PG Parks

Tort Claim (Subrogation)
 Tort Claim (Subrogation)
 Tort Claim
 Admin Appeal: Land Use
 Tort Claim
 Unemployment Claim

D. Appellate Court Cases Resolved.

Rounds v. Commission

MCPB

Admin Appeal: Land Use

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks		
Commission v. Martinez	Commission appealing the Workers' Compensation Commission's decision	Case Remanded to WCC 03/04/13.
Commission v. Rivera	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 07/15/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 15% permanent partial disability to his right lower extremity (knee), and 5% was found to be due to a pre-existing condition. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 37% permanent partial disability reasonably attributable to the accidental injury, and 24% was found to be due to pre-existing conditions. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Rivera v. Commission	WCC found claimant did not sustain an occupational disease, claimant appealed	Case remanded to WCC 08/06/13
White v. Commission	Petitioner is appealing the Worker's Compensation Commission's order.	Case remanded to WCC 04/23/13
Montgomery County Park Police		
Commission v. Hoffmaster	Commission appealing the Workers' Compensation Commission's decision.	Claimant prevailed at jury trial. WCC Order affirmed. 02/05/13.

Hume v. Maryland Park Police	Defense of claim for reimbursement for personal items allegedly taken during eviction from Commission property located in the Twinbrook section of Rock Creek Park.	Commission's Motion to Dismiss granted on 10/15/13.
Montgomery County Planning Board		
Commission v. Johnson	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Judgment granted in favor of the Commission 10/19/12.
Commission v. Mereos	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Case dismissed without prejudice per Rule 2-507 on 07/11/13 for inability to serve and prosecute the case
Makfinsky, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.	
McClure v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.	Order of Court reversing penalties ordered by the Planning Board, filed: 07/03/13; Notice of Appeal filed 08/01/13.
Pringle v. Montgomery County Planning Board	Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.	Order denying Writ of Certiorari filed: 10/21/13
Sahady v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.	Affirmed. Order filed September 4, 2013 affirming the approval of Preliminary Plan 120110430 by the Montgomery County Planning Board.
Sandler, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed for Decision of the Montgomery County Planning Board regarding enforcement action: Violation of category I conservation easement in connection with forest conservation plan 120020730.	Final Order entered on 10/18/12 affirming the Planning Board's decision.

Shady Grove Technical Center Associates v. Montgomery County Planning Board	Petition for Judicial Review of Resolution by Montgomery County Planning Board in Case MCPB NO. 11-108.	Stipulation of Dismissal with Prejudice filed 03/12/13
Smith v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.	Court order reversing order and opinion of Planning Board, filed: 05/23/13; Notice of Appeal filed: 06/21/13.
South-East Rural Civic Assn v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Preliminary Plan 120100250 and Site Plan 820100080 First Baptist Church of Wheaton.	Final Order reversing the Planning Board's decision issued and remand to the Board to deny preliminary and site plans.
South-East Rural Olney Civic Assn et al. v. Montgomery County Planning Board	Civil Complaint for Declaratory Judgment and Injunctive Relief filed in connection with Preliminary Plan 120100250 and Site Plan 820100080.	Complaint voluntarily dismissed by Plaintiffs on 10/17/12.
Town of Washington Grove v. M-NCPPC	Petition for Judicial Review of Forest Conservation Plan	Order of court affirming decision of the Planning Board, filed: 06/07/13
Prince George's County Department of Parks and Recreation		
Commission v. Batson	Commission is appealing the Workers' Compensation Commission decision.	Case Dismissed 09/21/12.
Commission v. Eludoyin	Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.	Case Dismissed 11/21/13 in order to pursue third party lien
Commission v. Hill	Commission is appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 10/29/12.
Commission v. Kohlheim	Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.	Case closed. Judgment uncollectable 05/11/12.
Commission v. Nyagbona	Commission filed suit to recover funds paid to repair a Commission vehicle that was struck by Defendant's uninsured automobile.	Defendant is in active military service and can't be served.

