



Maryland Underground Facilities Damage Prevention Authority  
AUTHORITY MEETING  
Minutes

Wednesday, June 5, 2019

Agenda Items 1 & 2:

**Call to Order/ Welcome:**

The meeting was called to order by Chair, Erik Phillips at 9:05 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Phillips welcomed all present, made a few introductory remarks and introduced the guests which included: Dora Parks and Susan Sullivan, Miss Utility; Greg Mason, Don Jones and Vladimir Ledesma, Washington Gas; Thiago Ferreira, TF Construction, LLC.

Agenda Item 3:

**Attendance Roll Call:**

Secretary Ruddo conducted a roll call of the Authority members. A quorum was present. In attendance were Authority members: Erik Phillips, Kelly Ruddo, Derek Shreves, Bucky Taylor, Walt Gainer, Doug Levine and Tamara Neal. Joyce Brooks and Michael Jewell were absent. Jim Barron and Susan Stroud were also present.

Agenda Item 4: (Handout)

**Approval of Minutes:**

Chairman Phillips continued the meeting, calling for the review and approval of the May 1, 2019 Open Session minutes. A motion to accept the minutes as written was made by member Shreves and seconded by member Levine. The motion carried and the minutes were approved.

Agenda Item 5:

**Hearing(s) Scheduled for Today:**

**NPV# 26246** – *Washington Gas v. TF Construction, LLC*; submitted 09/14/18, Alleged Violations – on November 6, 2017 a violation of §12-124 (a) – Notice to one-call system – 2nd Offense. Upon the initial review by the Authority a fine of \$4,000 was assessed and reduced by the SFM to \$3,720 with a \$0 reduction for Damage Prevention Training, to be paid by TF Construction, LLC and mandatory participation in the Damage Prevention Training program.

The hearing began at 9:10 a.m. in the Miss Utility Conference Room. Chairman Phillips read instructions and asked for representatives from both parties to come forward. Don Jones was present for Washington Gas; Thiago Ferreira was present for TF Construction. An attendance roll call was conducted and recorded by the Recording Secretary. There were seven (7) members present, however member Neal recused herself from the proceedings. The Chairman then swore in the Executive Director and Messrs. Jones, Ferreira and Barron. Mr. Barron was instructed to present his evidence against TF Construction. The recording secretary entered the official evidence package into the record and distributed copies to the Authority, Washington Gas the complainant and the defendant TF Construction, LLC.

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 December 13, 2018; which was sent by USPS Certified Mail and signed for on December 17, 2018. The Executive Director stated that...Under “Research by The Authority”: §12-124 (a) – Failure to notify One-Call system – 2<sup>nd</sup> offense; that TF Construction, LLC did not have an active valid Miss Utility ticket for 7400 Haddington Place, Bethesda, MD 20817 on November 6, 2017. Mr. Jones with Washington Gas, encouraged Mr. Ferreira to take advantage of the free training his company provides at their Virginia facility. Mr. Ferreira stated that he had made the mistake of believing that the gentleman he was working for would take care of all the necessary documents. He has since learned through training, that he has the responsibility to file for his own Miss Utility tickets.

Neither the complainant nor the defendant offered any additional information or evidence when asked by the Chairman. Member Taylor of the Authority asked Mr. Ferreira who in his company attended Damage Prevention training on May 5, 2019. Mr. Ferreira stated that only he had attended. Mr. Taylor recommended that TF Construction send all of its employees to training. With no more questions or comments from the Authority, the Chairman closed the hearing at 9:39 a.m.

The Authority took a temporary adjournment at reconvened at 9:45 a.m.

**NPV# 26796** – *Washington Gas v. TF Construction, LLC*; submitted 12/03/18, Alleged Violations – on November 17, 2017 a violation of §12-124 (a) – Notice to one-call system – 3d Offense. Upon the initial review by the Authority a fine of \$4,000 was assessed and reduced by the SFM to \$3,720 with a \$0 reduction for Damage Prevention Training, leaving a \$3,720 net fine to be paid by TF Construction, LLC mandatory participation in the Damage Prevention Training program.

The hearing began at 9:56 a.m. in the Miss Utility Conference Room. Chairman Phillips read instructions and asked for representatives from both parties to come forward. Don Jones was present for Washington Gas; Thiago Ferreira was present for TF Construction. An attendance roll call was conducted and recorded by the Recording Secretary. There were seven (7) members present, however member Neal recused herself from the proceedings. The Chairman then swore in the Executive Director and Messrs. Jones, Ferreira and Barron. Mr. Barron was instructed to present his evidence against TF Construction. The recording secretary entered the official evidence package into the record and distributed copies to the Authority, Washington Gas the complainant and the defendant TF Construction, LLC.

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 February 13, 2019; which was send by USPS Certified Mail and was received and signed for on March 5, 2019. The Executive Director stated that...Under “Research by The Authority”: §12-124 (a) – Failure to notify One-Call system – 3<sup>nd</sup> offense; that TF Construction, LLC did not have an active valid Miss Utility ticket for 13939 Alderton Road, Silver Spring, MD 20906 on November 21, 2017. Mr. Jones with Washington Gas, again encouraged Mr. Ferreira to take advantage of the free training his company provides at their Virginia facility. He also stated that someone had attempted to repair the broken gas line with tape, which was a very dangerous thing to do. Mr. Ferreira stated that he was not present at the job site when the owner asked his crew too do him a favor and dig a trench for a new water line. Mr. Jones asked Mr. Ferreira if he knows to dig test pits if he sees marks in the vicinity. Mr. Ferreira stated that he does and state that he has learned that he should not attempt to repair a broken gas line and that he should immediately call 911. With no more questions or comments from the Authority, the Chairman closed the hearing at 10:31 a.m.

