



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

October 16, 2024

10:00 a.m. – 12:00 p.m.

Wheaton Headquarters
Auditorium
2425 Reddie Drive
Wheaton, Maryland 20902

and via teleconference

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Wednesday, October 16, 2024

10:00 am to 12:00 noon

Wheaton Headquarters Building Auditorium and via Teleconference

		<u>ACTION</u>	
		Motion	Second
1.	Consent Agenda (10:00 a.m.)	(*)	
	a) Approval of October 16, 2024 Commission Meeting Agenda		Page 1
	b) Resolution 24-21 Appointment of William Spencer as Acting Executive Director of the M-NCPPC		Page 3
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – September 18, 2024	(*)	Page 5
3.	General Announcements (10:05 a.m.)		
	a) Breast Cancer Awareness Month		
	b) National Pregnancy and Infancy Loss Awareness Month		
	c) National AIDS Awareness Month		
	d) Hiring People with Disabilities Month		
	e) National Domestic Violence Awareness Month		
	f) Italian American, German American and Polish American Heritage Month		
4.	Committee and Board Reports (10:10 a.m.)		
	a) Employees’ Retirement System Board of Trustees Regular Meeting Minutes from September 3, 2024 (for Information Only)		Page 11
	b) Audit Committee Activity Report (for Information Only)		Page 15
5.	Action and Presentation Items (11:15 a.m.)		
	a) Inspector General Annual Report (Kenney)		Page 19
	b) Budget Transfer Request (Charles)	(*)	LD
	c) GLP-1 Prescription Approval Process (Allen/McDonald)		Page 47
6.	Officers’ Reports (11:30 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Quarterly Report (for Information Only)		Page 51
	<u>Secretary-Treasurer’s Report</u>		
	b) 115 Trust/OPEB Annual Report Presentation (for Information Only)		Page 55
	<u>General Counsel</u>		
	c) Litigation Report (for Information Only)		Page 59

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

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M-NCPPC Resolution No. 24-21

APPOINTMENT OF WILLIAM SPENCER AS ACTING EXECUTIVE DIRECTOR

WHEREAS, effective November 19, 2019, the Maryland-National Capital Park and Planning Commission (the "**Commission**") previously appointed Asuntha Chiang-Smith as its Executive Director pursuant to the Laws of Maryland codified as Section 15-109 of the Maryland Land Use Article; and

WHEREAS, effective February 2, 2024 (the "**Leave Date**"), Executive Director Chiang-Smith took leave from her office for personal reasons; and

WHEREAS, Executive Director Chiang-Smith has tendered her written intention to resign from Commission service effective as of September 28, 2024 (the "**Vacancy Date**"); and

WHEREAS, from and after the Leave Date and continuing through the date of this resolution, William Spencer has ably served as the agency's Acting Executive Director under and pursuant to delegation of authority dated as of February 5, 2024; and

WHEREAS, the Commission desires to memorialize and provide for an orderly transition of responsibilities during the interim period beginning on the Leave Date and extending until such time as Chiang-Smith's successor in office is appointed; and

WHEREAS, William Spencer has registered his willingness to serve as the Acting Executive Director effective as of the Vacancy Date and continuing throughout such an interim period.

NOW THEREFORE, BE IT RESOLVED, that the Commission hereby shall, and hereby does, ratify and adopt the appointment of William Spencer as Acting Executive Director of the Commission until such time as Chiang-Smith's successor in office shall be chosen, expressly intending thereby that Spencer shall be vested with all customarily, necessary and appropriate authority of that public office during such period, including, without limitation, the authority to execute documents deemed appropriate in his professional judgment to effectuate all corporate transactions; and

M-NCPPC Resolution No. 24-21

Page 2

BE IT FURTHER RESOLVED, that the Commission shall, and hereby does, accept Executive Director Chiang-Smith's election to separate from Commission employment and resign effective as of the Vacancy Date; and

BE IT FURTHER RESOLVED, that the proper officers and agents of the Commission shall promptly arrange to procure from a surety authorized in Maryland such that Spencer shall be bonded unto the Commission as required by law.

BE IT FURTHER RESOLVED, that the Acting Executive Director and other officers and agents of the Commission shall be further authorized to execute such documents and further assurances, as they may reasonably deem necessary or appropriate to effectuate the purposes of this Resolution.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 24-21 adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner xx, seconded by Commissioner xx, with Chair Harris, Vice Chair Shapiro, Commissioners Bailey, Bartley, Doerner, Geraldo, Hedrick, Linden, Pedoeem, and Washington voting in favor of the motion, and [] being absent for the vote, at its regular meeting held on Wednesday, October 16, 2024 via video-conference, and broadcast by the Department of Planning, Montgomery County.

Artie Harris, Chair
Maryland-National Capital Park and Planning
Commission



Reviewed and Approved for Legal Sufficiency:



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
September 18, 2024

The Maryland-National Capital Park and Planning Commission met in a hybrid format, from the Parks and Recreation Administration Building Auditorium in Riverdale and virtually via videoconference. The meeting was broadcast by the Department of Parks and Recreation, Prince George’s County.

PRESENT

Montgomery County Commissioners

Artie Harris, Chair
Shawn Bartley
James Hedrick
Josh Linden
Mitra Pedoeem

Prince George’s County Commissioners

Peter A. Shapiro, Vice Chair
Dorothy Bailey
Manuel Geraldo

NOT PRESENT

William Doerner
A. Shuanise Washington

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

ITEM 1

CONSENT AGENDA

- a) Approval of 9/18/24 Commission Meeting Agenda
- b) Resolution 24-20 Perpetual Access Easement to Prince George’s County at Westphalia Central Park
- c) Controlled Substance Policy Definition Change (moved to 6d)

Chair Harris moved Item 1c, Controlled Substance Definition Change to the Actions/Presentations section, to be re-named Item 6d. Move closed session to the end of the meeting

ACTION: Motion of Commissioner Geraldo to approve items on the Consent Agenda as modified above.

Seconded by Commissioner Bailey
8 approved the items

ITEM 2

APPROVAL OF MINUTES

- a) Approval of Commission Minutes – Open Session 7/17/24

ACTION: Motion of Commissioner Geraldo to approve the 7/17/24 minutes

Seconded by Commissioner Bailey
8 approved the items

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Hispanic Heritage Month (September 15-October 15)
- b) National Prostate Cancer Awareness Month

ITEM 4 COMMITTEE/BOARD REPORTS

- a) Employees' Retirement System Board of Trustees Regular Meeting Minutes from July 2, 2024 (for information only)

ITEM 5 CLOSED SESSION (moved to end of meeting)

ITEM 6 ACTION/PRESENTATION ITEMS

- a) Combined M-NCPPC Wage Resolutions

- i. Resolution 24-15 Wage Adjustments for Employees Represented by the Fraternal Order of Police (FOP) Collective Bargaining Unit
- ii. Resolution 24-16 Wage Adjustments Passthrough for Park Police Command Staff and Candidates

Acting Executive Director Spencer presented the wage resolutions for the M-NCPPC's Park Police unit. Earlier this year, the Fraternal Order of Police declared an impasse on negotiations with the M-NCPPC. Negotiations proceeded to arbitration in late July which resulted in the arbiter finding in favor of the M-NCPPC, following agency's offer of a combined 7.0% increase (3.5% Merit / 3.5% COLA), similar to that of MCGEO and non-represented employees. Mr. Spencer asked for Commissioner's approval of the resolutions

ACTION: Motion of Commissioner Geraldo to approve Resolutions 24-15 and 24-16
Seconded by Commissioner Hedrick
8 approved

- b) Health and Benefits Rate Changes and Updates

Corporate HR Director Todd Allen introduced Benefits Manager Jennifer McDonald, who asked for Commissioners' approval on recommended rate changes for calendar year 2025, as described in the packet.

Commissioner Pedoeem noted the significant (21%) increase in prescription drug costs and asked for Ms. McDonald to explain the factors causing the increase. Ms. McDonald said there has been an increase in large claimants, an increase in stop-loss premiums and an increase in the use of GLP-1 drug types. There will be a program launched in October to examine prescribing GLP-1 benefits for employees using GLP-1 drugs for off-label use. Mr. Allen also noted a portion of the excess of the agency's fund reserve will be used to offset the premium increase and reduce it from 21.7% to 11.7%.

Commissioners Pedoeem and Hedrick voiced opposition to providing insurance for GLP-1 drugs for off-label use. Chair Harris said Benefits staff would examine alternatives for drug approval and present recommendations at the next meeting.

ACTION: Motion of Vice-Chair Shapiro to adopt the Benefits Rates Change Recommendation
Second by Commissioner Geraldo
8 in favor

- c) Central Administrative Services Budget Allocation (Bacote-Charles)

Corporate Budget Director Bacote-Charles requested Commission approval for recommended adjustments to the bi-county cost split among the operating departments. She reviewed information reflected in the packet and explained the primary cost drivers for changes to DHRM funding as an assessment of Human Resources actions (records, recruitment, etc.). She said the changes were due to Montgomery County Departments having a larger number

of recruitment and personnel actions in the past year than in previous years. She said the recommended adjustment, based on a rolling 3-year average of collected bi-county labor data, shifts approximately \$300,000 in funding costs from Prince George's County to Montgomery County.

ACTION: Motion of Commissioner Geraldo to adopt the Budget Allocation Recommendation
Second by Commissioner Bailey
8 in favor

d) Controlled Substance Policy Definition Change (moved from 1c)

Corporate Policy Chief Michael Beckham and the Office of the General Counsel's Compliance Office Jessica Homer explained why the language of the agency's policy governing substance abuse should to be updated to comply with the Americans with Disabilities Act. This is a minor change in the text of the Practice.

ACTION: Motion of Commissioner Geraldo to adopt the amended language as described in the packet
Second by Commissioner Bailey
8 in favor

ITEM 7

OFFICERS' REPORTS

Executive Director's Report

- a) Quarterly MFD Report (for information only)
- b) Quarterly Budget Transfers Report (for information only)

Secretary-Treasurer's Report
No report scheduled

General Counsel's Report

- c) Litigation Report (For information only)

General Counsel Borden spoke briefly about the M-NCPPC's participation at the recent Maryland Association of Counties (MACo) conference in Ocean City. The M-NCPPC's booth was a resounding success. General Counsel Borden specifically thanked the Montgomery Parks' exhibit staff, led by Kristopher Yeh. Mr. Yeh led exhibit staff in both counties in preparing the exhibit and provided a terrific One-Commission showcase. She reported having a wonderful experience, talking with and meeting other staff, talking to elected officials, their staff, and many others in state government. There was much praise for the creativity of the booth design and the swag available to the conference attendees. She shared a picture montage of staff and visitors at the booth and enjoying the conference.

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b), (1), (9) and (14) a closed session is proposed to discuss a confidential personnel matter; to discuss before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; and to consider matters relating to collective bargaining negotiations with the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position.

