



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes

Wednesday, May 1, 2019

Agenda Items 1 & 2:

Call to Order/ Welcome:

The meeting was called to order by Chair, Erik Phillips at 9:04 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: Scott Brown and Tamara Neal, Washington Gas; Dora Parks, Miss Utility; Matt Ruddo, OCC, Inc.; Tom Hastings, OCCLs; Ken Smith, BGE; Greg Mason, Washington Gas; Ron Raleigh, D.E. Harris; Vladimir Ledesma, Washington Gas; Mark Wood and Frank Marshall, Schagrin Gas.

Agenda Item 3:

New Appointee:

The Chairman welcomed Tamara Neal with Washington Gas to the Authority, Ms. Neal will be replacing out-going facility owner member Charlie McCadden, who recently retired.

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, Michael Jewell, Joyce Brooks, Kelly Ruddo, Derek Shreves, Bucky Taylor, Walt Gainer, Doug Levine and Tamara Neal. Jim Barron and Susan Stroud were also present.

Agenda Item 5: (Handout)

Approval of Minutes:

Chair Erik Phillips continued the meeting, calling for the review and approval of the April 3, 2019 Open Session minutes. A motion to accept the minutes as written was made by Treasurer Gainer and seconded by member Jewell. The motion carried and the minutes were approved.

Agenda Item 6:

Hearing(s) Scheduled for Today:

NPV# 19628 – *Schagrin Gas Company vs. D.E. Harris & Co., Inc.*; submitted 05/11/18, Alleged Violations – on 5/11/2018 a violation of §12-124 (a) – Notice to one-call system – 1st Offense. Upon the initial review by the Authority a fine of \$2,000 was assessed and reduced by the SFM to \$1,600 with a \$640 reduction for Damage Prevention Training, leaving a \$960 net fine to be paid by D. E. Harris & Company, Inc. and mandatory participation in the Damage Prevention Training program.

The hearing began at 9:09 a.m. in the Miss Utility Conference Room. Chairman Phillips read instructions and asked for representatives from both parties to come forward. Mark Wood and Frank Marshall were present for Schagrin Gas; Ron Raleigh was present for D.E. Harris & Company, Inc. An attendance roll call was conducted and recorded by the Recording Secretary. There were nine (9) members present. The Chairman then swore in the Executive Director and Messrs. Wood, Marshall, Raleigh and Barron. Mr. Barron was instructed to give his evidence against D.E. Harris & Company, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Schagrin Gas the complainant 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 September 7, 2018; which was sent by USPS Certified Mail and signed for by a Ms. Kacey Harris of D. E. Harris & Company, Inc., the defendant. The Executive Director stated that...Under “Research by The Authority”: §12-124 (a) – Failure to notify One-Call system – That D. E. Harris & Company, Inc. did unlawfully remove an underground propane tank at 4 Forge Court, Northeast, MD on May 11, 2018 without a Miss Utility ticket.

Neither the complainant nor the defendant offered any additional information or evidence when asked. Member Taylor of the Authority asked Mr. Raleigh if anyone from D.E. Harris & Co., Inc has attended Miss Utility damage prevention training. Mr. Raleigh stated “I think so”, he also stated that D.E. Harris & Co., Inc. call Miss Utility “every time”. With no more questions or comments from the Authority, the Chairman closed the hearing at 9:34 a.m.

The Authority took a temporary adjournment at reconvened at 9:43 a.m.

NPV# 26692 – *Schagrin Gas Company vs. D.E. Harris & Co., Inc.*; submitted 11/20/18, Alleged Violations – on 11/20/2018 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 \$744 reduction for Damage Prevention Training, leaving a \$2,976 net fine to be paid by D. E. Harris & Company, Inc. and mandatory participation in the Damage Prevention Training program.

The hearing began at 9:44 a.m. in the Miss Utility Conference Room. Chairman Phillips again read instructions and asked for representative from both parties to come forward. Mark Wood and Frank Marshall were present for Schagrin Gas; Ron Raleigh was present for D.E. Harris & Company, Inc. An attendance roll call was conducted and recorded by the Recording Secretary. There were nine (9) members present. The Chairman then swore in the Executive Director and Messrs. Wood, Marshall, Raleigh and Barron again. Mr. Barron was instructed to give his evidence against D.E. Harris & Company, Inc. Mr. Barron presented evidence, which was entered into the record and distributed to the Authority, Schagrin Gas the complainant 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 January 23, 2019; which was send by USPS Certified Mail and was refused by D. E. Harris & Company, Inc., the defendant. The recommendation letter was resent and received by the company’s Maryland resident agent in Oakland, MD. The Executive Director stated that...Under “Research by The Authority”: §12-124 (a) – Failure to notify One-Call system – 2nd Offense, that D. E. Harris & Company, Inc. did unlawfully remove an underground propane tank that was 70% full at 195 Greenwood Street, Elkton, MD on November 20, 2018 without an active, valid Miss Utility ticket. The complainant stated that D.E. Harris removed the tank on the 20th of November, one day before they called for a Miss Utility ticket (November 21, 2018). Member Taylor of the Authority asked Mr. Raleigh if anyone from D.E. Harris & Co., Inc has attended Miss Utility damage prevention training. Mr. Raleigh stated “no”. Member Jewell asked Mr. Raleigh if D.E. Harris has a policy for its employees in the field, regarding when tickets clear? Mr. Raleigh stated that Kacey Harris lets them know when the tickets clear and when they can begin the tank removal. With no more questions or comments from the Authority, the Chairman closed the hearing at 10:10 a.m.

