



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes
Wednesday, June 6, 2018

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Chairman Vince Healy at 9:03 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Healy welcomed all present and made a few introductory remarks and introduced the guests which included: Dora Parks, Miss Utility; Tom Hastings, OCCLS; Tamara Neal & Scott Brown, Washington Gas, Brian Simmons, OCC, Inc.; Laura Irwin & Greg Basil, Electrico, Inc.; Mark Hamrick, Verizon.

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: Erik Phillips, Charlie McCadden, Walter Gainer, Bucky Taylor, Jeff Garner, and Vince Healy. Matt Ruddo & Joyce Brooks were 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 May 2, 2018 minutes was made by member Gainer and seconded by member Taylor. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of May 31, 2018. He reported that the Operating Account has a balance of \$189,681.18 and the Education and Outreach Account has a balance of \$29,841.86. It should be noted that a check for \$10,000 for the June installment of the media campaign is in process, therefore, the E&O account will have a new balance of \$19,841.86. There were no legal fees for the month of May. The March revenue from the Miss Utility surcharge was \$15,167.45; which is \$4,080.35 less than March 2017. The cumulative total for 2018 is \$35,000.33. A motion to accept the financial report was made by Chairman Healy and seconded by member Garner. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearings:

NPV# 17956 - Washington Gas v. Electrico, Inc. --

The hearing began at 9:14 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Scott Brown was present Washington Gas, Laura Irwin and Greg Basil was present for Electrico, Inc. An attendance roll call was conducted and recorded by the Recording Secretary. There were 6 members present, one member (MACo seat) was vacant. Chairman then swore in the Executive Director and Mr. Brown and Ms. Irwin and Mr. Basil. The recorder was turned on and Mr. Barron was instructed to give his evidence against Electrico, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown and the defendant.

During the hearing, Mr. James Barron, Executive Director of the Authority presented evidence and entered it into record substantiated facts supporting the findings of the Authority Recommendation letter dated March 29, 2018; which was send by USPS Certified Mail and signed for by Gail Gaines on April 2, 2018. Under "Research by The Authority": **§12-124 (a) – Failure to notify One-Call system** -- That Electrico, Inc. did damage a Washington Gas a 3/4" plastic gas service line, while installing underground electric conduits near the intersection of Stadium Drive and Regents Drive, on the University of Maryland campus on May 3, 2017.

Ms. Irwin and Mr. Basil acknowledged that the damage occurred, but claimed they were lawfully working under a ticket held by the University of Maryland. Mr. Basil, stated that he doesn't normally work under tickets called in by the General Contractor, in this instance the University of MD. Ms. Irwin challenged the statute language, stating that she felt it was not clear who was responsible for calling in a ticket. When asked if 911 was called when the gas line was broken, Mr. Basil stated that he called the project engineer at the University and they called 911. Mr. Brown representing Washington Gas pointed out that it was also a violation of the statute, when the person who causes the damage does not directly call 911. Mr. Brown also stated that he would be willing to work with Electrico, Inc. to provide training and other resources. With no more questions or comments from the Authority, the Chairman closed the hearing at 10:00 a.m.

The Authority took a temporary adjournment at 10:05 a.m. and reconvened at 10:15 a.m.

NPV# 15783 - Washington Gas v. B Squared Construction, LLC. --

The hearing began at 10:17 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Scott Brown was present Washington Gas, No one was present for B Squared Construction, LLC. An attendance roll call was conducted and recorded by the Recording Secretary. There were 6 members present, one member (MACo seat) was vacant. Chairman then swore in the Executive Director and Mr. Brown. The recorder was turned on and Mr. Barron was instructed to give his evidence against Electrico, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown.

During the hearing, Mr. James Barron, Executive Director of the Authority presented evidence and entered it into record substantiated facts supporting the findings of the Authority Recommendation letter dated September 7, 2017; which was send by USPS Certified Mail and signed for by Patricia Berard. Under "Research by The Authority": §12-124 (a) – Failure to notify One-Call system -- That B Squared Construction, LLC did damage a Washington Gas a 1/2" pink plastic gas service line, while hand digging footers at 5326 Allendale Road, Bethesda, MD on December 2, 2016' and that B Squared Construction, LLC did not have an active, valid ticket at the time the damage occurred. Mr. Barron concluded his testimony at 10:25 a.m. Mr. Brown, with Washington Gas stated that he would be willing to work with B Squared Construction to provide training and other resources. With no more questions or comments from the Authority, the Chairman closed the hearing at 10:30 a.m.

NPV# 15198 - Washington Gas v. MIM Construction, Inc. --

The hearing began at 10:31 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Scott Brown was present Washington Gas no one was present for MIM Construction, Inc. An attendance roll call was conducted and recorded by the Recording Secretary. There were 6 members present, one member (MACo seat) was vacant. Chairman then swore in the Executive Director and Mr. Brown. The recorder was turned on and Mr. Barron was instructed to give his evidence against MIM Construction, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown.