Commission v. Pinkney	Commission appealing the Worker's Compensation Commission's decision.	Case closed by stipulation of dismissal 03/28/13.
Corsetti v. Commission	Petitioner appealing the Worker's Compensation Commission's award of compensation to her right shoulder.	Case remanded to WCC 04/09/13.
Donaldson v. Commission	Claimant is appealing the Workers' Compensation Commission's Order denying compensability of his claim.	Case remanded to WCC 06/13/13.
Felhauer, Jacob v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Felhauer, James v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Felhauer, Justin v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Felhauer, Nicolas v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Galloway v. Commission	The Workers' Compensation Commission awarded Claimant 22% permanent partial disability to his left leg (knee). Claimant is appealing this award.	Claimant Dismissed Appeal 02/22/13.
Glessner v. Surrat House Museum, et al.	Defense of a tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	Case Dismissed Pursuant to Defense's Motion to Dismiss 12/19/13
Government Employees Ins. Co. v. Allison Claire Poirier et al. and Commission	Defense of subrogation claim asserted by an insurance company arising out of motor vehicle accident involving a Commission employee and the company's insured.	Case dismissed pursuant to arbitration agreement, 11/18/13
Harper v. Commission	Defense of a \$250 tort claim for property damage allegedly caused by golf ball that escaped from the Commission's Enterprise Golf Course	Verdict in favor of the Commission on 08/20/13
Freeman v. Commission	Defense of claim alleging discrimination and retaliatory termination.	Jury verdict in Commission's favor: 10/3/13
Japones v. Montgomery	Defense of Commission employee against suit for personal injury resulting from automobile accident.	Case Dismissed 01/14/13.
Jenkins, Jennifer v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13

Lawson v. Commission	Defense of claim arising from injury to minor child playing game at playground camp held at Carrollton Elementary School.	Case Settled 09/14/12.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	Commission's Motion to Dismiss granted on 12/17/12.
Quick v. Legal Department	Defense of claim for injuries arising from alleged defective exercise bike.	Commission's Motion to Dismiss granted on 12/17/12.
Schwartz v. Dobbins	Defense of claim arising from motor vehicle accident.	Case settled and dismissed 02/03/14.
Smithey v. Commission	Former employee appealing administrative decision concerning unemployment benefits.	Case dismissed and administrative decision affirmed.
Wilson v. Commission	Appeal of dismissal of claim alleging discriminatory termination.	Dismissal upheld 04/10/13.
Prince George's County Planning Department		
Prince George's County Planning Board		
Accokeek, Mattawoman, Piscataway Creeks, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Exception 4669 in Robin Dale Property.	Court granted Commission's Rule 7-204(b) Motion to Dismiss on 10/26/12.
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Order of Court reversing the Commission's purchase order decisions – appeal recommended. Commission has appealed to the Court of Special Appeals.
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Case closed by verdict for Plaintiff 01/07/13.
Kelly Canavan & Randy Pheobus, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-07076 in Estate of Pleasant Valley.	Judgment in favor of Commission 02/19/13.

Lake Marilton Limited Partnership, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11003 in Heathermore.	Case Dismissed by Clerk of Circuit Court 09/08/12.
Rollins v. Commission	Defense of approval of Preliminary Plan 4-10026	Planning Board's Decision Affirmed 12/17/13
Tipton, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11028 in Salubria Center.	Opinion and Order for Circuit Court affirming Planning Board decision 11/30/12.
Prince George's Park Police		
Prince George's County v. Mazzie et al.	Order from Workers' Compensation Commission which found that he did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from court in favor of Claimant, Mazzei.	Order affirming Circuit court decision: 09/23/13.

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DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

Commission v. Burke

Case No. 0502-0008216-2009

Lead Counsel: Harvin
Other Counsel:

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

Status: Confessed Judgment Filed

Docket:

03/10/09	Confessed Judgment filed
05/14/12	Notice of Lien filed
05/18/12	Judgment Lien recorded in Circuit Court

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bell v. Commission

Case No. CAL13-35417

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claims seeking damages for injuries sustained at the Sport & Learning Complex.

Status: In discovery.

Docket:

11/19/13	Complaint filed
12/09/13	Answer filed
04/23/14	Pretrial Hearing Scheduled

Boblits Enterprises v. Commission

Case No. CAL13-09692

Lead Counsel: Chagrin
Other Counsel: Dickerson

Abstract: Defense of construction dispute concerning the Fairwoods Park project in Bowie where the contractor seeks over \$300,000 and release of \$73,000 currently retained by the Commission as liquidated damages.

Status: Pretrial Hearing Scheduled.

Docket:

04/05/13	Complaint filed
07/30/13	Answer filed

08/08/13	Scheduling Order filed
01/14/14	Pretrial Conference Postponed
02/21/14	Mediation Scheduled
03/13/14	Pretrial Conference Scheduled

Butler v. Commission
Case No. CAL14-00382

Lead Counsel: Harvin
Other Counsel: Aleman

Abstract: Defense of claims seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer.

