

Maryland Register

Issue Date: November 16, 2012

Volume 39 • Issue 23 • Pages 1475—1566

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correction on page
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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before October 31, 2012, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of October 31, 2012.

Brian Morris
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

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For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Brian Morris**, Acting Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online, and Subscription Manager; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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The Maryland Register is also available at www.dsd.state.md.us.

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The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

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June 14**	May 23	June 5	June 3
June 28	June 10	June 19	June 17
July 12**	June 24	July 2	June 28
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* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.

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The Governor

EXECUTIVE ORDER 01.01.2012.20

Emergency Hurricane Efforts — Vehicle Size and Weight Limits

WHEREAS, A state of emergency has been declared due to the impending arrival of Hurricane Sandy in Maryland;

WHEREAS, The delivery of supplies and equipment to areas that may be stricken by this storm is vital to the preservation of life and property;

WHEREAS, The facilitated movement of these supplies and equipment is in the best interest of the citizens of Maryland;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there is the anticipation of severe weather, possible flooding and subsequent power outages, that an emergency exists in the State of Maryland and that resources may be requested;

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY ORDER THE FOLLOWING RELIEF FOR WEIGHT LIMITATIONS FOR VEHICLES TRANSPORTING EQUIPMENT OR SUPPLIES DIRECTLY RELATED TO HURRICANE SANDY EMERGENCY RELIEF EFFORTS.

1. Vehicles Transporting equipment or supplies directly related to hurricane emergency relief are allowed a 15% tolerance above any weight limited imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain a hauling permit as required. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

2. The Administrator, Maryland State Highway Administration, or the Administrator's designee may temporarily waive or modify hauling permit restrictions and conditions deemed safe and appropriate to facilitate relief efforts.

3. Carriers and drivers operating under the provisions of this declaration must adhere to all roadway restrictions of the Maryland State Highway Administration, Maryland Transportation Authority and local jurisdictions regarding roadway and bridge size and weight limitations.

4. Pursuant to the Code of Federal Regulations, 49 CFR Part 390.23, carriers and drivers of commercial motor vehicles transporting commodities related to storm relief efforts (e.g. heating oil, propane, gasoline, food, water, generators, storm debris removal equipment, etc.), carriers and drivers of commercial motor vehicles transporting debris or waste related to storm relief efforts, and drivers of utility vehicles shall be relieved from the Hours of Service (HOS) requirements of 49 CFR part 395, as adopted under Section 25-111, of the Maryland Transportation Article. This waiver does not relieve any carrier or operator from the requirements of 49 CFR part 392.3, relating to operating a commercial motor vehicle while fatigued.

5. Nothing in this declaration relieves the carrier or driver of responsibility for the safe operation of the vehicle.

6. The provisions of this Order are not applicable to any part of the Interstate Highway System. Such relief is strictly under the purview of and must be independently declared by the appropriate federal agency. Any declaration so made and receiving concurrence by the Maryland Secretary of Transportation shall become a part of this Order.

7. This Order shall remain in effect until modified or rescinded by the Governor.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 26th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-27]

EXECUTIVE ORDER 01.01.2012.21

Executive Order Regarding Hurricane Sandy and Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, An alteration to the early voting schedule is necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process; and

WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

A. Early voting will not take place throughout the State of Maryland on Monday, October 29, 2012.

B. An announcement will be forthcoming about the early voting schedule on Tuesday, October 30, 2012, and the potential extension of early voting beyond the scheduled end on Thursday, November 1, 2012.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 28th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-28]

EXECUTIVE ORDER 01.01.2012.22

Executive Order Regarding Hurricane Sandy and Extension of Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, A cancellation of early voting on Monday, October 29, 2012 was necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to add an additional early voting day to make up for the cancelled day; and

WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

The early voting period shall be extended, and all early voting centers shall be open between 10 a.m. and 8 p.m. on Friday, November 2, 2012.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 28th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-29]

EXECUTIVE ORDER 01.01.2012.23

Executive Order Regarding Hurricane Sandy and Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, An alteration to the early voting schedule is necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process; and

WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

Early voting will not take place throughout the State of Maryland on Tuesday, October 30, 2012.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 29th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-30]

EXECUTIVE ORDER 01.01.2012.24

Executive Order Regarding Hurricane Sandy and Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, A cancellation of early voting on Monday, October 29, 2012 and Tuesday, October 30, 2012 was necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to extend early voting hours on the remaining early

voting days in order to make up for the lost opportunities for early voting; and

WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

All early voting centers shall be open between 8 a.m. and 9 p.m. on Wednesday, October 31, 2012, Thursday, November 1, 2012, and Friday, November 2, 2012.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 30th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-38]

EXECUTIVE ORDER 01.01.2012.25

Executive Order Regarding Hurricane Sandy and Extension of Absentee Ballot Deadline

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency has interfered with the early voting process; caused the closure of State and local government buildings, public roads, and bridges; suspended and delayed the delivery of mail; and otherwise interfered with preparations for the 2012 election season;

WHEREAS, Delays in the mail delivery system may cause applications for an absentee ballot to be received by election boards after the deadline on Tuesday, October 30, 2012;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to extend the deadline for receipt of absentee ballot applications so that applications received on Wednesday, October 31, 2012 will be deemed timely; and

WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE

AND TITLE 14, SECTION 107 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND DECLARE THE FOLLOWING:

An application for an absentee ballot must be received by a local board by Wednesday, October 31, 2012. See Md. Code Ann., Election Law Article, § 9-305(b). The deadline is 8:00 p.m. for applications received by mail or delivery and 11:59 p.m. for applications received by fax or electronic mail.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 30th Day of October, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-32]

EXECUTIVE ORDER 01.01.2012.26

Executive Order Regarding Hurricane Sandy and Absentee Ballots

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency has interfered with the early voting process; caused the closure of State and local government buildings, public roads, and bridges; suspended and delayed the delivery of mail; caused the activation of the National Guard, the deployment of first responders throughout the Northeast region of the United States, and the displacement and evacuation of other Maryland residents due to power outages and other causes; and otherwise interfered with preparations for the 2012 General Election;

WHEREAS, Delays in the mail delivery system may cause applications for an absentee ballot to be received by election boards after the extended deadline on Wednesday, October 31, 2012;

WHEREAS, Registered voters in the State of Maryland, including members of the National Guard who have been called to active duty to assist in recovery efforts, who anticipated voting early or on Election Day may not have the opportunity to vote in the 2012 General Election;

WHEREAS, The State Board of Elections currently delivers ballots electronically to military and overseas civilian voters that must be returned by mail and postmarked by Election Day;

WHEREAS, Registered voters are currently authorized to make a late application for an absentee ballot at local election boards through 8:00 p.m. on Election Day, but voters who are not in their county of residence due to Hurricane Sandy do not have a means to make a late application for an absentee ballot;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to ensure that absentee ballots may be delivered electronically to registered voters who request them before 5:00 p.m. on the day preceding the election provided that they attest that they are out of their county of residence due to Hurricane Sandy; and

THE GOVERNOR

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WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 8, SECTION 103 OF THE ELECTION LAW ARTICLE AND TITLE 14, SECTION 107 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THE FOLLOWING:

A. All registered voters whose application for an absentee ballot is received by mail by a local board by 8:00 p.m. on Thursday, November 1, 2012 shall be considered timely.

B. Registered voters who are out of their county of residence due to Hurricane Sandy are authorized to apply for an absentee ballot up to 5:00 p.m. on Monday, November 5, 2012. The State Board of Elections is authorized to electronically deliver absentee ballots to such voters. Completed ballots must be mailed on or before Election Day and received by the local board of elections no later than November 16, 2012.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st Day of November, 2012.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[12-23-39]

The Attorney General

OPINIONS

August 23, 2012

The Honorable Edward J. Kasemeyer
Maryland Senate

The State Board of Elections (“SBE” or “State Board”), working under a U.S. Department of Defense grant, is developing a ballot-marking technology to be used with SBE’s online ballot-delivery system for certain absentee voters. SBE proposes to make the technology available to military and overseas civilian voters who are covered by the Uniformed and Overseas Civilian Absentee Voting Act of 1986, 42 U.S.C. §§ 1973ff to 1973ff-6 (“UOCAVA”),¹ and who choose to receive their ballots by electronic transmission, as well as to domestic absentee voters with disabilities for whom the technology is needed to vote privately and independently. You have asked for our opinion on whether SBE may implement the ballot-marking technology without first certifying it under a State law requiring the certification of “voting systems.” See Md. Code Ann., Election Law (“EL”) § 9-102.

It is our opinion that the State Board may implement the ballot-marking wizard for military and overseas civilian voters without obtaining certification under § 9-102.² As explained below, the evaluation and certification process prescribed in § 9-102 expressly applies to a “voting system,” which is defined by statute as “a method of casting and tabulating ballots or votes.” EL § 1-101(xx); see also COMAR 33.09.01.01B(4)(a) (defining “voting system” as “all or any component of any system for casting and tabulating ballots or votes”). The proposed technology—commonly referred to as a ballot-marking “wizard”—allows voters to mark selections electronically on a downloadable ballot before it is printed, but it does not include a capability either to “cast” or “tabulate” votes. The ballot wizard, therefore, does not itself meet the definition of “voting system.” Nor, in our opinion, does the ballot wizard modify a voting system such that certification would be required under § 9-102. Although the ballot-marking wizard performs a function that is part of the voting process for the absentee voters who opt to use it, it does not interface or interact with the State’s certified optical-scan voting system. The statute does not unambiguously extend to stand-alone voting devices that, like the ballot-marking wizard, do not interact with the voting system that records and tabulates votes.

Maryland law does not require any specific evaluation process for a stand-alone device that is not part of the voting system. Certification under a voluntary federal program, which Maryland law has made mandatory for voting systems, is not available for an online ballot-marking tool regardless of whether it qualifies as a “voting system” under Maryland law. Accordingly, an interpretation of § 9-

102 that would require certification of the ballot tool as a “voting system” is not a matter of more, versus less, testing, or of applying a higher performance standard in preference to a lower one. Instead, the real consequence of that interpretation would be to prohibit use of the ballot wizard altogether, regardless of its performance or potential benefit to overseas military and absentee voters.

Ballot-marking tools similar to that being developed by SBE will be available to absentee voters in other states and to Maryland military and overseas voters using the Federal Write-In Absentee Ballot. Because we do not see that Maryland law plainly requires a different result, we believe that a reviewing court would defer to the State Board’s reasonable interpretation of the law and regulations it administers and uphold the SBE’s decision that the ballot wizard may be used for overseas military and absentee voters without certification under § 9-102.³

I

Background

Development of State Voting Systems Certification

The State Board and its predecessor agency, the State Administrative Board of Election Laws (“SABEL”), have for more than 40 years regulated the specifics of Maryland’s voting process. SABEL was created in 1969 at a time when mechanical-lever voting machines were required statewide for voting in polling places, see 1955 Md. Laws, ch. 701, with paper ballots allowed under certain conditions. See, e.g., former Article 33, § 14-1 (1971 Repl. Vol.). Detailed statutes in the Maryland Code specified the capabilities and functionality that all voting machines were required to demonstrate, but State law included no provision for a central certifying authority or a program to evaluate specific types of voting machines. See *id.*, § 16-3.

SABEL was first given central certifying authority in 1975, when electronic voting system technology was introduced in Montgomery County in the form of electronically tabulated punch-card ballots. The county’s acquisition of a punch-card system was made contingent on SABEL’s approval of the “particular voting system,” including “the form of ballot arrangement, the nature of the punch card used, the method of marking ballots, and any sorting or counting devices. . . .” 1975 Md. Laws, ch. 877, § 2 (codified at former Article 33, § 16A-1 (1976 Repl. Vol.)). Because a punch-card system does not operate in the same way as a mechanical lever system, many Code provisions regulating the lever machines were unsuited to the new system. For this reason, presumably, the General Assembly also directed SABEL to promulgate rules and regulations governing the use of the new punch-card system, including procedures for using the system in polling places on Election Day and canvassing votes following the election. *Id.*, § 16A-1(d).⁴

¹ UOCAVA applies to an “absent uniformed services voter” and to an “overseas voter.” See 42 U.S.C. § 1973ff-6. In the first category are active duty members of a uniformed service or the merchant marine, or their spouses or dependents, who by reason of the member’s duty are absent from the place of residence where the service member or spouse or dependent is otherwise qualified to vote. *Id.*, § 1973ff-6(1). The second category includes an “absent uniformed services voter” whose active duty takes the voter overseas, as well as certain U.S. citizens residing outside the United States. *Id.*, § 1973ff-6(5).

² Unless otherwise noted, all statutory references refer to the current version of the Election Law Article reflected in the 2010 Replacement Volume of the Annotated Code of Maryland and the 2011 Supplement and 2012 Cumulative Supplement.

³ Our conclusion that certification of the proposed ballot wizard is not mandated by § 9-102 applies also to its proposed use to assist voters with disabilities to vote privately and independently. However, we note that, as to these voters, there may be other considerations unrelated either to the ballot-marking tool or State certification requirements that may limit the State Board’s ability to offer the device to non-UOCAVA voters. Specifically, there is a question whether State law alone would authorize the electronic transmission of absentee ballots to non-UOCAVA voters, or whether other State or federal law relating to voters with disabilities would support that practice. These separate and very different issues are beyond the scope of your question regarding certification of the ballot wizard, and so we do not address them in this opinion.