ACTION: Motion of Commissioner Geraldo to enter Closed Session
Seconded by Commissioner Bailey
8 approved

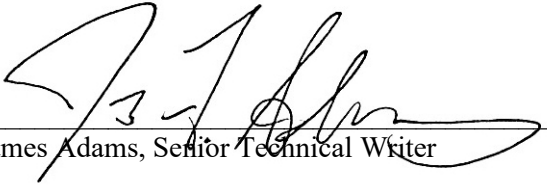
ITEM 5

CLOSED SESSION (moved to end of meeting)

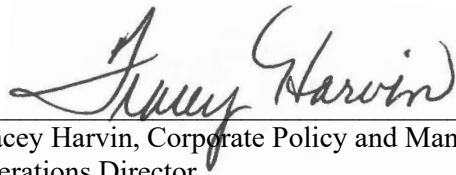
Closed Session began at 11:06 am, when Commissioners discussed a procurement matter which will be continued at a later meeting, after which General Counsel Borden requested the room and channel be vacated of all personnel besides Commissioners, the General Counsel and the Acting Executive Director before discussing and voting on a confidential personnel matter. As there were no questions related to FOP negotiations, there was no discussion regarding 3-305b(9). Closed minutes from 7/17/24 were also approved.

Open Session resumed at 12:57 pm

Chair Harris adjourned the meeting at 12:58 p.m.



James Adams, Senior Technical Writer



Tracey Harvin, Corporate Policy and Management
Operations Director,
for William Spencer, Acting Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT

Date: 09/18/2024 Time: 11:06 am
Location: Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Bailey.

Members voting in favor: Bailey, Bartley, Geraldo, Harris, Hedrick, Linden, Pedoeem, Shapiro

Opposed: N/A Abstaining: N/A Absent: Doerner, Washington

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)
(check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

Pursuant to the Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(1), (9), and (14) a closed session is proposed: to discuss a confidential personnel matter; to consider matters relating to collective bargaining negotiations with the Fraternal Order of Police bargaining units to preserve the Commission's negotiating position; and to discuss the content and budget of a contract bid or proposal.

Topics to be discussed:

Confidential Personnel Matters;

Collective Bargaining update of negotiations with the Fraternal Order of Police (FOP) bargaining unit;

Budget Discussion regarding the M-NCPPC's Enterprise Resource Management System (Project MOSAIC).

Let the record reflect that there was no discussion on Collective Bargaining during closed session.

This statement is made by:

Artie Harris, Chair, Presiding Officer.

PRINT NAME



9/24/2024

SIGNATURE & DATE



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

BOARD OF TRUSTEES MEETING MINUTES
Tuesday, September 3, 2024; 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 with CHAIR SHAPIRO leading the meeting on Tuesday, September 3, 2024. The meeting was called to order at 10:00 a.m. by CHAIR SHAPIRO.

Board Members Present

Peter A. Shapiro, Board of Trustees Chair, Prince George’s County Commissioner
James Hedrick, Board of Trustees Vice Chair, Montgomery County Commissioner *Left at 10:58 a.m.*
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Sheila Morgan-Johnson, Prince George’s County Public Member
Theodore J. Russell III, Prince George’s County Open Trustee
Elaine A. Stookey, Bi-County Open Trustee
Anton White, FOP Represented Trustee
Lisa Blackwell-Brown, MCGEO Represented Trustee *Joined at 10:22 a.m.*

Board Members Absent

Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio

Others Present

Michael “Wes” Aniton, M-NCPPC Office of the General Counsel, Deputy General Counsel

ERS Staff Present

Andrea L. Rose, Executive Director
Jaelyn Harris, Deputy Executive Director
Alicia C. Stanford, Administrative Specialist
Sheila Joynes, Accounting Manager

Presentations

Meketa Investment Group – Mary Mustard, CFA and Aaron Lally, CFA, CAIA, CIPM

ITEM 1. APPROVAL OF THE SEPTEMBER 3, 2024 CONSENT AGENDA

ACTION: MR. RUSSELL made a motion, seconded by MS. GOGOL to Approve the Consent Agenda of September 3, 2024. The motion PASSED. (9-0). Ms. Blackwell-Brown was absent from this vote. (Motion # 24-25).

ITEM 2. CHAIR'S ITEMS**ITEM 2.A. Conference and Training Summary 2024** - No notable items discussed.**ITEM 3. MISCELLANEOUS** - No items to report.**ITEM 4. CONSULTANT/MANAGER PRESENTATIONS**

Mr. Lally discussed Meketa's Initial Fund Review of the ERS Pension Fund, which included a review of Fund Governance documents, Asset Allocation & Portfolio Construction, Fees and Operations. He described Meketa's preliminary observations and development of an action plan with their recommendations and respective priorities. Mr. Lally informed the Board that Meketa did not find any red flags or operational deficiencies. He summarized that 1) the Investment Policy Statement is comprehensive and well designed and minor edits will help to refine policies, 2) Asset Allocation recommendations will be addressed in the first quarter of 2025 after the completion of an asset allocation/liability study, 3) the ERS is invested in quality public market managers and Meketa believes some changes are warranted after due diligence is conducted including a public fixed income high yield search, 4) private market managers are doing well, 5) fees are reasonable and in market relative to other plans of similar size and complexity, and 6) nothing material was identified with the custodian or securities lending.

Ms. Blackwell-Brown joined the meeting at 10:22 a.m.

Mr. Lally discussed the portfolio and areas which Meketa intends to conduct further due diligence including the consideration of adding a US Mid Cap equity strategy, an active US Small Cap manager, a US Core Bond low-cost index fund, passive international developed market exposure, and conducting a core real estate manager search. CHAIR SHAPIRO asked about having multiple managers in one investment strategy. Ms. Mustard added that it's ok to have two managers in one investment strategy if they complement each other with their uniqueness.

Ms. Mustard reviewed the Quarterly Executive Summary ending June 30, 2024. The ERS total fund return was 0.3% (net of fees) for the quarter, underperforming the target policy index return of 1.3% by 92 basis points. For the YTD, FYTD, three, five, and ten-year periods ending as of June 30, 2024, the ERS total fund return was 2.8%, 6.6%, 4.0%, 6.7%, and 6.3%, respectively compared to the target policy index return of 4.7%, 10.5%, 3.0%, 6.2%, and 5.7%, respectively. While the total fund return underperformed for the quarter, YTD, and FYTD ending June 30, 2024, the portfolio outperformed the target policy index for the trailing three, five and ten-year periods. As of June 30, 2024, ERS total assets stood at \$1.1 billion.

In terms of market performance, the U.S. stock market was up 3.3% for the second quarter and is up 13.6% for the year-to-date. Many sectors were negative, with the best performing being technology (+12.5%) and the worst being materials (-5.5%) and industrials (-3.3%). Small cap underperformed large cap by 850 basis points while growth stocks generally outperformed value. In the Non-U.S. Equity market, new data in England shows that the country has recovered from a mild recession last year, albeit at a tepid pace. Prospects in Germany are dimming due to global trade conflicts that are weighing on the industrial sector. Economic activity in China remains uneven as manufacturing activity fell in June while services slipped to a five-month low. Many expect the Chinese government to offer policy support in the short term.

Lastly, Ms. Mustard provided an overview of the July 2024 Flash Report, noting the Fund is up 1.5%. Mr. Cohen inquired if Meketa reconciled the June 30, 2024 performance and market value data received from the Wilshire investment reports. Ms. Mustard confirmed that the numbers were reconciled.

ITEM 5. EXECUTIVE DIRECTOR'S REPORT

Ms. Harris informed the Board that the next Board meeting will be October 1, 2024. The IMG and Personnel Committee meetings are scheduled for September 17, 2024 and the Audit Committee meeting for September 24, 2024. Ms. Harris let the Board know that Cheiron is expected to present actuarial valuation results to the Board at the November 5, 2024 Board meeting. Staff are finalizing the Financial Statements and Annual Comprehensive Financial Report to present to the auditors for review and a presentation by the auditors of the results at the Audit Committee's September meeting. Ms. Harris informed the Board that Sheila Morgan-Johnson will represent the ERS as a member on the Audax Senior Loan Fund V Advisory Board.

Ms. Harris announced that the ERS hired a new Retirement Systems Specialist, Mireya Lacey. Ms. Lacey has extensive data management, process improvement, and systems testing experience with Virginia Retirement System Pension Plans, Prince George's County Pension Plans, and T. Rowe Price. After posting the job announcement for a Deputy Executive Director, but not receiving a satisfactory pool of candidates, staff plan to re-advertise the Deputy Executive Director position in September.

Vice Chair Hedrick left the meeting at 10:58 a.m.

On July 17, 2024, the Commission approved Resolution No. 24-14 adopting FY25 wage adjustments for non-represented merit employees. The ERS typically follows the Commission on wage adjustments for ERS employees; therefore, ERS Executive Staff recommended the Board approve up to a 3.5% anniversary increase for FY25 for eligible ERS employees; a 0.5% lump sum payment for eligible ERS employees at top of grade and not eligible for an anniversary increase; a 3.5% cost-of-living adjustment effective the first full pay period on or after September 1, 2024.

ACTION: MR. WHITE made a motion, seconded by MS. MCCARTHY to approve up to a 3.5% anniversary increase for FY25 for eligible ERS employees; a 0.5% lump sum payment for eligible ERS employees at top of grade and not eligible for an anniversary increase; a 3.5% cost-of-living adjustment effective the first full pay period on or after September 1, 2024. The motion PASSED. (9-0). (Motion # 24-26).

ITEM 6. COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 6.A. Administration and Personnel Oversight Committee

Mr. Cohen reported that during the August 20, 2024 Administration & Personnel Oversight Committee Meeting, Ms. Harris presented a recommendation for a reallocation of savings within the FY25 Operating Budget for an office renovation project that requires no adjustments to the Budget. The Personnel Committee came to a consensus to recommend to the Board the approval of the reallocation of savings within the FY25 Operating Budget for office renovations.

ACTION: MS. BLACKWELL-BROWN made a motion, seconded by MS. GOGOL to Approve the Reallocation of Savings within the FY25 Operating Budget for an office renovation project to meet

the needs of the ERS. The motion PASSED. (9-0). Vice Chair Hedrick was absent from this vote. (Motion # 24-27).

The Board meeting of September 3, 2024, adjourned at 11:04 a.m.

Respectfully,

Alicia C. Stanford
Alicia C. Stanford
Administrative Specialist

Andrea L. Rose
Andrea L. Rose
Executive Director

AUDIT COMMITTEE ACTIVITY REPORT

FISCAL YEAR 2024 (July 1, 2023 – June 30, 2024)

Report Date: October 16, 2024

INTRODUCTION

The Audit Committee (AC or Committee) operates independently from the management of the Maryland-National Capital Park and Planning Commission (M-NCPKC or Commission). The AC serves as a forum, in which auditors and other interested parties may identify and discuss concerns related to financial reporting and internal controls.

The Annotated Code of Maryland, Land Use Article, Subtitle 4 Audit Committee, §15-401-§15-405, governs the establishment and function of the Audit Committee (e.g., membership, terms, qualifications, and powers).

During FY24, the AC consisted of four (4) voting members:

- Dorothy Bailey, Vice-Chair, Prince George’s County Planning Board, Audit Committee Chair
- Mitra Pedoeem, Vice-Chair, Montgomery County Planning Board
- Benjamin Williams, Public Member, Prince George’s County
- Erin White, Public Member, Montgomery County

Chair Peter Shapiro served on the AC as an ex-officio nonvoting member during FY24.

DISCHARGE OF DUTIES

External Auditors

The AC is responsible for appointment, compensation, retention, and oversight of the work of any external auditor engaged for the purpose of performing independent audit services, reviews or attest services.