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

Agenda Item 7:

Approval of Treasurer’s Report:

Note: There was no April financial report available for this meeting. The Executive Director did report that the February income (\$13,029.65) from the .05 cent ticket surcharge revenues were up by a total of \$634.25 and despite ticket volumes being increased of this period, the overall trend shows a consistent loss of \$40,000. There were also no legal billings for the month April.

Agenda Item 8:

Request for Hearing(s):

There are two (2) hearings proposed for the June 5th meeting.

- NPV# 26246 – Washington Gas vs. TF Construction, LLC
Alleged Violation: 12-124 (a) – Notice to one-call system – 2nd Offense
- NPV# 26796 – Washington Gas vs. TF Construction, LLC
Alleged Violation: 12-124 (a) – Notice to one-call system – 3rd Offense
Prevention Training leaving a \$3,720.00 net fine.
- NPV# 20606 – Washington Gas v. Denchfield Landscaping had requested a hearing in May 1st, but inquired about the Authority's subpoena process. To-date there has been no further contact with them.

The Authority, unanimously approved scheduling these probable violations for hearings at the June 5, 2019 meeting.

Agenda Item 9:

NPV's for Additional Review:

There are none at this time

Agenda Item 10: (Handouts)

Open NPV Spreadsheet and Closed/Incomplete Spreadsheets

Please see 05/01/19 handout for updates

Agenda Item 11: (Handout)

New NPV's for Research and Review:

Please see 05/01/19 handout for updates on these cases. There are currently 10 NPV's awaiting review.

Agenda Item 12:

NPV's for Authority Review:

Note: All reviews will be conducted in closed Executive Session

NPVs for Further Review	Case There are none at this time.
NPV's Post Hearing Review	Case
NPV# 19628	NPV# 19628 – <i>Schagrin Gas Company vs. D.E. Harris & Co., Inc.</i> ; /18, Alleged Violations – on 5/11/2018 a violation of §12-124 (a) – ll system – 1 st Offense.
NPV# 26692	NPV# 26692 – <i>Schagrin Gas Company vs. D.E. Harris & Co., Inc.</i> ; /18, Alleged Violations – on 11/20/2018 a violation of §12-124 (a) – ll system – 2nd Offense.
New NPV's for Review	Case
NPV# 27015	Wash Gas vs. Rivers Construction Group §12-127 (c) (3)– Use of Mechanical EQ within 18”
NPV# 27366	NPV# 27366 – Wash Gas vs. Arundel Excavation §12-124 (a) – No Ticket – 2 nd Offense
NPV# 27400	Wash Gas vs. Augustine Plumbing LC §12-127 (c) (3)– Use of Mechanical EQ within 18”
NPV# 27401	Wash Gas vs. G.T.G Construction Co., Inc. §12-124 (a) – No Ticket – 1 st Offense
NPV# 27402	Wash Gas vs. Raine and Son, LLC §12-124 (c) (3) – 12 Day Ticket Life §12-125 (a) (1) – Repeat Notification

NPV# 27403	Wash Gas vs. Village Concrete Construction, Inc. §12-127 (c) (2)– Use of Mech EQ within 18” of Marks, No Test Pit
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Agenda Item 13

Old Business:

- PHMSA - The Mid-term report to PHMSA for the 2018 SDP Grant was completed and submitted April 15, 2019. The 2019 PHMSA SDP Grant application was due on Mary 1, 2019. The Authority completed the application and submitted it on April 24, 2019.
- Name tags - The name tags have been ordered.
- Filing Fee Spreadsheet – The Executive Director is still compiling the actual average cost for filing an NPV; which should be ready for review at the June meeting.

Agenda Item 15:

New Business:

- September 30, 2019 term expirations:
 - Douglas Levine – MACo Seat – Is completing his 1st 2-year term and is now eligible for a 2nd 2-year term.
 - Tamara Neal – Subscriber’s Seat – Is completing Charlie McCadden’s 2nd 2-year term and is now eligible for her 1st 2-year term.
 - Erik Phillips – Locating Contractor Seat – Is completing his 1st 2-year term and is eligible for 2nd 2-year term.
 - George “Bucky” Taylor – PWCA Seat – Is completing his 2nd 2-year term and will term out in September.

All affected members should contact their representative organizations as soon as possible to seek approval for reappointment. The PWCA will have to appoint a new candidate to fill its upcoming vacancy. Once approval is given, members should submit their applications on-line with the Governor’s appointments office.

- Ethics Reports - The Executive Director once again reminded the Authority members that the 2018 Ethics forms must be submitted by April 30, 2019. The forms must be submitted on line at <http://efds.ethics.maryland.gov> . this only applies to members who served during 2018.
- Title XII - The Executive Director plans to set up a meeting with the Authority lobbyist, in order to discuss next steps for the introduction of the Title XII re-write legislation during the 2020 legislative session. The draft document was completed with the addition of "Revisors Notes" to aide in putting the bill together in the proper format. The Executive Director will let the Authority know when the meeting is scheduled in case any of the members wish to attend.

Agenda Item 15:

Next Meeting Date:

- June 5, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session and hearings.

Agenda Item 16:

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 10:51 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