⁴ “‘Canvass’ means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification

SABEL's role in approving new voting systems was expanded in 1978, when State certification became a precondition of the acquisition and use of new voting systems by all local boards of elections. 1978 Md. Laws, ch. 347. The same legislation included for the first time a definition of "voting system," which was defined as "a method of casting and tabulating ballots or votes." *Id.* (codified at former Article 33, § 1-1(a)(19) (1983 Repl. Vol.)). This definition has remained unchanged since 1978. *Compare id. with* EL § 1-101(xx).

The initial standards for voting system certification gave SABEL broad discretion to decide what kind of evaluation to conduct and what level of system performance to demand. For example, the 1978 statute required only that SABEL "assure that elections are conducted with equipment best designed to: (1) [p]rotect the secrecy of the ballot; (2) [p]rotect the security of the voting process; (3) [c]ount and record all votes accurately; and (4) [p]rotect all other rights of voters and candidates." Former Article 33, § 16B-2(a) (1983 Repl. Vol.). These basic standards have been retained in current law, though others have been added.⁵

In 1998, the General Assembly undertook a reorganization and revision of Article 33 in accordance with the recommendations of the Commission to Revise the Election Code. 1998 Md. Laws, ch. 585 (then codified at former Article 33, § 9-102(d) (1997 Repl. Vol., 1999 Supp.)). SABEL was replaced by the newly created State Board of Elections, which was given enhanced supervisory authority with respect to the local boards of election and "all persons involved in the elections process." *Id.*, § 2-102(a). Additionally, the State Board was charged with a duty to "maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system." *Id.*, § 2-102(b)(7). The 1998 Act also added to the State's certification program the requirement that voting systems be evaluated against voluntary federal standards.⁶ *Id.*, § 9-102(c)(2).

Although the 1998 Act enhanced the State Board's authority in some respects, it did not require the statewide use of a single voting system, with the result that, as of 2000, voters in Maryland were using at least four different technologies to record and tabulate their votes, as well as a number of different models for each type of voting system.⁷ After the 2000 presidential election, and the

of the official election results." EL § 11-101(c)(1). In the context of absentee voting, "the 'canvass' includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying." EL § 11-101(c)(2); *see also* COMAR 33.11.04 (absentee ballot canvass procedures), .05 (grounds for rejecting ballots).

⁵ In addition to these general performance standards, the statute set forth a nonexclusive list of factors that SABEL was to consider in deciding whether to approve a particular system, including the commercial availability of the system and its components and replacement parts, the efficiency of the system, the likelihood of mechanical breakdown, its ease of understanding and convenience for the voter, the timeliness of its tabulation and reporting of election returns, the potential for verifying the vote count, and the cost of implementation. Former Article 33, § 16-B-2(b)(2) (1983 Repl. Vol.). These factors have been carried forward into current law, in substantially the same form, as "considerations" for certification. *See* EL § 9-102(e); *see also infra* note 10.

⁶ The Act included as a standard for certification that the voting system has been: "(i) [e]xamined by an independent testing laboratory that is approved by the National Association of State Election Directors; and (ii) [s]hown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission. . . ." Former Article 33, § 9-102(c)(2)(i)-(ii) (1997 Repl. Vol., 1999 Supp.).

⁷ For the 2000 presidential elections, four different types of voting systems and six different models were in use at polling places in Maryland. Montgomery County used a punch-card system; Baltimore City a direct-

problems revealed by the Florida recount and other voting system issues nationally,⁸ Governor Glendening created a Special Committee on Voting Systems and Election Procedures to make recommendations on how to improve the voting systems technology used in Maryland. Executive Order 01.01.2000.25. Legislation enacted in the following session directed the State Board, in consultation with the local boards of election, to select a uniform statewide voting system for use in polling places and a system for use in canvassing absentee ballots. 2001 Md. Laws, ch. 564. The statute also added a requirement that the voting system be capable of creating a paper record of votes cast in the event of a recount and included provisions regarding the allocation of costs to acquire and operate the voting system as between the counties and the State. *Id.* SBE implemented the statewide procurement in phases, beginning in 2001 with requests for proposals to supply four counties with a direct-recording electronic voting system for use in polling places and an optical-scan system for absentee voting. By 2006, these two systems had been acquired and deployed statewide.

Maryland's Current Voting Systems Requirements

The current version of § 9-101(b) of the Election Law Article requires that "[t]he State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting." The voting system now certified for absentee voting is the Model ES-2000 optical-scan system. *See, e.g.*, COMAR 33.10.11 (voting system requirements and procedures for the Model ES-2000). An optical-scan voting system like the ES-2000 is a paper-based voting system that "records votes, counts votes, and produces a tabulation of the vote count from votes cast on paper cards or sheets." 2005 Voluntary Voting System Guidelines, Vol. I, ¶ 1.5.2.1 (p. 10).⁹

Under § 9-102(c) of the Election Law Article, the State Board has a duty to "periodically review and evaluate alternative voting systems" for certification. State Board regulations governing the State certification program provide, "[t]he vendor of a voting system may apply to the State Board for evaluation and certification of the

recording electronic system; Allegany, Dorchester, and Prince George's Counties mechanical lever machines; and, in nineteen counties, three different models of optical scan systems. *See, e.g.*, Department of Legislative Services, Office of Policy Analysis, "Review of Election Administration in Maryland," at 25-26 (Nov. 2001). For absentee voters, Montgomery and Allegany Counties used a punch-card system; Dorchester County used paper ballots; and Baltimore City and the twenty remaining counties used one of six different models of optical scan systems, from three different vendors. *See* Special Committee on Voting Systems and Election Procedures in Maryland, "Report and Recommendations," at 110-11 (Feb. 2001).

⁸ *See Bush v. Gore*, 531 U.S. 98, 104 (2000) ("This case has shown that punch card balloting machines can produce an unfortunate number of ballots which are not punched in a clean, complete way by the voter. After the current counting, it is likely legislative bodies nationwide will examine ways to improve the mechanisms and machinery for voting.").

⁹ The 2005 Voluntary Voting System Guidelines are a set of federally developed "specifications and requirements against which voting systems can be tested to determine if the systems provide all of the basic functionality, accessibility and security capabilities required of these systems." Election Assistance Commission, "Voluntary Voting System Guidelines," *available at* http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx (last visited Aug. 16, 2012). The 2005 guidelines are the third iteration of voluntary federal standards and were developed by the Election Assistance Commission pursuant to the Help America Vote Act. *Id.* The 2005 guidelines include accessibility standards, which the General Assembly has adopted under certain circumstances. *See, e.g.*, EL § 9-102(f)(3) and (h)(1). Previous versions of the voluntary federal standards were developed by the Federal Election Commission and issued as "voting system standards" in 1990 and 2002.

system for use in the State.” COMAR 33.09.03.02A. The vendor is required to identify the voting system by “specify[ing] clearly the specific equipment, hardware, firmware, and software for which certification is sought.” *Id.*, 33.09.03.02B(1).

Section 9-102(d) sets out the standards that the State Board must apply when reviewing a voting system for certification:

The State Board may not certify a voting system unless the State Board determines that:

- (1) the voting system will:
 - (i) protect the secrecy of the ballot;
 - (ii) protect the security of the voting process;
 - (iii) count and record all votes accurately;
 - (iv) accommodate any ballot used under this article;
 - (v) protect all other rights of voters and candidates;
 - (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
 - (vii) provide a voter-verifiable paper record . . . ;
- (2) the voting system has been:
 - (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and
 - (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and
- (3) the public interest will be served by the certification of the voting system.

EL § 9-102(d).¹⁰ Additionally, the statute requires SBE to evaluate a voting system for compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. §§ 12101 to 12213, and the Help America Vote Act, 42 U.S.C. §§ 15301 to 15545. *See* EL § 9-102(f) through (h). In general, the standards contained in § 9-102 allow SBE considerable discretion to decide what sort of evaluation is appropriate and what level of performance will be deemed acceptable. The notable exception is the requirement in subsection (d)(2), which makes conformance testing by an accredited laboratory to federal voting system standards a necessary precondition to State certification.

Provisions of Federal Law Relating to Voting Systems

The Help America Vote Act of 2002 (“HAVA”) was the federal response to the widespread dissatisfaction with voting system performance in the 2000 presidential elections. That legislation required states to upgrade their voting systems to meet certain minimum requirements, provided federal grants for that purpose, and

¹⁰ In addition to these performance or system-capability standards, the statute also directs the State Board to consider other factors in making its certification decision, including the commercial availability of the system, cost of implementation, likelihood of malfunction, efficiency of the system, convenience and ease of understanding for the voter, timeliness of tabulating and reporting of election returns, the accessibility of the system for voters with disabilities, and “any other factor that the State Board considers relevant.” EL § 9-102(e).

created the U.S. Election Assistance Commission (“EAC”) to administer the grant program and to provide technical guidance to help states comply with the Act. The federal minimum standards imposed by HAVA apply to all voting systems used in federal elections. These standards include certain requirements regarding “overvotes,”¹¹ auditing of election results, and accessibility for persons with disabilities. *See* 42 U.S.C. § 15481(a).

HAVA defines a “voting system” to mean:

- (1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—
 - (A) to define ballots;
 - (B) to cast and count votes;
 - (C) to report or display election results; and
 - (D) to maintain and produce any audit trail information; and
- (2) the practices and associated documentation used—
 - (A) to identify system components and versions of such components;
 - (B) to test the system during its development and maintenance;
 - (C) to maintain records of system errors and defects;
 - (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
 - (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

42 U.S.C. § 15481(b). HAVA’s broad definition of a voting system is directly relevant to voting systems in all states for purposes of state compliance with its requirements as to overvotes, auditing capability, and accessibility standards. However, the statute does not impose testing or certification requirements on any state, even for the limited purpose of determining whether a state’s voting system is HAVA-compliant.¹²

Section 202 of HAVA directs the EAC to adopt voluntary voting system guidelines and to provide for the testing and

¹¹ An “overvote” occurs when one votes for more than the maximum number of selections allowed in a contest. A HAVA-compliant voting system that is used in polling places must notify voters of overvotes and the consequences of overvoting and afford voters the opportunity to correct overvotes and verify or change their selections before the ballot is cast. 42 U.S.C. § 15481(a)(1)(A). An exception is made for paper ballot voting systems, punch card voting systems, or central count voting systems—including a central count system for mail-in absentee ballots—which may meet the foregoing requirements by establishing a voter education program about the effect of overvoting and giving instructions on how to correct errors with a replacement ballot. 42 U.S.C. § 15481(a)(1)(B)(i)-(ii).

¹² Because the EAC certification program uses the HAVA definition of “voting system,” *see* 2005 Voluntary Voting System Guidelines, Vol. I, p. A-19, that definition also serves to identify what functions should be reviewable under the voluntary federal certification program. However, apart from the capability to “cast and count votes,” none of the other functions in the HAVA definition is expressly referenced in Maryland’s definition, though some of them (such as reporting of election results and creation of an audit trail) are included by implication insofar as no system can be certified by the State Board without these capabilities. *See* EL § 9-102.

certification of voting system hardware and software. 42 U.S.C. § 15371(a). The guidelines provide a baseline against which voting systems can be tested. *See supra*, n.9. EAC certification, in turn, gives an assurance that a voting system, if deployed and operated correctly, will perform to this standard. However, conformance testing under the EAC program is purely voluntary for the states, as is the selection of which voting system guidelines, if any, a state's voting system should meet. Neither HAVA nor any other federal law mandates the testing or certification of voting systems.

The EAC certification program is limited in other respects as well. Most importantly for our purposes, EAC certification is not available for individual components of a voting system. Rather, the manufacturer submits an entire voting system for certification and identifies the various specific configurations of system components that it wishes to certify. *See, e.g.*, EAC, "Voting System Testing and Certification Program Manual," v.1.0, at 18 (eff. June 1, 2011) ("An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting standards."). Although federal voting system guidelines do include testing standards for different parts or subsystems of a voting system and for testing interfaces between components, the certification attests only to the overall performance of the specific configuration or configurations that the manufacturer submits. *See, e.g.*, 2005 Voluntary Voting System Guidelines, Vol. I, at 7 ("The certification number applies to the system as a whole and does not apply to individual system components or untested configurations."). And because the EAC only certifies voting systems, it is effectively limited to private manufacturers, inasmuch as governments typically do not design and manufacture entire voting systems.

Military and Overseas Absentee Voters

Federal law mandates certain actions by the states to facilitate absentee voting opportunities for military personnel and overseas civilian voters. In 2009, Congress passed the Military and Overseas Voter Empowerment ("MOVE") Act, which amended UOCAVA to require, among other things, that states provide a method for transmitting blank absentee ballots to UOCAVA voters electronically and by mail for any election for federal office, 42 U.S.C. § 1973ff-1(a)(7), and allow those voters to designate which transmission method they would prefer. *Id.*, § 1973ff-1(f)(1). "To the extent practicable," each state must ensure that its transmission procedures "protect the security and integrity of absentee ballots" and that "the privacy of the identity and other personal data [of the voter] is protected throughout the process of such transmission." *Id.*, § 1973ff-1(f)(3).