Status: In discovery.

Docket:

01/22/14	Complaint filed
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City of College Park v. Commission
Case No. CAL 13-21085

Lead Counsel: Borden
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21086).

Status: Pending Trial

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
09/13/13	Motion to Consolidate Cases filed
1/07/14	Order consolidating cases entered and trial postponed

Commission v. 6509 Rhode Island Realty Corp.
Case No. CAL 13-20939

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
01/27/14	Motion for Issuance of Summons filed
02/06/14	Motion for Issuance of Summons filed

Commission v. Brown

Case No. CAL03-24561

Lead Counsel: Harvin
Other Counsel:

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

Status: Post-judgment Collection Activity

Docket:

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

Commission v. Devore

Case No. CAL13-21820

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petition for Judicial Review of worker's compensation case initiated by Commission.

Status: Jury Trial Scheduled.

Docket:

08/05/13	Petition filed
08/05/13	Motion for Extension of Time filed
08/09/13	Order Permitting Omission of Record from WCC filed
09/09/13	Scheduling Order filed
09/30/13	Certificate Regarding Discovery filed
09/15/14	Jury Trial Scheduled

Commission v. MARCOPOLO GF Co.

Case No. CAL 13-20940

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
01/27/14	Motion for Issuance of Summons filed
02/06/14	Motion for Issuance of Summons filed

Commission v. Murray

CAL13-14810

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the decision held by the WCC that claimant suffered from an occupational disease.

Status: Pending Trial

Docket:

05/10/13	Petition Filed
11/12/13	Pretrial Hearing Held
11/06/13	Commission's Pre-Trial Statement filed
05/22/14	Trial Scheduled

Commission v. Rivera

CAL13-37223

(Cross-Claim of Case No. CAL 13-37715 below)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding permanency award.

Status: Pending Trial

Docket:

12/12/13	Petition Filed
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Jackson v. Commission

Case No. CAL12-32723

Lead Counsel: Harvin
Other Counsel:

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

Status: Pending Trial

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed
05/30/13	Pre-trial conference scheduled
05/31/13	Pre-Trial Statement filed
08/02/13	Motion to for Summary Judgment / Memorandum of Law filed
09/20/13	Order of Court denying Motion for summary Judgment entered
02/18/14	Two-day trial scheduled

Lewis, et al., v. The Peterson Companies, L.C., et al.

Case No. CAL13-12414

Lead Counsel: Dickerson
Other Counsel:

Abstract: Defense of tort claim alleging that Park Police failed to prevent certain third-parties from assaulting the plaintiffs during a visit to the National Harbor area.

Status: Motion to Dismiss Pending

Docket:

05/01/13	Complaint filed
09/26/13	Motion to Dismiss filed or in the Alternative for Summary Judgment filed
10/17/13	Amended Complaint filed
11/01/13	Commission's Motion to Dismiss or in the Alternative for Summary Judgment filed
03/09/15	Trial scheduled

Litrenta v. Commission

Case No. CAL13-15566

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. (The driver is also named as a defendant.)

Status: In discovery; pending scheduling hearing

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Cross-claim against Co-Defendant filed
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.
11/22/13	Plaintiff's Affidavit of Service certifying that Co-Defendant's counsel accepted service of Complaint filed
12/03/13	Commission's Affidavit of Service certifying re-service of Cross Claim on Co-Defendant filed
12/26/13	Commission's Discovery Requests served on Plaintiff
01/02/14	Commission's Discovery Requests served on Co-Defendant
01/27/14	Co-Defendant's Answer to Commission's Cross Claim filed
01/29/14	Co-Defendant's Line Withdrawing Motion to Dismiss filed

Phoenix v. Commission

Case No. CAL13-29010

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim seeking damages for injuries sustained at Fletcher's Field

Status: In discovery

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/14/14	Pre-Trial Conference Scheduled

Presensky v. Commission

Case No. CAL12-37360

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: Pending Alternative Dispute Resolution conference

Docket:

11/27/12	Complaint filed
02/12/13	Answer filed
04/16/13	Certificate of Service Regarding Discovery filed
08/08/13	Joint Motion to Amend Scheduling Order filed
09/23/13	Served responses to Pla's 3 rd Document Request
02/25/14	Alternative Dispute Resolution Conference Scheduled
03/31/14	Trial Scheduled

Reijerson v. Commission

Case No. CAL13-11339

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition filed
04/29/13	Response to Petition filed
10/28/13	Commission's Pre-Trial Statement filed
05/06/14	Trial Scheduled

Rivera v. Commission

CAL13-37715

(Cross-Claim of Case No. CAL 13-37223 above)

Lead Counsel: Chagrin
Other Counsel:

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

Status: Pending Trial

Docket:

12/12/13	Petition Filed
01/14/14	Response to Petition filed

Rogers v. Commission

Case No. CAE08-17670

Lead Counsel: Dickerson
Other Counsel:

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

Status: Awaiting further action

Docket:

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

Short v. Commission

Case No. CAL12-37360

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease. Claimant appealed.

