



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

February 21, 2024

10:00 a.m. – 11:00 a.m.

**Prince George's
Parks and Recreation Administration**

Auditorium

6600 Kenilworth Avenue
Riverdale, Maryland 20737

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA

Wednesday, February 21, 2024

10:00 am to 11:00 am

Hybrid – Online & Parks and Recreation Administration Building, Riverdale

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(*) Page 1	
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – January 17, 2024	(*) Page 3	
3.	General Announcements (10:05 a.m.)		
	a) National Blood Donor Month		
	b) American / National Heart Month		
	c) M-NCPPC Black History Month		
	d) Upcoming Women’s History Month		
	e) Financial Disclosure Filing Requirement Reminder		
	f) Commission Service Awards for Employees celebrating 25+ years of service (at Newton White Mansion, after meeting)		
4.	Committee and Board Reports (10:10 a.m.)		
	a) Employees’ Retirement System Board of Trustees Regular Meeting Minutes from December 5, 2024	Page 7	
5.	Action and Presentation Items (10:15 a.m.)		
	a) Diversity Council Annual Report & Diversity Council Membership Update (Outgoing 2022-23/Incoming 2024-25) (Diversity Council)	Page 11	
6.	Officers’ Reports (10:45 a.m.)		
	<u>Executive Director</u>		
	a) Late Evaluation Report, January 2024 (For Information Only)	Page 37	
	<u>Secretary Treasurer</u>		
	<i>No report scheduled</i>		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	Page 39	

(*) Vote (LD) Late Delivery (H) Handout (D) Discussion Only

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Commission Meeting
Open Session Minutes
January 17, 2024

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

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair
Dorothy Bailey
William Doerner
Manuel Geraldo
A. Shuanise Washington

Montgomery County Commissioners

Artie Harris, Vice Chair
Shawn Bartley
James Hedrick
Josh Linden

NOT PRESENT

Mitra Pedoeem

Chair Shapiro called the meeting to order at 10:03 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: See item 2

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – 12/20/23

Motion by Vice Chair Harris to adopt the 1/17/24 Agenda and
12/20/23 Open Session Minutes

Seconded by Commissioner Hedrick

9 approved the 1/17/24 agenda

9 approved the 12/20/23 minutes

ITEM 3 GENERAL ANNOUNCEMENTS

a) National Blood Donor Month

b) National Slavery and Human Trafficking Prevention Month

c) Upcoming M-NCPPC Black History Month Observances – February 2024

d) Financial Disclosure Filing Requirement April 30 (State and M-NCPPC Deadlines)

Chair Shapiro welcomed the new Prince George's Planning Department Director Lakisha Hull. Vice Chair Harris also welcomed Montgomery Parks Director Miti Figueredo and Montgomery Planning Director Jason Sartori.

ITEM 4 ACTION/PRESENTATION ITEMS

a) Amendments to Rules of Procedure for Rotation of Commission Chair (Shapiro/Harris)

Chair Shapiro introduced the amendments to the M-NCPPC Rules of Procedure, and introduced Mr. Beckham, who summarized the amendments, including changing the date of the rotation of the chairmanship move from the January to July Commission meeting.

Mr. Beckham noted that there were several minor amendments offered to the rules presented in the packet.

ACTION:

Motion by Commissioner Geraldo to amend the Rules of Procedure as described

Seconded by Commissioner Washington

9 voted in favor

b) Amendments to Practice 2-24, Section I(G): Post-Employment Restrictions (Beckham)

Mr. Beckham submitted requested amendments/clarifications to the section on Post-Employment Restrictions in Practice 2-24, Ethics. He described the changes to the section of the Practice, as listed in the packet.

ACTION:

Motion by Commissioner Geraldo to adopt the amendments to Practice 2-24

Seconded by Commissioner Washington

9 voted in favor

c) Resolution 24-01 Minor Amendment to the 2014 Approved Southern Green Line Station Area Sector Plan (Calomese)

No discussion

ACTION:

Motion by Commissioner Geraldo to adopt Resolution 24-01

Seconded by Commissioner Hedrick

9 voted in favor

d) Resolution 24-02 Minor Amendment to the 2009 Approved Countywide Master Plan of Transportation and 2013 Approved Subregion 6 Master Plan (Hancock)

No discussion.

ACTION:

Motion by Commissioner Geraldo to adopt Resolution 24-02

Seconded by Commissioner Bailey

9 voted in favor

e) Resolution 24-03 Approval of Fairland and Briggs Cheney Master Plan (Butler/Larson)

Montgomery County Upcounty Division Chief Patrick Butler and Master Planner Clark Larson presented on the Master Plan. Mr. Butler Described the emphasis on meeting the public in the field, both in general canvassing, and at pre-established government and civic events.

Commissioner Doerner asked about encouraging developers to place utilities underground in other urban plans. Mr. Butler said ideally the balance lies in focusing on utilities' increased resiliency (and reduced risk), and aesthetic advantages versus the greater cost. There is a recommendation in the master plan to analyze these needs against the density of the proposed development. Vice Chair Harris suggested Prince George's County might create a fund to offset developers' costs to encourage underground utilities.

Deputy Kronenberg said the design guidelines specifically for the Briggs Cheney Master Plan focused the need of underground utilities on the central business district's main thoroughfare, where design issues (e.g., tree cover, pedestrian walkways, stormwater management) encouraged the practice of keeping utilities underground.

ACTION:

Motion by Commissioner Geraldo to adopt Resolution 24-03

Seconded by Vice Chair Harris

9 voted in favor

f) Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended June 30, 2023 (Cohen/SB&Co)

Secretary-Treasurer Cohen introduced Chris Lehman of auditors SB & Co. to report on the M-NCPPC's Annual Comprehensive Financial Report. Mr. Lehman provided an unmodified/clean audit opinion of the financial statements, with no instance of fraud or material weaknesses in internal controls and found only one significant deficiency. The auditors received full cooperation from staff and management.

The one deficiency had to do in the Evaluation of Key Processes section in Fixed Asset accounts that had to do with capitalizing construction in progress to track depreciation.

Corporate Accounting Director Rodman presented highlights from the report itself. The Commission reports healthy fund balances and continued compliance with the fund balance policy.

g) 2024 Legislative Update (Borden)

General Counsel Borden provided a brief update on the General Assembly session. M-NCPPC Counsel Baucum-Colbert will be working on both local and statewide bills in Annapolis this session. General Counsel Borden added this year focuses heavily on affordable housing, as it is a major legislative objective for the governor, the speaker of the Senate and leader of the House. The Legal Department will monitor those bills for changes that include matters within the M-NCPPC's purview.

Other bills they are monitoring include the state's active approach toward zoning ordinances, which are usually addressed on a more local level. She will provide further reports to the individual planning boards. The Chairs offered their praise and support for the work that the General Counsel and Ms. Baucum-Colbert were doing in Annapolis.

Commissioner Bartley encouraged strong support for keeping control of the decisions for living and zoning at the local level. Centralized decision-making does not always work in the best interest for all communities to meet the needs of those different communities.

Commissioner Doerner asked Ms. Borden to engage with legislators about conflicts with Federal funding in regard to the definitions of Low Income/Very Low Income or Area Median Income and urged caution regarding setting those definitions. General Counsel Borden said the Legal Department is working with the Department of Housing and Community Development to assure those numbers and definitions work at the county, state and Federal level, to ensure Federal funding is available to provide more affordable housing for our residents.

ITEM 5 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report, October 2023 (For Information Only)
- b) MFD 1st Quarter Purchasing Statistics (For Information Only)
- c) CIO Quarterly Report (Chilet)

CIO Chilet presented to Commissioners highlights from his report, included with the packet, focusing on the M-NCPPC's Enterprise Resource Planning (ERP) upgrade process and its history and upcoming project timeline. He reported that there has been remarkable stakeholder engagement.