Consistent with this federal mandate, Maryland offers electronic transmission of blank ballots to UOCAVA voters via an online absentee-ballot-delivery system. For the 2012 general election, a UOCAVA voter requesting electronic delivery will be notified by e-mail that his or her absentee ballot is ready and will be provided a link and ballot-tracking number that gives access to the system. *See, e.g.*, Letter of Linda Lamone, Administrator, SBE, to Sen. Brian Frosh, at 2-3 (Feb. 6, 2012). From the SBE website, using the ballot-tracking number and other required information, the voter will be able to download and print a blank ballot, ballot instructions, a form containing the ballot oath, a return envelope, and other voting materials. *Id.* The completed ballot, together with the signed ballot oath, must be returned by regular mail (or by an authorized agent) to the appropriate local board of elections for review, inspection, and tabulation during the absentee ballot canvass. *See generally* COMAR 33.11.04.

A paper ballot that is printed and returned by the absentee voter cannot be read by the optical-scan voting system, which requires heavier paper and printed "timing marks" to allow the scanner to read and record the voter's selections. As a result, a

bipartisan duplication team must copy, by hand, the voting selections marked on the paper ballot onto a scan-ready ballot card. *See* COMAR 33.11.04.08; *see also* EL § 9-303(b)(8) (requiring guidelines on absentee voting to include "review of voted ballots and envelopes for compliance with the law and for machine tabulation acceptability"). This "duplicate" ballot is then fed into the optical scanner where the votes are recorded and tabulated.

The Proposed Ballot-Marking Wizard

The ballot-marking wizard at issue here is being developed for the Federal Voting Assistance Program ("FVAP"), a unit within the Department of Defense that was established to assist uniformed services personnel and overseas civilians in exercising their right to vote in federal elections. *See generally* R. Michael Alvarez, *et al.*, "Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem," 34 *Fordham Urb. L.J.* 935 (April, 2007). The FVAP solicited grant proposals under 10 U.S.C. § 2358 to develop and implement technologies to make voting more accessible for UOCAVA voters. *See* 10 U.S.C. § 2358(a)(2)(B) (authorizing the Secretary of Defense to engage in research and development projects of "potential interest to the Department of Defense"). In 2011, SBE applied for and received a grant of \$653,719 to develop an online voter-registration system for use by UOCAVA voters and to make certain enhancements to the State's online ballot-delivery system, including the development of a ballot-marking wizard. *See* "DoD Awards Grants for State & Local Military/Overseas Voting Systems" (Nov. 3, 2011), available at <http://www.fvap.gov/global/news/2011news/nr29-2011.html> (last visited Aug. 14, 2012); *see also* Maryland State Board of Elections, Technical Proposal, "Online Voter Registration & Ballot Marking and Counting: An Adaptable and Open Source Solution" ("Grant Proposal"), at 3, available at <http://www.fvap.gov/resources/media/maryland.pdf> (last visited Aug. 21, 2012).

Under the current process, absentee voters receive their ballots by mail, fill them out by hand, and return them by mail. As described in SBE's Grant Proposal, the ballot wizard would give military and overseas civilian voters the option to download the ballot from the SBA's website, make voting selections on the voter's computer, review a summary screen showing those selections, and print out a ballot with the selections marked. Grant Proposal at 7. The wizard would notify the voter of any overvote or undervote and give her the opportunity to correct her ballot accordingly. *Id.* The wizard would also generate and print onto the ballot a barcode encapsulating the voter's selections. *Id.* at 8-9. After the voter returns her completed ballot, canvassers scan the barcode to generate a duplicate ballot, as opposed to duplicating the ballot by hand, as is the current practice. *Id.* at 7-9. The Grant Proposal explains the expected benefits of the ballot wizard and barcode:

This wizard will improve the accuracy and readability of the voter's voted ballot as it will be designed to prevent overvotes and other voter errors, decrease the likelihood that an election official has to determine the intent of the voter, and increase voter satisfaction with the voting process. These benefits will lead to increased ballot return and acceptance rates.

* * *

[The barcode] has two significant benefits over the current process of manually duplicating ballots. First, it serves an important safeguard during the canvassing process and improves the accuracy of the counting process by reducing the risk of transcription error when manually duplicating a ballot. It also improves the

efficiency of the canvasses conducted by local election officials by replacing a manual process with a primarily automated process with a manual verification.

Grant Proposal at 7, 8-9. A further goal of the proposal was to create a “generic, system neutral interface” that could be easily adapted to different voting or election systems and easily shared with other jurisdictions. *Id.* at 4.

II Analysis

Whether the certification requirements of § 9-102 of the Election Law Article extend to the State Board’s proposed use of a ballot-marking wizard is, at its heart, an issue of statutory construction. In construing a statute, the “cardinal rule” is to ascertain and give effect to the actual intent of the Legislature. *Gardner v. State*, 420 Md. 1, 8 (2011). The starting point in this analysis is to consider the ordinary, plain meaning of the statutory language. *Id.* If this language is unambiguous and consistent with the apparent purpose of the statutory scheme, the inquiry into legislative intent is normally at an end. *Id.* at 8-9. A court interpreting a statute will “neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute” and will not “construe a statute with forced or subtle interpretations that limit or extend its application.” *Id.* (internal quotation marks omitted).

According to its plain language, § 9-102 applies to a voting system, the characteristics and overall performance of which must, for certification, meet certain statutory criteria. “Voting system” is elsewhere defined as “a method of casting and tabulating ballots or votes.” EL § 1-101(xx). We believe the General Assembly, by its use of the term “method,” meant to cover any technological approach to the job of “casting and tabulating” votes, whether it be based on punch-cards, optical-scans, or any other type of platform that would later be developed. This reading is confirmed by the historical development of the State certification program, where State-level certification began as a legislative response to the problem of managing the use in different counties of new and various voting system technologies in place of the comparative uniformity that had existed previously, when all counties used mechanical-lever systems in accordance with the rules set out in the Maryland Code.

Given this apparent purpose to include the complete array of developing technologies, it is unremarkable that neither the definition of “voting system,” nor the certification statute itself, undertakes to list the particular functions or components that must be included in a voting system. The multiplicity of voting systems in place at the time would have made it exceedingly difficult to identify which components are necessarily embraced by the term “voting system.” Instead, the State definition identifies a voting system only with regard to the core functions that would be expected of any technology used to conduct an election: the casting and tabulating of votes.

In practice, the specification of which components are considered part of the voting system is a responsibility of the manufacturer that requests State or EAC certification because certification attaches only to the particular configuration of hardware and software that the manufacturer or vendor submits for testing. *See, e.g.*, COMAR 33.09.03.02 (vendor’s application must specify the equipment, software, and firmware for which certification is sought). No form of certification is available for an isolated, stand-alone device that is something less than a voting system. In addition, a separable system component does not receive any approval for use except in the precise configuration of an entire system in which it has been tested. Any device or component, if removed from the tested configuration, is not “certified.” In short, the only type of

certification available under § 9-102 is for the entire voting system operating *as a system*.

The legislative intent to create an evaluation process reserved for complete voting systems is reflected in the capabilities, performance standards, and other considerations contained in the statute, which are all exclusively system-level requirements. *See* EL § 9-102(d). The performance of individual components or subsystems is not even addressed by § 9-102. Accordingly, we can discern in § 9-102 no intent to require certification for any particular device—including a ballot-marking device—except insofar as the device may itself qualify as a voting system or be used as a component in a voting system.¹³ Consistent with this understanding of the basic scope of § 9-102, we consider each of these possibilities in turn.

A. The Ballot-Marking Wizard is Not a Voting System

The ballot-marking wizard does not in our view perform either of the core functions of a voting system under Maryland law: the “casting or tabulating” of votes. “Cast,” in the voting sense, means “[t]o formally deposit (a ballot) or signal one’s choice (in a vote),” Black’s Law Dictionary 246 (9th ed. 2009), or “to deposit (a ballot) formally or officially[.]” *Hawaii State AFL-CIO v. Yoshina*, 935 P.2d 89, 92 (S. Ct. Haw. 1997) (quoting Webster’s New Int’l Dictionary (2d ed. 1959)). Even in its more common meaning, the word “cast” connotes motion. Merriam Webster’s Collegiate Dictionary (10th ed. 1993) (“to cause to move or send forth by throwing”). Although dictionary definitions do not resolve the interpretive issue before us, we believe that, on balance, they marginally favor a reading of “casting” that is focused on the process of *submitting* the ballot or vote for recordation and not the process of *marking* the ballot.

In some contexts, the difference between marking selections on a ballot and casting a ballot is clearly delineated. HAVA, for example, requires that voters be afforded an opportunity to “verify . . . the votes selected” and correct any errors *before* the ballot is “cast and counted.” 42 U.S.C. § 15481(a)(1)(A)(i); *see also* 2005 Voluntary Voting System Guidelines at A-19 (defining “voted ballot” as a “[b]allot that contains all of a voter’s selections and has been cast”). In the context of absentee voting, courts have even more clearly delineated the distinction between marking one’s selections on a ballot and “casting” a ballot or vote. *See, e.g., Maddox v. Board of State Canvassers* 149 P.2d 112, 115 (Mont. 1944) (observing that under Montana election law “[n]othing short of the delivery of the ballot to the election officials for deposit in the ballot box constitutes casting the ballot” and “[i]t is not the marking but the depositing of the ballot in the custody of the election officials which constitutes casting the ballot or vote”); *see also Wakulla County Absentee Voter Intervenors v. Flack*, 419 So.2d 1124, 1126 (Fla. App. 1982) (noting that all absentee votes were “cast” in the election supervisor’s office for purposes of statute allowing absentees to request assistance).

The term “casting” is also frequently used to encompass both the marking *and* the depositing of the ballot, as when, for example, a voter’s right to privately cast a ballot is invoked. *See, e.g.*, EL § 9-102(f)(2) (voting system shall ensure private casting of votes by persons with disabilities); *see also State ex rel. Stokes v. Brunner*,

¹³ Federal law reflects a similar understanding that the word “system” implies some level of integration or common operation. For example, the 2005 federal guidelines define an “electronic voting system” to be “one or more *integrated* devices that utilize an electronic component for one or more of the following functions: ballot presentation, vote capture, vote recording, and tabulation. . . .” Voluntary Voting System Guidelines, Appendix A: Glossary, at A-10 (defining “electronic voting system,” (emphasis added)), available at <http://www.nist.gov/itl/vote/upload/VVSG-Volume-IAppendixA.pdf> (last visited Aug. 16, 2012).

898 N.E. 2d 23, 28 (Ohio 2008) (noting that “electors who deposit their absentee ballots at a polling location during the absentee-voting period have cast their ballots under the plain language of [the Ohio observer statute] by marking them and formally depositing them”). But while “casting” is sometimes shorthand for both actions together, marking a ballot without officially submitting it for counting does not, by itself, amount to “casting” a ballot or vote. Marking is precisely what the proposed ballot wizard does, and no more.

The difference between the vote recording and tabulating that a voting system performs and the ballot marking that a UOCAVA voter performs through the use of the wizard is not merely linguistic; marking selections on an absentee ballot and officially recording one’s vote are distinct processes. The proposed ballot wizard lacks any capability for sending, receiving, or officially recording voted ballots. Nor does the online ballot-delivery system enable voters to submit their ballots electronically for direct tabulation by another device or system. A technology that included either of these two abilities might well bridge the gap between the two processes and thereby constitute a method for casting a ballot or vote. But the ballot wizard does neither. Voters using the online wizard can only cast their ballots in the same way that all other absentee voters do, by mailing the ballot to the appropriate local election board.

The fact that the ballot wizard generates a barcode that captures the voter’s selections does not alter our conclusion. The sole purpose of the barcode is to ease the process of ballot duplication that occurs during the canvassing process. Instead of the current system of hand-marking the absentee’s selections onto the ballot card so that it can be fed into the optical-scan system, election workers handling a paper ballot marked with the wizard will scan the barcode to automatically generate the duplicate ballot card. But using either method to mark the downloaded ballot, the duplicate card is checked against the visible marks the voter made on the paper ballot, which remains the official record of his or her vote. If the ballot generated from the barcode does not match the visible record the voter has marked on the original paper she has submitted—where, for example, a voter using the ballot wizard later uses a pen to change her selection after printing the ballot—the visible record is used to create the duplicate and the barcode is disregarded. In this respect, the barcode is but a scrivener’s tool, an administrative convenience for streamlining and regularizing the intermediate process of copying the absentee voter’s choices into a system-readable format. At no point does the use of the barcode affect either the voter’s selections or the voting system itself.