Status: Pending Trial

Docket:

04/29/13	Petition filed
05/10/13	Response to Petition filed
11/07/13	Pretrial Hearing Held
05/14/14	Trial Scheduled

Town of University Park v. Commission

Case No. CAL 13-21086

Lead Counsel: Borden
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21085).

Status: Pending Oral Argument

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
08/27/13	Notice of Oral Arguments
09/13/13	Motion to Consolidate Cases filed
10/07/13	Order Consolidating Cases filed
01/02/14	Oral argument postponed to an unspecified date

Willoner, et al. v. Commission

Case No. CAL 13-18682 and CAL 13-18722 (consolidated)

Lead Counsel: Borden
Other Counsel: Mills, Johnson

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Preliminary Plan 4-13002.

Status: Oral Argument Pending

Docket:

07/02/13	Petition filed
07/12/13	Response filed
07/23/13	Motion to consolidate filed
08/12/13	Order of Court Consolidating Cases filed
03/25/14	Oral Argument Scheduled

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

8045 Newell Street Condominium Association, et al. v Commission et al.,

Case No. 378604-V

Lead Counsel: Lieb
Other Counsel:

Abstract: Petition for judicial review of the Montgomery County Planning Board approval of development at 8001 Newell Street, Project Plan No. 920130020.

Status: Awaiting Court's Decision.

Docket:

06/28/13	Petition filed
07/29/13	Response filed
09/10/13	Line and Administrative Record
10/10/13	Petitioner's Rule 7-207 Memorandum
10/11/13	Supplemental Record
11/08/13	Commissioner's Answering Memorandum
11/12/13	Comstock Response to Petitioner's Memorandum
11/28/13	Petitioner's Reply memorandum
01/14/14	Oral Argument

Armstrong, et al. v. Montgomery County Planning Board

Case No. 379139-V

Lead Counsel: Sorrento
Other Counsel:

Abstract: Petition for judicial review of the Montgomery County Planning Board approval of Chelsea Court, Preliminary Site Plan No. 120130000 and Site Plan No. 820130040.

Status: Commission filed a supplement to the Administrative Record on November 18, 2013. Parties filed Request for Extension of Time to submit Memoranda.

Docket:

7/17/13	Petition filed
07/30/13	Commission's Response, Certificate of Compliance and Notices
08/20/13	Response of Chelsea Residential Associates
09/13/13	Line and Administrative Record
09/26/13	Notice of Hearing Date filed
10/02/13	Appellants Motion to Extend Time to Submit Memorandum
10/04/13	Order granting Extension
11/06/13	Second Motion to Extend Time to Submit Memorandum
11/08/13	Commission's Request to Extend Time to submit Memorandum
11/18/13	Supplement to Administrative Record Filed

Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al

Case No. 376756-V

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Declaratory judgment action seeking relief from deed covenants and restrictions.

Status: Pending Trial

Docket:

04/30/13	Complaint Filed
06/12/13	Motion for Additional Time to Respond filed
07/18/13	Answer filed
11/08/13	Status Conference held
01/27/14	Motion to Intervene or Join filed by Dewey LC
02/07/14	Commission's Opposition to Dewey's Motion to Intervene filed
02/27/14	Trial Scheduled

Commission v. Oluseyi Fashina & Oyinlola Fashina

Case No. 384412-V

Lead Counsel: Aleman
Other Counsel: Dickerson

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

Status: Pending service on Defendant who is out of the country

Docket:

11/22/13	Petition Filed
12/31/13	Petition served on Mr. Fashina
01/28/14	Mr. Fashina's Answer filed

Commission v. Johnson

Case No. 366677-V

Lead Counsel: Aleman
Other Counsel: Dickerson

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

Status: Awaiting Defendant's response to Interrogatories in Aid of Judgment

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued

Commission v. Tessier

Case No. 374430-V

Lead Counsel: Chagrin
Other Counsel:

Abstract: Appeal of causal connection of claimant's back problems to her employment.