Chair Shapiro asked for the reasoning behind such a long RFP development process. CIO Chilet replied it is to get the best responses from every qualified vendor to meet the needs expressed by M-NCPPC's cross-functional team, as conveyed to the IT Project Management team. Executive Director Chiang-Smith added the more time that is taken to plan the project and get input from departmental end users allows us to inform prospective vendors of our needs. The ERP Team will ensure they are delivering what is needed and expected.

Secretary-Treasurer's Report
No report scheduled

General Counsel's Report
d) Litigation Report (For information only)

Item 6. Closed Session

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) and (15), a closed session is proposed to (i) consider matters relating to collective bargaining negotiations with the Municipal and County Government Employees' Organization to preserve the Commission's negotiating position and (ii) to discuss cybersecurity matters that pose a risk to: 1. security assessments or deployments relating to information resources technology; 2. network security information; and 3. deployments or implementation of security personnel, critical infrastructure, or security devices, in order to protect public safety.

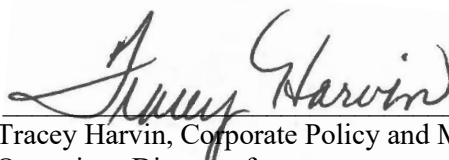
Commissioner Geraldo moved to enter closed session; Commissioner Bailey seconded at 11:29 a.m. All commissioners present supported the movement.

Open session resumed at 12:12 p.m.

With no other business to discuss, Chair Shapiro adjourned the meeting at 12:12 p.m.



James Adams, Senior Technical Writer



Tracey Harvin, Corporate Policy and Management
Operations Director, for
Asuntha Chiang-Smith, Executive Director



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

BOARD OF TRUSTEES MEETING MINUTES
Tuesday, December 5, 2023; 10:00 a.m.
Kenilworth Office Building, Riverdale, MD
(Virtual Meeting via Microsoft Teams)

The Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually via Microsoft Teams with VICE CHAIR HEDRICK leading the call on Tuesday, December 5, 2023. The meeting was called to order at 10:05 a.m. by VICE CHAIR HEDRICK.

Board Members Present

James Hedrick, Board of Trustees Vice Chair, Montgomery County Commissioner
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
Sheila Morgan-Johnson, Prince George’s County Public Member
Elaine A. Stookey, Bi-County Open Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio
Theodore J. Russell III, Prince George’s County Open Trustee
Caroline McCarthy, Montgomery County Open Trustee
Pamela F. Gogol, Montgomery County Public Member

Joined at 10:07 a.m.

Joined at 10:54 a.m.

Board Members Absent

Peter A. Shapiro, Board of Trustees Chair, Prince George’s County Commissioner
Howard Brown, F.O.P Represented Trustee
Lisa Blackwell-Brown, MCGEO Represented Trustee

ERS Staff Present

Andrea L. Rose, Executive Director
Jaclyn F. Harris, Deputy Executive Director
Alicia C. Stanford, Administrative Specialist

Presentations

Wilshire Advisors, LLC – Bradley A. Baker, Managing Director and LouAnn Eisenhut, Assistant Vice President

ITEM 1. APPROVAL OF THE DECEMBER 5, 2023, CONSENT AGENDA

ACTION: MR. RUSSELL made a motion, seconded by MR. COHEN to approve the Consent Agenda of December 5, 2023. The motion PASSED (6-0). (Motion # 23-45).

ITEM 2. CHAIR’S ITEMS – No discussion or questions from the Trustees.

10:07 a.m. – Ms. Chiang-Smith joined the meeting.

ITEM 3. MISCELLANEOUS – No discussion or questions from the Trustees.

ITEM 4. CONSULTANT RECOMMENDATION

Groom Law Group

Presentation by David N. Levine, Principal Counsel, Groom Law Group

Ms. Rose provided an overview of the Plan Document Restatement and introduced ERS' external legal counsel, David Levine. Mr. Levine summarized the changes in the Plan Document since the last restatement, effective as of July 1, 2022, and impact on Plan provisions and its members. Mr. Levine explained that because of M-NCPPC Resolution No. 23-04 (Approval of Three-Year Collective Bargaining Agreement between the Fraternal Order of Police, Lodge No. 30, effective February 1, 2023 through January 2026) and the need for compliance with certain provisions of the SECURE 2.0 Act of 2022, Groom was tasked with reviewing and revising current Plan language. M-NCPPC Resolution No. 23-04 required changes to the Plan Document primarily related to creditability for accumulated sick leave. The changes reflected in the restatement of the Plan Document are effective as of January 1, 2024. SECURE 2.0 addresses requirements for recoupment of a benefit overpayment and allows for Plan determinations on the necessity of recouping inadvertent overpayments. Mr. Levine presented a draft of the new Overpayment Policy which he noted may be modified pending further guidance from the IRS. This policy will be incorporated in the procedures for administration of benefit payments.

ACTION: MS. MCCARTHY made a motion, seconded by MS. CHIANG-SMITH to approve the Recommendation to Adopt the Plan Restatement effective January 1, 2024 and the Overpayment Policy, as recommended by the Groom Law Group. The motion PASSED (7-0). (Motion # 23-46).

ITEM 5. CONSULTANT/MANAGER PRESENTATION

A. Wilshire Advisors

Presentation by Bradley A. Baker, Managing Director, and LouAnn Eisenhut, Assistant Vice President

Mr. Baker provided a Quarterly Executive Summary on the Fund's performance for the quarter ending September 30, 2023. The ERS total return was -1.25% (net of fees) for the quarter, outperforming by 49 basis points the target policy benchmark return of -1.74%. For the FYTD, three, five, and ten-years ended September 30, 2023, the ERS total return (net of fees) was -1.25%, 7.04%, 6.01%, and 6.43%, respectively. In comparison, the target policy benchmark return was -1.74%, 3.81%, 4.67% and 5.47%, respectively. The total market value of ERS assets as of September 30, 2023 was \$1.1 billion. The U.S. stock market was down -3.3% for the 3rd Quarter and is up 20.5% for the past 12 months. The best performing sectors were energy (+12.9%) and communication services (+2.3%). The worst performing sectors were utilities (-9.3%) and real estate (-8.4%).

VICE CHAIR HEDRICK asked Wilshire to elaborate on the performance of the real estate sector and portfolio manager, Principal. Mr. Baker briefly discussed the current state of the real estate sector and summarized some of the performance challenges Principal has shared with clients. Ms. Morgan-Johnson inquired about risks associated with Artificial Intelligence (A.I.). Mr. Baker replied that it is too early to evaluate any risks and that Wilshire will continue to stay abreast of developments and any impact on the investments.

Ms. Eisenhut announced Wilshire's plans to acquire U.S. based investment advisor, Lyxor U.S.; a company with \$20.8 billion in assets under management. This decision was driven by Wilshire's desire to improve investment outcomes for its clients and take advantage of Lyxor's expertise in hedge fund investment solutions. Ms. Eisenhut confirmed there would be no impact on the ERS.

10:54 p.m. - Ms. Gogol joined the meeting.

ITEM 6. COMMITTEE REPORTS/RECOMMENDATIONS

Investment Monitoring Group

Ms. Harris summarized the November 21, 2023 Investment Monitoring Group (“IMG”) meeting. Ms. Harris noted that during the IMG meeting, Wilshire Advisors provided a presentation on the ERS portfolio fee analysis. Wilshire reported the ERS total investment management fees of approximately 0.35% (35 basis points) are below other Public Pension Plans of 0.56% (56 basis points). Ms. Harris also mentioned that Wilshire Advisors provided a manager review of the Wilshire Private Market Series, and an update from Morgan Stanley regarding personnel leadership changes. Ms. Harris noted that the IMG reviewed a revised version of the 2024 Work Program that accounts for the prioritization of the Investment Consulting Services Request For Proposal. During the IMG meeting, staff requested approval of two (2) revisions to the Procurement Policy related to the procurement of Investment Consulting Services. Staff is planning to review and recommend further changes to the Procurement Policy and present an updated draft of the policy for approval in early 2024.