The conclusion that a ballot wizard is not a “voting system” is generally consistent with the way others, including the EAC, regard the technology. In response to a question from the State Administrator of Elections on how the EAC would view ballot-marking wizards for certification purposes, the EAC’s Testing Director wrote: “Web applications, such as on-line ballot marking wizards, do not meet the definition of a voting system as defined in the V[oluntary] V[oting] S[ystem] G[uidelines] and therefore are not considered eligible for testing and certification under the EAC program.” Memorandum of Brian Hancock, Director, EAC Testing and Certification Division, to Linda Lamone, Administrator, SBE, at 2 (Feb. 3, 2012).¹⁴

We are aware that California’s Secretary of State, interpreting California law, came to the opposite conclusion when she determined that a technology similar to SBE’s ballot wizard *did* amount to a voting system. The California Secretary of State explained that

¹⁴ The memorandum noted that the EAC General Counsel “concurs with the substance” of the memorandum, although “it does not constitute an official opinion of the EAC because of the current lack of a quorum of Commissioners.” Memorandum of Brian Hancock, Director, EAC Testing and Certification Division, to Linda Lamone, Administrator, SBE, at 1.

“LiveBallot enables voters to use a computer to ‘mark[] their ballot selections online’ and thus to cast votes.” Letter of Debra Bowen, Secretary of State, California, to Bryan Finney, President, Democracy Live at 2 (October 11, 2011).

The differences between California election law and Maryland law may account for the different interpretations. Putting aside whether the ballot wizard “casts” ballots, it clearly does not “tabulat[e]” them, something Maryland’s definition of “voting system” requires that California’s does not. Compare EL § 1-101(xx) (“a method of casting *and* tabulating ballots or votes” (emphasis added)), with Cal. Elec. Code § 362 (“any mechanical, electromechanical, or electronic system and its software, or any combination of these used to cast *or* tabulate votes, or both” (emphasis added)). We also note that California’s certification program operates in an elections environment that is very different from Maryland’s. In California, every county may choose its own voting system whereas, in Maryland, the State Board selects a single statewide system that must be used “in all counties.” EL § 9-101(c); see generally Letter of Debra Bowen, Secretary of State, California, to Bryan Finney, President, Democracy Live. Given the far greater possibility for variation in voting systems across California, it should not be surprising that election authorities there might interpret their voting system statutes more broadly in an effort to maintain some uniformity in the standards that apply to those disparate systems.

Whatever the merits of the Secretary of State’s reading of the California statute, legislation has been introduced to clarify the difference between a “ballot marking system” and a “voting system,” and to specify that the term “voting system” does not include the type of ballot-delivery and ballot-marking system proposed by the State Board here. See California Assembly Bill 1929, Third Reading (as amended June 28, 2012), available at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1901-1950/ab_1929_bill_20120628_amended_sen_v95.pdf (last visited Aug. 21, 2012)). The bill defines a “ballot marking system” to mean “any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter and is *not connected to a voting system at any time.*” *Id.* (emphasis added). The legislation prohibits a ballot-marking system from including certain capabilities (e.g., the ability to store voting selections or tabulate votes) and requires the Secretary of State to establish new procedures for the review and approval of such systems. See California Assembly Bill 1929, Third Reading, § 5 (proposing to amend the California Elections Code by adding §§ 19260 to 19275).¹⁵

A number of other jurisdictions already appear to offer ballot-marking tools to assist UOCAVA voters in completing electronically-delivered ballots. See FVAP, “Electronic Voting Systems Fact Sheet,” available at <http://www.fvap.gov/resources/media/evswfactsheet.pdf> (last visited Aug. 22, 2012). Among the states to offer ballot-marking tools are those, like Delaware, that have voting system certification requirements analogous to Maryland’s, including that a voting system used in the State must have received federal certification. See, e.g., Del. Code Ann., title 15, § 5001(d) (requiring certification to voluntary voting system standards for “any voting device, machine or system purchased by the State”).

¹⁵ As of August 21, 2012, AB 1929 had been ordered to a third reading in the California Senate. Like the pending California measure, Maryland legislation proposed during the 2012 General Assembly session would have expressly authorized the development of an on-line ballot-marking tool and the fax or internet transmission of ballots for military or overseas voters and voters with disabilities who request such delivery. See S.B. 1078, 2012 Gen. Assembly (third reader) (proposing to amend EL §§ 9-306(b), 9-308(c)). The Maryland bill passed third reader in the Senate but did not reach third reader in the House of Delegates before the end of the legislative session.

However, the significant differences among state voting-system laws and election-administration schemes make comparisons difficult and of relatively limited help in our analysis. Still, it seems fair to conclude that some other states have, at a minimum, viewed online absentee ballot systems as something other than a voting system. See “Written testimony in support of SB 1078” by Bob Carey, Director, Federal Voting Assistance Program, U.S. Department of Defense, at 5 (April, 2012) (“Requiring pre-certification of such an online blank ballot delivery and online marking system would make Maryland the only one of the 24 states with similar tools with such a requirement; to date, no other State has required their system pass pre-certification requirements.”). That appears to be the effect of the proposed legislation in California. We think the same conclusion follows from a comparison of the ballot wizard against Maryland’s definition of a “voting system.”

B. The Ballot Marking Wizard Does Not Modify the ES-2000 Voting System

For similar reasons, we conclude that the ballot wizard does not modify Maryland’s voting system such that its use would trigger the certification requirement. Maryland voters use one of two certified voting systems—a touchscreen system for voting in polling places and an optical-scan system for absentee and provisional voting. See, e.g., State Board of Elections, “Overview of Maryland’s Voting System,” available at http://www.elections.state.md.us/voting_system/index.html (last visited August 21, 2012). When used for absentee voting, the ES-2000 optical-scan system functions as a central-count system, meaning that all votes are recorded and tabulated in a central location during the absentee ballot canvass. Canvass procedures control the handling of returned ballots, COMAR 33.11.04, and determinations about whether the ballots are accepted or rejected, COMAR 33.11.05. To record and tabulate votes, election officials manually feed ballot cards into the AccuVote unit, the scanning apparatus that records and counts votes and tabulates the results. COMAR 33.10.11.01B. Thus, apart from the unit’s programming, the ballot card is the only real input into the optical-scan unit.

From the State Board’s description of its proposed use, the ballot wizard would never be connected to the ES-2000 system and would not interface at any point with the optical-scan unit. The configuration of the ES-2000 system would remain unchanged by the manner in which the absentee voter chooses to indicate his or her vote, whether it be by pen, pdf annotator,¹⁶ or the ballot wizard at issue here. See, e.g., COMAR 33.11.05.05A(1) (“Absentee ballots may be marked by any kind of pencil or ink.”). The paper ballot that is created from the ballot wizard is never introduced into the optical-scan system, but is instead separated from the vote-recording and tabulation processes by intermediate procedures needed to duplicate the voter’s original ballot onto a ballot card capable of being scanned. Consequently, we can foresee no realistic scenarios in which the ballot wizard itself could affect the performance of the optical-scan system.¹⁷ For these reasons, we do not think that use of the ballot

wizard would represent a modification or addition to the ES-2000 absentee system.

This is not to say that a ballot-marking wizard is never part of a voting system; it commonly is. In fact, in 2009, the State Board required certification of the polling-place use of a ballot-marking device in conjunction with the optical-scan system. At that time, State law required SBE to acquire a new polling-place system that provided a voter-verifiable paper record and met the relevant HAVA accessibility standards. 2007 Md. Laws, chs. 547, 548. If no system meeting both requirements were commercially available, a statutory contingency plan allowed for an alternative procurement. 2009 Md. Laws, ch. 428. Optical-scan systems without a ballot-marking device to assist voters with disabilities did not meet the accessibility standards. And though accessible ballot-marking devices had been developed, no optical-scan system had been certified to the Voluntary Voting System Guidelines with the ballot-marking device included as a component of the system. The question arose, therefore, whether the contingency had been met or whether the optical-scan system and the marking device together were a “commercially available” voting system, despite the lack of federal certification for that configuration of system components. See generally SBE Memorandum to Offerors, “Determination of Commercial Availability & Cancellation of Solicitation #D38B9200010 (May 11, 2009).

With advice from this Office, SBE concluded that certification of the ballot-marking device was required under § 9-102 and therefore no qualifying system was available. *Id.* In that situation, the ballot-marking device had to be regarded as part of the voting system for both legal and technical reasons. As a strictly legal matter, State law required a voting system that met accessibility standards. EL § 9-102(f), (g). Therefore, if the ballot-marking device was necessary for the system to meet those standards, the ballot-marking device had to be considered as part of the system for certification purposes. Moreover, from a more technical perspective, the proposed use of the ballot-marking device in polling places made it part of the voting system. Though not physically connected to the optical-scan unit, the device would mark the actual ballot cards fed into the scanning device. Accordingly, the ballot-marking device interacted with the optical-scan system to this extent and its performance and accuracy, and the quality of the marks on the ballot card would directly impact the performance of the optical-scan system.

By contrast, the ballot-marking wizard does not itself mark selections on the ballot card—the casting mechanism used by the ES-2000 system—and so does not have the same potential to modify or affect the performance of that system. Moreover, an absentee voter who has used a wizard to assist her in navigating through the various ballot choices before printing her ballot has the opportunity to review the accuracy of the marked selections at her leisure and to make any corrections she finds necessary. These important differences, in terms of system performance and accuracy, illustrate the principle that a ballot-marking tool may be considered part of a voting system if it is integrated into or connected with that system. See, e.g., COMAR 33.09.01.01B(4)(b)(ii) (defining “voting system” to include a “voting machine, voting device, tabulating equipment, vote-counting program, or other equipment, hardware, firmware, or software used *by or with* a voting system” (emphasis added)). Arguably, the need for testing and certification as to these core functions would arise where the ballot-marking tool is integrated into the voting system because, once the ballot is cast in such an arrangement, the voter is completely reliant upon the voting system to record and tabulate all votes accurately. Because the State Board has determined that the

¹⁶ A pdf annotator is a type of commercially available software that enables the user to electronically mark documents provided in the commonly used portable document format, or “pdf,” using either a touchscreen or keyboard.

¹⁷ Commenters expressed concern about the security of the ballot wizard and the possibility that malware or other computer viruses present on the absentee voter’s computer might cause the wizard to misidentify the voter’s selections. It is our understanding that the State Board is aware of these concerns and is testing the wizard accordingly. Although the hypothetical possibility of technical malfunction may not be irrelevant to the interpretive decision we address here, it is an aspect of that decision that is properly left to the agency to evaluate. See *Schade v. Maryland State Bd. of*

Elections, 401 Md. 1, 39 (2007) (observing that it is for the State Board, and not a reviewing court, to evaluate the need for security measures).

ballot-marking wizard before us now is not so integrated, and the facts support its determination, we conclude that certification is not required.

C. SBE's Interpretation of the Statute is Reasonable

Although the State Board has interpreted § 9-102 to apply to a ballot-marking device when that device is a component of a complete voting system, it views the proposed ballot-marking wizard as separate from, and thus not a part or component of, the certified optical-scan system. See generally, Letter of Linda Lamone, Administrator, SBE, to Sen. Brian Frosh (Feb. 6, 2012). Certainly, other readings are possible; the statute offers no clear rule on how to define the limits of a system, except to the extent the vendor has already done so. However, given the statutory purpose of assuring the “security and integrity” of the various voting processes, EL § 1-201(6), the question of how to define those limits becomes more technical than legal, requiring the exercise of expertise about voting systems, their components, and how they interact with one another. As the agency that has since 1978 exercised all of the statutory duties relating to State certification of voting systems, the State Board is well suited to define what is, and is not, a “voting system” and we believe that a reviewing court would afford SBE’s interpretation of “voting system” considerable deference.

“[A]n administrative agency’s interpretation and application of the statute which the agency administers should ordinarily be given considerable weight. . . .” *Thanner Enterprises, LLC v. Baltimore County*, 414 Md. 265, 275 (2010) (quoting *Maryland Aviation Administration v. Noland*, 386 Md. 556, 572 (2005)). The deference ordinarily due to an agency’s interpretation of the statute it administers “is all the more warranted when, as here, the regulation concerns ‘a complex and highly technical regulatory program,’ in which the identification and classification of relevant ‘criteria necessarily require significant expertise and entail the exercise of judgment grounded in policy concerns.’” *Thomas Jefferson Univ. v. Shalala*, 512 U.S. 504, 512 (1994) (quoting *Pauley v. BethEnergy Mines, Inc.*, 501 U.S. 680, 697 (1991)); see also *Thanner*, 414 Md. at 275 (observing that “the expertise of the agency in its own field should be respected”) (quoting *Noland*, 386 Md. at 572).

The conclusion that the State Board’s application of the certification provisions is entitled to deference finds support in *Schade v. Maryland State Bd. of Elections*. There, the Court of Appeals concluded that SBE’s certification of a voting system was entitled to deference because the certification decision was “a matter of policy or quasi-legislative in nature,” and because “the statutory requirements . . . give the State Board broad discretion to weigh various factors and ultimately decide on a system. . . .” 401 Md. at 38-39. Within the context of the certification of voting systems, the Court stated, the State Board was “no doubt, in a better position to carry out the charge delegated to it than any other entity, including this Court.” *Id.* at 39.