Each fiscal year, the Office of the Secretary-Treasurer submits an Annual Comprehensive Financial Report (ACFR), in accordance with the Land Use Article of the Annotated Code of Maryland. In conjunction with the ACFR, State statute requires an annual audit by independent certified public accountants.

The Department of Finance issued a competitive procurement for the Commission’s external auditing services in January 2021. The Commission, with agreement from the AC, selected the accounting firm of SB & Company to complete the FY24 external review. The AC meets with the external auditor for pre-audit planning and audit closeout. The external auditor issued a clean opinion for the Commission’s FY23 financial statements. The FY24 audit is underway; to date, no findings have been presented to the AC.

Office of the Inspector General

The AC provides technical and substantive oversight and direction for the Office of the Inspector General’s (OIG) work program. On June 6, 2023, the AC formally approved the FY24 Fiscal Work Plan submitted by the Inspector General. The work plan included

performance audits, fraud, waste, and abuse investigations, management advisories, and follow-up reviews.

The AC meets quarterly with the OIG to discuss significant audit findings and recommendations. The Office of the Inspector General's FY24 Annual Report contains a summary of completed audits and investigations.

MAJOR AUDIT CONCERNS

No additional significant concerns were brought forward to the AC.

SUMMARY

Based on our review of the Commission's Annual Comprehensive Financial Report, SB and Company's Audit Report and all reports and memorandums issued by the Office of the Inspector General, the Audit Committee deems the Commission's internal controls and adherence to financial regulations and internal policies acceptable. The Commission's internal control systems and processes appear to reduce operational and compliance risk, while also ensuring heightened fiduciary oversight of Commission funds.

CONCLUSION

The Audit Committee would like to thank Chair Peter Shapiro, Chair Artie Harris, Commissioners, Officers, management, staff, and the Office of the Inspector General for their continued efforts to strengthen public accountability and to improve the effectiveness, productivity, and efficiency of Commission operations.

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**FISCAL YEAR 2024
ANNUAL REPORT**

OFFICE OF THE INSPECTOR GENERAL



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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OFFICE OF THE INSPECTOR GENERAL

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Message from the Inspector General

I am pleased to present The Maryland-National Capital Park and Planning Commission (Commission), Office of the Inspector General's (OIG) Annual Report on the activities and accomplishments of the OIG from July 1, 2023, through June 30, 2024, fiscal year 2024 (FY24).



Renee M. Kenny
CPA, CIG, CIA, CISA

The OIG provides a wide range of services for the Commission, including audits, investigations, advisories, and training. All of which are discussed in this report. The OIG's work demonstrates our commitment to promoting accountability, efficiency, and effectiveness in Commission programs and operations.

The Commission is a complex and dynamic bi-county agency, with nine Offices and Departments¹. The OIG strives to keep Commission management fully informed about opportunities for improvements in Commission activities and corrective action responses. In FY24, the OIG presented Commission management with 46 audit recommendations to strengthen internal controls and reduce many risk factors.

The OIG is governed by an Audit Committee (AC), comprised of two Planning Board Commissioners and two public members. The Commission Chair serves as ex-officio nonvoting member of the AC. I would like to thank the AC for their leadership and guidance throughout the year. Equally important, I thank the Commission's leadership for their support and confidence in the contributions of the OIG.

Renee M. Kenny

Renee M. Kenny
September 20, 2024

¹ Prince George's County Department of Parks and Recreation, Prince George's County Planning Department, Montgomery County Department of Parks, Montgomery County Planning Department, Department of Finance, Department of Human Resources and Management, Office of General Counsel, Office of the Chief Information Officer, and Office of the Inspector General.

FISCAL YEAR 2024 HIGHLIGHTS

OFFICE OF THE INSPECTOR GENERAL

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Performance Audits

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Fraud, Waste, & Abuse Investigations

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Limited Investigations

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Management Advisories

46



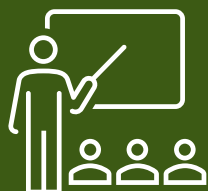
Audit Recommendations

3



Major Audit Findings

13



Internal Fraud Courses Taught

18



Reviewed Recommendations During Follow-Ups

Our Mission

At the OIG, our mission is to uphold integrity and accountability within the Commission. Through independent evaluations and strategic recommendations, we focus on:

Enhancing Effectiveness

Ensuring Accountability

Strengthening Controls

Protecting Reputation

OIG Services Provided

- Performance Audits
 - Business Process Audits
 - Facility Audits
- Information Technology (IT) Audits
- Fraud, Waste, and Abuse Investigations
- Limited Investigations
- Management Advisories
- Follow-Up Reviews
- Internal Trainings

Meet the Team



Renee M. Kenney
Inspector General
CPA, CIG, CIA, CISA



Modupe Ogunduyile
Deputy Inspector General
CIG

Professional Credentials

OIG personnel hold relevant certifications and are members of numerous prestigious audit and accounting associations. These auditing certifications signify a recognized international level of technical capability. The professional associations that confer these certifications enforce rigorous standards and requirements, including comprehensive written exams that assess technical knowledge, skills, education, and experience. Additionally, these certifications uphold stringent ethical standards.

CPA – Certified Public Accountant

CIG – Certified Inspector General

CIA – Certified Internal Auditor

CISA – Certified Information System Auditor

CFE – Certified Fraud Examiner

CGFM – Certified Government Finance Manager

CICA – Certified Internal Control Auditor

CAA – Certified Acquisition Auditor

CGEIT – Certified in the Governance of Enterprise IT



Robert Feeley
Assistant Inspector General
CGFM, CFE, CAA, CICA



Wanda King
Assistant Inspector General



Franklin Pace
Senior Auditor



Irith Dror
Senior IT Auditor
CISA, CGEIT



Aaron Smith
Staff Auditor



Noelani Tuga
Administration / Audit
Intern

Governance

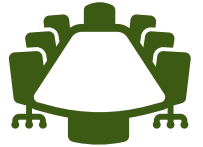
Audit Committee & Office of the Inspector General

The Audit Committee (AC) and OIG were established to assist the Commission with corporate governance and independent oversight of the agency's financial reporting processes.

The Annotated Code of Maryland defines the authority and purpose of the Audit Committee (§15-401 – §15-405) and the Office of the Inspector General (§15-501 – §15-508). Commission Practice 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General* establishes the regulations outlining the responsibilities of the AC and OIG.

Audit Committee

The AC undertakes governance responsibilities to ensure the Commission develops and implements a sound system of internal controls and adheres to the highest standards of public accountability and integrity, including, but not limited to, the auditing process.



The AC for FY24 consisted of four voting members and one non-voting member:

- Ms. Dorothy Bailey – Vice-Chair of Prince George's County Planning Board – AC Chair
- Ms. Mitra Pedoeem – Vice-Chair of Montgomery County Planning Board
- Mr. Benjamin Williams – Public Member of Prince George's County
- Ms. Erin White – Public Member of Montgomery County
- Mr. Peter Shapiro – Commission Chair – Ex-officio nonvoting member

Audit Standards

Performance Audits are completed per *Generally Accepted Government Auditing Standards (GAGAS)*.

Fraud, Waste, and Abuse (FWA) Investigations are completed per *Principles and Standards for Offices of Inspector General*.

Peer Review

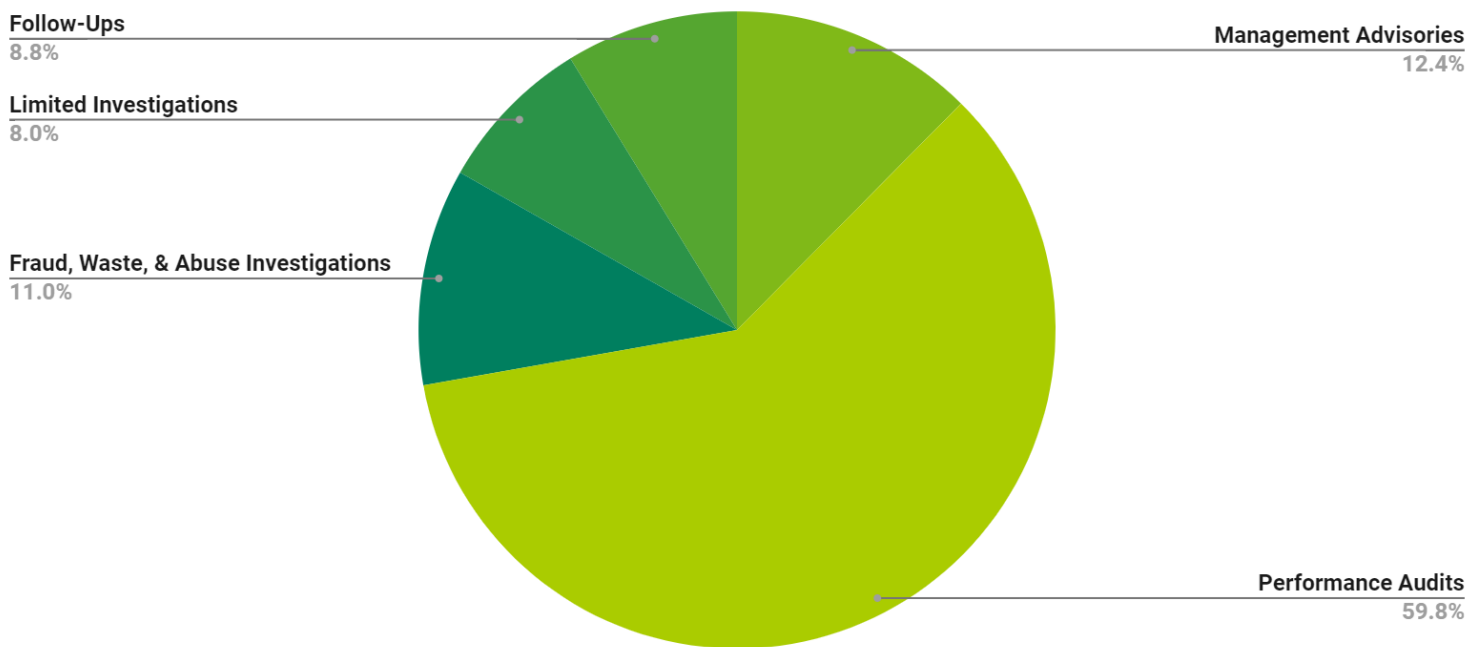
The OIG's most recent peer review was completed in December 2023 by the Association of Local Government Auditors (ALGA). The OIG received a rating of *pass*. Per the ALGA, based on the results of their review, "The M-NCPPC Office of the Inspector General's internal quality control system was adequately designed and operating effectively to provide reasonable assurance of compliance with GAGAS and applicable legal and regulatory requirements for audits during the period July 1, 2020, through June 30, 2023."

Annual Work Plans

The OIG is charged with assisting the Commission by providing independent evaluation and recommendations to improve the effectiveness, productivity, and efficiency of Commission programs, policies, and operations. To meet this responsibility, each spring an annual work plan is presented to the Audit Committee for approval. The annual work plan is based on feedback from Commission leadership, coupled with various risk assessment exercises. The OIG's approved FY24 Work Plan identified 15 performance audits (8 business process audits and 7 facility audits) for completion.