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. RUSSELL to approve the Recommendation to Approve the 2024 Investment Monitoring Group Work Program and Procurement Policy revisions for Investment Consulting Services which include removing the reference to “in conjunction with a Board Committee” and to require a formal Request For Proposal every seven (7) years. The motion PASSED (8-0). (Motion # 23-47).

Administration and Personnel Oversight Committee

Ms. Rose provided an overview of the November 21, 2023 Administration and Personnel Oversight Committee (“Personnel Committee”) meeting. During the meeting, the Personnel Committee reviewed the 2024 Work Program, highlighting the addition of new policies to be incorporated into the Governance Manual and 2024 meeting dates. Ms. Rose mentioned that the Personnel Committee reviewed the two (2) new procurement-related policies recommended during the IMG’s Work Program review that will affect the pending revised Procurement Policy. Ms. Rose mentioned that the Personnel Committee also used the November 21, 2023 meeting as a working session to review and discuss the scoring for the Actuarial Audit Services Request For Proposal responses and came to a consensus on an awardee.

ACTION: MS. GOGOL made a motion, seconded by MS. CHIANG-SMITH for the Recommendation to Approve the 2024 Administration & Personnel Oversight Committee Work Program. The motion PASSED (8-0). (Motion # 23-48).

ACTION: MS. CHIANG-SMITH made a motion, seconded by MR. RUSSELL for the Recommendation to Award the Actuarial Audit Services Contract to Gabriel, Roeder, Smith & Company, Contingent upon Contract Negotiations. The motion PASSED (8-0). (Motion # 23-49).

ITEM 7. EXECUTIVE DIRECTOR’S REPORT

Ms. Rose presented the Executive Director’s Report dated November 28, 2023. Ms. Rose highlighted that staff obtained a \$5 million cyber security insurance policy, as recommended by the Office of the Chief Information Officer (OCIO), due to the rise in security attacks targeting business and government organizations. Ms. Rose informed the

Board that Travelers agreed to renew the existing \$3 million policy but would not offer a \$5 million policy. Corvus Excess & Surplus Lines Co., a company owned by Travelers, provided a \$2 million excess quote for the cyber insurance. The \$5 million cyber security insurance coverage became effective December 1, 2023.

The Board meeting of December 5, 2023, adjourned at 11:18 a.m.

Respectfully,

Alicia C. Stanford
Alicia C. Stanford
Administrative Specialist

Andrea L. Rose
Andrea L. Rose
Executive Director



2023

YEAR IN REVIEW

WHO WE ARE



Zubin Adrianvala,
Chair



Genevieve Jennai,
Outgoing Co-Chair



Ryan Harrison,
Outgoing Co-Chair



Carly Brockinton,
Incoming Chair

SPONSORS

- Asuntha Chiang-Smith, Executive Director
- William Spencer, Deputy Executive Director
- Todd Allen, Human Resources Manager

2023 MEMBERS



**Zubin
Adrianvala**
*Montgomery County
Planning*



**Carly
Brockinton**
*Prince George's
County Planning*



Brian Crane
*Montgomery County
Planning*



**Adam
Dodgshon**
*Prince George's
County Planning*



**Valeria
Espinoza**
*Montgomery County
Parks*



Caleb Garcia
*Montgomery County
Park Police*



Rita Grindle
*Office of General
Counsel*



Ryan Harrison
*Prince George's
County Parks and
Recreation*



**Genevieve
Jennai**
*Prince George's
County Parks and
Recreation*



Dayton Lewis
*Prince George's
County Parks and
Recreation*



**Elizabeth
McKinney
de Burgos**
*Montgomery County
Parks*



**Lakeisha
Robinson**
*Prince George's
County Park Police*



**Ashlyn
Thompson**
*Montgomery County
Parks*

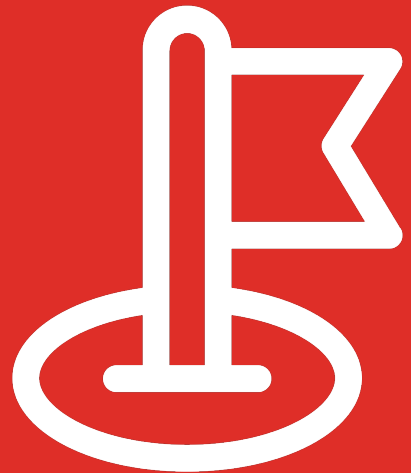


**Kimberly
Young**
*Office of General
Counsel*



Ariel Zelaya
*Prince George's
County Parks and
Recreation*

MISSION



diversity
council

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

VISION



Promote behavior in the workplace that contributes to understanding, respecting, and valuing all people.

VALUES



diversity
council

- Fairness
- Equal treatment
- Leveling the playing field
- Integrity
- Understanding



2023 HIGHLIGHTS

NEW LOGO

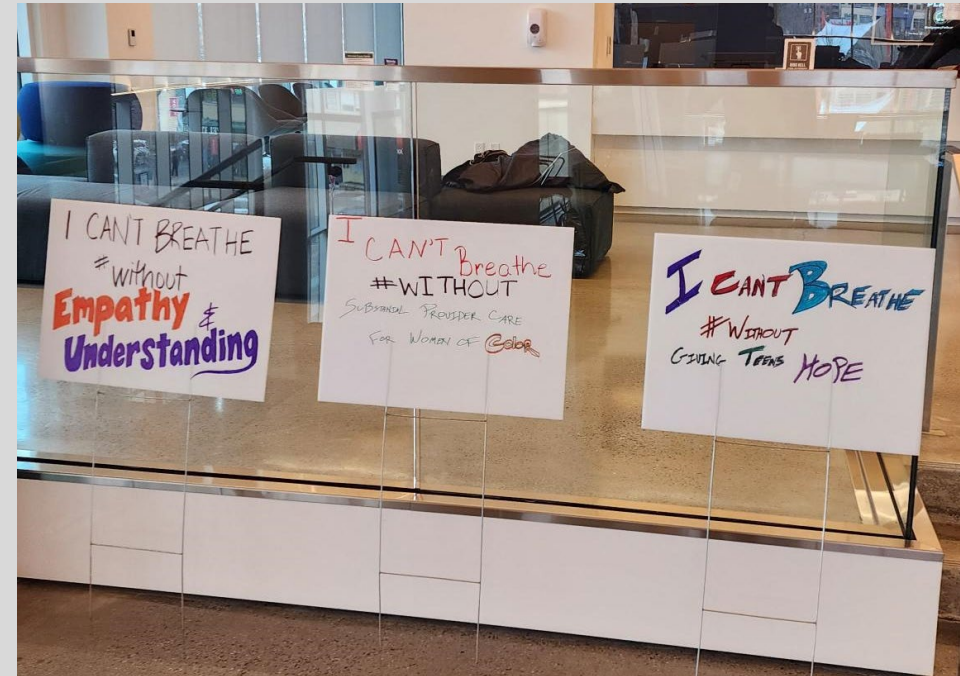


CAPITAL PRIDE



SUPPORTING COMMISSION EVENTS

Black History Month



CELEBRATING WOMEN'S HISTORY MONTH

LOVE BETWEEN THE COVERS: FILM SCREENING WITH Q&A

A documentary on the women supporting each other in the romance novel industry. the documentary follows five women as they talk about their experiences and how they came to be in the industry while making friends along the way.

Friday, March 10
11 a.m. to 1 p.m.
Virtual event via
Microsoft Teams

Montgomery Planning
THE MARYLAND NATIONAL CAPITAL PLAN AND PLANNING COMMISSION

SUPPORTING COMMISSION EVENTS

Women's History Month

SUPPORTING COMMISSION EVENTS

AANHPI Month Panel and Museum

The image displays a Zoom meeting interface. It features four large video feeds arranged in a 2x2 grid. The top-left feed shows Xi Wang, a man with glasses, resting his chin on his hand. The top-right feed shows Gore, Radhika, a woman smiling. The bottom-left feed shows Jordan Lenz, a man with curly hair and glasses, also resting his chin on his hand. The bottom-right feed shows Leslev Kingston, a man in a white and blue jacket. To the right of the video feeds is a vertical list of 15 smaller circular icons representing other meeting participants. At the bottom center of the interface, there is a circular icon with the number '22' and a name 'Leslev Kingston' below it.

