



Maryland Underground Facilities Damage Prevention Authority

Wednesday, April 13, 2022
9:00 AM

The Miss Utility One Call Center
Lower-Level Conference Room 103
7223 Parkway Drive
Hanover, MD 21076

Preliminary Open Agenda via Zoom

1. Call to Order – Chair Michael Jewell
2. Roll Call Attendance, Establish a Quorum – Susan Stroud
3. Approval of Financial Reports
 - a. Combined February & March Financial Report
 - b. \$0.05 Revenue To-Date
 - c. 2021 Legal Expense Spreadsheet To-Date
4. Old NPV's for Review by the Authority
 - a. None
5. New NPV's for Research and Review (43 each)
 - a. Types of Probable Violations
 - i. 9 Marking
 - ii. 14 No ticket
 - iii. 16 Not Test Pit
 - iv. 4 Mech EQ within 18"
 - v. 25 under the Old Statute
 - vi. 18 under the New Statute
6. New NPV's for Review by the Authority in Closed Executive Session

Four (4) NPV's filed by Washington Gas for §12-124 (a) – No Ticket 1st Offense, all No Response from Probable Violator

- a. NPV# 32148 – Wash Gas vs. Lee D Home Repairs, LLC
 - i. Location: 18568 Cape Jasmine Way, Gaithersburg, MD 20879
 - ii. Submitted 4/23/21
 - iii. Alleged Violations 10/10/20 (Under Old Statute)
 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 2. \$960.00 Fine Recommended

- b. NPV# 32191 – Wash Gas vs. One On One Construction Corporation
 - i. Location: 3815 Holloway Circle, Upper Marlboro, MD 20772
 - ii. Submitted 08/19/21
 - iii. Alleged Violations 11/06/20 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. \$1,044.00 Fine Recommended
- c. NPV# 32233 – Wash Gas vs. Shine Electrical Group
 - i. Location: 7106 Geoffrey Way, Frederick, MD 21704
 - ii. Submitted 12/13/21
 - iii. Alleged Violations 01/13/21 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. \$1,026.00 Fine Recommended
- d. NPV# 32234 – Wash Gas vs. Site Preparations, LLC
 - i. Location: 2705 Felter Lane, Bowie, MD 20715
 - ii. Submitted 12/13/21
 - iii. Alleged Violations 01/27/21 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. \$1,044.00 Fine Recommended

Three (3) NPV's filed by Washington Gas for §12-124 (a) – No Ticket 1st Offense, §12-124 (a) – No Ticket 2nd Offense and §12-124 (a) – No Ticket 3rd Offense, all the same Probable Violator and No Response from Probable Violator

- e. NPV# 32211 – Wash Gas vs. Luey's Excavation and Plumbing, LLC
 - i. Location: 7617 Poppyseed Court
 - ii. Submitted 09/28/21
 - iii. Alleged Violations 12/04/20 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. \$1,026.00 Fine Recommended
- f. NPV# 32235 – Wash Gas vs. Luey's Excavation and Plumbing, LLC
 - i. Location: 7379 Tottenham Drive, White Plains, MD 20695
 - ii. Submitted 12/13/21
 - iii. Alleged Violations 01/28/21 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 2nd Offense
 - 2. \$1,488 Fine Recommended
- g. NPV# 32237 – Wash Gas vs. Luey's Excavation and Plumbing, LLC
 - i. Location: 7347 Tottenham Drive, White Plains, MD 20695
 - ii. Submitted 12/30/21
 - iii. Alleged Violations 02/05/21 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 3rd Offense
 - 2. \$1,860.00 Fine Recommended

Five (5) NPV's filed by Washington Gas for §12-127 (c) (2)– No Test Pit, Two (2) Probable Violators responded Three (3) did not respond

- h. NPV# 32192 – Wash Gas vs. V. Fernandes Construction Co., Inc.
 - i. Location: 111 Central Avenue, Gaithersburg, MD 20877
 - ii. Submitted 08/19/21