The work plan also contained hours for follow-up reviews, fraud, waste, and abuse investigations, limited investigations, and management advisories. The work plan is considered a living document and is subject to change throughout the fiscal year based on the needs of the Commission.

FY24 OIG Annual Budgeted Work Plan Hours



The OIG completed seven facility audits as reflected in the approved work plan. However, the OIG only completed six of eight planned business process audits. This can be attributed to increased investigation services provided throughout the fiscal year. The OIG completed seven investigations; three of which were substantial in scope and required significant OIG resources.

In June 2024, the AC approved the OIG's FY25 Work Plan. The work plan includes five facility audits and seven business process audits. The work plan also includes hours for the FY25 performance audit carryover, investigations, and advisory services.

Audit Process

1

Planning

Auditors must adequately plan the work necessary to address the audit objectives. For each performance audit, the OIG holds an opening meeting with key stakeholders to obtain an understanding of the nature of the program or process under audit and the potential impact of the audit results. During the opening meeting, the OIG and audit client discuss audit risk, audit objectives, scope and expectations.



2

Fieldwork

Fieldwork requirements include obtaining sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions that are valid, accurate, appropriate, and complete with respect to the audit objectives. The fieldwork portion of the audit concentrates on internal control testing and audit client interviews.



3

Reporting

The audit report communicates results of the audit and related recommendations. Commission management is provided with an opportunity to respond to include their corrective action in writing to all audit findings and recommendations.



4

Follow-Up Review

The OIG conducts a follow-up review on all high and medium risk audit recommendations to ensure identified risks have been mitigated and recommendations that have been fully implemented and resolved.

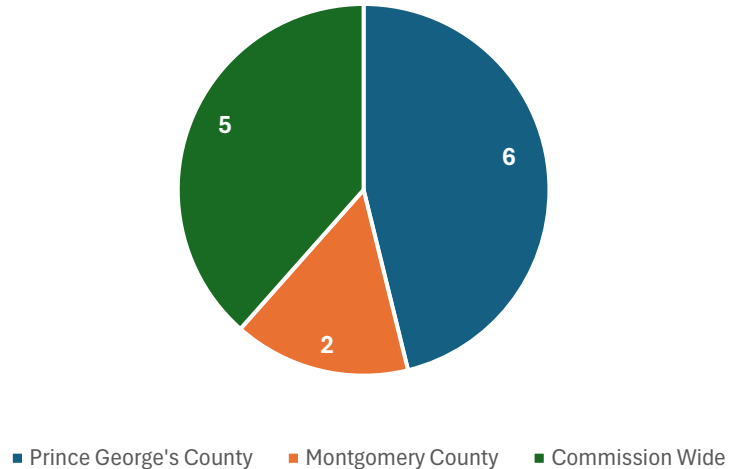


Performance Audits

Performance Audits provide objective analysis, findings, and conclusions to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, and facilitate decision making.

In FY24, the OIG completed 13 performance audits, consisting of six business process audits and seven facility audits. The OIG presented 29 audit recommendations to management.

Number of Completed Performance Audits



Business Process Audits

Business process audits review and evaluate an organization's business processes to ensure they are operating effectively, efficiently, and in compliance with relevant laws and regulations.

Completed FY24 business process audits included:

- Manual Adjustment of Leave Accruals
- Identity and Access Management
- Commission Workplace Safety & OSHA Compliance
- Purchase Card Program
- eDiscovery
- Northern and Southern Region Maintenance Yards – Controlled Assets

Facility Audits

Facility audits are comprehensive examinations of Commission facilities. These audits cover high-risk processes such as petty cash, purchase cards, cash receipts, timekeeping, procurements, expense reimbursements, facility rentals, vehicle usage, and capital and controlled assets.

Completed FY24 facility audits included:

- Showplace Arena and Equestrian Center
- Patuxent Community Center
- Watkins Maintenance Yard
- Bowie Community Center
- Wheaton Indoor Tennis Facility
- Pauline Betz Addie Tennis Center
- Lodge at Little Seneca Creek

APPENDIX A contains a summary of each performance audit

Follow-Up Reviews

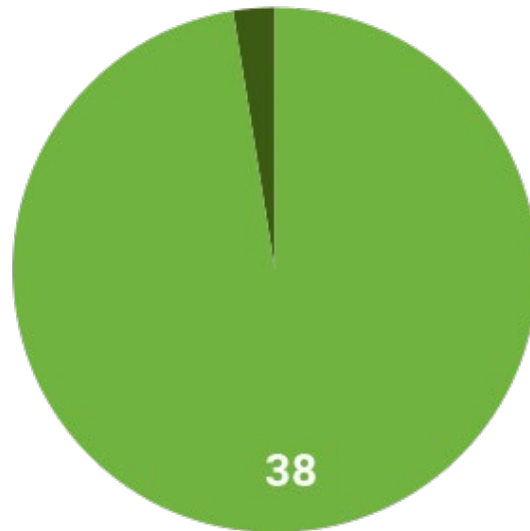
Performance audit reports, investigative internal control reports, limited investigations and management advisories include audit findings and recommendations to:

- Preserve the Commission's reputation.
- Improve the effectiveness, productivity, or efficiency of Commission programs, policies, practices, and operations.
- Ensure public accountability.

The OIG completes a follow-up review for all high and medium risk audit findings and recommendations. The purpose of a follow-up review is to determine if management's corrective actions have been effectively implemented. A follow-up review also provides official closure of the audit findings and recommendations.

In FY24 the OIG completed 18 follow-up reviews. The 18 reviews included assessment and testing of 39 high and medium risk audit recommendations. The OIG concluded management resolved 38 of the 39 (97%) recommendations, while the one unresolved recommendation is scheduled for an additional follow-up in FY25.

Resolved Follow-Up Recommendations



● Resolved ● Unresolved

Fraud, Waste, and Abuse Investigations



Fraud

Intentional act of deception to secure unfair or unlawful gain.

- Embezzlement of funds
- False claims for reimbursement
- Falsifying documents



Waste

The misuse, inefficient, or unnecessary use of resources that leads to unnecessary costs.

- Over-purchasing supplies
- Inefficient project management
- Excessive travel expenses



Abuse

Excessive or improper use of authority or resources that is contrary to policy or rules.

- Use of Commission vehicles for personal errands
- Misusing office equipment for personal projects
- Falsely claiming overtime pay

The OIG completed four fraud, waste, and abuse (FWA) investigations in FY24. The investigations assessed:

- Allegations of excessive event purchases
- Alleged conflict of interest with a Commission vendor(s) (two separate investigations)
- Alleged timecard fraud

For each investigation, the OIG issued two reports: a FWA report which includes details of the investigation and auditor's conclusion on the occurrence of FWA and an internal control report, which includes recommendations to strengthen internal controls over the process or procedure investigated.

The OIG identified approximately \$127,289 in overpayments and vendor kickbacks during the completion of the FWA investigations.

APPENDIX B contains additional details of FY24 FWA Investigations

Limited Investigations

A limited investigation describes specific issues or complaints received and the outcomes of the limited procedures undertaken during a preliminary inquiry. Based on the initial information available to the OIG, the OIG determined a full fraud, waste, and abuse investigation was not warranted. Limited investigations are considered other services and are not guided by professional standards.

The OIG completed 3 limited investigations in FY24:

- Alleged unauthorized network access
- Alleged travel approval irregularities
- Confirmation/review of a business checking account reconciliation

APPENDIX C contains additional details of FY24 Limited Investigations

Management Advisories

Management advisories are considered consulting services and are typically requested by Commission senior leadership. Per State statute, the OIG is authorized to complete management advisories. Management advisories are considered non-audit services and are guided by *Generally Accepted Government Auditing Standards*. FY24 management advisories included a review of the Project Charge Administrative Process and TruVision Camera Replacement assessment.

Project Charge Administrative Processes

The OIG was asked to assess the Commission's administrative project charge process from notification of the charge during budget planning through final disbursement of the funds; and to identify internal control gaps and/or possible process improvements. The OIG was not opining on the legality of the project charge program, including the authority of Prince George's County Council to identify project charge recipients and planned reimbursements. The OIG identified eight gaps in the overall project charge program; and concluded three of the eight significantly increased the opportunity for fraud, waste, and abuse of taxpayer funds. The OIG determined that:

- There are no formal selection procedures for identifying what agencies or programs should receive project charge reimbursements.
- The project charge program, as currently designed, significantly hinders the Commission's ability to confirm identified project charges align with the Commission's core services.
- Criteria for defining the dollar value of planned reimbursements are not available.

The management advisory report was shared with Prince George's County Council.

Possible Security Threats

The OIG issued a management advisory memorandum to Commission management on March 22, 2024, to alert them of potential Commission-wide network security threats. Details were provided under separate cover to management.

Major and Pervasive Audit Concerns

Major Audit Concerns

A major audit concern identifies a deficiency in the design or operation of an internal control procedure(s) which adversely affects an operating unit's ability to safeguard assets, comply with laws and regulations, and ensure transactions are properly executed and reported.

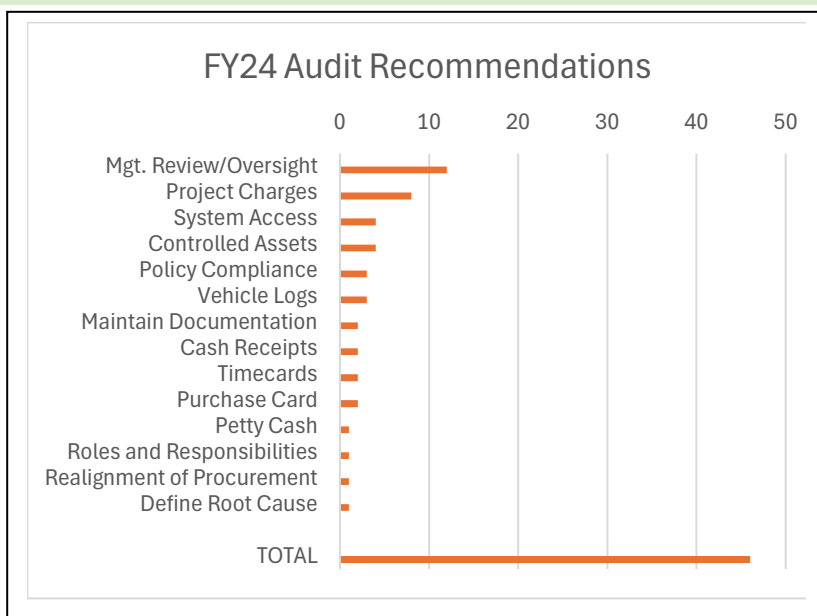
Three of the 22 OIG engagements (e.g., audits, investigations, and advisories) completed in FY24 included major audit concerns. Although the specific concerns in each of the three engagements are different, there is an overarching theme of **insufficient oversight and monitoring**.

Pervasive Audit Concerns

The OIG provided Commission management with 46 audit recommendations in FY24. The top four audit recommendations in FY24 were:

- Management Review and Oversight
- Project Charges
- System Access
- Controlled Assets

The table summarizes the findings by type.



The need for increased management review and oversight accounted for 12 of the 46 (26%) recommendations. This corresponds with the OIG's major audit concern, "insufficient oversight and monitoring".

The Project Charges management advisory included 8 recommendations. This was a special request made by Prince George's County Department of Parks and Recreation management and cannot be extrapolated to opine on pervasive audit concerns throughout the Commission.