Xi Wang

Gore, Radhika

Jordan Lenz

Leslev Kingston

Garla... Duke...
MB Beall... Costl...
Tette... Kaye...
Rixe... Youn...
Cam... Berb...
Rohn... Muk...
Beatt... Zhao...
Buck... Chuh...
Sood... +41

Film Screening and Q&A discussion

Join us for a screening of "Why We Serve: Native Americans in the United States Armed Forces" followed by a Q&A discussion with the producers and writers of the film!

Time- 12:00pm-1:00pm
Date- December 5th 2022
Location- Online

Why We Serve honors the generations of American Indian, Alaska Native, and Native Hawaiian who have served in the armed forces of the United States—often in extraordinary numbers—since the American Revolution.

Montgomery Planning
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SUPPORTING COMMISSION EVENTS

Native American Heritage Month

IMPORTANT DISCUSSIONS

Gender-Neutral Language



IMPLEMENTATION

Implementation of gender-neutral language in public-facing forms varies across departments.



TRAINING

How to effectively train staff on understanding gender identity and the appropriate use of gender-neutral language.



DOCUMENTATION

Identify need for one-page document to clarify the reasons for inquiring about gender identity.

IMPORTANT DISCUSSIONS

Gender-Neutral Bathrooms



Discussion of the needs for gender-neutral bathrooms.

Close look at University of Maryland's policy on gender. Found here: lgbtq.umd.edu/trans-resources-policies

FUTURE PLANNING

Looking forward to 2024



PLANNING FOR 2024

Diversity and Awareness Calendar



2024
diversity
council

The absence or presence of a celebration does not represent the Commission's position relative to any group, but reflects the attempts of Diversity Council volunteers to be inclusive.

JANUARY	
Jan. 4	World Braille Day
Jan. 6	Epiphany
Jan. 7	Christmas Day, Eastern Orthodox
Jan. 13	Korean American Day

MARCH	
March 1	St. David's Day
March 8	International Women's Day Maha Shivaratri
March 10	Ramadan begins
March 18-24	Neurodiversity Celebration Week
March 21	World Down Syndrome Day
March 23-24	Purim
March 24	Palm Sunday
March 25	Holi
March 28	Maundy Thursday
March 29	Good Friday
March 29	National Vietnam War Veterans Day
March 31	César Chávez Day Easter
Developmental Disabilities Awareness Month	
Irish American Heritage Month	
Women's History Month	

PLANNING FOR 2024



PRIDE MONTH

Recognizing leadership for Pride planning and discuss budgeting and invoice SOPs moving forward



HERITAGE CELEBRATIONS

Plans for supporting Department events and need to include police participation and community communications



COMPLIANCE & TRAINING

Discussions on ADA compliance, DEI training, and outreach for events like Autism Awareness Month.



EMPLOYEE INPUT

Invited an employee to speak who requested support for Caribbean Heritage Month Celebration in 2024.

PLANNING FOR 2024

Commission Diversity Event



PURPOSE

Awareness and education about Diversity Council.

We want to spark conversation about what each employee wants to make better regarding diversity in the Commission.



LOCATION

Fairland Sports Complex, Laurel

Central location for both Counties



PROGRAMMING

Diversity Speakers

Employee survey

Wellness offerings

Activities/Games/DJ

Diverse cuisine from food trucks

OUTGOING MEMBERS

Thank you for continuing the work of the Commission to be inclusive, diverse, and open to new perspectives, ideas, and experiences. Your work makes an impact and will propel the Council forward.



Brian Crane
*Montgomery County
Planning*



**Valeria
Espinoza**
*Montgomery County
Parks*



Ryan Harrison
*Prince George's
County Parks and
Recreation*



**Genevieve
Jennai**
*Prince George's
County Parks and
Recreation*



Dayton Lewis
*Prince George's
County Parks and
Recreation*



Ariel Zelaya
*Prince George's
County Parks and
Recreation*

2024 NEW MEMBERS



Ilana Branda
*Montgomery County
Planning*



**Samantha
Hays**
*Prince George's
County Parks and
Recreation*



Fred Johnson
*Prince George's
County Parks and
Recreation*



**Atara
Margolies**
*Montgomery County
Planning*



Steven Muse
*Montgomery County
Parks*



Shawn Owens
*Prince George's
County Parks and
Recreation*



Questions & Comments

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diversity 2024 council

SPONSORS



ASUNTHA CHIANG-SMITH
Executive Director



BILL SPENCER
Deputy Executive Director



TODD ALLEN
Human Resources Manager



CARLY BROCKINTON, 2023-2024, Diversity Council Chair 2024

Senior Public Affairs and Marketing Specialist | Prince George's Planning Department

Inclusion is the effort not of "accepting" others, but rather of embracing and seeking out perspectives that differ from one another. It's about ensuring that the atmosphere we create is not only equitable but is also a place where we can learn from one another and grow.



ZUBIN ADRIANVALA, 2022-2023, Outgoing Chair 2023

Planner Coordinator | Montgomery County Planning Department

The challenges we face as a county and as a planet need us to work together through compassion, humor, and understanding. The many avatars that diversity takes in our life and our workplace can be a wonderful asset for meaningful and lasting progress. I would like us as an organization to continue bridging the gap between our values and our actions around diversity.



ILANA BRANDA, 2024-2025

Chief of Staff | Montgomery County Planning Board

When I think of DEI, I think about the unique lived experiences we each bring to the table. Our race, ethnicity, gender, religion, abilities and more give each of us an important perspective and base of knowledge. It is our task to ensure that we value these diverse perspectives by listening, lifting up and including our collective voices to ensure that we all have opportunities to flourish.



ADAM DODGSHON, 2023-2024

Planning Supervisor | Prince George's Planning Department

Diversity is recognizing and celebrating differences between us. We must recognize the diverse nature of the places we live, work, and play to understand how to make sure those places are fun, safe, and nurturing for everyone. If you recognize yourself in a space, place, or organization, you will be more likely to feel included and welcomed.



CALEB GARCIA, 2023-2024, Park Police Liaison

Lieutenant Commander, Management & Technology Section | M-NC Park Police, Montgomery

DEI is the existence of differences in the workplace. We must strive to make sure all our practices are as equal as possible for all and make sure all are aware of our programs and support systems so that all employees feel comfortable and can establish a sense of belonging.



RITA GRINDLE, 2023-2024

Legal Assistant | M-NCPPC Office of the General Counsel

Diversity to me is like a flavorful soup including lots of different spices that, when brought together, are rich and warm. It means being mindful of the wide range of social, ethnic, and religious backgrounds of the Commission workforce and respecting these differences while making all feel included and welcome.



SAMANTHA HAYE, 2024-2025

Diversity and Talent Management Specialist | Prince George's County Parks and Recreation

Diversity is a natural occurrence because of the differences we all possess; Equity is the result of understanding these differences, and embracing Inclusion so everyone can live in a world of understanding, peace, and unity.



FRED JOHNSON, 2024-2025

Senior Park Manager | Prince George's County Parks and Recreation

Diversity Equity and inclusion means we help each other with each other's job.



ATARA MARGOLIES, 2024-2025

Planner III | Montgomery County Planning Department

Diversity, equity and inclusion is about understanding the varied experiences of people in this world, from their own perspective. It is about digging deep into one's own psyche and dismantling preconceived notions or judgments about others, and building a space where our world is stronger when we celebrate and respect our differences.



ELIZABETH MCKINNEY de BURGOS, 2023-2024

Administrative Assistant | Montgomery Parks

Diversity means everyone is a different individual. Equity means having equal access to opportunities. Inclusion is a sense of belonging where feelings and values are respected, and everyone is valued.



