

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY

Wednesday, November 20, 2013

The meeting was called to order by Chairman Tom Hoff at 10:00 am in the Miss Utility One Call Center, 7223 Parkway Drive, Hanover, MD 21076. In attendance were Authority members Thomas Baldwin, Kevin Woolbright, Walter Gilmer, Arthur Bell, Bernard Cochran, and Tom Hastings. Also in attendance were the following: Laura Olander, Bruce Bereano, Scott Brown with Washington Gas, Thurman Smith with Utiliquest, Mark Hamrich with Verizon, Matt Ruddo with One Call Concepts, Jim Barron, Executive Director of the Maryland Authority and attorneys Paul Finamore and Susan Baker. Cindy Flanders and Marcia Collins were absent.

Chairman Hoff asked for the approval of October's Minutes. Motion was made. All in favor.

Report of Authority Treasurer - The Authority is currently without a Treasurer. Veronica is still in need of being sworn in and hasn't been appointed yet. Still have an open seat. Treasury report was passed out and speaks for itself. Entered into record.

Scheduled hearings began.

Washington Gas vs. Suburban Construction Services - Tom Hoff made sure everyone in the room knew that the hearings were being recorded. Chairman Hoff then introduced Paul Finamore and Susan Baker from Niles Barton and Wilmer, LLP. Next, the gentlemen from Suburban Construction were called upon to sit at the table and asked to identify themselves. For the record, there is a quorum.

The manager of Suburban Construction was sworn in and Chairman Hoff asked if there were other persons testifying today. Yes. All stepped forward. Paul Sweet and Scott Brown were introduced and all were sworn in.

Jim Barron asked for the first witness and presented the Authority's evidence. Copies were given to Suburban Construction and all members of the Authority. Jim said he found in his research that there was no call and they dug with clear evidence of facilities. Suburban said they did have a one call notice. Jim did research again. Put map on screen. Tom Hoff said Suburban can object to the evidence if they want. Jim showed the location of incident on screen. The next evidence presented was the ticket search that Suburban filed on this location. Ticket was shown on the screen. The violation occurred January 5, 2012 with an expiration of 1/24/12. Next is a picture showing where violation occurred. More

evidence was shown and Jim completed his review of events by showing the letter sent to Suburban where the Authority recommended a \$1,000 fine. The letter was sent on September 30<sup>th</sup> 2013. The final piece of evidence was a second letter to Suburban. In this letter there was also a recommendation that Suburban contact Washington Gas for training. Jim closed the Authority presentation.

Tom Hoff asked if there were any objections to all 10 pieces of evidence the Authority submitted. Bill Sharaby with suburban construction had objections.

Suburban Gas distributed to members of the Authority, 28 pages of Exhibits to support their case. Both gentlemen from Suburban went over the documents and explained their position to the Authority. Tom Hoff thanked them for all the exhibits and explanations. Chairman Hoff thanked Suburban and said the Authority would be in touch if they have any questions later and will also let them know their decision in 30 days. Kevin Woolbright asked if they are familiar with Maryland/DC Damage Prevention guidebook and then gave all three from Suburban a copy. Kevin read 12-27A from the guidebook along with C-1. Kevin further read aloud Code 6 and asked if they did a Code 6 to notify Washington Gas regarding hand digging after using mechanized equipment. Mr. Paul Sweet from Suburban said this would only apply if they were within 18 inches and they did not have a chance to use Code 6. They said they agree with what Authority is saying but were in the process of finding the line and hand digging when this violation occurred.

Chairman Hoff asked if there were any further questions. Then Tom asked Scott Brown from Washington Gas for further information. Scott said the address for this violation didn't exist on their mapping, therefore, there was no evidence of a ticket. For the address where the work was actually done, there was a ticket. Washington Gas's exhibit 1 was entered into evidence.

Tom Hoff said the Authority has everything they need and this case is now ready to rest.

Bruce Bereano briefly discussed the non-member letters that went out and initiating actions against those who don't want to join and comply with the law.

Jim Barron said New Carrollton is still in question. Tom Hoff added that these are one grid members. Jim said he would bring each to the Authority and then start reviewing after a decision is made on whether or not to pursue. Bruce suggested pursuing Allegany County with an NPV because they refuse to join. A Motion was made to file an NPV against New Carrollton. All in favor.

Bruce Bereano sent Norfolk Southern Railroad a letter and has heard nothing from them. Bruce also suggests sending them a fine if there is no response.

Bruce is still working on Antietam cable.

Ethics forms are all up to speed with exception of Tom Hastings who was just appointed to the Authority and still needs to file one.

Financial policy - Jim Barron is working with Dan Florenzo. Dan is taking over all the Authority's financial matters. Anything over \$5,000 will require two signatures and the Executive Director, Chairman and the Treasurer will all have signing ability. Bruce reviewed the draft collection procedure in the handouts. A Motion was made regarding the accounting policy. All in favor.

Jim briefly discussed other means of money that could be found.

Subpoena - needs finalized. Bruce will have ready for January meeting.

Letter to probable violator that Thurman Smith sent to the Authority - Jim asked this be finalized. All in favor.

Authority seats - Veronica needs completed.

Officers for 2014 - Tom Hoff said it has been a pleasure working on the Authority but asked for a Motion to have Kevin Woolbright named Chairman for 2014. All in favor. Chairman Hoff congratulated Kevin.

Break for lunch.

NPV's:

#282 - Washington Gas vs. BW Excavating: Motion made to send bill for \$500. All in favor.

#284 - C&M Construction - paid their fine. Have not contacted the Damage Prevention Committee yet for training. Jim Barron will send a reminder to them and give them one day to sign up.

#285 - Village Concrete - haven't heard back.

#303 - Colonial Pipeline - paid their fine and have completed training. Closed.

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a. #576 - Harris and Sons - still no response to the \$3,000 fine. Jim will send another letter. It was briefly discussed how to proceed with those who continue to ignore the Authority. A letter will be sent and say since they haven't responded, they have waived due process. Will ask lawyers how to word it.

#577 - Kurlander Electric - has requested a Hearing on January 8<sup>th</sup>.

#578 - Hirsch Electric - still have not responded. Ask lawyers how to handle.

#579 - Dish Network - Hearing scheduled on January 8<sup>th</sup>.

Next, a long list of NPV's were to be reviewed. Chairman Hoff asked how many in the list are no tickets. Jim Barron responded that all are no tickets. Tom said there's nothing to discuss if this is the case and to just go ahead and send them letters notifying them of their fine. Jim clarified that some of these NPV's had other varying violations, etc. Tom Hoff said to simply fine each one appropriately and include required training in the letters.

There being no further discussion or business of the Authority, the meeting was adjourned. The next Authority meeting is scheduled for January 8, 2014.