System access controls and controlled assets both had 4 audit recommendations. Controlled assets (e.g., assets under \$10,000) were identified as a major audit concern in FY23. Although there are current opportunities to strengthen internal controls over controlled assets, Commission management has made significant improvements in securing and reporting on controlled assets since identified as a major audit concern in FY23. System access recommendations were included in Identity and Access Management audit (3 recommendations) and the Unauthorized Network Access limited investigation.

Appendix A

FY24 Performance Audits

Audit Number Key

CW: Commission Wide

PGC: Prince George's County

MC: Montgomery County

Manual Adjustments of Leave Accruals

Audit Number: CW-001-2024

Audit Status: Audit recommendations are unresolved; follow-up testing is in progress.

Recommendation 1: Ensure Roles and Responsibilities for Leave Accrual Plan are Appropriately Segregated and Documented

Risk: High

Details: Define and document roles and responsibilities for leave accrual set up. Assess staff competencies and provide training to ensure a proper leave accrual plan set up for all Commission employee types.

Recommendation 2: Conduct Secondary Review of Manual Adjustments

Risk: High

Details: Implement internal procedures that require a secondary review of all manual adjustments of leave accruals transactions.

Recommendation 3: Maintain Documentation Supporting Manual Adjustments

Risk: Medium

Details: Strengthen internal procedures to require all manual adjustments of leave accrual supporting documentation to be maintained appropriately and be readily available upon request.

Recommendation 4: Define and Communicate Root Cause of Manual Adjustments

Risk: Medium

Details: Establish formal channels of communication to discuss the root cause of errors and how their respective departments' operational processes impact each other.

Recommendation 5: Develop Metrics for Monitoring Operational Performance

Risk: Medium

Details: Identify and develop performance metrics that assist in determining the operational effectiveness of the manual adjustment process of leave accruals. Distribute performance reports to senior management on a continuous basis to expedite and implement corrective actions.

Appendix A

FY24 Performance Audits

Identity and Access Management – INFOR Enterprise Resource Planning

Audit Number: CW-002-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for April 2025.

Recommendation 1: Ensure Access is Assigned Based on the Principle of Least Privilege

Risk: High

Details: Analyze and document Commission specific role and permission assignments based on the Role-Based Access Controls (RBAC) INFOR structure. Assignments should ensure no single individual has excessive privilege. Revise current roles and permissions based on the new analysis. Create and implement a training program to ensure privileged users understand their roles and responsibilities.

Recommendation 2: Ensure all INFOR Access Roles and Duties are Appropriately Segregated

Risk: High

Details: Separate and segregate IT privileged and business privileged roles.

Recommendation 3: Strengthen Access Authorization Requirements

Risk: High

Details: Develop and implement internal standard operating procedures for carrying out and maintaining signature authorization forms and access requests in a consistent manner, to include, keeping all previous copies of requests for each individual, ensuring all signatures are present, running reports to indicate changes in users' role/permissions, and running quality assurance comparisons between the actual changes and the existing forms.

Recommendation 4: Perform Periodic Access Reviews

Risk: High

Details: Develop an internal process for periodic access reviews. Each operational department should be responsible for reviewing the roles that have been assigned to their users for access to INFOR.

Recommendation 5: Utilize and Monitor Event Logs

Risk: High

Details: Implement an INFOR log review procedure using INFOR supplied capabilities and features.

Appendix A

FY24 Performance Audits

Commission Workplace Safety and OSHA Compliance

Audit Number: CW-003-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for March 2025.

Recommendation 1: Reestablish Required Safety Meetings in Montgomery County

Risk: Medium

Details: Montgomery County Department of Parks to appoint appropriate employees to the Safety Committee and ensure timely participation in the Executive Safety Committee quarterly meetings.

Recommendation 2: Post Summary of Work-Related Injuries and Illnesses

Risk: Medium

Details: The Safety Office should generate all required OSHA forms regardless of OSHA recordable injuries and illnesses. The Safety Office must work with all levels of Department management when communicating the OSHA requirement regarding the posting of Form 300A at all Commission work locations. Department management must ensure the appropriate staff at all Commission work locations are aware of the OSHA requirement to post Form 300A.

Recommendation 3: Maintain Safety Training Records

Risk: Medium

Details: Safety Office should create an internal template to collect the required information for each training session provided throughout the year.

Appendix A

FY24 Performance Audits

Commission-Wide Purchase Card Program

Audit Number: CW-004-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for January 2025.

Recommendation 1: Ensure Monthly Purchase Card Transactions are Closed Out Timely

Risk: High

Details: Corporate Procurement should update the Purchasing Manual to include specific roles and responsibilities of Commission management (e.g., Department Heads, etc.) for purchase card operations. After updating the Manual, Corporate Procurement should include department management on the monthly emails sent to cardholders and approving officials to elevate the issue and disclose the associated risks related to untimely transaction close outs.

Recommendation 2: Ensure Compliance with Purchase Card Policies and Procedures

Risk: Medium

Details: Corporate Procurement should update the Manual to include the following: cardholders must present the Maryland Sales and Use Tax Exemption Certificate to merchants for all purchases and request the exemption. If the merchant does not accept the certificate, the denial should be documented and included with the purchase cardholders' receipts. Once the Manual is updated, training should be provided to cardholders and approvers. Upon the completion of training, Corporate Procurement should enforce stricter consequences for non-compliance with purchase card policies and procedures.

eDiscovery

Audit Number: CW-005-2024

No Audit Recommendations

Controlled Assets in Northern and Southern Region Parks Division, Maintenance Facilities

Audit Number: PGC-002-2024

No Audit Recommendations

Appendix A

FY24 Performance Audits

Show Place Arena and Equestrian Center

Audit Number: PGC-004-2024

Audit Status: Follow-up complete, issue resolved

Recommendation 1: Ensure Vehicle Mileage Logs are Accurate

Risk: Medium

Details: Ensure vehicle mileage logs are completed by performing periodic inspections of the logs.

Patuxent Community Center

Audit Number: PGC-005-2024

No Audit Recommendations

Watkins Regional Park Maintenance Facility

Audit Number: PGC-011-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for October 2024.

Recommendation 1: Ensure Annual Inventory of Capital Assets is Accurate

Risk: Medium

Details: Ensure annual capital assets inventories are accurately conducted and adhere to the Commission's policies and procedures.

Recommendation 2: Maintain Vehicle Mileage Logs

Risk: Medium

Details: Routinely review all vehicle mileage logs for thoroughness, accuracy and compliance with Commission requirements.

official by a specific date to expedite monthly review and approval.

Recommendation 3: Monitor Facility Camera Footage

Risk: Medium

Details: Monitor facility security camera footage on a routine basis.

Appendix A

FY24 Performance Audits

Watkins Regional Park Maintenance Facility (Cont.)

Recommendation 4: Ensure Compliance with Purchase Card Policies and Procedures

Risk: Medium

Details: Ensure compliance with current policies and procedures to emphasize that cardholders must present complete monthly purchase card logs, supporting invoice and receipt documentation, and JP Morgan Chase Bank statements to the approving official by a specific date to expedite monthly review and approval.

Recommendation 5: Complete Work Orders for Custodial Crews

Risk: Medium

Details: Ensure all custodial employees at Watkins Regional Park Maintenance Facility complete and submit work orders to supervisory employees.

Bowie Community Center

Audit Number: PGC-012-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for October 2024.

Recommendation 1: Conduct an Evaluation of the Change Fund

Risk: Medium

Details: Evaluate whether it will continue to accept cash transactions. If cash transactions are no longer accepted at the Center, the change fund should be surrendered. If the Center continues to accept cash, management should ensure the fund is used as needed for cash transactions and reviewed periodically.

Recommendation 2: Strengthen Oversight of Daily Cash Receipts

Risk: Medium

Details: Reconcile collections daily to timely address variances between the point-of sale system and the cash collected.

Recommendation 3: Document Completion of the Annual Inventory of Controlled Assets

Risk: Low

Details: Ensure the inventory of controlled assets is completed by including a signature and date.

Appendix A

FY24 Performance Audits

Wheaton Indoor Tennis Facility

Audit Number: MC-001A-2024

Audit Status: Audit recommendations are unresolved, follow-up testing in progress.

Recommendation 1: Strengthen Managerial Oversight of Controlled Assets

Risk: Medium

Details: Ensure Facility staff are aware of the Commission Administrative Procedures and comply with all requirements.

Recommendation 2: Ensure all Employees Approve Bi-Weekly Timecard

Risk: Medium

Details: Ensure all employees are aware of the Commission's Administrative Procedures pertaining to timekeeping and timecard approvals. Management should remind employees in advance when approved timecards are due for each pay period. Management should also document and distribute internal policies and procedures to assist employees with compliance. If an employee cannot approve their timecard due to timing issues, management should obtain written (e.g., email) confirmation from the employee that the hours recorded on the timecard were correct. This post approval should not be a standard practice, but rather allowed in rare circumstances.

Pauline Betz Addie Tennis Center

Audit Number: MC-001B-2024

Audit Status: Audit recommendations are unresolved, follow-up testing in progress.

Recommendation 1: Strengthen Managerial Oversight of Controlled Assets

Risk: Medium

Details: Ensure Facility staff are aware of the Commission Administrative Procedures and comply with all requirements.

Appendix A

FY24 Performance Audits

Pauline Betz Addie Tennis Center (Cont.)

Recommendation 2: Ensure all Employees Approve Bi-Weekly Timecard

Risk: Medium

Details: Ensure all employees are aware of the Commission's Administrative Procedures pertaining to timekeeping and timecard approvals. Management should remind employees in advance when approved timecards are due for each pay period. Management should also document and distribute internal policies and procedures to assist employees with compliance. If an employee cannot approve their timecard due to timing issues, management should obtain written (e.g., email) confirmation from the employee that the hours recorded on the timecard were correct. This post approval should not be a standard practice, but rather allowed in rare circumstances.

Lodge at Little Seneca Creek

Audit Number: MC-002-2024

Audit Status: Audit recommendations are unresolved, follow-up testing scheduled for October 2024.

Recommendation 1: Ensure Cash Receipts are Deposited Timely

Risk: Medium

Details: Review cash reports daily to immediately identify check payments made to the facility and review deposit logs more frequently to identify undeposited checks.

Appendix B

FY24 Fraud, Waste, and Abuse Investigations

In FY24, the OIG completed four FWA investigations.

Fraud, Waste, and Abuse (FWA) Report

The FWA Report contains the OIG's conclusion on the occurrence of fraud, waste, and abuse.

Internal Control Report (ICR)

The ICR contains recommendations for strengthening internal controls over the processes under review related to the FWA.

Note: The OIG is not included in any conversations or decisions on subsequent disciplinary action. The Office of General Counsel and Corporate Human Resources were consulted during the completion of each investigation. They also received copies of both reports to determine if disciplinary action, including restitution, was warranted.

Allegations of Excessive Event Purchases

Audit Number: PGC-003-2024

Concerns were raised over the amount spent on a team building event.

Conclusion: The OIG confirmed the amount spent per person (\$67.46) on meals exceeded the allowable per diem of \$20.00 per person. Abuse and waste in the amount of \$841.42 was identified.

The corresponding internal control report included one audit recommendation, *Obtain Written Approval for Employee Meals in Conjunction with Business Meetings*. Management concurred with the audit recommendation and has implemented internal procedures to resolve the audit recommendation.

