



Maryland Underground Facilities Damage Prevention Authority

AUTHORITY MEETING Minutes
Wednesday, December 7, 2016

Agenda Items 1, 2, 3

Call to Order, Attendance Roll Call & Welcome

The meeting was called to order by Authority Chairman, Tom Hastings at 9:00 a.m. in the OCCInc, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

The Chairman welcomed all present and made a few introductory remarks. The Chairman introduced Guests Included: Don Jones, Washington Gas; Erik Phillips, Utiliquest; and Lenny Corbin, Gray & Son, Inc.

A roll call of the Board of Directors was conducted by the Board Secretary Veronica Davila-Steele. A quorum was present for the session. In attendance were Authority members: Tom Hastings, Veronica Davila-Steele, Walter Gainer, Vince Healy, Jeff Garner, George Taylor and Charlie McCadden. Susan Stroud and Jim Barron were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

There was no open session of the Authority in November, therefore there were no minutes.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of November 30, 2016. He reported that the Operating Account has a balance of \$104,529.08 and the Education and Outreach Account has a balance of \$40,864.63. The Executive Director also noted that legal fees for the Authority to-date are \$109,737.04. The November billings were \$1,965.00 due to research on the Authority status as an agency of the Executive Branch of Maryland State Government and whether the Authority should promulgate Rules and Regulations. There was also a meeting with Counsel to discuss whether the Authority should introduce legislation to compel the Attorney General's office to represent the Authority in certain matters. The Executive Director does not anticipate the FY 2017 legal fees to run as high as 2016. The November revenue from the Miss Utility surcharge was 20,857.60. A motion to accept the financial report was made and seconded by and approved by acclamation.

Agenda Item 6:

Appeals:

- None

Agenda Item 7:

Scheduled Hearings

- Hearings will resume in February and be split into two sessions, the second to be held in March. The new conference space renovation is almost complete.
- The Executive Director ran the NPV's pending hearings through the new SFM system and has circled back to the individual companies with the new fines to see if they are amenable to accepting the new fine levels. The Executive Director stated that a majority of the violators are requesting hearings, with the exception of BGE v. Love Point Ventures (NPV# 7085) who have paid their fine and requested training. NPV# 4331 – BGE v. ARI have not responded to the new fine assessment letter.

Agenda Item 8:

Current Requests for Hearings:

- NPV# 4331 – BGE v. ARI Concrete Construction
§12-124 (a) Notice to One –call system – 1st offense – **No response to new fine ltr.**
- NPV# 4406 – Washington Gas v. Basement Masters
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4541 – BGE v. Gaines and Company
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4487- BGE v. Joseph L. Winkler Co., Inc.
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 4734a – Washington Gas v. Manekin Precision Concrete Construction, Co.
§12-124 (a) Notice to One –call system – 1st offense
- NPV# 6839 – Verizon v. Berkel Company
§12-127 (c)(1)(2)(3) & d (1) – Duties of Excavator
- NPV# 7085 – BGE v. Love Point Ventures – **Paid new fine & requested training.**
§12-124 (a) Notice to One –call system – 1st offense

Agenda Item 9:

Post Hearing Updates:

NPV# 3918 - Washington Gas v. Diamond Electric – No response to date, the company has had due process. The Executive Director asked the Authority to rule on whether to hold a hearing on this case. The consensus was to lace Diamond Electric in Collections.

NPV# 3923 – Washington Gas v. Magnum Mango – Continue to pay their fine in \$200.00 increments. They have one more installment to pay in December.

Agenda Item 10:

Accepted Recommendation and Waived Hearing:

Please refer to the December 7, 2016 agenda for the disposition of these NPV's.

Agenda Item 11:

Post Review/Pre Hearing Updates

Please refer to the December 7, 2016 agenda for these updates.

Note(s):

NPV# 6497 – Washington Gas v. Pro-Tech – Process server was able to serve owners brother at his residence. The business address appears to be abandoned; however Pro-Tech are still appearing on tickets, so it can be assumed they are still in business.

NPV# 6596 – BGE v. Noah's Plumbing – The owner is asking to be considered a hardship case, he has taken training, but is having financial difficulties. The Authority will review the request in closed Executive session.

Agenda Item 12: (Handout)

Incomplete Reviews

Please refer to the December 7, 2016 handout for these updates.

Agenda Item 13: (Handout)

In Collections

Please refer to the December 7, 2016 handout for these updates.

Agenda Item 14:

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPV#	Case
NPV# 7682	Washington Gas v. CRA Construction §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7683	Washington Gas v. GT Contracting Group §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence
NPV# 7770	Choptank Electric v. James A. Briddell & Son, Inc. §12-127(a)(1)(2)(3) - Ticket not cleared or Marked
NPV# 8298	Mike Newman v. J. G. Benhoff, LLC §12-124(a) Notice to One-Call System – 1 st offense §12-127(d)(1) – Notification of Damage

NPV# 8489	Washington Gas v. Hawkins Erosion Control §12-124(a) Notice to One-Call System – 1 st offense
NPV# 8490	Washington Gas v. SSHI Remodeling §12-124(a) Notice to One-Call System – 1 st offense §12-127(e) Clear Evidence

Agenda Item 15:

New NPV's for Research and Review (40 reviews): (Handout)

Please refer to the December 7, 2016 handout for a listing of the new NPV's

Agenda Item 16:

Old Business

- Attorney General representation - Issue to be discussed in closed Executive Judicial Session.
- Search for part-time investigator – A formal job description has been developed and will be reviewed in Closed Executive session. The position will be advertised once the job description is approved.
- Title XII Re-write committee – The Executive Director stated that he plans to advertise for participation in the 2017 Re-write Committee at the first of the year.

Agenda Item 17:

New Business

- CGA Membership - is due to be renewed in January 2017, the Authority approved renewing the annual membership, which is \$1000.00 for government agencies.
- CGA Conference – There was discussion regarding the conference in Orlando; which will celebrate the 10th Anniversary of the 811 nationwide one-call system. It will also be the last conference for Bob Kipp, the retiring CEO. The early-bird rate for the conference is \$900.00 which is due on December 16, 2016. Several Authority members will be attending the conference. There was no determination on whether the Authority will reimburse the Executive Director for attending the meetings portion of the conference.
- The Authority was given a copy of the letter sent to the Maryland Realtors Association regarding the realty sign issue. The Executive Director is awaiting a response.
- A new Accounting Policy has been developed and was reviewed by the Authority. The new policy changes the structure of expenditure approvals and adds the Vice-Chairman as one of the signatories. A motion was made to accept the new policy and seconded. The motion carried by acclamation.

- Agenda Item 18:

Next Meeting Date:

- January 4, 2017

Agenda Item 19:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn the meeting at 9:55 a.m. The motion was approved by acclamation. A second vote was taken and recorded for the Board to go into Executive Session for Judicial review at 10:00 a.m.

Respectfully submitted by:
Susan A. M. Stroud
Recording Secretary