STEVEN MUSE, 2024-2025

Park Manager III | Montgomery County Parks

Being an advocate to ensure that the demographics of the community are reflected, have equal access, equity and inclusion in the work, outdoor, recreation and conservation space.



SHAWN OWENS, 2024-2025

Park Manager II | Prince George's County Parks and Recreation

I am interested to learn so much more about different cultures and trends that makes the Commission so well received and looked upon.



LAKEISHA ROBINSON, 2023-2024, Park Police Liaison

Lieutenant | M-NC Park Police, Prince George's

Diversity, equity, and inclusion are not just words but can influence the integration of people who each offer a uniqueness to unite and foster a culture of acceptance and togetherness. If our goal is to continue to promote positive change, we must actively commit to building a society of oneness.



ASHLYN THOMPSON, 2023-2024

Inclusion & Community Outreach Specialist | Montgomery Parks

Diversity, equity, and inclusion is a philosophy that benefits language, culture, and lifestyles as they evolve. Using this philosophy in all that we do embraces the strengths of each individual and allows for endless possibilities as a unit.



KIMBERLY YOUNG, 2023-2024

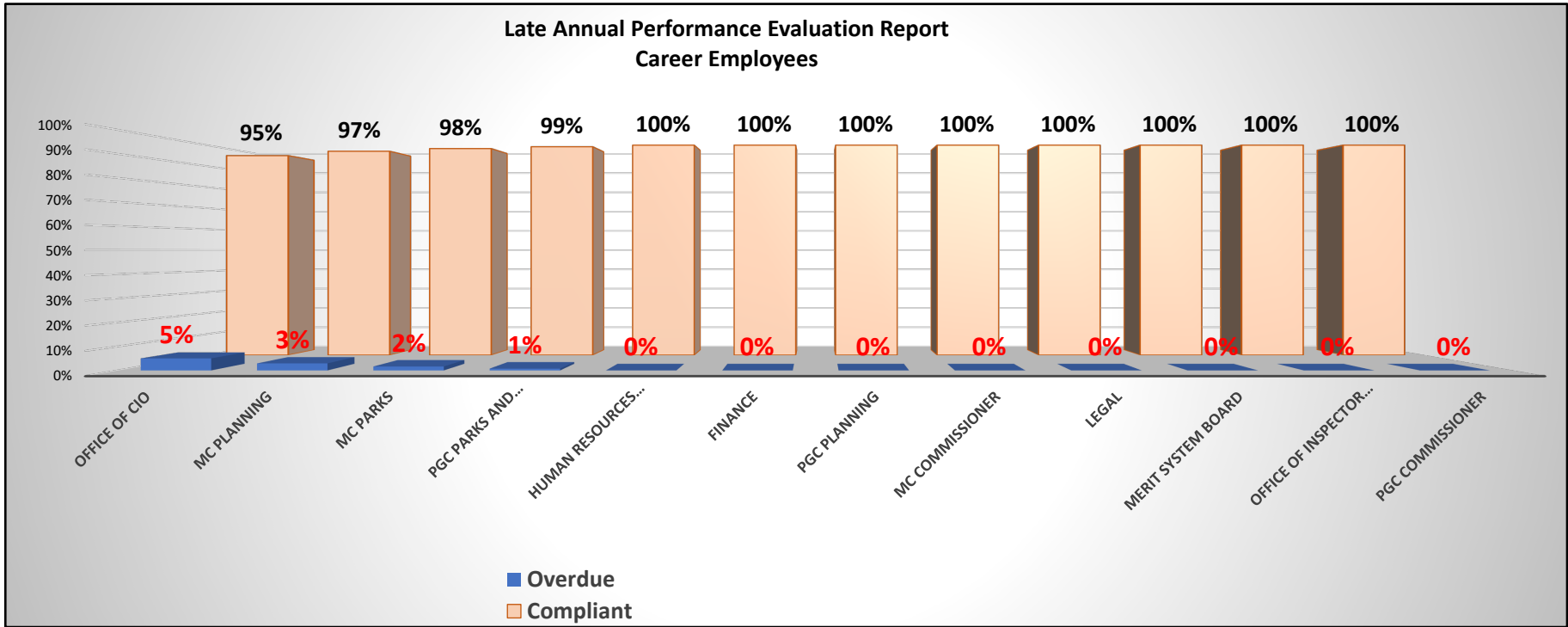
Legal Assistant/Technical Writer | M-NCPPC Office of the General Counsel

Diversity, Equity, and Inclusion mean to me a broad population representing many different interests and ideas, making sure to include everyone and treating all fairly. In other words, DEI allows all people to be seen on a level playing field.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF JANUARY 2024**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	<u>Dec-23</u>	<u>Jan-24</u>	<u>Dec-23</u>	<u>Jan-24</u>	<u>Dec-23</u>	<u>Jan-24</u>	<u>Dec-23</u>	<u>Jan-24</u>
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	2	1	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	2	0	0	0	0	0	2	0
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	0	0	0	1	0	1	0
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	14	5	1	2	1	1	16	8
MONTGOMERY COUNTY PARKS	11	13	2	1	0	0	13	12
MONTGOMERY COUNTY PLANNING	3	4	0	1	0	0	3	4
DEPARTMENT TOTAL BY DAYS LATE	31	22	3	4	4	2		
COMMISSION-WIDE TOTAL							37	25

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of January 31, 2024

Employee Count Department	Evaluation Status		Total Employees
	Compliant	Overdue	
Finance	42		42
Human Resources and Mgt	58		58
Legal	25		25
MC Commissioner	3		3
MC Parks	719	12	731
MC Planning	130	4	134
Merit System Board	1		1
Office of CIO	19	1	20
Office of Inspector General	6		6
PGC Commissioner	9		9
PGC Parks and Recreation	1,050	8	1,058
PGC Planning	172		172
Total Employees	2,234	25	2,259



Reply to:

Debra S. Borden, General Counsel
Office of the General Counsel
6611 Kenilworth Avenue, Suite 200-201
Riverdale, Maryland 20737
Phone: 301-454-1670 • Fax: 301-454-1674

February 7, 2024

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for January 2024 – FY 2024

Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, February 21, 2024. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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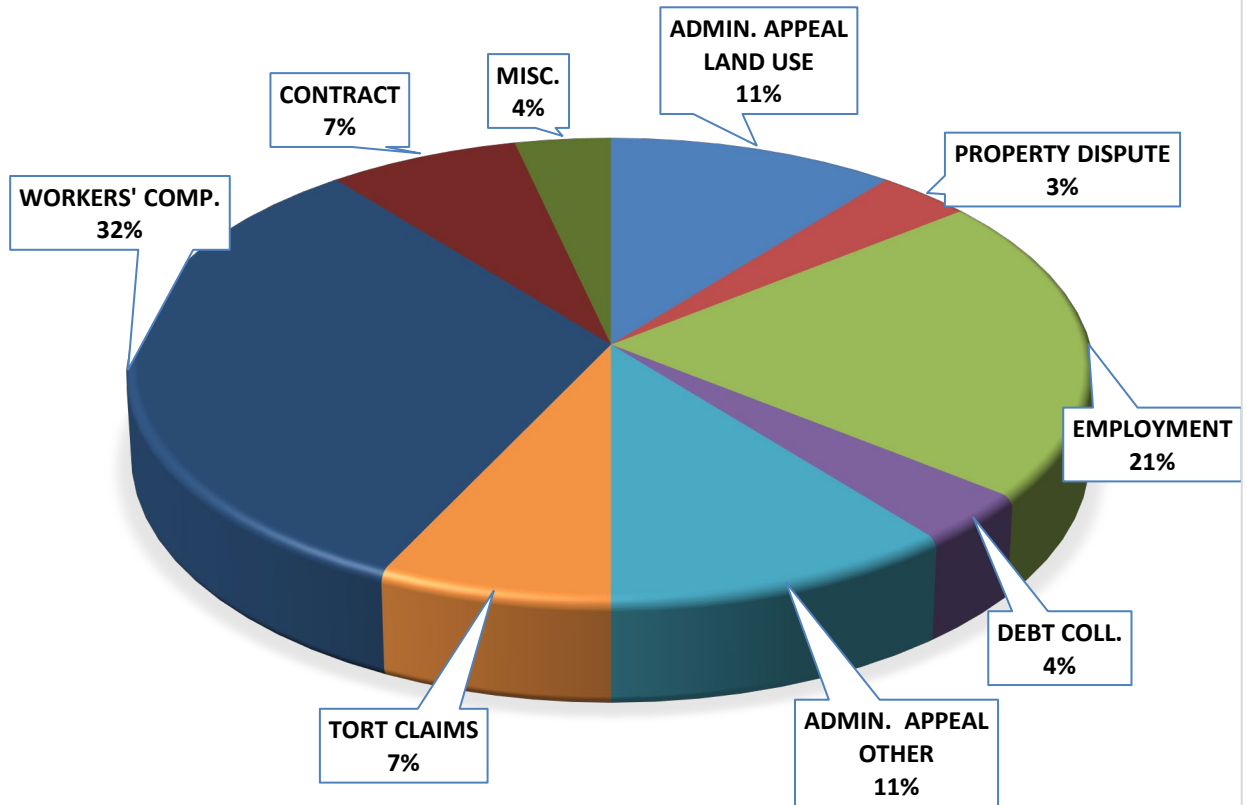
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January 2024 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	APPELLATE COURT OF MARYLAND	SUPREME COURT OF MARYLAND	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	1	2					3
ADMIN APPEAL: OTHER	3						3
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1	1					2
DEBT COLLECTION	1						1
EMPLOYMENT DISPUTE	3			3			6
LAND USE DISPUTE							
MISCELLANEOUS	1						1
PROPERTY DISPUTE	1						1
TORT CLAIM	2						2
WORKERS' COMPENSATION	9						9
PER FORUM TOTALS	22	3		3			28