Appendix B

FY24 Fraud, Waste, and Abuse Investigations (Cont.)

Alleged Conflict of Interest

Audit Number: PGC-007-2024

A possible conflict of interest was raised regarding a Commission employee and a Commission vendor selected to provide tutoring services for a 15-week tutoring program for Prince George's County elementary aged children referred to as the Saturday Enrichment Academy (SEA). Per the allegation, a Commission employee worked for the not-for-profit, and the not-for-profit's Director was also the employee's immediate family member. The conflict was not disclosed.

Conclusion: The OIG substantiated the allegations and concluded the employee's actions met the definition of fraud and abuse. No dollar misappropriations were identified.

The OIG also concluded DPR management did not adequately plan the procurement activities to ensure a competitive procurement process was utilized. The OIG concluded management's actions did not meet the definition of fraud, waste, or abuse.

Alleged Timecard Fraud

Audit Number: PGC-009-2024

The following allegation was submitted to the Commission's anonymous fraud, waste, and abuse hotline: The custodial workers at the Polk Street Maintenance Facility are getting paid for weekend hours (Saturday and Sunday) they did not work. Their normal schedule is 5:00 a.m. to 1:45 p.m. but they leave at 10:00 a.m. or any time they are finished and get paid for 8 hours. This has been going on for approximately three years.

Conclusion: The OIG substantiated the allegations and determined overpayments occurred upon the opening of the Polk Street Maintenance Facility in April 2021 and concluded in August 2023 during the investigation. The OIG estimated overpayments to the custodial workers totaled \$47,376. Actions of management met the definition of fraud, waste, and abuse.

The corresponding internal control report included two audit recommendations, *Ensure Vehicle Mileage Logs are Complete and Accurate* and *Ensure Maintenance Work Orders are Complete and Accurate*. If implemented, both recommendations would improve management's ability to monitor hours worked. Management concurred with the recommendations. Both recommendations were resolved in follow-up testing completed by the OIG.

Appendix B

FY24 Fraud, Waste, and Abuse Investigations (Cont.)

Alleged Conflict of Interest

Audit Number: PGC-013-2024

The Office of the Inspector General (OIG) received two similar hotline allegations on the Commission's anonymous fraud, waste, and abuse hotline. Per the allegations, a Commission employee, with procurement responsibilities, was engaged in a personal relationship with a Commission vendor. Per the allegations, the employee steered and approved multiple Commission painting, flooring and carpeting contracts to the vendor.

Conclusion: The OIG substantiated the allegations. The OIG reasonably concluded the employee violated numerous Commission policies and procedures and subsequently received compensation from the vendor for his/her involvement in the fraudulent billing scheme. At a minimum, the OIG confirmed the employee received \$79,072 in payments from the vendor's various business accounts between 09/22/2016 and 07/14/2021.

At the conclusion of the investigation, the OIG issued two separate internal controls memorandums to strengthen procurement activities.

Appendix C

FY24 Limited Investigations

Unauthorized Network Access

Audit Number: CW-007-2024

A Commission employee accessed the Commissions network using his/her personal computer by obtaining gateway and DNS server IP addresses. The OIG concluded the employee's actions supported a conclusion of abuse. Recommendations to strengthen internal controls for network access monitoring were provided to the Office of the Chief Information Officer.

Prince George's County Park Police- Travel Approval Irregularities

Audit Number: PGC-006-2024

Concerns were raised involving the approval of officer travel within the Maryland-National Capital Park Police, Prince George's County Division (Park Police). The OIG did not identify sufficient actions that would support an allegation of fraud, waste, or abuse on behalf of the officers in travel status or the individuals responsible for approving travel expense reimbursements. Recommendations to strengthen internal controls over the pre-authorization of travel requests was provided to Park Police management.

Show Place Arena Checking Account Reconciliation

Audit Number: PGC-008-2024

The OIG was asked to review Show Place Arena's box office checking account used to receive Ticketmaster ACH deposits and issue checks to clients. The OIG did not identify any actions that would support a conclusion of fraud, waste, or abuse. Recommendations to strengthen internal controls for improved oversight and management of Show Place Arena's monthly bank reconciliation procedures, reimbursement, and financial reporting processes were provided to management.

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October 8, 2024

TO: The Maryland-National Capital Park and Planning Commission
FROM: Jennifer McDonald, Benefits Manager
SUBJECT: Additional Information on Caremark Prescription Drug Plan

During the September 18th Commission meeting, the Health & Benefits Office was tasked with providing additional information on Glucagon-like peptide-1 (GLP-1) drugs under the agency's prescription drug plan and the measures put in place effective 10/1/2024 to address the rise in GLP-1 utilization and claims cost. The following information on Caremark's Smart Edit and the Utilization Management (UM) Weight Loss Bundle is provided in that regard.

Background

- The increased utilization of GLP-1 drugs is one of the key cost drivers resulting in a 21.7% increase in Prescription Drug premiums for 2025.
- Data for GLP-1s classified for weight loss, indicate that from 2023 to 2024 (10/3/24):
 - Utilization and claims increased 118%
 - Gross Cost increased 76%
- What are GLP-1s?
 - GLP-1s are a class of FDA approved drugs primarily indicated for the treatment of either type 2 diabetes or obesity.
 - GLP-1s increase insulin release, delay digestion, and decrease appetite—helping to reduce body weight up to 21%.
- GLP-1s are associated with common gastrointestinal side effects: nausea, vomiting, diarrhea, and constipation.
- M-NCPPC - Cost for GLP-1 drugs

	Average Gross Cost Per User Per Month	Average Gross Cost Per User Per Year	Employee Co-Pay Per Month
Diabetes	\$1,494.65	\$17,935.80	Generic - \$8 Preferred Brand - \$16
Weight Loss	\$1,449.70	\$17,396.40	Preferred Brand - \$16 <i>No generics approved by FDA</i>

- GLP-1s covered under the agency's Advanced Formulary under Caremark

Diabetes: Ozempic, Rybelsus, Trulicity, Victoza, and Liraglutide (Generic for Victoza-6/2024)
Weight Loss: Wegovy, Saxenda, and Zepbound

Utilization and gross cost of GLP-1s in 2023 vs. 2024 (thru 10/3/2024)

	2023 Paid Claims and Utilizers	2024 Paid Claims and Utilizers (10/3/2024)	Increase from 2023 to 2024 (thru 10/3/2024)
Diabetes			
GLP-1 drugs for diabetes	1,060 Claims <i>230 Utilizers</i>	1,200 Claims <i>260 Utilizers</i>	(+13.04%)
Total Gross Cost	\$1,649,622.08	\$1,793,525.84	(+8.7%)
Anti-Obesity			
	226 Claims <i>50 Utilizers</i>	425 Claims <i>109 Utilizers</i>	(+118%)
Total Gross Cost	\$349,111.29	\$616,123.86	(+76%)

Processing of GLP-1s Before and After Implementation of Caremark CVS Smart Edit and Utilization Management Bundle Effective 10/1/2024

Approval of Diabetes GLP1s	
Prior to 10/1/2024	Effective 10/1/2024 with Smart Edit
Patient gets Rx from DOCTOR --> takes Rx to pharmacy --> pharmacy submits claim and claim will pay even if prescribed off-label for weight loss.	<ul style="list-style-type: none"> • Patient gets Rx from doctor --> takes Rx to pharmacy --> pharmacy submits if the Patient has a diagnosis code for diabetes or a diabetes drug in their claims history (lookback ,730 days or 2 years) the GLP-1 drug will immediately pay; if not, the claim will reject for a Prior Authorization (PA). * • If claim is rejected for a PA, doctor must submit PA; If criteria is met and PA is approved, claim will pay but if criteria is not met and the PA is denied, the claim will continue to reject. • Medications not in the formulary will require the doctor to request a formulary exception.

*Claim will pay for prediabetics taking non-GLP1 Metformin used off label for weight loss to reduce risk for Type 2 diabetes. There are no FDA drugs approved for prediabetes.

Approval of Weight Loss GLP-1	
Prior to 10/1/2024	Effective 10/1/2024 with Utilization Management Weight Loss Bundle.
<p>Patient gets Rx from DOCTOR --> takes Rx to pharmacy --> pharmacy submits claim and claim will pay.</p>	<ul style="list-style-type: none"> • Patient gets Rx from doctor --> takes Rx to pharmacy --> pharmacy submits a claim, and the claim is immediately rejected for PA. • Doctor must submit PA; if criteria met the PA is approved and the claim will pay but if criteria is not met and the PA is denied, the claim will continue to be rejected. • Medications that are not in the formulary will require the doctor to request a formulary exception.
<p>Sample PA criteria:</p> <ul style="list-style-type: none"> • Body mass index (BMI) of 30 or higher or body mass index (BMI) of 27 or higher with one or more weight-related condition such as diabetes, high blood pressure, or high cholesterol • Patient has participated in a comprehensive weight management program that encourages behavioral modification, reduced calorie diet, and increased physical activity with continuing follow-up for at least 3 months prior to using medication. • Patient will use medication in combination with lifestyle changes reduced calorie diet. 	

The Caremark CVS Smart Edit not only ensures that GLP-1s for diabetes are not used off-label for weight loss, but also that claims for patients with a confirmed history of diabetes are paid to avoid disruption. The Caremark Utilization Management Weight Loss bundle ensures that weight loss GLP-1s are clinically appropriate and cost effective. Both measures were implemented 10/1/2024 and will reduce our GLP-1 expenses and impact on premium rates in 2026. The measures, most importantly, will lead to improved patient health outcomes for our employees, retirees and their dependents-getting healthier.

