



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING
Minutes

Wednesday, September 4, 2019

Agenda Items 1 & 2:

Call to Order/ Welcome:

The meeting was called to order by Chair, Erik Phillips at 9:07 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; Tony Goodman and Vladimir Ledesma, Washington Gas; Tom Hastings, OCCLS; Lakisha Booth and Adam France, OCC; Phil Perry, Concrete General; Mark Hamrick, Verizon; and, Michal Matters, Matters Plumbing.

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, Tamara Neal. Joyce Brooks, Doug Levine 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 July 10, 2019 Open Session minutes. A motion to accept the minutes as written was made by member Shreves and seconded by Treasurer Gainer. The motion carried and the minutes were approved.

Agenda Item 5:

Hearing(s) Scheduled for Today:

NPV# 26878 – *Washington Gas v. Matters Plumbing*; submitted 12/13/18, Alleged Violations – on January 15, 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 \$1570 with a 40% reduction for Damage Prevention Training totaling \$640. A fine of \$942 is to be paid by Matters Plumbing and mandatory participation in the Damage Prevention Training program.

The hearing began at 9:11 a.m. in the Miss Utility Conference Room. Chairman Phillips read instructions and asked for representatives from both parties to come forward. Tony Goodman was present for Washington Gas; Michael Matters was present for Matters Plumbing. An attendance roll call was conducted and recorded by the Recording Secretary. There were six (6) members present, however member Neal recused herself from the proceedings. The Chairman then swore in the Executive Director and Messrs. Goodman, Matters and Barron. Mr. Barron was instructed to present his evidence against Matters Plumbing. The recording secretary entered the official evidence package into the record and distributed copies to the Authority, Washington Gas, the complainant, and the defendant, Matters Plumbing.

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 April 9, 2019; which was sent by USPS Certified Mail and returned unclaimed April 30, 2019. A second recommendation letter was delivered via process server on June 20, 2019. The Executive Director stated that...Under “Research by The Authority”: §12-124 (a) – Failure to notify One-Call system – 1st Offense; that Matters Plumbing did not have an active valid Miss Utility ticket for 2314 Pinefield Road, Waldorf, MD on Monday, January 15, 2018, the day of the incident. Mr. Goodman with Washington Gas, encouraged Mr. Matters to take advantage of the free training his company provides at their Virginia facility.

Mr. Matters stated that he had made an effort to call in an emergency ticket the Thursday before the incident, but said he was told he could not have an emergency ticket, since he was not on site at the time of the call. Mr. Barron requested that a representative of the call center be sworn in to testify regarding the call center phone records for the day in question. Ms. Lakisha Booth, Office Manager for the call center was sworn in by Chairman Phillips. Ms. Booth stated that a thorough review had been made of the call center recordings for the Thursday prior to the incident and record could be found. In addition, the afterhours call center records in Wisconsin were also checked for the same period of time and no record could be found there either.

Mr. Matters stated that after he hit the gas line, he crimped it off and called Washington Gas. No call to 911 was made. Mr. Matters felt by not covering up the damage, he had done the right thing. However, there was no effort to file for a ticket after the event. Neither the complainant nor the defendant offered any additional information or evidence when asked by the Chairman. With no questions or comments from the Authority, the Chairman closed the hearing at 10:00 a.m.

The Authority took a temporary adjournment at reconvened at 10:22 a.m.

Agenda Item 6:

Authority Financial Reports:

The Executive Director provided financial statements for July and August 2019. He reported that the July Operating Account had a balance of \$205,520.34. The July Education and Outreach Account had a balance of \$39,820.16. There were \$600.00 in fines paid during this period and \$200.00 in filing fees. The May 2019 revenue from the Miss Utility surcharge was \$18,690.75; which was \$996.45 more than the previous May. There was a \$100.00 legal fee for the month of July for research on the Authority's subpoena powers.

He then reported that the August Operating Account had a balance of \$198,332.37. The May Education and Outreach Account had a balance of \$43,039.35. There were \$7,910.00 in fines and \$600.00 in filing fees during this period. The June 2019 revenue from the Miss Utility surcharge was \$17,758.25; which was \$879.60 more than the previous June. There no legal fees for the month of August. Chairman Phillips Gainer made a motion to accept the July and August financial reports, which was seconded by member Neal. The motion was approved by acclamation.