Status: Pending Trial

Docket:

03/05/13	Petition Filed
03/22/13	Discovery to Claimant
08/09/13	Pretrial Hearing Scheduled
08/13/13	Answer filed
08/13/13	Pre-Trial Statement filed
08/13/13	Designation of Expert Witness filed
10/29/13	Joint Motion to postpone trial date
01/14/14	Joint Stipulation of Dismissal filed

Fort Myer Construction Corporation v. Commission

Case No. 369478-V

Commission v. URS Corporation (Third-party claim by Commission)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson

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

Commission filed third party complaint for alleged breach of contract and is seeking contribution and indemnity.

Status: In Discovery.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint

11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/21/14	Pre-Trial Conference scheduled
04/07/14	Trial Scheduled (7 days)

Kaviani v. Montgomery County Planning Board

Case No. 351430-V

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Commission's Response, Certificate of Compliance and Notice to Parties of Record filed. Administrative record being compiled for filing.

Docket:

01/22/14	Petition filed
01/30/14	Commission's Response, Certificate of Compliance and Notice to Parties of Record filed

Kambiz Kazemi v. Commission

Case No. 351430-V

Lead Counsel: Lieb
Other Counsel: Sorrento

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

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

Docket:

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

MARYLAND COURT OF SPECIAL APPEALS

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

September Term 2011, No. 02346

Lead Counsel: Rubin
Other Counsel:

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

Status: Decision Pending

Docket:

01/10/12	Notice of Appeal and Civil Information Report filed
01/23/12	Civil Information Report filed by Commission to clarify information filed by Petitioner
05/17/12	Scheduling Order
06/15/12	Appellants Request for Extension of Time for Filing of Appellant's Brief
06/20/12	Commission's Opposition to Appellant's Request for Extension to Time to File Brief
07/03/12	Scheduling Order from Hon. Peter B. Krauser
07/23/12	Appellant's Brief due
09/14/12	Commission's Brief filed
10/04/12	Appellant's Reply Brief
10/25/12	Notice to Parties from Court – Case to be decided without oral argument

Beatty v. Montgomery County, et al.

September term 2012, Case No 02296,

Lead Counsel: Chagrin
Other Counsel: Mills

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

Status: Awaiting Decision

Docket:

12/19/12	Summary Judgment in Favor of Commission Granted
12/27/12	Pretrial Conference scheduled.
01/17/13	Plaintiff filed a Notice of Appeal
12/05/13	Oral Argument

Hall, et al. v. Commission

September Term 2009, No. 01247

Lead Counsel: Johnson
Other Counsel:

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

Status: Decision Pending
Docket:

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

Jones v. McNeal
September Term 2011, No. 01928

Lead Counsel: Calcote-Heatley
Other Counsel:

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

Status: Appeal filed

Docket:

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

	Time Filed
05/2013	Oral Argument Scheduled

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

September Term 2013. No. 00048

Lead Counsel: Johnson
Other Counsel: Mills

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

Status: Pending Court Decision

Docket:

03/15/13	Received Notice of appeal and Civil Appeal Information Report on 3/28/2013
04/25/13	Order from Court of Special Appeals stating that the case will proceed without a Prehearing Conference.
10/28/13	Appellants' filed Brief and Appendix; Joint Record Extract
12/30/13	Appellee Saddle Creek, LLC filed a Notice of Substitution of Party
02/02/14	Oral Argument Held

McClure v. Montgomery County Planning Board

September Term 2013, No. 01031

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
10/25/13	Order

Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
10/25/13	Order
01/14/14	Notice of filing of administrative record issued and

briefing/argument schedule set

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460

Lead Counsel: Lieb
Other Counsel: Rubin

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

Status: Decision Pending

Docket:

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

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
11/07/13	Order
01/27/14	Notice of filing of administrative record issued and briefing/argument schedule set

MARYLAND COURT OF APPEALS

Rounds v. Commission

Case No. September Term 2014, No. 00019

Lead Counsel: Gardner
Other Counsel: Dickerson

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

Status: Pending Response by the Commission.

Docket:

12/20/13	Cert Granted
01/28/14	Appellant's Brief filed

U.S. DISTRICT COURT OF MARYLAND

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

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order

Docket:

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

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

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: In Discovery

Docket:

04/23/12	Complaint filed
04/25/12	Waiver of Summons filed
06/25/12	Motion for Summary Judgment filed
09/12/12	Reply to Defendant's Opposition filed
01/07/13	Motion for Summary Judgment denied