In our view, a reviewing court would likely afford the State Board’s determination here—that a ballot-marking wizard neither *is* a voting system nor *modifies* a voting system—the same deference that it afforded the certification decision in *Schade*. In addition to the “broad discretion” described in *Schade*, the Legislature delegated to the State Board the interpretive responsibility to promulgate regulations construing the certification process and its applicability to voting systems. See EL § 9-102(b). We believe it incontrovertible that the State Board, and not a reviewing court, is best equipped to make the fine technical determinations as to what types of voting-related devices have a sufficiently close connection to the voting system to be subject to certification as a part thereof. Thus, just as in *Schade* the Court of Appeals observed that “it is not this Court that should ultimately decide on the State’s voting system, but the State Board, to which that power was expressly delegated,” 401 Md. at 39,

we believe that the technical decision at issue here is also one that the Legislature has delegated to SBE, and SBE’s decision is therefore entitled to deference. See 76 *Opinions of the Attorney General* 3, 14 (1991) (agency “has presumed expertise and . . . responsibility” to determine specific application of statutory term, the scope of which was not clearly delineated by the General Assembly); 78 *Opinions of the Attorney General* 26, 32 (1993) (same).

Several commenters have expressed their disagreement with the State Board’s understanding of § 9-102. In their view, when technology is used to mark ballots, it is so intertwined with the voting process that it necessarily becomes a part of the voting system. In addition, they note that the wizard performs functions that fall within the HAVA definition of “voting system” and also that there are federal guidelines that address ballot marking. Finally, they express a concern that if § 9-102 is not construed to require certification, the protection it offers to voters would be undermined.

Although we see merit in these arguments, ultimately we find that these views are not anchored in the text or design of the statute. As explained above, the State definition of “voting system” does not plainly encompass a stand-alone ballot-marking tool. Instead, that definition focuses on “casting and tabulating ballots or votes,” EL § 1-101(xx), which is something the ballot-marking wizard does not do. Furthermore, the text of § 9-102 itself does not address the question of how the State Board should evaluate any particular voting-related device, except in the context of a complete voting system. The absence from § 9-102 of any provision for testing separate devices suggests that this is a case the Legislature has simply not provided for, rather than an intent to apply the statute as broadly as possible.

Nor is it warranted, in our opinion, to interpret § 9-102 in light of the federal definition of “voting system.” The State definition preceded the enactment of HAVA and has not been changed subsequently to conform to the federal definition. The two definitions are also textually very different, with the State definition encompassing only the two core functions of a voting system—“casting and tabulating” votes—and the federal definition including within its reach a number of specific aspects of voting. The two definitions also operate very differently in this context; § 9-102 imposes certification testing for devices covered by the term “voting system,” whereas HAVA imposes no certification process whatsoever and fairly minimal performance requirements. Thus, using the broadest possible definition of “voting system” for purposes of HAVA would pose little risk of circumscribing State authority with respect to its own systems, whereas using the same definition for § 9-102 might seriously impede SBE’s ability to manage election-related technology. In sum, we would hesitate to regard the federal definition as a gloss on the State definition.

A further problem with interpreting § 9-102 to automatically extend to all voting-related functions (regardless whether the function is performed by the voting system) is that such an interpretation would cover the absentee ballot-delivery system as well. That system performs a ballot-presentation function, and arguably a ballot-definition function also, for all UOCAVA voters who choose to receive their ballots electronically, whether or not the ballot wizard is used to facilitate use of the ballot-delivery system. Accordingly, if it were true that any technology that carries out a covered function requires State certification, as some have proposed, it follows that the online ballot-delivery system would be subject to that process too. We are unaware of any state having adopted so expansive an interpretation of its certification requirements, and we do not believe Maryland law commands this result either. For these reasons, we do not think the commenters’ proposed reading of § 9-102 best reflects the language or structure of the statute.

With respect to commenters’ concern about the protection of the voting system, the full certification regime prescribed in § 9-102,

including testing under the EAC program, is designed to provide assurance about the security and reliability of the entire voting system and is, presumably, appropriately thorough to suit that purpose. Because even small modifications to the voting system have the potential to affect the system in unknown ways, re-testing and re-certification are also necessary following virtually any change to the system or a system component by the vendor. But where a device with no interaction or potential to affect the voting system is proposed, we believe a court would likely defer to the State Board's interpretation of § 9-102 to not demand the same re-certification process.¹⁸

The conclusion that the process outlined in § 9-102 is not mandated for the ballot wizard does not mean that no evaluation or testing is necessary; even in the absence of certification, the State Board may not act unreasonably in implementing the technology. *See, e.g., Fritzsche v. Maryland State Bd. of Elections*, 397 Md. 331, 341 (2007) (agency action must be supported by facts, within the scope of delegated authority, and not arbitrary, capricious, or unreasonable). The State Board must make the determination to move forward with the ballot wizard upon the basis of substantial evidence—evidence, we understand, that SBE is currently compiling through an ongoing testing process. SBE must also ensure that “security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results,” EL § 1-201(6), and that each ballot is “easily understandable,” “present[s] all candidates and questions in a fair and non-discriminatory manner,” “permit[s] the voter to easily record a vote on questions and on the voter’s choices among candidates,” “protect[s] the secrecy of each voter’s choices,” and “facilitate[s] the accurate tabulation of the choices of the voters.” EL § 9-203. These statutory standards continue to apply in the absence of certification, with the State Board delegated the authority to determine, in the exercise of its reasonable judgment, the form and extent of testing necessary to meet those standards.

It is important in this respect to acknowledge that State and federal law both include special provision for UOCAVA voters in light of the unique challenges these voters face. A known problem for all absentee voters, as compared to voters who are able to cast ballots in polling places, is a higher rate of “residual votes”—*i.e.*, the total number of votes that cannot be counted for a specific contest, whether because of overvoting, undervoting, or failure to properly record the voter’s intent. *See* Voluntary Voting System Guidelines, Appendix A: Glossary, at A-16, available at <http://www.nist.gov/itl/vote/upload/VVSG-Volume-IAppendixA.pdf> (last visited Aug. 16, 2012). SBE’s ballot wizard is meant to address this problem by preventing overvotes and undervotes and by reducing the incidence of errors during the ballot-duplication process. Thus, provided SBE acts reasonably in testing the ballot wizard and deciding whether it is safe to deploy, making that tool available to UOCAVA voters appears to us to be consistent with the statute and legislative intent. Given SBE’s statutory duty to “maximize the use of technology in election administration,” EL § 2-102(b)(7), and the goal of the Election Article to emphasize “citizen convenience,” EL § 1-201(5), we believe that the better interpretation of § 9-102 is not one that effectively precludes the use of a tool that could improve the accuracy with which absentee votes are counted.

¹⁸ Notably, the circumstances under which SBE may decertify a previously certified voting system do not include the loss of federal certification. *See* EL § 9-103(a)(2) (requiring de-certification “if the State Board determines that the system no longer merits certification” or the voting system will no longer, as required by § 9-102(d)(1)(i) through (iii), protect the “secrecy of the ballot” or the “security of the voting process,” or will no longer “count and record all votes accurately”).

III

Conclusion

In summary, it is our opinion that, in the absence of governing case authority, the State Board may reasonably conclude that the ballot-marking wizard it proposes for UOCAVA voters does not itself constitute, or modify, a “voting system” such that it is subject to the certification requirements of § 9-102 of the Election Law Article.

Douglas F. Gansler, Attorney General
Adam D. Snyder*, Chief Counsel, Opinions & Advice

*Jeffrey L. Darsie contributed significantly to the preparation of this opinion.

Editor’s Note:

Since the issuance of this Opinion, the California State Legislature passed Assembly Bill 1929, which is discussed on pages 44 and 45 of this Opinion. Governor Brown signed the measure into law on September 28, 2012, and it was “chaptered” by the Secretary of State as Chapter 694, Statutes of 2012.

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated August 23, 2012, **GEORGE GUILD STROTT, JR.**, 126 N. Division Street, P.O. Box 132, Salisbury, Maryland 21801, has been indefinitely suspended by consent, effective October 22, 2012, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that the name **JOHN WAYNE WALKER-TURNER, SR.**, 10508 Foxridge Court, Bowie, Maryland 20721, has been replaced upon the register of attorneys in this Court as of October 23, 2012. Notice of this action is certified in accordance with Maryland Rule 16-781(1).

* * * * *

This is to certify that by Order of this Court dated October 25, 2012, **CLAYTON HENRY SCHRAMM**, 188 Duke of Gloucester Street, Annapolis, Maryland 21401, and 176 Main Street, Unit D, Annapolis, Maryland 21401, has been disbarred by consent, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

* * * * *

This is to certify that by an Order of this Court dated October 26, 2012, **STEVEN HAROLD BLOCK**, c/o Kathleen Howard Meredith, Esquire, Iliff, Meredith, Wildberger & Brennan, P.C., 8055 Ritchie Highway, Suite 201-203, Pasadena, Maryland 21122, has been disbarred by consent, effective November 1, 2012, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

[12-23-25]

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
October 26, 2012

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of *Rules Governing Admission to the Bar of Maryland*. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Section (j) of Rule 13 (Out-of-State Attorneys) of *Rules Governing Admission to the Bar of Maryland*.

It is thereupon the 26th day of October, 2012, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 26th day of November, 2012, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of

this Order be published at least one time in the Maryland Register before such ratification.

ROBERT M. BELL
Chief Judge
Court of Appeals of Maryland

Filed: October 26, 2012

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

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[12-23-18]

ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland
November 2, 2012

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Rule 5 (Character Review) of *Rules Governing Admission to the Bar of Maryland*.

It is thereupon the 2nd day of November, 2012, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 3rd day of December, 2012, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

ROBERT M. BELL
Chief Judge
Court of Appeals of Maryland

Filed: November 2, 2012

BESSIE M. DECKER
Clerk
Court of Appeals of Maryland

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 Beuchler, Alexandra, Kathryn, 120 Montana Dr., Chadds Ford, PA, 19317
 Beugelmans, David, William, 22 Murray Ave., Annapolis, MD, 21401
 Biddings, Verlene, Minneva, 13011 Conductor Way, Silver Spring, MD, 20904
 Biggs, Melissa, Lynn, 7 Mariners Walk Way, Middle River, MD, 21220
 Binau, Anna, Noelle, 1134 Potomac Avenue, Hagerstown, MD, 21742
 Bird, Lindsay, Elizabeth, 1700 Webster St., Baltimore, MD, 21230
 Bitar, Maher, Brian Samir, 811 4th St. NW, Unit 320, Washington, DC, 20001
 Blackwell, Michele, Nicole Gates, 1107 Castlewood Drive, Upper Marlboro, MD, 20774
 Blake, Jillian, Nicole, 1710 Commonwealth Ave., #A6, Alexandria, VA, 22301
 Blattner, Julius, Martin, 2201 Rogene Dr., Apt 201, Baltimore, MD, 21209
 Blaustein, Matthew, Ira, 225 Earhart Ct., Owings Mills, MD, 21117
 Blemur, Jennifer, Ashley, 1445 Otis Place NW, Apt 102, Washington, DC, 20010
 Block, Adam, Daniel, 5 Championship Court, Owings Mills, MD, 21117
 Bloys, David, Van Fleet, 1408 Q St. NW, #22, Washington, DC, 20009
 Blum, Daniel, Jack, 3621 Newark Street, N.W., Apt. 101, Washington, DC, 20016
 Blumberg, Jessica, Susan, 4615 North Park Avenue, Apt. 615, Chevy Chase, MD, 20815
 Blumenfeld, Joshua, Ross, 6314 Avalon Dr., Bethesda, MD, 20816
 Boeglin, Clifford, Edward, 1237 Preston Avenue, Apt. 5, Charlottesville, VA, 22903
 Boening, Emily, Ann, 2013 New Hampshire Ave., NW, Apt. 211, Washington, DC, 20009
 Bohbot, Jescie, Lynn, 120 East Main Street, Apt. #912, Lexington, KY, 40507
 Bohrer, Carrie, Virginia, 1416 S. Hanover, Baltimore, MD, 21230
 Boisvert, Thomas, Scott, 3516 10th Street NW, Washington, DC, 20010
 Boluda, Jessica, Noelle, 14100 Lancaster Lane, Bowie, MD, 20715
 Bonic, Andrew, Victor, 112 E. Preston Street, Basement, Baltimore, MD, 21202
 Boone, Elizabeth, Ann, 2442 Jostaberry Way, Odenton, MD, 21113
 Booth, Ronald, Edwin, 2929 Connecticut Ave., 703, Washington, DC, 20008
 Boronow, Clare, Marie, 3650 Morning Star Drive, Unit 904, Las Cruces, NM, 88011
 Bortnick, Yael, 3315 Purdue St., Anchorage, AK, 99508
 Boyce, Sarah, Gardner, 227 Ivy Meadow Lane, Durham, NC, 27707
 Boyd, Amber, Kristina, 1010 Pinewood Court, Indianapolis, IN, 46240
 Boyd, Jason, Pollard, 1701 Park Road, NW, Apt. 313, Washington, DC, 20010
 Boyd, Marianna, Lonice, 816 Easley Street, #1513, Silver Spring, MD, 20910
 Boyle, Kara, Lacy, 701 Cathedral St., Apt. 82, Baltimore, MD, 21201
 Boyle, Suzanna, Lynne, 1244 Ramblewood Dr., Annapolis, MD, 21409
 Bracho, Raquel, Gisela, 20 W Franklin St, Apt A, Baltimore, MD, 21201
 Bramble, Emma, Alicia, 14045 Vista Drive, 159C, Laurel, MD, 20707
 Branch, Franklin, Thomas, 1806 South Road, Baltimore, MD, 21209
 Braslow, Kimberly, Denise, 4621 Bonnie Branch Road, Ellicott City, MD, 21043
 Brauer, Max, Frederick, 2210 Phelps Rd., Apt. # 206, Hyattsville, MD, 20783
 Brayley, Austin, James, 7217 Kousa Ln., Springfield, VA, 22152
 Brecher, Marcie, Lynn, 7111 Woodmont Avenue, Apt. 613, Bethesda, MD, 20815
 Breen, Rachael, Elaine, 7641 Jeannine Avenue, Pasadena, MD, 21122
 Breese, Danielle, Gertrude, 5009 Ross Road, Baltimore, MD, 21214
 Brennan, Carey, Packard, 4515 Willard Avenue, 1116-S, Chevy Chase, MD, 20815
 Brice, William, Adam, 1203 Oakland Ct, Baltimore, MD, 21227
 Brichto, Eric, Alexander, 5315 Brabant Rd, Baltimore, MD, 21229
 Brogan, Kathleen, Ann, 624 Paseo de la Cuma, #9, Santa Fe, NM, 87501
 Brooks, Catherine, Margaret, 312 Sky Blue Ct., Edgewood, MD, 21040
 Brooks, Eric, Midthun, 4525 Harpers Ferry Road, Sharpsburg, MD, 21782
 Brooks, Jourdan, Elise, 11235 Oak Leaf Drive, Apt 508, Silver Spring, MD, 20901
 Brooks, Shaneequa, Yvette Bourne, 2212 Colston Dr., Apt. 202, Silver Spring, MD, 20910
 Browder, Rachel, Anne, 1445 P St. NW, Apt. 205, Washington, DC, 20005
 Brown, Alyssa, LaDona, 1101 Saint Paul Street, Apt. 1208, Baltimore, MD, 21202
 Brown, Jeffrey, Edward, 8417 Victory Ln., Potomac, MD, 20854
 Brown, Jeffrey, Alan, 605 Rhode Island Ave N.W., Washington, DC, 20001
 Brown, Lesley, Taylor, 7016 9th St. NW, Washington, DC, 20012
 Bruce, Andre', Cedric, 2334 Alava Ct., Waldorf, MD, 20603
 Brucker, Howard, Aaron, 3726 Swift Run Court, Abingdon, MD, 21009
 Brumfield, Shanika, Meshae, 336 Wild Willow Way, Severn, MD, 21144
 Brunner, Michelle, Anne, 1233 Durst St., Baltimore, MD, 21230
 Bruyere, Brandy, Lynn, 12908 Flack St., Silver Spring, MD, 20906
 Bryant, Casey, Laura, 801 Lynvue Rd., Linthicum, MD, 21090
 Bryner, Nicholas, Stevens, 2144 California Street, NW, #602, Washington, DC, 20008
 Buehler, Elizabeth, Ann, 8508 16th Street, Apt 619, Silver Spring, MD, 20910