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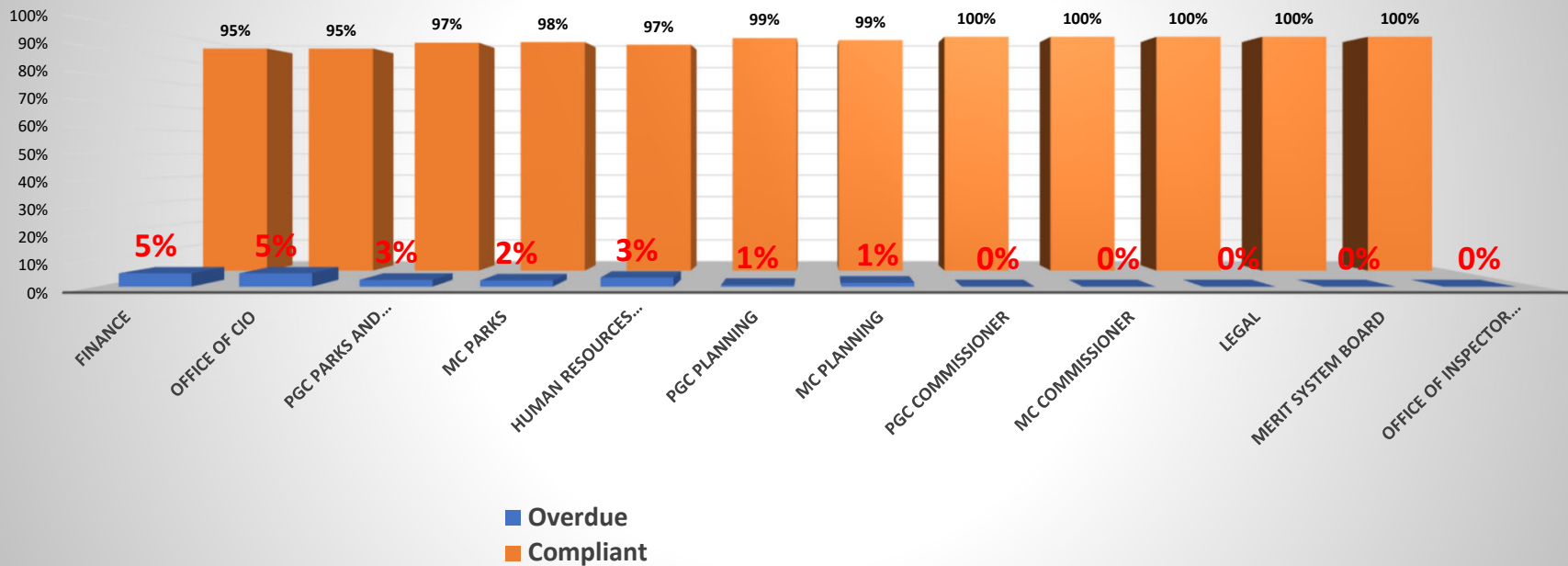
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT FOR AUGUST 2024 AND SEPTEMBER 2024**

	1 - 30 DAYS			31 - 60 DAYS			61 - 90 DAYS			91 + DAYS			DEPARTMENT TOTALS		
	Jul-24	Aug-24	Sep-24	Jul-24	Aug-24	Sep-24	Jul-24	Aug-24	Sep-24	Jul-24	Aug-24	Sep-24	Jul-24	Aug-24	Sep-24
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0	0	0	1	1	0	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	2	0	0	0	0	0	0	0	1	1	0	2	3
LEGAL DEPARTMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FINANCE DEPARTMENT	0	2	0	0	0	2	0	0	0	0	0	0	0	2	2
PRINCE GEORGE'S PLANNING	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1
PRINCE GEORGE'S PARKS & RECREATION	0	18	6	0	4	7	0	0	2	0	6	0	0	28	15
MONTGOMERY COUNTY PARKS	0	13	5	0	3	2	0	0	2	0	1	1	0	17	9
MONTGOMERY COUNTY PLANNING	0	2	3	0	0	0	0	0	0	0	0	0	0	2	3
DEPARTMENT TOTAL BY DAYS LATE	0	37	17	0	7	11	0	0	4	0	9	3	0	53	34
COMMISSION-WIDE TOTAL													0	53	34

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.

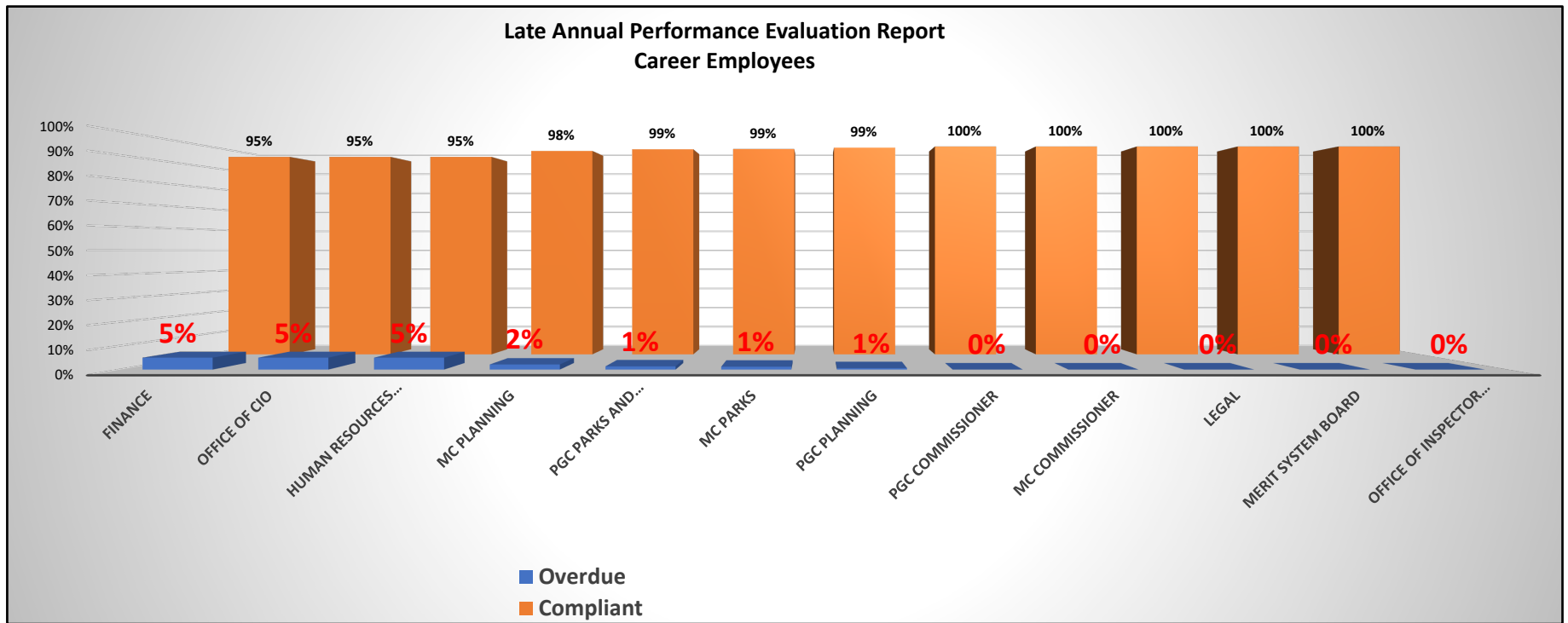
** Status equals A1 and A2

Late Annual Performance Evaluation Report Career Employees



*Data as of August 31, 2024

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	2	38	40
Human Resources and Mgt	2	57	59
Legal		27	27
MC Commissioner		3	3
MC Parks	17	726	743
MC Planning	2	137	139
Merit System Board		1	1
Office of CIO	1	19	20
Office of Inspector General		6	6
PGC Commissioner		10	10
PGC Parks and Recreation	28	1,075	1,103
PGC Planning	1	179	180
Total Employees	53	2,278	2,331



*Data as of September 30, 2024

<u>Employee Count</u>	Evaluation Status		
Department	Overdue	Compliant	Total Employees
Finance	2	38	40
Human Resources and Mgt	3	57	60
Legal		27	27
MC Commissioner		3	3
MC Parks	9	739	748
MC Planning	3	137	140
Merit System Board		1	1
Office of CIO	1	19	20
Office of Inspector General		6	6
PGC Commissioner		9	9
PGC Parks and Recreation	15	1,096	1,111
PGC Planning	1	179	180
Total Employees	34	2,311	2,345

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The Maryland-National Capital Park and Planning Commission
6611 Kenilworth Avenue, Suite 302
Riverdale, Maryland 20737
(301) 454-1592 – Telephone
[Email: 115trust@mncppc.org](mailto:115trust@mncppc.org)

Item 6b

TO: Commissioners Date: October 16, 2024

VIA: **Gavin Cohen**, Secretary-Treasurer

FROM: **Tanya Hankton**, Corporate Treasury and Investments Manager ^{HA}

SUBJECT: **M-NCPPC Post Retirement Benefit (115) Trust Annual Financial Report
for the Year Ended June 30, 2024 (Unaudited)**

Per the requirements of the 115 Trust Document, the Annual Financial Report showing the financial status of the M-NCPPC Post Retirement Benefit (115) Trust is provided for your information.

The Commission maintains the Post Retirement Benefit (115) Trust as a funding vehicle for retiree health insurance costs. The program continues to meet its obligations to the retirees as well as amortize the unfunded portion of costs from previous obligations.

Staff will be available to answer any questions as needed.

Attachment(s):

M-NCPPC Post Retirement Benefit (115) Trust Annual Report for the Year Ended June 30, 2024

The Maryland-National Capital Park and Planning Commission
Other Post Employment Benefits Trust Fund
Statement of Plan Net Assets
For the Year Ended June 30, 2024
(Unaudited)

	Other Post Employment Benefits Fund
ASSETS	
Equity in Pooled Cash and Investments	\$ 1,003,135
Cash	800,120
Fixed Income Securities	40,887,107
Real Estate Investments	12,730,623
Mutual Funds	115,896,011
Accrued Income on Investments	253,219
Total Assets	171,570,215
 LIABILITIES	
Claims Payable	1,003,135
Total Liabilities	1,003,135
 NET POSITION	
Assets Held in Trust for:	
Other Post Employment Benefits	170,567,080
Total Net Position	\$ 170,567,080

**The Maryland-National Capital Park and Planning Commission
Other Post Employment Benefits Trust Fund
Statement of Changes in Plan Net Assets
For the Year Ended June 30, 2024
(Unaudited)**

	<u>Other Post Employment Benefits Fund</u>
ADDITIONS:	
Contributions:	
Employer	\$ 25,880,664
Plan Members Insurance Premiums	4,177,760
Total Contributions	<u>30,058,424</u>
Federal Grants - Medicare Reimbursements	3,478,549
Investment Earnings:	
Interest	3,528,895
Dividends	2,425,267
Net Increase (Decrease) in the Fair Value of Investments	10,461,825
Total Investment Earnings	<u>16,415,987</u>
Less Investment Advisory and Management Fees	<u>(230,580)</u>
Net Income from Investment Activities	<u>16,185,407</u>
Total Net Investment Income	<u>16,185,407</u>
Total Additions and Investment Income	<u>49,722,380</u>
DEDUCTIONS:	
Benefits	23,849,584
Administrative expenses	900,809
Total Deductions	<u>24,750,393</u>
Change in Net Position	<u>24,971,987</u>
Net Position - Beginning	145,595,093
Net Position - Ending	<u><u>\$ 170,567,080</u></u>

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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

October 2, 2024

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for September 2024 – FY 2025

Please find the attached litigation report we have prepared for your meeting scheduled for Wednesday, October 16, 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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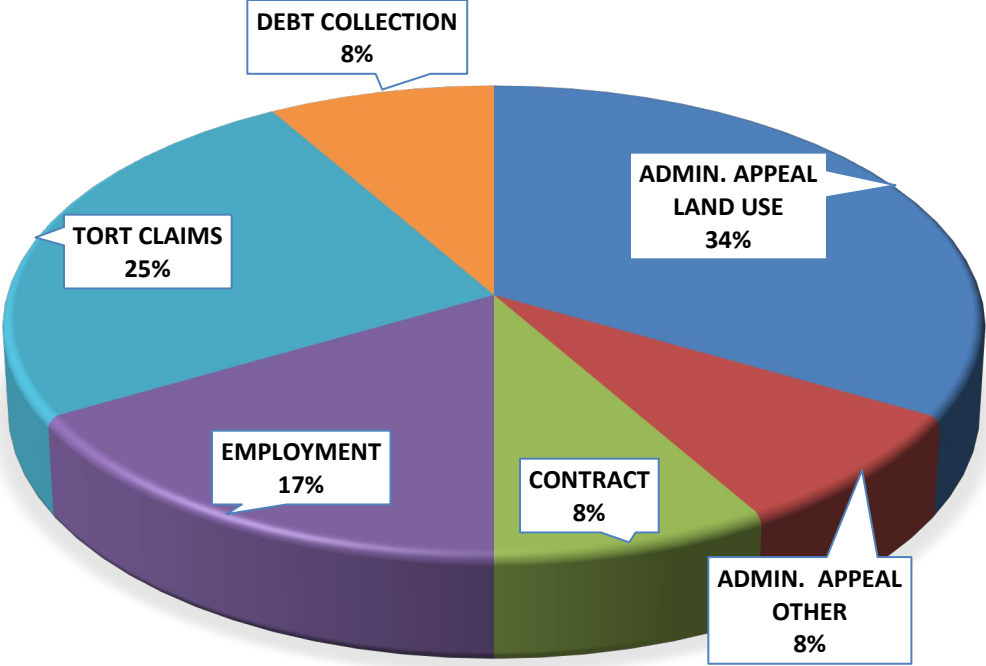
September 2024 *(reported through 9/25/24)

