

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY

Wednesday, October 16, 2013

The meeting was called to order by Co-Chairman Kevin Woolbright at 9:00 am in the Miss Utility One Call Center, 7223 Parkway Drive, Hanover, MD 21076. In attendance were Authority members Thomas Baldwin, Walter Gilmer, Walter Gainer, Arthur Bell, Marcia Collins and Bernard Cochran. Also in attendance were the following: Laura Olander, Bruce Bereano, Scott Brown with Washington Gas, Thurman Smith with Utiliquest, Mark Hamrich with Verizon and Tom Hastings with One Call Concepts Locating Services. Veronica Davila-Steele was a guest of Kevin Woolbright's and a candidate for the Public Service seat on the Authority. Cindy Flanders was absent.

Kevin Woolbright called the meeting to order and thanked all the guests for attending. The Minutes of September 11th were approved.

Treasury report. The Authority is still in transition getting all the financials to OCC, Inc. from Cindy Flanders. Jim Barron said the government shutdown has caused everything to be at a standstill with the PHMSA grant, etc. With the exception of around \$2,000, all grant money has been spent. Still waiting for money from the Subscriber's. The current balance in the checking account is \$14,610. Jim is going to start asking for money from others in the business. The Authority now has legal fees to pay and Jim Barron's job as Executive Director has turned into a full time job. Jim is thinking about creating a model similar to how CGA funds itself and go after sponsorship money; the Authority cannot just rely on grants. A regular revenue source is much needed.

Thurman Smith is sending Virginia's NPV template to see if the Authority's current NPV process should be tweaked to be more in line with theirs.

Marcia Collins said she has concerns about the depth and quality of information coming through in the NPV's. So far, these have caused automatic assumptions that someone is at fault and may not tell the whole story. Tom Baldwin suggested the person being complained about should immediately be able to defend themselves and a letter be sent to the violator. Bruce Bereano added that the violator should also receive a copy of the complaint filed.

Post hearing updates: Pinpoint will be addressed when Tom Hoff arrives today. Washington Gas vs. BW Excavating - Agreed to decision and will receive training.

Reliable has been fined and letters sent. No response.

C&M Construction - Fine has been paid and they will schedule training.

GreenScapes - Already had their training but they haven't paid their fine. This began a discussion about whether or not violators should be able to get training before paying their fine. It was agreed that training is so important that they don't want to do anything to hinder them from receiving it.

Kevin Woolbright said the Authority needs to implement a plan regarding those who simply do not respond to Jim Barron's letters. This led to a discussion on ultimatums with time periods that must be met. First, a warning letter should be sent out letting them know that their invoice (fine) will be turned over to collection. Bruce Bereano said there are lawyers that will take this on contingency. Bruce said he would ask business license authorities to see if the Authority can file against their license.

Jim Barron said he would put together a timetable along with penalties to non-respondents. Also, in all the letters sent to those being fined, the Authority needs to let them know they can pursue them according to the law.

Next, the Post Review/Pre Hearing Updates were briefly discussed as well as NPV's for Review by the Authority.

Terms of Authority Members. Walt Gainer has been recommended for reappointment in the PWCA seat. Kevin Woolbright has been recommended for reappointment in the Subscribers Seat. Five names have been send to the Governor for the Locator Seat. Marcia Collins has been recommended for reappointment in the MACo Seat. Kevin Woolbright submitted Veronica Davila-Steele for the Public Seat. Wilson Cochran is no longer is with his company, however MML has not recommended anyone else for his position yet. Jim Barron said he would contact Candace to see what is going on. Bernie Cochran said he has no problem continuing to serve as long as needed. Bruce Bereano said he will check with the Governor's office to find out the status on the reappointments since no one has heard anything. Cynthia Flanders position is open for the Public Seat and Kevin Woolbright's suggested candidate, Veronica, attended today's meeting. Kevin discussed how she attended the Derek Davis event at OCC several months ago and that he wanted her to experience today's meeting so she could see if she was interested in taking the Public Seat. Veronica also spoke and said this would be a great way for her to serve her community. Vote was taken. All in favor. A letter to the Governor will be sent with her as the recommendation. Jim Barron will handle. Disclosure letter needs done also. An Authority badge and another name plate also needs to be done.

Non-Member Updates - Antietam cable is in the process of getting up and running. Bruce is working on Norfolk Southern but thinks the Authority needs to file a complaint. Bruce thinks everyone needs to be cracked down on who isn't a member because there needs to be consistency and it's a law. Letters to MML

and MACo need to be done first with 30 days to respond. It was suggested that if Norfolk Southern or anyone else continues to ignore requests for them to become members, to file an NPV against them.

Ethics Forms. Kevin still has to send his. Bernard needs the form. Forms do not need notaried and can be completed on the Ethics Board website.

New Business. Bruce discussed the subpoena form he created for the Authority based on Montgomery County's subpoena form. This is a subpoena just to appear and can be served by registered mail, private processor or the sheriff. Marcia asked if the Authority needs to go to the court and familiarize the court with the new Authority subpoena so they know what is going on. Bruce needs to revise the subpoena to say Anne Arundel county and include a sentence saying "produce the following documents" to the subpoena.

Tom Hoff gave a brief report on his discussions with the lawyers for the Authority. Paul Finamore and Susan Baker will be coming to the next Authority meeting and will discuss what members should and shouldn't say. This will be a closed portion of the meeting that begins at 9 am. Any hearings next month will begin afterward around 10:15 am. Paul Finamore and Susan Baker also want to stay and observe a hearing. They have the tapes from the Authority's past hearings and will be able to make an assessment on conduct, etc. from listening to those. They will report their findings at the meeting next month.

Tom Baldwin suggested everyone have a copy of the APA. Kevin reiterated that nobody should say anything they will regret during a recorded hearing.

A link to the APA should be on the Authority website.

Tom Hoff discussed Pinpoint and his discussion with Susan Baker. Susan will be contacting Pinpoint and Reliable's lawyers.

Back to #7 on the Agenda - Washington Gas vs. DR Horton - Tom Hoff made a motion for a \$2,000 fine for no ticket because it expired along with another \$1,000 fine for failing to take proper care. All in favor with the exception of one Authority member (Art Bell).

7b - #579 - BGE vs Dish Network - no tickets were found when Jim Barron did his research. Motion was made for a no ticket \$2,000 fine. All in favor.

Old NPV Updates. NPV #308 and #575 are closed.

New NPV's for Research and Review. Jim will have all seven NPV's ready to discuss at the November meeting.

Future meetings - November 20th will be the last meeting of the year.

New dates in 2014 - January 8 and February 5. Laura will do a complete list and send out.

There being no further discussion or business of the Authority, the meeting was adjourned. The next Authority meeting is scheduled for Wednesday, November 20, 2013.