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- Buerger, Kenneth, Ryan, 1705 Spring Tree Drive, Eldersburg, MD, 21784
- Bullard, Alice, 2838 28th Street NW, Washington, DC, 20008
- Burke, Janine, Marie, 1440 N St., N.W., #703, Washington, DC, 20005
- Burnett, Christina, Renee, 300 Mass. Avenue NW, #1322, Washington, DC, 20001
- Burniske, Jessica, Sara, 5706 16th Street, NW, Apt. A, Washington, DC, 20011
- Bush, Alexander, Alan, 3598 Cannon Lane, C/O Chris Summers, York, PA, 17408
- Byrnes, Christopher, Ryan, 1603 Corcoran Street, NW, Apt. B, Washington, DC, 20009
- Cagwin, Todd, Douglas, 1527 Covington Street, Baltimore, MD, 21230
- Caldwell, Catherine, Henrietta, 1131 S. Clinton Street, Baltimore, MD, 21224
- Caldwell, Richard, Denton, 627 Brandon Green Drive, Silver Spring, MD, 20904
- Callanan, Christopher, Grier, 9925 Thornwood Road, Kensington, MD, 20895
- Cameron, Justin, Gregory, 2700 Covered Wagon Way, Olney, MD, 20832
- Cameron, Kelsey, Welch, 3013 Peeles Ct., Olney, MD, 20832
- Campise, Cynthia, Patricia, 810 Pebblebrook Circle, Apt. 10, Manhattan, KS, 66503
- Canto Greenfield, Jose, Zachary, 6 Manor Spring Court, Silver Spring, MD, 20906
- Caplan, Lauren, Rebecca, 10 Joseph Road, Hopkinton, MA, 01748
- Carfora, Debra, Jean, 10 Bryant St. NE, Washington, DC, 20002
- Carmack, Freda, Jacqueline Fox, 550 Pacific St., Apt. 1007, Vancouver, BC, V6Z 3G2
- Carmean, Monica, Whitted, 518 9th St NE, Apt 506, Washington, DC, 20002
- Caron, Brian, Raymond, 1245 4th St., SW, E810, Washington, DC, 20024
- Carpenter, Ryan, Patrick, 723 N Nelson St., Arlington, VA, 22203
- Carrera, Gabriel, Ali, 2939 Van Ness Street NW, Apt 117, Washington, DC, 20008
- Chamberlain, David, Saunders, 969 West Main Road, Apt. 5202, Middletown, RI, 02842
- Chapman, Nathaniel, Harris, P.O. Box 610, La Plata, MD, 20646
- Chareonvaravut, Mati, 10190 Globe Dr., Ellicott City, MD, 21042
- Cherry, Jacob, Daniel, 10101 Grosvenor Place, Apt. 612, Rockville, MD, 20852
- Cherry, Noah, Kai, 3300 16th Street NW, Apt. 716, Washington, DC, 20010
- Chiang, Sarah, Ping Hsuan, 11423 Bedfordshire Ave., Potomac, MD, 20854
- Chin, Peter, Wai Kwang, 38 South Paca Street, #607, Baltimore, MD, 21201
- Cho, Charlene, 4750 41st Street, N.W., Unit 205, Washington, DC, 20016
- Choi, Sun, Hee, 10714 Vista Rd., Columbia, MD, 21044
- Chong, Phillip, 111 S. Calvert Street, Suite 2000, Baltimore, MD, 21202
- Chu, Meng-Wei, Peggy, 6135 Little Foxes Run, Columbia, MD, 21045
- Ciferri, Peter, Evan, 228 South Market Street, Apt. 4, Frederick, MD, 21701
- Clarke, Heather, Leigh Allison, 3502 Parkfalls Drive, Baltimore, MD, 21236
- Clarke, Patrice, Meredith, 715 S. Cherry Grove Avenue, #301, Annapolis, MD, 21401
- Clausen, Elsa, Lucia, 816 W. 33rd St., Baltimore, MD, 21211
- Clifford, John, David, 3229 McKinley Street NW, Washington, DC, 20015
- Cobb, Jeremy, Douglas, 13 Eton Overlook, Rockville, MD, 20850
- Cochran, Kevin, Ross, 1010 N. Edgewood Street, Arlington, VA, 22201
- Cockerham, Eva, Christine, 3328 Churchville Road, Aberdeen, MD, 21001
- Cohen, Erin, Michelle, 10420 Rockville Pike, #102, Rockville, MD, 20852
- Coleman, Joseph, Christopher, 11676 South Laurel Drive, Apt. 3C, Laurel, MD, 20708
- Collidge-Asad, Musa, Sharif, 3005 Cluster Pines Court, Ellicott City, MD, 21042
- Colwell, Sean, Michael, 1400 20th Street NW, #906, Washington, DC, 20036
- Colwell, Theresa, Mae, 268 S. Duncan Street, Baltimore, MD, 21231
- Conner, Abre', Leann, 3945 Connecticut Avenue NW, Apt 203, Washington, DC, 20008
- Cook, Lindsey, Michele, 2908 Whitney Avenue, Baltimore, MD, 21215
- Cooke, Gregory, David, 613 S Paca St., Baltimore, MD, 21230
- Cooper, Channing, Marie, 800 4th St. SW, Apt S413, Washington, DC, 20024
- Coppin, Kyle, Robert, 2500 Chapel Hill Road, Unit B, Durham, NC, 27707
- Corcoran II, Patrick, Gerald, 1451 Gordon Drive, Glen Burnie, MD, 21061
- Cornejo Suarez, Daniela, Ximena, 4730 Forestdale Drive, Fairfax, VA, 22032
- Cornely, Jennifer, Hargett, 10425 Glen Rd., Potomac, MD, 20854
- Corning, Wesley, Russo, 315 S. Allen St., Apt. 626, State College, PA, 16801
- Corrigan, Brian, Timothy, 4201 Lee Hwy, # 304, Arlington, VA, 22207
- Costabile, Amanda, Sedriks, 7110 Harlan Lane, Sykesville, MD, 21784
- Costigan, Brendan, Patrick, 2809 St. Paul St., Apt. #1, Baltimore, MD, 21218
- Coughlin, Charles, Joseph, 4914 Aurora Drive, Kensington, MD, 20895
- Cousins, Joseph, Mikel, 3340 Toledo Terrace, Apt. 668, Hyattsville, MD, 20782
- Cover, Joshua, Isaacs, 4112 Blackthorn Street, Chevy Chase, MD, 20815
- Cowin, Samuel, David, 130 M St., NE, Apt. 636, Washington, DC, 20002
- Craine, Khyla, Danielle, 5902 31st Ave., #110, Hyattsville, MD, 20782
- Cramer, Brittany, Paige, 1330 Springvale Drive, Bel Air, MD, 21015
- Crawford, Christopher, Aaron, 1415 Duckens St, Apt. 210, Odenton, MD, 21113
- Critz, Brian, Timothy, 4000 Cathedral Avenue, NW, Unit #542B, Washington, DC, 20016
- Cronin, Lindsay, Elizabeth, 17 Fox Hill Road, Califon, NJ, 07830
- Cummings, Nicholas, Valdis, 3900 Railroad Avenue, Fairfax, VA, 22030
- Curran, Christopher, Seth, 9507 Barroll Ln., Kensington, MD, 20895
- Curtis, Jeanette, Madeline, 8560 2nd Ave., Apt. #1715, Silver Spring, MD, 20910
- Cusson, Sean, Joseph, 1320 North Veitch Street, Apt. 1014, Arlington, VA, 22201
- Cynn, Young, Ah, 4505 Olive St., UNIT F, Saint Louis, MO, 63108
- Czarnecki, Michelle, Patricia, 1020 Park Ave., Apt. 903, Baltimore, MD, 21201

