



Maryland Underground Facilities Damage Prevention Authority  
AUTHORITY MEETING Minutes  
Wednesday, February 7, 2018

Agenda Items 1 & 2:

**Call to Order, Welcome:**

The meeting was called to order by Acting Authority Treasurer, Matt Ruddo at 9:00 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Ruddo welcomed all present and made a few introductory remarks and introduced the guests which included: Dora Parks, Miss Utility; Scott Brown & Tamara Neal, Washington Gas; Chris Ratliff & Paul D'Imperio, Lamberts; Tom Hastings, OCCLS; and Robert Carrier Reliable Contracting.

Agenda Item 3:

**Attendance Roll Call:**

A roll call of the Board of Directors was conducted by the Secretary, Mr. Erik Phillips. A quorum was present for the session. In attendance were Authority members: Charlie McCadden, Walter Gainer, Bucky Taylor, Jeff Garner & Joyce Brooks. Vince Healy was absent. The MACo seat remains vacant. Jim Barron and Susan Stroud were also present.

Agenda Item 4: (Handout)

**Approval of Minutes:**

A motion to approve the January 3, 2018 was made by member Taylor and seconded by member Gainer. The motion carried by acclamation.

Agenda Item 5: (Handout)

**Authority Financial Report:**

The Executive Director provided financial statements as of January 31, 2018. He reported that the Operating Account has a balance of \$190,386.96 and the Education and Outreach Account has a balance of \$42,151.82. There were no legal fees for the month of January. The November

revenue from the Miss Utility surcharge was \$14,787.55; which is \$4,053.45 less than November 2017. The cumulative total for 2017 is currently \$104,828.82. The Executive Director updated his prediction on the projected gross revenue from the surcharge to be \$187,685.00 through June of 2018. A motion to accept the financial report was made by Secretary Phillips, and seconded by member Brooks. The motion was approved by acclamation.

Agenda Item 6:

**Scheduled Hearing:**

NPV# 283 – Washington Gas v. Reliable Contracting, Inc.

- i. Alleged Violations
  1. §12-124 (a) Notice to one-call system – 1<sup>st</sup> Offense
    - a. \$2,000 fine plus damage prevention training assessed at the September 11, 2013 hearing.
  2. §12-127 (e) "Clear Evidence"
    - a. \$2,000 fine with a \$1,000 reduction for completion of damage prevention training assessed at the September 11, 2013 hearing.
- ii. Since Remand
  1. §12-124 (a) Notice to one-call system – 1<sup>st</sup> Offense
    - a. \$2,000 fine reduced to \$1,375.00 through SFM. 50% reduction to \$687.50 with Damage Prevention Training
  2. §12-127 (e) "Clear Evidence"
    - a. No Violation
  3. Recommendation letter sent 3/6/17
    - a. Signed for on 3/10/17
    - b. No Response Yet
  4. Second Notice Letter sent 5/1/17.
    - a. Signed for on 5/8/17
    - b. No response yet
  5. Hearing set for 02/07/17
    - a. Notice of Hearing Letter sent 12/8/17.
    - b. Fine not paid but training scheduled for 3/13/18

Treasurer Ruddo explained the hearing process to the audience and asked that the recording device be turned on at 9:14 a.m., he then proceeded to ask for representatives from Reliable Contracting (Robert Carrier) and Washington Gas (Scott Brown). Once they were acknowledged he asked that they and the Executive Director Jim Barron stand and repeat the oath. Treasurer Ruddo gave the floor to the Executive Director after an attendance roll call was conducted by the Recording Secretary, Ms. Stroud. A quorum was present and the Executive Director began his presentation of the case against the probable violator, Reliable Contracting, Inc.

A packet of evidence was introduced into the official record and catalogued by the Recording Secretary. At the conclusion of his presentation, the Executive Director gave the floor to the Treasurer, who called on Mr. Carrier with Reliable Contracting to present his rebuttal. Mr. Carrier stated that Reliable Contracting, Inc. processes over a thousand tickets last year and that this particular incident was unusual. He indicated that they have tightened up their ticket procedures, so this won't happen again. He stated that he was prepared to pay the fine of

\$687.50 and that the company is arranging an in-house training with Mrs. Dora Parks. Scott Brown with Washington Gas was allowed to make his statement regarding the case. He stated that Reliable had a good reputation and that Washington Gas would be happy to provide any additional safety training they might need in the future. This concluded the formal hearing of NPV# 283 and the recording device was turned off at 9:50 a.m. The Authority took a short break after the hearing.

Agenda Item 7:

**Open NPV's:**

Please see 02/07/18 handout for updates on these issues.

Agenda Item 8:

**Closed/Incomplete NPV's:**

Please see 02/07/18 handout for updates on these issues.

Agenda Item 9:

**New NPV's for Research and Review:**

Please see 02/07/18 for updates on these issues. There are currently 32 NPV's awaiting review.

Agenda Item 10, 11 & 12: (Handouts) and below:

**NPV's for Authority Review & Hearing Schedule:**

**Note:** All reviews will be conducted in closed Executive Session

NPV Scheduled Hearings	Case
NPV# 9503  Scheduled for 03/14/18	Wash Gas v. Diversified Applications §12-124 (a) Notice to One Call – 1st offense
NPVs for Further Review	Case
NPV#	There were none requested at this time.

New NPV's for Review	Case
NPV# 17645	Wash Gas v. Barr Plumbing, Inc. §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17646	Wash Gas v. F. O. Day Company, LLC §12-124 (a) Notice to One Call – 1st offense
NPV# 17647	Wash Gas v. City of Frederick §12-124 (a) Notice to One Call – 1st offense
NPV# 17648	Wash Gas v. Mulford Construction §12-124 (a) Notice to One Call – 2nd offense
NPV# 17649	Wash Gas v. Willis Concrete §12-124 (a) Notice to One Call – st offense §12-127(e) – Clear Evidence
NPV# 17650	Wash Gas v. Acclaim Home Services §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17651	Wash Gas v. Southern Maryland Cable §12-124 (a) Notice to One Call – 1st offense
NPV# 17652	Wash Gas v. F&L Construction, Inc. §12-124 (a) Notice to One Call – 1st offense

Agenda Item 13

**Old Business:**

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for Thursday, February 15, 2018 & Thursday March 1, 2018. All meetings are held in the Miss Utility Conference Room at the One-Call Center.
- Spring Luncheon –The luncheon has been rescheduled for May 2, 2018 so that Bruce Bereano and some members of the legislature (Derek Davis, John Astle & Mack Middleton) can be invited.

Agenda Item 14:

**New Business**

- The Executive Director reminded the members of the Authority that their Ethics forms for last year are due by April 30, 2018 and that they must be submitted on-line.
- Lamberts has asked to give a presentation at the next Authority meeting to explain how they handle subcontractor tickets in Virginia.
- The Executive Director asked the Authority if they wished to begin filing NPV's. This was a suggestion made by PHMSA at their last site review.

Agenda Item 15:

**Next Meeting Date:**

- March 14, 2018 @ 9:00 a.m. – There will be a hearing at that meeting – Washington Gas v. Diversified Applications.

Agenda Item 16:

**Adjournment and Move to Executive Session**

- The Treasurer called for a motion to adjourn and go into closed Executive session the meeting at 10:25 a.m. There was motion to go into Closed Executive Session was made and seconded and recorded via roll-call vote at 10:30.

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