OVERVIEW OF PENDING LITIGATION



January 2024 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending Dec. 2023	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	3			4	3	4	3
Admin Appeal: Other (AAO)	3			2			3
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	2			2			2
Debt Collection (D)	1			2		1	1
Employment Disputes (ED)	6	1	1	3	6	2	6
Land Use Disputes (LD)				1		1	
Miscellaneous (M)	1			1	1	2	1
Property Disputes (PD)	1				1		1
Tort Claims (T)	1	1		2	2	2	2
Workers' Compensation (WC)	8	1		6	9	3	9
TOTALS	26	3	1	23	22	15	28

**INDEX OF YTD NEW CASES
(7/1/2023 TO 6/30/24)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Wright v. Commission	MC	Misc.	Mar.
Mays v. Commission, et al.	Charles County	ED	July
Wallace v. Commission, et al.	PG	ED	July
Celey v. Commission	PG	ED	July
In the Matter of Pocahontas Drive Homeowners	MC	AALU	July
Fennell v. Commission	PG	ED	Aug.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
In the Matter of Jeanne Kavinsky	PG	WC	Sept.
Carolyn Gray v. Commission, et al.	PG	PD	Oct.
Paige Industrial Services, Inc. v. Commission	MC	AAO	Nov.
In the Matter of Jeanne Kavinski	PG	WC	Nov.
Spriggs v. Brown	PG	Tort	Jan.
Weisman v. Commission, et al.	MC	ED	Jan.

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Brij Bhargava, et al. v. Prince George's County Public Schools Proposed Southern K-8 Middle School, et al.	PG	AALU	May
Friends of Ten Mile Creek v. Montgomery County Planning Board	MC	AALU	Aug.

**INDEX OF YTD RESOLVED CASES
(7/1/2023 TO 6/30/2024)**

<u>A. Trial Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
English-Figaro v. Planning Board of Prince George's County	PG	AALU	June
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	July
Citizen Association of Kenwood, Inc. v. Commission	MC	LUD	Aug.
In the Matter of James Montville	PG	WC	Aug.
Wilmington Savings Fund Society FSB v. Burke, et al.	PG	Misc.	Aug.
Commission v. Faulk	PG	DC	Aug.
Deakins v. Commission, et al.	MC	ED	Sept.
Troublefield v. Prince George's County, et al.	PG	Tort	Oct.
In the Matter of Kenneth Rogers	PG	WC	Nov.

<u>B. Appellate Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	July
In the Matter of Friends of Ten Mile Creek, et al.	MC	AALU	Oct.
Evans v. Commission, et. al.	MC	ED	Nov.

Disposition of FY24 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Deakins v. Commission, et al.	Complaint by former employee relating to Commission's COVID-19 vaccination mandate. Complaint alleged disability discrimination and unreasonable failure to accommodate	09/25/2023 – Case settled.
Montgomery County Park Police		
Evans v. Commission, et al.	Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.	11/21/2023 - Order of Court affirming decision of the District Court
Montgomery County Planning Board		
Citizen Association of Kenwood, Inc. v. Maryland-National Park and Planning Commission	Complaint to prevent implementation of road diet project for Little Falls Parkway in Montgomery County.	08/01/2023 - Voluntary Dismissal Without Prejudice
In the Matter of Friends of Ten Mile Creek, et al.	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	07/18/2023 – Judgment of the Circuit Court for Montgomery County affirmed.
In the Matter of Friends of Ten Mile Creek, et al.	Petitioner seeks appeal of Decision of the Appeal's Court of Maryland affirming the Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	10/24/2023 – Petition denied.

Prince George's County Department of Parks and Recreation		
In the Matter of James Montville	Claimant sought judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.	08/10/2023 - Case remanded to Workers' Compensation Commission for approval of agreement.
Commission v. Faulk	Subrogation action to recover losses for damage(s) to Commission property	08/28/2023 - Judgment in favor of the Commission for \$3,546.13.
Wilmington Savings Fund Society FSB v. Burke, et al.	Lawsuit to quiet title to deed of trust and extinguish the lien and debt associated with that deed, establishing that Plaintiff's deed is in full force and effect and has first priority over the Commission's lien on property owned by Tomel Burke, judgment Debtor.	08/30/2023 - Judgment by Consent against the Commission in favor of the Plaintiff
Troublefield v. Prince George's County, et al.	Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.	10/13/2023 – Case settled and dismissed.
In the Matter of Kenneth Rogers	Claimant sought judicial review of Workers' Compensation Commission decision dated March 30, 2023, which determined that the Claimant did not suffer from a serious disability.	10/19/2023 – Case settled and remanded to Workers' Compensation Commission for approval of agreement.
Prince George's County Planning Board		
English-Figaro v. Planning Board of Prince George's County	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	06/01/2023 Case voluntarily dismissed with prejudice.
Fairwood Community Association, Inc. v. Prince George's County Planning Board	Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.	07/27/2023 - Case voluntarily dismissed without prejudice.
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Build A Barn, LLC

Case No. D-06-CV-23-013209 (CD)

Lead Counsel: Johnson
Other Counsel:

Abstract: Breach of Contract matter to recover funds expended for sheds that were never received.

Status: Supplemental documentation filed pertaining to Motion to Alter or Amend.

Docket:

05/11/2023	Complaint filed
08/18/2023	Defendant served
11/29/2023	Hearing
12/13/2023	Affidavit judgment denied
12/26/2023	Motion to Alter or Amend filed
01/17/2024	Supplement Regarding Motion to Alter or Amend

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Commission v. Lindsey

Case No. 050200183742022 (D)

Lead Counsel: Johnson
Other Counsel:

Abstract: Action to recover losses for damage(s) to Commission property.

Status: Trial set.

Docket:

09/12/2022	Complaint filed
12/05/2022	Request for summons renewal filed
05/02/2023	Request for summons renewal filed
06/26/2023	Affidavit of Non-service filed
07/18/2023	Motion for Alternative Service denied
08/25/2023	Second Motion for Alternative Service filed
09/12/2023	Order of the Court. Motion for Alternative Service Granted
10/26/2023	Request for summons renewal filed
01/03/2024	Affidavit of Service on MVA
02/20/2024	Trial set

CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

Beth Mays v. Maryland-National Park and Planning Commission, et al.