- iii. Alleged Violations 11/17/20 (Under Old Statute)
 - 1. §12-127 (c) (2)– Failure to Test Pit
 - 2. Responded to the Recommendation Letter but offered no defense to Failure to Test Pit
 - 3. \$942.00 Fine Recommended
 - i. NPV# 32193 – Wash Gas vs. Ground Moles, LLC
 - i. Location: 4428 Arbor Wood Court, Burtonsville, MD 20866
 - ii. Submitted 08/19/21
 - iii. Alleged Violations 11/19/20 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. Did Not Respond to the Recommendation Letter
 - 3. \$1,026.00 Fine Recommended
 - j. NPV#32196– Wash Gas vs. D & F Construction
 - i. Location: 6605 Dulin Drive, Oxon Hill, MD 20745
 - ii. Submitted 08/19/21
 - iii. Alleged Violations 11/23/20 (Under Old Statute)
 - 1. §12-127 (c) (2)– Failure to Test Pit
 - 2. Did Not Respond to the Recommendation Letter
 - 3. \$1,720.00 Fine Recommended
 - k. NPV# 32212 – Wash Gas vs. Metro Renovations and Builders
 - i. Location: 12105 Chesterton Drive, Kettering, MD 20774
 - ii. Submitted 09/28/21
 - iii. Alleged Violations 12/08/20 (Under Old Statute)
 - 1. §12-124 (a) – No Miss Utility Ticket – 1st Offense
 - 2. Did Not Respond to the Recommendation Letter
 - 3. \$960.00 Fine Recommended
 - l. NPV#32215– Wash Gas vs. Green Future Construction
 - i. Location: 2021 Hanover Street, Silver Spring, MD 20910
 - ii. Submitted 10/01/21
 - iii. Alleged Violations 12/21/20 (Under Old Statute)
 - 1. §12-127 (c) (2)– Failure to Test Pit
 - 2. Responded to the Recommendation Letter but offered no defense to Failure to Test Pit
 - 3. \$942.00 Fine Recommended

Two (2) NPV's filed by Washington Gas for §12-127 (c) (2)– No Test Pit to be reviewed in detail with the Authority

- m. NPV# 32147 – Wash Gas vs. D & F Construction
 - i. Location: 8722 23rd Avenue, Hyattsville, MD 20783
 - ii. Submitted 4/23/21
 - iii. Alleged Violations 10/08/20 (Under Old Statute)
 - 1. §12-127 (c) (2) – No Test Pit

- n. NPV# 32153 – Wash Gas vs. Romano Concrete Construction, Inc.
 - i. Location: 4721 Powder Mill Road, Beltsville, MD 20705
 - ii. Submitted 4/30/21
 - iii. Alleged Violations 10/21/20 (Under Old Statute)
 - 1. §12-127 (c) (2) – No Test Pit

7. Old Business

- a. 2020 Drafting Error – Emergency Legislation - HB 350 and SB 464
 - i. HB 350 Schedule for signature by the Governor on April 12, 2022
- b. 2022 Select Start Work Date Legislation – HB 994 and SB 789
 - i. HB 994 passed and sent to the Governor for signature
- c. NPV’s 32119, 32139 & 32162 all Gaines and Company vs. WSSC-Pinpoint Underground have received formal request for a hearing and a public information request, both from Pinpoint UG’s Lawyer, Anthony Gorski.
- d. We are reaching out to all seven (7) Probable Violators that have requested a hearing to see if they still want to proceed with a hearing. We hope to resume hearings this summer or fall, 2022.
- e. The Authority will be attending and have a booth at
 - i. 2022 MML Conference, June 12-15, 2022
 - ii. 2022 MACo Conference, August 17-20, 2022
- f. Reminder to complete your 2021 Ethics Forms on-line with the Maryland Ethics Commission

8. New Business

- a. Jim Barron and Paul Kwiatkowski will be doing a presentation to the County Engineers Association of Maryland on April 14, 2022, at the Hyatt Chesapeake Bay Resort in Cambridge, Maryland.
- b. Susan is working on the PHMSA 2023 State Damage Prevention Grant due on April 22, 2022.
- c. Susan will be preparing the 2021 PHMSA State Damage Enforcement Evaluation that is due on June 30, 2022.

9. Motion to Adjourn and move into Closed Executive Session

10. Next Meeting Date

- a. May 4, 2022, ZOOM