



Maryland Underground Facilities Damage Prevention Authority  
AUTHORITY MEETING Minutes

Wednesday, November 7, 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: Chris Ratliff, Lambert Cable; Kevin Woolbright, WSSC; Scott Brown and Tamara Neal, Washington Gas; Dora Parks, Miss Utility; and Aaron Greenfield, MMHA

Agenda Item 3:

**One Call Representative Seated:**

The Executive Director and the Chairman welcomed Ms. Kelly Ruddo to the Authority. She is beginning the first year of her two-year term. Ms. Ruddo will be replacing Matt Ruddo, who has served two (2) consecutive two-year terms representing the One-Call Center and is not eligible for re-appointment. Matt has also served as Authority Treasurer for the majority of his tenure. The Chairman and the Executive Director thanked Mr. Ruddo for his service and presented him with a plaque from the Authority.

Agenda Item 4:

**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, Vince Healy. Matt Ruddo and Doug Levine were present. Joyce Brooks and Jeff Garner were absent. Jim Barron and Susan Stroud were also present.

Agenda Item 5: (Handout)

**Approval of Minutes:**

The minutes for the October 3, 2018 Authority meeting were reviewed. A motion to accept the minutes as written was made by Member Gainer and seconded by Secretary Erik Phillips. The motion carried and the minutes were approved.

Agenda Item 6: (Handout)

**Authority Financial Reports:**

The Executive Director provided financial statements as of October 31, 2018. He reported that the Operating Account has a balance of \$171,975.29 and the Education and Outreach Account has a balance of \$53,395.68. The August revenue from the Miss Utility surcharge was \$18,160.20; which is \$909.70 less than August 2017. The cumulative total for 2018 is \$127,901.40, with a projected shortfall of \$45,280.58 over last year. There was \$100 in legal fees for the month of October. Secretary Phillips, made a motion to accept the October financial report; which was seconded by member Gainer. The motion was approved by acclamation.

Agenda Item 7:

**Scheduled Hearings:**

NPV# 16184 – Washington Gas vs. Twins Plumbing & Heating Co., Inc.

i. Alleged Violations

ii. §12-124 (a) – Notice to one-call system – 1<sup>st</sup> Offense

\$2,000 maximum fine reduced to \$1,500 through the Standard Fining Matrix with a 50% reduction offered for successful completion of Damage Prevention Training netting a \$750 fine.

The hearing began at 9:20 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 Twins Plumbing & Heating, Inc. An attendance roll call was conducted and recorded by the Recording Secretary. There were 6 members present, members Brooks and Garner were absent. Chairman then swore in the Executive Director and Mr. Brown. The recording machine was turned on and Mr. Barron was instructed to give his evidence against Twins Plumbing & Heating, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority and 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 November 13, 2017; which was not claimed in the designated amount of time at the US Post Office and returned to the Authority on December 12, 2017. The recommendation letter was then sent to a process server for delivery, which was signed for by

Derrick Rose on September 29, 2018. Under “Research by The Authority”: **§12-124 (a) – Failure to notify One-Call system**. Twins Plumbing & Heating, Inc. damaged a 3/4” plastic gas service, while replacing a water line with no ticket at 751 Old Chapel Drive, Bowie, MD on October 28, 2016. With no more questions or comments from the Authority, the Chairman closed the hearing at 9:48 a.m. The Authority took a temporary adjournment after the hearing. and reconvened at 9:50 a.m.

Agenda Item 8:

**Open and Closed/Incomplete NPV’s:**

Please see 11/07/18 handout for updates on these issues.

Agenda Item 9:

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

Please see 11/07/18 for updates on these issues. There are currently 10 NPV’s awaiting review.

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

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

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

<b>November 7, 2018 Scheduled Hearing</b>	<b>Case</b>
NPV# 16184	Washington Gas v. Twins Plumbing & Heating Co., Inc. §12-124 (a) Notice to One Call – 1st offense §12-127 (e) Clear Evidence
<b>NPVs for Further Review</b>	<b>Case</b>
NPV# 20501	Wash Gas vs. Carpenter Excavating, LLC §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
<b>Move to Hearing</b>	<b>Case</b>
NPV#	There are no NPV’s being moved to hearing at this time.
<b>New NPV’s for Review</b>	<b>Case</b>

NPV# 20011	Verizon v. Kinsley Construction §12-124(a) – Notice to One-Call System – 1st Offense §12-124(c) – Life of ticket §12-15(a) – Repeat notification §12-127(b) – Maintenance of marks §12-127(e) – Clear evidence
NPV# 20824	Gaines and Company vs. Praxair, Inc. §12-126 (a) (1) – Owner-Member shall mark within 5 ` of excavation §12-126 (b) (1) – Owner-Member shall mark within 18” of facility §12-126(d)(1)(i)–Owner-Member shall notify Information Exchange System
NPV# 23185	Verizon vs. Devine Hope Church of Oakland, MD §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense §12-127 (d) (1) – Did not report damage
NPV# 24996	Washington Gas vs. W. M. Rickman Construction Company, LLC §12-124 (a) – Notice to one-call system – 1 <sup>st</sup> Offense
NPV# 26243	Washington Gas vs. Amorim Construction Corporation §12-124 (a) – Notice to one-call system – 2nd Offense
NPV# 26244	Washington Gas v. Prime Solutions Group, LLC §12-124 (a) Notice to One Call – 1st offense

## Agenda Item 12

### Old Business:

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for Friday, November 16, 2018 and Friday, November 30, 2018. All meetings are held in the Miss Utility Conference Room at the One-Call Center.
- September 30, 2018 Expiring Terms – MML member, Jeff Garner, Facility member, Vince Healy will all term out on September 30, 2018. AUC Member representative Walter Gainer is eligible for one more term. The Executive Director stated that he has been in touch with the Governor’s Appointments Office to check on the status of the replacements. Michael Jewel of Columbia Gas of MD, who is replacing Vince Healy as a facility owner representative has been submitted to the Governor’s office and is currently waiting for approval. Walter Gainer is eligible for one more term as the AUC representative, but has not submitted paperwork to the Governor’s office. In addition, MML has submitted a recommendation to the Governor’s office. Jeff Garner will continue as the MML representative until a replacement is appointed.

Agenda Item 13:

**New Business:**

In Closed Executive Session:

- The Executive Director will present recommended language to the members regarding the use of Authority funds in §12-117 to present to the Re-write group on November 16, 2018.
- The Executive Director will review with the Authority members the 2017 PHMSA Evaluation questionnaire. A conference call is scheduled for the week of November 13, 2018.

Agenda Item 14:

**Next Meeting Date:**

- December 3, 2018, 2018 @ 9:00 a.m. – there will be an Open Meeting, Hearings and a Closed Executive Session.

Agenda Item 15:

**Adjournment and Move to Executive Session**

- The Chairman motioned to adjourn the open meeting and go into closed Executive session the meeting at 10:01 a.m. There was motion to go into Closed Executive Session which was seconded. The motion was then approved and recorded via roll-call vote.

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