The Authority took a temporary adjournment and reconvened at 10:21 a.m.

Agenda Item 6:

**Authority Financial Reports:**

The Executive Director provided financial statements for April and May 2019. He reported that the April Operating Account had a balance of \$184,985.16. The April Education and Outreach Account had a balance of \$59,192.26. There were \$7069.00 in fines paid during this period and \$600.00 in filing fees. The February 2019 revenue from the Miss Utility surcharge was \$13,029.65; which was \$634.25 more than the previous February. There were no legal fees for the month of April.

He reported that the May Operating Account had a balance of \$181,455.46. The May Education and Outreach Account had a balance of \$42,349.43. The lower balance shows expenditures for the upcoming conference materials. There were \$5,829.80 in fines paid during this period. The March 2019 revenue from the Miss Utility surcharge was \$15829.80; which was \$662.35 more than the previous March. There was a \$75.00 no legal fee for the month of May. Treasurer Gainer made a motion to accept the April and May financial reports, which was seconded by member Levine. The motion was approved by acclamation.

Agenda Item 7:

**Request for Hearing(s):**

There are none at this time.

Agenda Item 8:

**NPV's for Additional Review:**

There are none at this time.

Agenda Item 9: (Handouts)

**Open NPV Spreadsheet and Closed/Incomplete Spreadsheets**

Please see 06/05/19 handout for updates

Agenda Item 10: (Handout)

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

Please see 06/05/19 handout for updates on these cases. There are currently 9 NPV's awaiting review.

Agenda Item 11:

**NPV's for Authority Review:**

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

<b>NPVs for Further Review</b>	<b>Case</b> <b>There are none at this time.</b>
<b>NPV's Post Hearing Review</b>	<b>Case</b>
NPV# 26246	<b>Washington Gas v. TF Construction, LLC</b> ; submitted 09/14/18, Alleged Violation on November 6, 2017– of §12-124 (a) – Notice to one-call system – 2nd Offense.
NPV# 26796	<b>Washington Gas v. TF Construction, LLC</b> ; submitted 12/03/18, Alleged Violation on November 17, 2017 a violation of §12-124 (a) – Notice to one-call system – 3rd Offense.
<b>New NPV's for Review</b>	<b>Case</b>
NPV# 27046	Washington Gas vs. Shawn Clemmons §12-124 (a) – No Ticket – 1 <sup>st</sup> Offense
NPV# 27288	Schagrins Gas vs. D.E. Harris Company §12-121 – Abuse of Emergency ticket
NPV# 27550	Gaines & Company vs. Level 3 Communications §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b)(1) – Failure to mark within 18”
NPV# 27685	Schagrins Gas vs. Dixie Lane Energy, LLC §12-124 (a) – No Ticket – 1 <sup>st</sup> Offense
NPV# 27698	Schagrins Gas vs. D.E. Harris Company §12-124 (a) – No Ticket – 1 <sup>st</sup> Offense – 3 <sup>rd</sup> offense

## Agenda Item 12

### **Old Business:**

- Term Expirations (9/30/19) –
  - Joyce Brooks – Public member is completing her first 2-year term and is eligible for a second term. The Authority members will discuss an additional term with Ms. Brooks at the July meeting.
  - Doug Levine – MACo member – will complete his 1<sup>st</sup> 2-year term and is eligible for a second term.
  - Tamara Neal – Subscriber member – is completing Charlie McCadden's (BGE) the second term and is now eligible for a first full 2-year term.
  - Erik Phillips – Contract Locator member – is completing his first 2-year term and is eligible for his second term.
  - George Taylor – PWCA member – is completing his final 2-year term. The PWCA will have to appoint a replacement for him.
  
- Meeting with Bruce Bereano – The Executive Director plans to schedule a meeting with Bruce after the Tawes Crab Feast in August to begin plans for the January 2020 introduction of the Title XII re-write bill.
  
- Name tags – New names tags and desk plates were used for the first time at the meeting.
  
- Filing Fee Spreadsheet – The Executive Director gave a presentation on the actual average cost for filing an NPV. The current cost of \$200 does not cover the cost of taking an NPV to the “recommendation letter” phase of the process (\$364.73/\$420.28- if process server is used). To take a case to hearing can cost an additional \$500.00. These estimates do not include overhead. The Executive director will share this information with the Subscriber's Committee at their next meeting.

## Agenda Item 13:

### **New Business:**

- The Executive Director reported that he has applied for the second half of the 2018 PHMSA SDP grant (\$28,500); which was approved on June 3, 2019.
  
- The Executive Director asked the Authority if they wished to purchase a gold sponsorship for the 2019 Greater Chesapeake Damage Prevention Training Conference. The Authority has sponsored at that level in previous years. A motion was made to approve the \$3000 gold level sponsorship, it was seconded and passed by acclamation. The Authority will have a booth at the conference and also participate in the program.

- The 2<sup>nd</sup> Annual Miss Utility Charity Golf Tournament – The Executive Director asked the Authority if they wished to participate in this event which benefits “Construction Angels”, a charity that supports the survivors of industry members who have lost their lives while working in the field. The Authority unanimously agreed to be a Hole-in-One sponsor (\$1000) for the 2019 event.

Agenda Item 14:

**Next Meeting Date:**

- July 10, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session and hearings.
- **There will be no August meeting.**

Agenda Item 15:

**Adjournment and Move to Executive Session**

- The Chairman asked for a motion to adjourn the open meeting and go into closed Executive session the meeting at 11:25 a.m. A motion was made and seconded. The motion was approved and recorded via roll-call vote.

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