Agenda Item 7:

Request for Hearing(s):

October 2, 2019

- **NPV# 27045** – Wash Gas vs. AD and C Management Company
Submitted 01/11/19; Alleged Violations – 01/18/18 - §12-127 (c) (3)– Use of Mechanical EQ within 18": Recommendation - \$2,000 fine reduced to \$1,710.00 through the SFM with a 40% discount of \$684.00 for completion of Damage Prevention Training netting a \$1,026.00 fine. Requested a Formal Hearing by e-mail on August 6, 2019

Agenda Item 8:

Request for Hearing(s):

November 6, 2019

- **NPV# 19551** – Washington Gas vs. Zavala Contracting, Inc.
Submitted 05/17/18; Alleged Violations – 08/30/17- §12-124 (a) – No Ticket – 1st Offense: Recommendation - \$2,000 fine reduced to \$1,675 through the SFM with a 50% discount of \$837.50 for completion of Damage Prevention Training netting a \$837.50 fine. Received a phone call request on April 10, 2019 for a hearing.

- **NPV# 19551** – Washington Gas vs. Prime Solutions Group
Submitted 09/14/18; Alleged Violations – 11/06/17 - §12-124 (a) – No Ticket –
1st Offense: Recommendation - \$2,000 fine reduced to \$1,880 through the SFM with a
40% discount of 752.00 for completion of Damage Prevention Training netting a
\$1,128.00 fine

Agenda Item 9:

Request for Hearing(s):

December 4, 2019

- **NPV# 26611** – Verizon vs. SMI Services, LLC
Submitted 11/9/18; Alleged Violations – 6/20/189 - §12-124 (a) – Notice to
one-call system – 2nd Offense: Recommendation- \$4,000 fine which remained
at \$4,000 through the SFM with a 20% discount of \$800.00 for completion
of Damage Prevention Training netting a \$3,200.00 fine

Agenda Item 10:

NPV's for Additional Review:

There are none at this time.

Agenda Item 11: (Handouts)

Open NPV Spreadsheet and Closed/Incomplete Spreadsheets

Please see 9/04/19 handout for updates

Agenda Item 12: (Handout)

New NPV's for Research and Review:

Please see 09/04/19 handout for updates on these cases. There are currently 13 NPV's awaiting review.

Agenda Item 13

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	
NPV# 26878	<u>Washington Gas v. Matters Plumbing</u> ; submitted 12/13/18, Alleged Violations 2018 a violation of §12-124 (a) – Notice to one-call system – 1 st Offense.
New NPV's for Review	Case
NPV# 28151	Washington Gas vs. Kinsley Construction §12-124 (a) – No Ticket – 2 nd Offense
NPV# 28152	Washington Gas v. HARRY BRASWELL, INC. §12-124 (a) – No Ticket – 1 st Offense
NPV# 28153	Washington Gas v. Clean Cut Landscaping & Excavating §12-124 (a) – No Ticket – 1 st Offense
NPV# 28154	Washington Gas v. E/LOC Construction, Inc. §12-124 (a) – No Ticket – 1 st Offense
NPV# 28245	Gaines & Company v. Fiberlight, LLC §12-126 (a) (1) – Failure to mark within 5 feet §12-126 (b)(1) – Failure to mark within 18”
NPV# 28288	Washington Gas v. E/LOC Construction, Inc. §12-124 (a) – No Ticket – 2 nd Offense

Agenda Item 14

Old Business:

- Term Expirations (9/30/19) – All participating organizations were sent letters regarding the status of their representatives on June 13, 2019
 - Joyce Brooks – Public member is completing her first 2-year term and is eligible for a second term. The Authority members voted at the July meeting to give Ms. Brooks an additional 2-year term.
 - Doug Levine – MACo member – will complete his 1st 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. She was approved for another term by the Subscribers group and has made her submission to the Governor’s Appointments office. She is still waiting for a response from them.
 - 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. The group will not meet until September at which time a selection will be made.

- Meeting with Bruce Bereano – The Executive Director and Deputy will meet with Bruce Bereano on September 9, 2019 to discuss next steps for the Title XII – rewrite legislation.

Agenda Item 15:

New Business:

- The Deputy Director has begun gathering information for the 2018 PHMSA Adequacy Evaluation. The answers are due back to PHMSA at the close of business on September 30, 2019

- The Executive Director announced that the Authority will share a booth at the MD Realtors Conference at National Harbor on September 11& 12. A special brochure has been designed to bring attention to the need to call Miss Utility before installing “For Sale” signs.

- 2020 CGA Conference (Palm Springs, CA) – The Executive Director stated that he had made the decision to register for the conference prior to requesting permission from the Authority, because there was a special 811 day offer to register for \$811.00;

which represents a substantial savings for the Authority. The Authority, approved the expenditure for the conference. The Executive Director and the Deputy Director will attend in March of 2020.

Agenda Item 16:

Next Meeting Date:

- October 2, 2019 @ 9:00 a.m. – there will be an Open and a Closed Executive Session and hearings.

Agenda Item 17:

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 10:41 a.m. A motion was made by member Neal and seconded by Secretary Ruddo. The motion was approved and recorded via roll-call vote.

Respectfully Submitted By:
Susan A. M. Stroud
Recording Secretary/Deputy Director