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	3	1					4
ADMIN APPEAL: OTHER		1					1
BANKRUPTCY							0
CIVIL ENFORCEMENT							0
CONTRACT DISPUTE	1						1
DEBT COLLECTION	1						1
EMPLOYMENT DISPUTE	2						2
LAND USE DISPUTE							0
MISCELLANEOUS							0
PROPERTY DISPUTE							0
TORT CLAIM	2						2
WORKERS' COMPENSATION							0
PER FORUM TOTALS	9	2	0	0	0	0	11

OVERVIEW OF PENDING LITIGATION



September 2024 Litigation Activity Summary

*(reported through 9/25/24)

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2024			
	Pending Aug. 2024	New Cases	Resolved Cases	Pending Prior FY	New Cases FY To Date	Resolved Cases FY To Date	Pending Current Month
Admin Appeal: Land Use (AALU)	3	1		4	2	2	4
Admin Appeal: Other (AAO)	1			2	1	1	1
Bankruptcy (B)	0			0			0
Civil Enforcement (CE)	0			0			0
Contract Disputes (CD)	0	1		1	1	1	1
Debt Collection (D)	0	1		0	1		1
Employment Disputes (ED)	3		1	4		1	2
Land Use Disputes (LD)	0			0			0
Miscellaneous (M)	0			0			0
Property Disputes (PD)	0			0			0
Tort Claims (T)	3		1	3	1	1	2
Workers' Compensation (WC)	0			5			0
TOTALS	10	3	2	19	6	6	11

**INDEX OF YTD NEW CASES
(7/1/2024 TO 6/30/25)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Asare v. Commission	PG	Tort	Aug.
In the Matter of Cameron Hills Owner's Association Inc., et al.	MC	AALU	Aug.
Commission v. Denis	MC	DC	Sept.
Hallman v. Cowell, et al.	PG	CD	Sept.
Greater Capitol Heights Improvement Corporation, Inc. v. Commission	PG	AALU	Sept.
B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Paige Industrial Services, Inc. v. Commission	MC	AAO	July

**INDEX OF YTD RESOLVED CASES
(7/1/2024 TO 6/30/2025)**

A. <u>Trial Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Chen	MC	CD	July
Mays v. Commission	PG	ED	July
In the Matter of Forest Grove Citizens Association, et al. (C-15-CV-23-002405)	MC	AALU	July
In the Matter of Forest Grove Citizens Association, et al. (C-15-CV-24-000505)	MC	AALU	July
Chisley v. Commission	PG	Tort	July
Evans v. Braveboy, et al.	PG	Tort	Aug.
Weisman v. Commission, et al.	MC	ED	Aug.

B. <u>Appellate Court Cases Resolved</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
---	--------------------	------------------------------	---------------------

Disposition of FY25 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		
Commission v. Chen	Breach of Contract matter to recover funds for rental of recreational fields.	07/18/2024 – Case voluntarily dismissed after payment of outstanding funds.
Paige Industrial Services, Inc. V. Commission	Judicial Review of the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.	07/12/2024 – Decision of the CCRC affirmed. However, case appealed to the Appellate Court of Maryland.
Montgomery County Park Police		
Weisman v. Commission, et al.	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.	08/12/2024 – Motion to Dismiss granted.
Montgomery County Planning Board		
In the Matter of Forest Grove Citizens Assoc. et al. (C-15-CV-23-002405)	Petitioners sought Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.	07/29/2024 – Judgment of the Planning Board affirmed.
In the Matter of Forest Grove Citizens Assoc. et al. (C-15-CV-24-000505)	Petitioners sought Judicial Review of the Montgomery County Planning Department's decision regarding 9801 Georgia Avenue Sketch Plan 320230020.	07/29/2024 – Judgment of the Planning Board affirmed.

Prince George's County Department of Parks and Recreation		
Mays v. Commission	Employee terminated from the Commission for her COVID vaccination status brought suit alleging several employment-related claims, such as religious and genetic discrimination, retaliation, and wrongful discharge.	07/27/2024 – Case settled and dismissed.
Chisley v. Commission, et al.	Plaintiff alleged he tripped and fell in a concealed hole at Enterprise Golf Course.	08/04/2024 – Case dismissed for lack of prosecution.
Evans v. Braveboy, et al.	Plaintiff alleged she tripped and fell at Fairwood Community Park due to uneven sidewalk pavement resulting in injuries.	08/07/2024 – Motion to Dismiss granted.
Prince George's County Planning Board		
Prince George's Park Police		
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Denis

Case No. D-06-CV-24-022979 (DC)

Lead Counsel: Johnson
Other Counsel:

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

Status: Out to private process server to serve complaint.

Docket:

09/17/2024	Complaint filed
09/23/2024	Summons issued
12/09/2024	Hearing date set pending service

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Hallman v. Cowell, et al.

Case No. D-05-CV-24-033378 (CD)

Lead Counsel: Rupert
Other Counsel:

Abstract: Action for payment of services rendered at Suitland Community Center.

Status: Trial set.

Docket:

08/25/2024	Complaint filed
09/10/2024	Commission employee served
09/13/2024	Notice of Intent to Defend filed
10/23/2024	Trial scheduled

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

In the Matter of Cameron Hill Owner's Association, Inc., et al.

Case No. C-15-CV-24-004664 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioners seek Judicial Review/Mandamus of the Montgomery County Planning Board's Decision regarding 8676 Georgia Avenue Sketch Plan 320230060 and Preliminary Plan 120230150.

Status: Answer filed.

Docket:

08/26/2024	Petition for Judicial Review
09/13/2024	Answer to Petition for Judicial Review
09/20/2024	Answer to Petition for Judicial Review

In the Matter of Forest Grove Citizens Association, et al.

Case No. C-15-CV-24-001622 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Petitioners seek Judicial Review of the Montgomery County Planning Board's Decision in 9801 Georgia Avenue Plan no(s). 120230160, 820230130 and F20240040

Status: Hearing set.

Docket:

04/08/2024	Petition for Judicial Review
04/17/2024	First Amended Petition for Judicial Review
05/01/2024	Answer to Petition for Judicial Review
05/08/2024	Answer to Petition for Judicial Review
05/31/2024	Administrative Record received
06/26/2024	Order of Court. Case Nos. C-15-CV-24-001622, C-15-CV-24-002507 and C-15-CV-24-001628 be consolidated pursuant to Maryland 2-503; and it is further ordered that all future pleadings shall be filed in Civil No. C-15-CV-24-001622 and said case shall be designated as the lead case.
07/29/2024	Memorandum in Support of Petition for Judicial Review
09/12/2024	Respondent's Memorandum filed
11/06/2024	Hearing set

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Aisha Asare v. Commission

Case No. C-16-CV-24-003596 (Tort)

Lead Counsel: Thornton
Other Counsel:

Abstract: Allegations of injuries at Southern Recreation Center as a result of participation in Xtreme Teen's program.

Status: Motion pending.

Docket:

08/02/2024	Complaint filed
08/20/2024	Commission served
09/12/2024	Motion to Dismiss and supporting memorandum filed

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 employment discrimination based upon race, sex, and disability, as well as retaliation.

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
02/14/2024	Stipulation Order Regarding Confidentiality of Discovery Material filed
02/28/2024	Order of Court regarding Confidentiality of Discovery Material
05/30/2024	Scheduling Order issued
06/11/2024	Motion to Modify scheduling order to reschedule settlement conference
07/03/2024	Order of the Court granting Motion to Modify scheduling order.
07/16/2024	Motion to Strike Appearance of J. Stolarz
08/05/2024	Order of Court granting Motion to Strike and Notice to Employ new counsel.
11/15/2024	Settlement Conference
11/26/2024	Hearing - Settlement
01/21/2025	Trial

Greater Capitol Heights Improvement Corporation, Inc. v. Commission

Case No. C-16-CV-24-003895 (AALU)

Lead Counsel: Warner

Other Counsel:

Abstract: Petitioners seek Judicial Review of the Prince George's County Planning Board's Decision approving Preliminary Plan of Subdivision No. 4-22014.

Status: Answer filed.

Docket:

08/21/2024	Petition for Judicial Review
09/24/2024	Response to Petition for Judicial Review filed.

Louise Vester v. Bowie Baysox Baseball Club, et al.

Case No. C-16-CV-24-002961 (Tort)

Lead Counsel: Thornton

Other Counsel: Bansal

Abstract: Tort suit for injuries allegedly sustained while attending a game at the Bowie Baysox Stadium.

Status: Commission has yet to be served.

Docket:

06/21/2024	Complaint filed
------------	-----------------

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

Lead Counsel: Ticer
Other Counsel: Thornton, Rupert

Abstract: Former employee alleges discrimination and wrongful termination relating to her COVID vaccination status.

Status: Mediation scheduled.

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
02/16/2024	Motion to Stay and/or Modify Scheduling Order
02/27/2024	Order of Court striking scheduling order issued on 10/12/2023.
03/28/2024	Motion for Postponement of Hearing on Defendants' Motion to Dismiss
03/29/2024	Hearing held. Order of Court – Motion to Postpone hearing on Motion to Dismiss granted. Parties to brief issue raised. Decision to be made without further hearing.
04/10/2024	Defendants' Motion to Dismiss withdrawn by consent.
04/10/2024	Order of Court – Motions Withdrawn. Plaintiff to file a Second Amended Complaint within thirty days.
04/30/2024	Second Amended Complaint filed
05/06/2024	Red-lined Second Amended Complaint
05/30/2024	Answer to Second Amended Complaint
09/27/2024	Mediation scheduled

APPELLATE COURT OF MARYLAND

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

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: Opinion pending.

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 reset for June.
06/04/2024	Oral argument held.

In the Matter of Paige Industrial Services, Inc.

Case No. ACM REG – 0994-2024 (AAO)
(Originally filed under C-15-CV-23-004219 in Montgomery County)

Lead Counsel: Rupert
Other Counsel:

Abstract: Appeal of decision affirming the decision of the administrative agency (CCRC). Contractor's claim for additional payments for construction at Rock Creek Maintenance Yard.

Status: Case dismissed.

Docket:

07/19/2024	Notice of Appeal
08/19/2024	Motion to Dismiss
09/04/2024	Order of Court – case dismissed.

SUPREME COURT OF MARYLAND

No Pending Matters

U.S. DISTRICT COURT OF MARYLAND

No Pending Matters

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

No Pending Matters