Case No. C-08-CV-23-000516 (ED)

Lead Counsel: Ticer
Other Counsel: Rupert

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: In discovery.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Commission's Motion to Dismiss filed
08/21/2023	Consent Stipulation to Extend time for Plaintiff to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Motion to Dismiss
09/05/2023	Amended Complaint
09/13/2023	Order to Extend time
09/20/2023	Motion to Dismiss Amended Complaint
10/05/2023	Response in Opposition to Motion to Dismiss
10/16/2023	Reply to Plaintiff's Opposition to Motion to Dismiss
12/20/2023	Motion to Dismiss granted in part and denied in part. Counts 5-9 dismissed. All parties except for the Commission dismissed.
01/11/2024	Order of Court dismissing defendants, Christine Fanning, Thomas Baden, and the Prince George's County Planning Board. Counts V, VII, VIII and IX of Complaint are also dismissed.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

In the Matter of Joshua P. Scully
Case No. C-15-CV-23-002546 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Order finding that claimant at maximum medical improvement and denying right shoulder surgery.

Status: Trial set.

Docket:

06/27/2023	Petition for Judicial Review filed
12/01/2023	Pretrial status hearing
04/01/2024	Trial set

In the Matter of Pocahontas Drive Homeowners
Case No. C-15-CV-23-002634 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioners seeks Judicial Review of the Montgomery County Planning Department's approval of Forest Conservation Act Exemption 4203166E to Davis Airport.

Status: Decision of the Montgomery County Planning Board Reversed.

Docket:

07/05/2023	Petition for Judicial Review filed
07/14/2023	Response to Petition for Judicial Review
09/05/2023	Motion to Extend time for Filing of the Administrative Record
09/15/2023	Order Granting Motion to Extend Time
09/18/2023	Notice of Record Issued
10/06/2023	Memorandum
10/26/2023	Responsive Memorandum
11/14/2023	Hearing held. Matter taken under advisement.
01/23/2024	Opinion and Order of the Court, reversing decision of the Montgomery County Planning Department.

Paige Industrial Services, Inc. v. The Maryland-National Park and Planning Commission

Case No. C-15-CV-23-004219 (AAO)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Judicial review of the decision of the CCRC, dated October 17, 2023, relating to contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Appeal filed.

Docket:

11/10/2023	Petition for Judicial Review
11/30/2023	Scheduling and Briefing Order of Court issued
12/08/2023	Notice of Intent to Participate filed by Commission
01/17/2024	Order Granting Extension of Time

Wright v. Commission

Case No. C-15-CV-23-000909 (Misc.)

Lead Counsel: Patterson (Marcus Bonsib)
Other Counsel: Marcus

Abstract: Plaintiff is seeking to enforce a request under the Maryland Public Information Act.

Status: Settlement Agreement reached. Stipulation of Dismissal filed.

Docket:

03/09/2023	Complaint
04/13/2023	Motion for Summary Judgment
05/26/2023	Opposition to Motion for Summary Judgment
08/14/2023	Motions Hearing
08/14/2023	Court takes under advisement Plaintiff's Motion for Discovery and Defendant's Motion for Summary Judgment
08/25/2023	Motion for Summary Judgment Denied. Motion for Discovery deferred for 30 days
09/25/2023	Motion for Reconsideration and revise order denying Motion for Summary Judgment and request for hearing
10/17/2023	Consent Motion to Extend Time
10/25/2023	Opposition to Motion to Revise Judgment and request for hearing
11/14/2023	Order of Court denying Motion for Reconsideration
12/29/2023	Stipulation of Dismissal Without Prejudice
01/18/2024	Case Dismissed Without Prejudice.

CIRCUIT COURT FOR PRINCE GEORGE’S COUNTY, MARYLAND

Tiffany Celey v. Maryland-National Capital Park and Planning Commission

Case No. C-16-CV-23-003168 (ED)

Lead Counsel: Ticer
Other Counsel: Johnson; Rupert

Abstract: Defendant is alleging discrimination based upon race, sex, retaliation, and disability.

Status: In discovery.

Docket:

07/12/2023	Complaint filed
09/26/2023	Summons reissued
12/28/2023	Complaint received from SDAT via certified mail.
01/03/2024	Answer filed

In the Matter of William Dickerson

Case No. C-16-CV-23-001402 (AAO)

Lead Counsel: Gates (Groom Law Group)
Other Counsel:

Abstract: Claimant seeks judicial review of Employees Retirement System (“ERS”) decision dated February 21, 2023, which denied a reconsideration of the COLA calculation.

Status: Petition for Judicial Review filed.

Docket:

03/28/2023	Petition for Judicial Review filed
04/05/2023	ERS served
04/25/2023	Administrative Record received
05/26/2023	Stipulation for Extension of Time for Petition to File Opening Memorandum
06/20/2023	Petitioner’s Memorandum of Law in Support of Petition for Judicial Review
06/29/2023	Stipulation for Extension of Time for Respondent to File Answering Memorandum
06/30/2023	Order Granting Extension of Time
07/31/2023	Response to Petitioner’s Memorandum
08/12/2023	Reply Memorandum

Carolyn Gray v. Maryland-National Capital Park and Planning Commission, et al.

Case No. C-16-CV-23-004509 (PD)

Lead Counsel: Rupert
Other Counsel:

Abstract: Plaintiff alleges the Commission caused damage to her property.

Status: Hearing set on co-Defendant's motion to dismiss.

Docket:

09/30/2023	Complaint filed
10/13/2023	Commission served
11/20/2023	AEB Properties Motion to Dismiss
01/23/2024	Order of Court to set matter in for hearing
01/24/2024	Amended Order of Court. Hearing set 2/20/2024.

In the Matter of Danielle Jones-Dawson

Case No. C-16-CV-22-000675 (AAO)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision (October 20, 2022) denying claimant's appeal of her termination due to non-compliance with Notice 21-07, COVID-19 Vaccination Requirements.

Status: Hearing reset.

Docket:

11/20/2022	Petition for Judicial Review filed
11/29/2022	Response to Petition for Judicial Review
02/08/2023	Memorandum for Petitioner
03/09/2023	Commission's Answering Memorandum
11/20/2023	Motion for Continuance
01/29/2024	Hearing reset to 05/02/2024

In the Matter of Jeanne Kavinski

Case No. C-16-CV-23-001821, C-16-CV--23-001826, C-16-CV-23-001827 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant filed the same issues in three claims with overlapping body parts seeking authorization for treatment and causal relationship of a new injury. In addition, the Commission contested whether a compensable injury occurred in a new claim (D/A:4/28/2021). The Commission was successful in defending the authorization for treatment and against the new claim. Claimant has appealed the determination in all three claims.

Status: Response filed. Discovery Pending in C-16-CV-23-001827. Other cases consolidated. Trial set.

Docket:

04/18/2023	Petition for Judicial Review filed
05/02/2023	Response to Petition for Judicial Review filed in all three cases
05/02/2023	Commission's Designation of Experts filed in case number C-16-CV-23-001827
06/27/2023	Order of the Court. Cases C-16-CV23-001821 and C-16-CV-23-001826 are consolidated. Case - C-16-CV-23-001821 to serve as the lead case
08/29/2023	Scheduling Order issued in C-16-CV23-001827
05/08/2024	Trial in case C-16-CV23-001827

In the Matter of Jeanne Kavinsky

Case No. C-16-CV-23-004139 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Trial set.

Docket:

09/08/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted. Case C-16-CV-23-004139 shall serve as lead case.
06/10/2024	Settlement Hearing
08/13/2024	Trial

In the Matter of Jeanne Kavinsky
Case No. C-16-CV-23-004296 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Case consolidated with C-16-CV-23-004139.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted. Case C-16-CV-23-004139 shall serve as lead case. Case closed.