- D'Aniello, Justin, Michael, 1400 20th Street NW, Apt 702, Washington, DC, 20036-5994
- D'Arco, Neil, Robert, Region Legal Service Office, PSC 473, Box 122, FPO AP 96349-2400,
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- Dachille, Fraser, Ridgely, 3204 Blenheim Road, Phoenix, MD, 21131
- Dachman, Pauline, Toby, PO Box 2023, Wheaton, MD, 20915
- Damon, Sean, Dominic, 4510 Mountview Road, Baltimore, MD, 21229
- Dankner, Margot, Sarah, 201 I St., NE, Apt. 1121, Washington, DC, 20002
- Darnell, Kelsey, Michelle, 80 Duke of Gloucester Street, Annapolis, MD, 21401
- Das, Sumahn, 1403 Roxbury Road, Richmond, VA, 23226
- Davani, Ali, Reza, 18903 Ferrylanding Cir., Germantown, MD, 20874
- David, Christopher, Joseph, 2845 Cairncross Terrace, Silver Spring, MD, 20906
- David, Tatiana, Suren, 4256 E. 33rd Avenue, Spokane, WA, 99223
- Davis, Robert, Bakari, 193 Hallam Street, Toronto, Ontario, M6H 1X4
- Davis, Stephen, Mabon, 710 7th St. NE, Washington, DC, 20002
- Davis, Timothy, Andrew, 1313 Southwell Lane, Bel Air, MD, 21014
- Davis-Niles, Regina, Augusta Maria, 1802 N Wakefield Street, Arlington, VA, 22207
- Davitt, Liam, Montgomery, 703 Midland Rd., Silver Spring, MD, 20904
- Dawson, Matthew, Harry, 2950 Van Ness Street NW, Apt. 207, Washington, DC, 20008
- DeBear, Eric, Julien, 2020 12th Street, NW, Apt# PH01, Washington, DC, 20009
- DeCoursey, Brigid, Colleen, 6217 Bittersweet Drive, Little Rock, AR, 72204
- DeGraffenreidt, Aaron, Blake, 2514 N. Calvert Street, Apt. 1, Baltimore, MD, 21218
- DeVougas, Daniel, Denzel, 7214 Blair Road, N.W., Washington, DC, 20012
- Decker Jr., Mark, Stephen, 1560 Dunkeld Way, Bel Air, MD, 21015
- Delisio, Christine, Straub, 2685 Thornbrook Rd., Ellicott City, MD, 21042
- Demedis, Katherine, Arrianna, 1221 4th St. NW, Apt. B, Washington, DC, 20001
- Denholm, Mary, Lynn, 507 Quaker Bottom Road, Sparks, MD, 21152
- Denny, Laura, Kathleen, 1728 N. Troy St., Apt. 760, Arlington, VA, 22201
- Denvil, William, James Gaskell, 429 N St., S.W., Apt. S-711, Washington, DC, 20024
- Derdock, Nicholas, Christian, 566 Moorings Circle, Arnold, MD, 21012
- Desaulniers, Courtney, Leigh, 5008 Jericho Rd., Columbia, MD, 21044
- Desperes, Michelle, Marie, 1906 Black Oak Court, Waldorf, MD, 20601
- Devan, Emily, Kathryn, 8 Shady Brook Court, Lutherville, MD, 21093-4525
- Devaser, Holly, Holmes, 11897 New Country Lane, Columbia, MD, 21044
- DiBiasio, Amy, Jennifer, 1212 Irving Street NW, Washington, DC, 20010
- DiFonzo, Monica, Rose, 9 Country Hill Court, Kingsville, MD, 21087
- DiMauro, Jennifer, Megan, 2005 Fallsgrove Way, Fallston, MD, 21047
- Diaz, Luis, Carlos, 3602 Adams Dr., Silver Spring, MD, 20902
- Dickerson, Dominic, Antonio, 903 5th St. SE, Washington, DC, 20003
- Dickey, Ruth, Eleanore, 1311 Delaware Avenue SW, Apt S227, Washington, DC, 20024
- Didow, Katherine, Cole, 1433 Templeton Place, Rockville, MD, 20852
- Digilov, Felix, Mikhailovich, 2642 Shelby Dr., Pearland, TX, 77584
- Disque, Lila, DeViveiros, 2710 Arlington Drive, #304, Alexandria, VA, 22306
- Dixon, Tyeesha, Ishell, 28 DeWolfe St., 548 Levertt Mail Ctr., Cambridge, MA, 02138
- Docherty, Kevin, Douglas, 121 S. Schroeder Street, Baltimore, MD, 21223
- Dolin, Elizabeth, Katherine, 3316 Hudson St., Baltimore, MD, 21224
- Donohue, Laura, Ann, 6330 Bayberry Court, Apt. #812, Elkridge, MD, 21075
- Douthat, Lacey, Anne, 8007 Dogwood Road, Sparrows Point, MD, 21219
- Douthitt, Lee, Crofton, 3818 Ednor Rd., Baltimore, MD, 21218
- Drake, Elizabeth, Lee, 1303 P St., NW, Apt. 5, Washington, DC, 20005
- Drory, Jonathan, Andrew, 1499 Mass. Avenue, N.W., Apt. 802, Washington, DC, 20005
- Dubick, Emily, Alexa, 1320 N. Veitch Street, #1616, Arlington, VA, 22201
- Dudley, Lauren, Rochon, 4201 Mass. Avenue NW, Apt. 6091W, Washington, DC, 20016
- Dunn-Reid, Ann-Marie, Carol, 3606 Chado Rd., Clinton, MD, 20735
- Duren, Colby, Daniel, 1499 Mass. Avenue, NW, Apt. 712, Washington, DC, 20005
- Dworkin, Jacob, Robert, 2500 Wisconsin Avenue NW, #633, Washington, DC, 20007
- Earls, Danielle, Leigh, 3751 N. Marshfield Ave., #1, Chicago, IL, 60613
- East, Jonathan, Michael, 2975 Grove Neck Road, Earleville, MD, 21919
- Edwards Jr., Stephen, Hayes, 1519 Church Street, NW, Apt. #2, Washington, DC, 20005
- Eisenrauch, Emily, Marie, 3106 Ramblewood Rd., Ellicott City, MD, 21042
- Eisler, Paul, Oliver, PO Box 101, Ridgewood, NJ, 07451
- Elfner, Lauren, Marie, 2009 Harbour Gates Drive, Apt. 145, Annapolis, MD, 21401
- Ellis, John, David, 2 E. Maple St., Unit #22B, Alexandria, VA, 22301
- Ellwanger, Brittany, Laine, 707 York Rd., Apt 7331, Towson, MD, 21204
- Emejuru, Ikechukwu, Kenjika, 1943 Columbia Pike, Apt. 24, Arlington, VA, 22204
- Englander, Simon, 3617 Bancroft Road, Baltimore, MD, 21215
- Engler, Matthew, Jonathan, 8805 Mayberry Court, Potomac, MD, 20854
- Enyeart, Kali, Alexis, 2809 Boston St., Apt. 124, Baltimore, MD, 21224
- Erickson, Ryan, Montana, 2607 Enterprise Place, Waldorf, MD, 20601
- Escobar, Rosana, Marie, 209 Scenic Spring Lane, Maynardville, TN, 37807
- Estoesta, Ivy Clarice, Celestial, 102 E. Gittings Street, Baltimore, MD, 21230
- Evans, Danieli, Guinevere, 2355 N. California Ave., Apt. 3S, Chicago, IL, 60647
- Evans, Tamara, Lynn, 1935 Park Road NW, Apt 2, Washington, DC, 20010

THE JUDICIARY

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- Evens, Lauren, Elizabeth, 1401 Clarkson Street, Baltimore, MD, 21230
- Fagbohoun, Morolake, Beverley M, 2019 Paulette Rd, Apt 204, Dundalk, MD, 21222
- Falb, Alison, Forslund, 930 Wayne Ave., Apt. 1404, Silver Spring, MD, 20910
- Fan, Joshua, Lee, 2 Hidden Ponds Court, Gaithersburg, MD, 20878
- Farago, Max, Ladislav, 717 Thayer Ave., Silver Spring, MD, 20910
- Farhangi, Amir, 7534 Coddle Harbor Lane, Potomac, MD, 20854
- Farrar, Elizabeth, Anne, 460 L Street NW, Apt. 302, Washington, DC, 20001
- Fassnacht, Cabell, Oliver, 6010 35th Ave., Hyattsville, MD, 20782
- Feild, Peter, Matthew, 3353 Sykesville Road, Westminster, MD, 21157
- Feinstein, Brian, David, 5 Foulet Drive, Princeton, NJ, 08540
- Feith, Daniel, Jacob, 220 Water Street, Apt. 129, Brooklyn, NY, 11201
- Feldman, Joshua, 6013 Woodcrest Avenue, Baltimore, MD, 21209
- Feldman, Kiri, Lee, 10337 Whitewasher Way, Columbia, MD, 21044
- Fernandez, Adam, Joseph, 8560 2nd Ave., Apt. 1608, Silver Spring, MD, 20910
- Ferra, Gregory, John, 608 Jasper Street, Baltimore, MD, 21201
- Feuerstein, Alan, Michael, 8 Melvin Street, Apt. 1033, Gaithersburg, MD, 20877
- Finan, Griffin, Alexander, 5104 Worthington Dr., Bethesda, MD, 20816
- Findlay, June, Cynthia, 7419 Quail Ridge Lane, Bowie, MD, 20720
- Fisher, Grey, Brant, 1314 W. Seminary Ave., Lutherville, MD, 21093
- Fisher, Julia, Mariko, 1301 Mass. Avenue, NW, Apt. 703, Washington, DC, 20005
- Fisher, Nicole, Marie, 1501 St. Paul St., Apt 212, Baltimore, MD, 21202
- Fishman, Dmitry, 11710 Old Georgetown, 220, Rockville, MD, 20852
- Fitzgerald, Garrett, Matthew, 8555 Willis Dr., The Refuge, Easton, MD, 21601
- Flood, Thaddeus, Brendan, 920 G Street SE, Washington, DC, 20003
- Flynn, Brendan, James, 15304 Donna Dr., Silver Spring, MD, 20905
- Foehrkolb, Kristina, Vladimirovna, 131 River Bend Drive, Dagsboro, DE, 19939
- Forbes, Ian, Michael, 2800 Woodley Road NW, Apt. 34, Washington, DC, 20008
- Ford, Brianna, Marie, P.O. Box 40183, Arlington, VA, 22204
- Ford, Madelaine, Virginia, 4521 Clark Place NW, Washington, DC, 20007
- Foreman, Jonathan, Seth, 8810 Margate Ct, Baltimore, MD, 21208
- Forney, Scott, Daniel, 1860 East Queens Court, Crofton, MD, 21114
- Forton, Jessica, Marie, 1201 S. Barton Street, #145, Arlington, VA, 22204
- Fouquetteau, Stanislas, Fairchild, 6000 Maryland Route 108, Gaithersburg, MD, 20882
- Frank, Lindsey, Nicole, 1327 Kingsbury Road, Owings Mills, MD, 21117
- Freimuth, Emily, Jean, 1042 Patapsco St, Baltimore, MD, 21230
- Friedman, Jason, Daniel, 5621 Knollwood Road, Bethesda, MD, 20816
- Froehlich, Jason, Nathaniel, 8901 Roundleaf Way, Gaithersburg, MD, 20879
- Fujioka, Lauren, Kyoko, 19801 Larentia Drive, Germantown, MD, 20874
- Fujisaki, Alexandria, Soleil, 2105 Dayton St., Silver Spring, MD, 20902
- Furdyna, Timothy, James, 2501 Porter Street NW, Apt. 1027, Washington, DC, 20008
- Gaches, Steven, Ward, 300 Broad Creek Drive, Annapolis, MD, 21401
- Gantt III, Garland, Willet, 8310 Colesville Road, #2-107, Silver Spring, MD, 20910
- Ganvir, Malini, Hyacinth, 1013 West Viking Court, Abingdon, MD, 21009
- Garcia, Melanie, Louise, 425 L Street NW, Apt. 727, Washington, DC, 20002
- Gardner, Casey, Elizabeth, 1301 U St. NW, Apt. 421, Washington, DC, 20009
- Gardner, Mary, Melissa, 1530 16th Street NW, Apt. 504, Washington, DC, 20036
- Garland, Ryan, Michael, 4520 Meadowcliff Rd., Glen Arm, MD, 21057
- Garner, Lance, Richard, 1111 Park Ave., Apt. 1208, Baltimore, MD, 21201
- Garnica, Adam, David, 14 East Myrtle Street, Alexandria, VA, 22301
- Garrigan, Thomas, James, 2727 29th StreetNW, Apt 414, Washington, DC, 20008
- Garrison, Charles, Coy, 5203 Andover Road, Chevy Chase, MD, 20815
- Gasior II, Jon, Joseph, 904 South Curley Street, Baltimore, MD, 21224
- Gaver, Craig, Daniel, 1661 Park Road NW, #102, Washington, DC, 20010
- Gazaille, Adam, Russell, 8026 Brightwood Ct., Ellicott City, MD, 21043
- Ge, Brandon, Chang, 437 Upshire Cir., Gaithersburg, MD, 20878
- Gede, Nathan, Jay, 4318 Beckleysville Rd, Hampstead, MD, 21074
- Gee, Wesley, Timon, 2801 Quebec Street NW, #139, Washington, DC, 20008
- Gehringer, Jennifer, Marie, 61 Eustis Ave., Newport, RI, 02840
- Genevich, Kelsey, Anne, 2922 Upton Street NW, Washington, DC, 20008
- Gentine, Steven, Michael, 14115 Lotus Ln., Apt. 1735, Centreville, VA, 20120
- George, Jason, Joseph, 20824 Amber Hill Court, Germantown, MD, 20874
- Germano, James, Robert, 8570 Light Moon Way, Laurel, MD, 20723
- Gerst, Michael, Anthony, 1993 Gulfstream Court, Forest Hill, MD, 21050
- Gertel, Shmuel, Meshulam, 7015 Wallis Avenue, Baltimore, MD, 21215
- Ghant-Mooney, Wanda, Lafaye, 4306 Begonia Drive, Bowie, MD, 20720
- Ghezzi, Alec, Umberto, 1600 Ruxton Rd., A3, Ruxton, MD, 21204
- Ghuma, Rayyan, Abdulmaleb, 1473 Park Road NW, Apt 5, Washington, DC, 20010
- Gibbons, Lauren, Marie, 1416 S. Hanover Street, Baltimore, MD, 21230
- Giblin, Katherine, Mary, 4545 Connecticut Avenue, Apt. 505, Washington, DC, 20008
- Gibson, Malia, 4958 Kilauea Avenue, Apt 2, Honolulu, HI, 96816
- Gigot, Matthew, Randall, 1500 Mass. Ave. NW, Apt 531, Washington, DC, 20005
- Gillians, Cody, Isaac, 1415 N. Taft St., Apt. 677, Arlington, VA, 22201
- Gima, Zachary, Thomas, 305 W. Monument Street, Apt. 308, Baltimore, MD, 21201
- Ginsberg, Jennifer, Blair, 11613 Fulham Street, Silver Spring, MD, 20902
- Glass, Megan, Christine, 3221 Connecticut Avenue NW, Apt 101, Washington, DC, 20008
- Glaze, Robert, Eugene, 3905 Hudson St., Baltimore, MD, 21224