During the hearing, Mr. James Barron, Executive Director of the Authority presented evidence and entered it into record substantiated facts supporting the findings of the Authority Recommendation letter dated August 3, 2017; which was send by USPS Certified Mail and signed for by a Jeffery Ray on August 7, 2017. Under "Research by The Authority": §12-124 (a) – Failure to notify One-Call system -- That MIM Construction, Inc. did damage a Washington Gas a 3/4" gas service line, while driving a concrete form pin for a sidewalk adjacent to the existing gas service meter at 19 W. Main Street, New Market, MD on December 19, 2016 and did not have an active, valid ticket at the time of the incident. Mr. Barron concluded his testimony at 10:40 a.m. Mr. Brown stated that he would be willing to work with MIM Construction, Inc. to provide training and other resources. With no more questions or comments from the Authority, the Chairman closed the hearing at 10:46 a.m.

NPV# 9405 - Washington Gas v. DA Drenner Concrete --

The hearing began at 10:48 a.m. in the Miss Utility Conference Room. The Chairman read instructions and asked for representative from both parties to come forward. Scott Brown was present Washington Gas, no one was present for DA Drenner Concrete. An attendance roll call was conducted and recorded by the Recording Secretary. There were members present, one member (MACo seat) was vacant. Chairman then swore in the Executive Director and Mr. Brown. The recorder was turned on and Mr. Barron was instructed to give his evidence against DA Drenner Concrete. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Mr. Brown.

During the hearing, Mr. James Barron, Executive Director of the Authority presented evidence and entered it into record substantiated facts supporting the findings of the Authority Recommendation letter dated May 4, 2017; which was send by USPS Certified Mail and was refused. The recommendation letter was resent using Superior Process Service and delivered to DA Drenner Concrete at 10480 Guilford Road, Jessup, MD 20794 on June 5, 2017 to a young woman who refused to give her name. Under "Research by The Authority": §12-124 (a) – Failure to notify One-Call system -- That DA Drenner did damage a Washington Gas a 2" gas main, while excavating with mechanical equipment for a retaining wall at 4300 Knox Rd., College Park, MD on September 6, 2017 and did not have an active, valid ticket at the time of the incident. Mr. Barron concluded his testimony at 11:02 a.m. Mr. Brown stated that he would be willing to work with DA Drenner Concrete to provide training and other resources. With no more questions or comments from the Authority, the Chairman closed the hearing at 11:04 a.m.

Agenda Item 7:

Open NPV's:

Please see 06/0618 handout for updates on these issues.

Agenda Item 8:

Closed/Incomplete NPV's:

Please see 06/06/18 handout for updates on these issues.

Agenda Item 10:

New NPV's for Research and Review:

Please see 06/06/18 for updates on these issues. There are currently 24 NPV's awaiting review.

Agenda Items 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# 16081 Scheduled for 07/11/18	Washington Gas v. SMI Services, LLC §12-124 (a) Notice to One Call – 1st offense
NPV# 16181 Scheduled for 07/11/18	Washington Gas v. Ground Breaking Landscaping, Inc. §12-124 (a) Notice to One Call – 1st offense Hearing Canceled – Fine Paid and training was taken.
NPV# 16305 Scheduled for 07/11/18	Washington Gas v. Conduit Connections, LLP 12-124 (a) Notice to One Call – 1st offense
NPVs for Further Review	Case
NPV# 16075	Washington Gas v. N.G. Berry Excavation, LLC 12-124 (a) Notice to One Call – 1st offense Would like the Authority to allow him to take training from Washington Gas at their Springfield , VA facility.
Move to Hearing	Case
	NO cases currently.
New NPV's for Review	Case
NPV# 18803	Wash Gas v. Jose Felix Maldonada §12-124 (a) Notice to One Call – 1st offense
NPV# 18304	Wash Gas v. Raine & Sons, Inc. §12-124 (a) Notice to One Call – 1st offense
NPV# 18306	Wash Gas v. Arundel Excavation §12-124 (a) Notice to One Call – 1st offense
NPV# 18309	Wash Gas v. TF Construction §12-124 (a) Notice to One Call – 1st offense §12-127 (e) Clear Evidence
NPV# 18352	BGE v. Donohue Plumbing, LLC §12-124 (a) Notice to One Call – 1st offense

NPV# 18353	BGE v. Jones of Annapolis §12-124 (a) Notice to One Call – 1st offense
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Agenda Item 11

Old Business:

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for Thursday, June 14, June 28 & July 26th. All meetings are held in the Miss Utility Conference Room at the One-Call Center.
- PHMSA --The Executive Director stated that we have received our letter from PHMSA regarding the last evaluation, showing the Authority to be Adequate.
- The Executive Director announced that the MACo seat will be filled by Mr. Douglas L. Levine, who is with the Washington County Highway Department. Mr. Levine will attend his first meeting on July 11, 2018.

Agenda Item 12:

New Business:

- Expiring Terms – MML member, Jeff Garner, Facility member, Vince Healy and One-Call member Matt Ruddo will all term out on September 30, 2018. AUC Member representative Walter Gainer is eligible for one more term. The Executive Director urged them to contact their respective organization to begin the recruitment process ahead of the June letters.

Agenda Item 13:

Next Meeting Date:

- July 11, 2018 @ 9:00 a.m. – There are 3 hearings scheduled for the meeting. (See chart above)

Agenda Item 14:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn and go into closed Executive session the meeting at 11:40 a.m. There was motion to go into Closed Executive Session was made and seconded and recorded via roll-call vote at 11:41 p.m.

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