In the Matter of Jeanne Kavinsky
Case No. C-16-CV-23-004297 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Case consolidated with C-16-CV-23-004139.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Expert Designation
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted. Case C-16-CV-23-004139 shall serve as lead case. Case closed.

In the Matter of Jeanne Kavinsky
Case No. C-16-CV-23-004298 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Case consolidated with C-16-CV-23-004139.

Docket:

09/19/2023	Petition for Judicial Review filed
09/29/2023	Response to Petition for Judicial Review
09/29/2023	Designation of Experts
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted. Case C-16-CV-23-004139 shall serve as lead case. Case closed.

In the Matter of Jeanne Kavinski
Case No. C-16-CV-23-004975 (WC)

Lead Counsel: Ticer
Other Counsel:

Abstract: Claimant sought a finding that treatment to her left ankle, to include surgery, and associated indemnity benefits were causally related to any of the subject claims; all treatment and related benefits were denied. Claimant also sought a finding of permanent disability related to head injuries; the Commission found no permanent disability. Claimant has appealed all findings.

Status: Case consolidated with C-16-CV-23-004139.

Docket:

11/01/2023	Petition for Judicial Review
01/03/2024	Response to Petition for Judicial Review
01/03/2023	Designation of Experts
01/03/2024	Consent Motion to Consolidate Cases
01/23/2024	Motion to Consolidate Granted. Case C-16-CV-23-004139 shall serve as lead case. Case closed.

Simmons v. Commission, et al.
Case No. C-16-CV-23-000873 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending Therapeutic Recreations Programs, Kids' Care After-School Program at Cedar Heights Community Center.

Status: In discovery.

Docket:

02/24/2023	Complaint filed
02/28/2023	Commission served
03/28/2023	Motion to Dismiss filed.
03/30/2023	Prince George's County's Motion to Dismiss
04/14/2023	Stipulation of Dismissal as to Defendants Prince George's County and Maryland-National Park and Planning Commission
04/20/2023	Answer of Defendant Chatman
05/09/2023	Scheduling Order issued
06/05/2023	Order Granting Plaintiff's Consent Motion to Extend Time to Respond to Motion to Dismiss
08/21/2023	Line to Correct Misnomer, Entry of Appearance and Notice of Discovery filed
05/06/2024	Trial

Alicia Spriggs v. Thomas W. Brown
Case No. C-16-CV-23-003019 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained

Status: In discovery.

Docket:

6/30/2023	Complaint filed
01/03/2023	Commission served
01/10/2023	Answer to Complaint and Request for Jury Trial
03/25/2024	Settlement hearing
05/28/2024	Trial set

Rakiya-Rae Wallace v. Commission, et al. v. Commission, et al.
Case No. C-16-CV-23-003055 (ED)

Lead Counsel: Ticer
Other Counsel: Johnson

Abstract: Employee terminated from the Commission for her COVID vaccination status has brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge

Status: Hearing set on Commission's Motion to Dismiss.

Docket:

07/03/2023	Complaint filed
07/12/2023	Commission served
08/07/2023	Motion to Dismiss and Supporting Memorandum
08/21/2023	Consent Stipulation to Extend Time to Respond to Motion to Dismiss
09/05/2023	Response in Opposition to Defendants' Motion to Dismiss
09/05/2023	Amended Complaint
09/18/2023	Order of Court. Motion to Dismiss Denied as Moot
09/22/2023	Motion to Dismiss Amended Complaint
10/06/2023	Response in Opposition to Dismiss Amended Complaint
10/18/2023	Reply to Opposition to Motion to Dismiss
03/29/2024	Motions hearing

APPELLATE COURT OF MARYLAND

Brij Bhargava, et al. v. Prince George's County Public Schools
Proposed Southern K-8 Middle School

Case No. ACM REG – 0659-2023 (AALU)
(Originally filed under CAL21-13945 in Prince George's County)

Lead Counsel: Warner
Other Counsel:

Abstract: Appeal of decision affirming the Prince George's County Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees.

Status: Oral argument set.

Docket:

05/31/2023	Appeal filed
06/27/2023	Order to Proceed
08/25/2023	Briefing Notice
08/30/2023	Joint Stipulation to Modify Briefing Schedule
10/11/2023	Record Extract
10/13/2023	Appellant Brief
12/01/2023	Appellees Brief filed
12/21/2023	Reply Brief
01/25/2024	Scheduling Notice
03/12/2024	Oral argument scheduled.

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

Case No. ACM- REG-0840-2023 (CD)
(Originally filed under 483255-V in Montgomery County)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Appeal of decision affirming CCRC decision denying HMF's demand that an allowance be made, and additional monies be paid by the Commission to HMF for construction at Greenbriar Local Park.

Status: Case dismissed.

Docket:

06/26/2023	Notice of Appeal
07/11/2023	Civil Information Report
08/03/2023	Order to Proceed
09/19/2023	Briefing Notice
10/28/2023	Notice of Settlement
12/28/2023	Notice of Dismissal filed
01/05/2024	Mandate

Wolf, et al. v. Planning Board of Prince George's County
Case No. ACM-REG-2099-2022 (AALU)
(Originally filed under CAL20-14895 in Prince George's County)

Lead Counsel: Warner
Other Counsel:

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

Status: Decision of Planning Board Affirmed.

Docket:

02/02/2023	Notice of Appeal
02/23/2023	Show Cause Issued to Appellant. Civil Appeal Information Report due March 10, 2023.
02/28/2023	Motion
03/03/2023	Order
03/08/2023	Motion
03/20/2023	Order to Proceed
05/19/2023	Briefing Notice
07/03/2023	Appellant's Brief filed
08/04/2023	Appellee's Brief filed
08/24/2023	Reply Brief
08/25/2023	Reply Brief
09/25/2023	Scheduling Notice
11/01/2023	Oral argument held.
12/21/2023	Decision of the Planning Board Affirmed.
01/25/2024	Mandate

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

Fennell v. The Maryland-National Capital Park and Planning Commission

8:23-cv-02314-DLB (ED)

Lead Counsel: Thornton
Other Counsel: Ticer; Rupert

Abstract: Fennell has filed suit arising out of her termination from employment related to her COVID vaccination status.

Status: Matter resolved and case dismissed.

Docket:

08/24/2023	Complaint filed
09/07/2023	Disclosure statement by Fennell
10/31/2023	Correspondence regarding Waiver of Service, Extension of Time and/or Stay
10/31/2023	Order Granting Extension of Time
11/29/2023	Case Reassigned to Judge D. Boardman
12/15/2023	Waiver of service as to M-NCPPC
01/25/2024	Notice of Voluntary Dismissal
01/25/2024	Order approving the parties' stipulation of dismissal with prejudice

Izadjoo v. Commission, et al.

8:23-cv-00142 GLS (ED)

Lead Counsel: Ticer
Other Counsel: Thornton

Abstract: Former Montgomery Parks employee alleging employment discrimination

Status: Matter resolved and case dismissed.

Docket:

01/19/2023	Complaint filed
01/25/2023	Case Management Order
02/07/2023	Commission served
02/13/2023	Request for Pre-Motion Conference re: Intent to File Motion to Dismiss
09/01/2023	Order granting Defendant Leave to file Proposed Motion
09/06/2023	Consent to Magistrate Judge
09/08/2023	Order referring case to Magistrate
09/22/2023	Motion to Dismiss for Failure to State a Claim

10/06/2023	Response in Opposition to Motion to Dismiss
01/26/2024	Stipulation of Dismissal

Weisman v. Commission, et al.

1:24-cv-00009 GLR (ED)

Lead Counsel: Ticer
Other Counsel: Thornton

Abstract: Plaintiff, a former police sergeant, filed a complaint against the Commission and the Montgomery County Chief of Police, alleging a hostile work environment due to discrimination based on sex, sexual orientation, and religion.

Status: Motion to Dismiss pending.

Docket:

01/03/2024	Complaint filed
01/05/2024	Commission served
01/22/2024	Motion to Dismiss filed by Commission

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Matters