- Glenn Jr., Thomas, Edward, 18722 Timber Spring Drive, Humble, TX, 77346
- Glofak, Gregory, 5044 Eisenhower Avenue, Apt. 206, Alexandria, VA, 22304
- Godwin, Katherine, Elizabeth, 1816 Frederick Road, Catonsville, MD, 21228
- Goldberg, Jaclyn, Michelle, 2000 N St. NW, Apt 802, Washington, DC, 20036
- Goldich, Meredith, McIsaac, 2727 29th St., NW, Apt. 315, Washington, DC, 20008
- Goldman, Sean, Adam, 8811 Colesville Road, Apt. 1126, Silver Spring, MD, 20910
- Goldschmidt, Scott, Zachary, 2100 Connecticut Avenue, NW, Apt. 203, Washignotn, DC, 20008
- Goldsmith, Peter, Zachary, 1111 Light Street, Apt. 506, Baltimore, MD, 21230
- Goldsmith Jr, Richard, Reeves, 2057 Kedge Dr., Vienna, VA, 22181
- Goldson, Ingmar, Bancroft, 3726 Connecticut Avenue NW, Apt 419, Washington, DC, 20008
- Goler, Kellyn, Marie, 2007 O St. NW, Apt. 402, Washington, DC, 20036
- Goluskin, Chiara, Tattiana, 684 Washington Blvd., Apt. B, Baltimore, MD, 21230
- Gonsalves, Stacie, Lynn, 1401 Blair Mill Road, Apt. 520, Silver Spring, MD, 20910
- Goodman, Kathryn, Rose, 3207 Sutton Place NW, Apt. B, Washington, DC, 20016
- Goodman, Shaina, Leah, 1361 Irving Street NW, Apt. #16, Washington, DC, 20010
- Gordon, Michael, Ralph, 259 Congressional Lane, Apt. 617, Rockville, MD, 20852
- Gordon, Rachel, Mara, 5480 Wisconsin Avenue, Apt. 508, Chevy Chase, MD, 20815
- Goren, Jason, Ross, 13 Jenner Court, Owings Mills, MD, 21117
- Gosselink, Jill, Suzann, 1800 Wilson Blvd., Unit 410, Arlington, VA, 22201
- Gottfried, Robert, Alex, 2899 Audubon Terrace, NW, Washington, DC, 20008
- Gracia Jr, Erick, Pierre, 1621 E St. NE, Apt 1, Washington, DC, 20002
- Graham, Beverly, Jo, 6021 Wild Ginger Court, Columbia, MD, 21044
- Graves, Anwar, Lord, 8 Honeybell Ct., Owings Mills, MD, 21117
- Gray, Elissa, Anna, 8928 Bradmoor Drive, Bethesda, MD, 20817
- Greaney, Christopher, Joseph, 19420 James Creek Court, Brookeville, MD, 20833
- Grebe, David, Andrew, 1607 Hutzler Ln., Apt 2107, Pikesville, MD, 21208
- Green, Megan, Elizabeth, 605 Remington Road, Fallston, MD, 21047
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- Grunberg, Jessica, Kim, 911 R Street NW, Washington, DC, 20001
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- Hersey, Garrison, James, 924 N. Calvert Street, Apt. 3-F, Baltimore, MD, 21202
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- Hicks, Jesse, Francis, 410 River Road, Chestertown, MD, 21620
- Higdon, Thomas, Conway, 2003 Tundra Ct., Annapolis, MD, 21401
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- Hill, James, Thomas, 27 14th St., NE, Washington, DC, 20002
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- Hovell, Christopher, Dean, 1232 Patapsco St, Baltimore, MD, 21230
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- Karpoff, Joshua, Dov, 1121 University Blvd. West, Apt 405, Silver Spring, MD, 20902
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- Kelley, Nicholas, James, 2801 Quebec Street, NW, Apt. 729, Washington, DC, 20008
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- Kelly, Shane, Beninga, 603 Girard Street, N.E., Washington, DC, 20017
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- Kinney, Thomas, James, 1301 U St. NW, Apt. 421, Washington, DC, 20009
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- Kleiza, Lynette, Teresa, 1211 Sheridan Street NW, Washington, DC, 20011
- Klekner, Kevin, Marc, 626 Ray Drive, Silver Spring, MD, 20910
- Klemm, Lauren, Elizabeth, 2255 Rogene Dr., Apt 204, Baltimore, MD, 21209
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- Klosko, Deborah, Kaye, 935 15th St., SE, Washington, DC, 20003
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- Kohler, Rachel, Joan, 1235 Girard Street NW, Apt B, Washington, DC, 20009
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- Kugel, Diana, 607 Saint Paul St, Apt. 607B, Baltimore, MD, 21202
- Kuhls, Erin, Elizabeth, 2127 California Street NW, Apt. #201, Washington, DC, 20008
- Kukorowski, Andrew, Karl, 11 Hill Avenue, Apt. A, Easthampton, MA, 01027
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- Levine, Haninah, Zephaniah Peretz, 1305 10th Street, NW, #404, Washington, DC, 20001
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- Lewis, Sarah, Ann, 78 Q St NW, Washington, DC, 20001
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- Mallett, Eyvonne, Renee, 15559 Peach Walker Drive, Bowie, MD, 20716
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- Manck, Aaron, David, 1022 Harbor Dr., Annapolis, MD, 21403
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- McCarthy, Mary, Elizabeth, 207 Rodgers Forge Avenue, Apt. B, Baltimore, MD, 21212
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- McIlroy, Leslie, Jennings, 121 South Samuel Street, Charles Town, WV, 25414
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- McPeck, Anthony, Ryan, 2449 Olde Bridge Lane, Lexington, KY, 40513
- McPheeters, Daniel, Alexander, 1851 N. Scott St., Apt. 161, Arlington, VA, 22209
- Meeks, Julie, Ann, 8320 Coleville Road, Apt. 3-204, Silver Spring, MD, 20910
- Mendelsohn, Daniel, Ross Helzer, 309 South Ann Street, Baltimore, MD, 21231
- Mendrinis, Nikoletta, Sara, 305 West Monument Street, Apt. 304, Baltimore, MD, 21201
- Mervis, Lindsey, Cloud, 1475 A St. NE, Washington, DC, 20002
- Messina, Kristen, Jean, 2020 12th Street NW, Apt. 201, Washington, DC, 20009
- Metelitsa, Olga, 1201 S. Courthouse Road, Apt 727, Arlington, VA, 22204
- Mettam, Anne, Elizabeth, 5107 Roland Avenue, Apt. 1-R, Baltimore, MD, 21210
- Meyer, Paul, Richard, 208 Park Ave., Apt. 206, Gaithersburg, MD, 20877
- Mierzejewski, Spencer, Michael, 704 Gladstone Avenue, Apt 1, Baltimore, MD, 21210
- Mihalich, Matthew, Francis, 4205 41st St NW, Washington, DC, 20016
- Miller, Lauren, Michelle Searcy, 16623 Alexander Manor Drive, Silver Spring, MD, 20905
- Miller, Tracy, Celeste, 10838 Symphony Way, Columbia, MD, 21044
- Minaya, Mariana, Catalina, 6329 Wilson Ln., Bethesda, MD, 20817
- Minnitte III, Samuel, Franklin, 1002 Clausen Ln, Arnold, MD, 21012
- Mirvis, Margot, Lucinda, 574 Regent Place, NE, Washington, DC, 20017
- Mitchell, Mark, Luciano, 7116 Fairfax Rd., Bethesda, MD, 20814
- Mitchell, Sierra, Brooke, 6509 Lower Marlboro Lane, Owings, MD, 20736
- Mohammed, Aisha, Oluwakemi, 9756 Summer Park Court, Columbia, MD, 21046
- Molina, Vanessa, 3420 Hampton Hollow Drive, E, Silver Spring, MD, 20902
- Moll, Mary, Sheppard, 450 Mass. Avenue, NW, Apt. 311, Washington, DC, 20001
- Mongeon, Camille, Christian, 8315 Avondale Road, Parkville, MD, 21234
- Montagna, Andrew, Louis, 815 Ramsay St., Baltimore, MD, 21230
- Mooney, Bret, Hernan, 201 King Farm Blvd., J103, Rockville, MD, 20850
- Mooney Jr., Robert, Franklin, 437 S. Ellwood Avenue, Baltimore, MD, 21224
- Moore, Aaron, Meyers, 201 King Farm Blvd., Apt. J103, Rockville, MD, 20850
- Moore, Emily, Suzanne, 4612 5th St. NW, Washington, DC, 20011
- Moore, Wesley, Dietrich, 30354 Mallard Drive, Delmar, MD, 21875
- Moreau, Justine, Marie, 920 St Paul St., Apt 2R, Baltimore, MD, 21202
- Morgenthaler, Daniel, Bernard, 231 N Adams St., Rockville, MD, 20850
- Moriarty, Tadhg, Dhanessar, 6329 Lenox Rd., Bethesda, MD, 20817
- Morrell, Vanea, Alyce, 5838 Northwood Drive, Baltimore, MD, 21212
- Morris, Rachel, Diane, 11025 Cedar Ln., Beltsville, MD, 20705
- Morrison, Jacquelyn, Renee, 633 Gallatin Street NE, Washington, DC, 20017
- Morse, Bradford, Allen, 1009 Samantha Lane, Unit #204, Odenton, MD, 21113

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- Moseley II, Albert, 446 Chauncey Ct, Alexandria, VA, 22314
 Moser, John, Tyler, 19846 Cool Hollow Road, Hagerstown, MD, 21740
 Moser, Michael, Joseph, 224 G St. NE, Washington, DC, 20002
 Mosson, Gregg, Howard, 5600 Wexford Road, Apt. 1, Baltimore, MD, 21209
 Moulding, Kyle, James, 558 Valleywood Road, Millersville, MD, 21108
 Mount, Jodie, Michele, 2122 Mass. Ave., N.W., Apt. 605, Washington, DC, 20008
 Mozaffar, Nadia, Shabnam, 4141 Woodlawn Drive, Apt. 38, Nashville, TN, 37205
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 Muncy, David, Anderson, 3100 Stone Cliff Drive, Apt. 106, Baltimore, MD, 21209
 Mundy, William, Zachariah, 6011 Chesworth Road, Catonsville, MD, 21228
 Murad, Andrew, Michael, 8014 Warfield Road, Gaithersburg, MD, 20882
 Murali, Supraja, Tennoor, 10943 Harmel Dr., Columbia, MD, 21044
 Murch, Daniela, Miriam, 1722 19th StreetNW, #503, Washington, DC, 20009
 Murphy, Andrew, Francis, 2427 Fait Ave., Baltimore, MD, 21224
 Murray, Kasey, Kendra, 1124 25th Street NW, Apt. T6, Washington, DC, 20037
 Murray, Patrick, Harrington, 3114 East Baltimore Street, Baltimore, MD, 21224-1350
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 Nagey, Nicholas, Tibor, 3 Beach Drive, Sherwood Forest, MD, 21405
 Naiman, Aaron, Avrum, 6711 Darwood Drive, Baltimore, MD, 21209
 Narrow, Annais, Catherine, 2700 Virginia Avenue NW, #105, Washington, DC, 20037
 Nasir, Sheza, 32 Springhill Farm Court, Cockeysville, MD, 21030
 Nasserghodsi, Alireza, 11121 Rutledge Drive, North Potomac, MD, 20878
 Navai, Arzhang, Alex, 1701 16th Street NW, Apt 223, Washington, DC, 20009
 Nehmer, Jason, Robert, 13709 Valley Dr., Rockville, MD, 20850
 Neubauer, Jennifer, Elizabeth, 17509 Wesley Chapel Road, Monkton, MD, 21111
 Neuhausen, Emily, Elizabeth, 2901 Connecticut Avenue, NW, Apt. 307, Washington, DC, 20008
 Neustaetter, Andrew, Cook, 6329 Youngs Branch Drive, Fairfax, VA, 22039
 Neville, Mikael, Sebastian, 17 Hatfield Street, Caldwell, NJ, 07006
 Newhart, Lauren, Elaine, 811 Solana Drive, Lafayette, CA, 94549
 Newman-Blount, Sheba, Michelle, 2917 Saint Paul, Baltimore, MD, 21218
 Nguyen, Minh-Tam, Le, 8398 Sand Cherry Lane, Laurel, MD, 20723
 Nicewicz, Peter, Przemyslaw, 8150 Lakecrest Drive, Apt. 817, Greenbelt, MD, 20770
 Nicholas, Amy, Lynne, 5962 Grand Pavillion Way, Apt. 107, Alexandria, VA, 22303
 Nichols, Courtney, Ann, 1114 Florida Ave. NE, # 1, Washington, DC, 20002
 Nichols, Tiffany, Marie, 4411 Connecticut Ave., NW, Apt. 219, Washington, DC, 20008
 Nieto, Carlos, Andres, 1401 Clarkson St, Baltimore, MD, 21230
 Noble, Ryan, Thomas, 7001 Brookside Road, Independence, OH, 44131
 Notton, Ryan, Anthony, 15 Charles Plaza, Apt. 1702, Baltimore, MD, 21201
 Nover, Jeffrey, Stephen, 1420 Clifton Street, NW, #202, Washington, DC, 20009
 Nowrouzi, Shabnam, 9307 Fernwood Road, Bethesda, MD, 20817
 Nugent, Francis, Javier, 9411 Wildoak Dr, Bethesda, MD, 20814
 Nunley, Kate, Nicole, 6223 Deep River Canyon, Columbia, MD, 21045
 Nusraty, Alexander, Yonus, 1808 9th St, NW, Washington, DC, 20001
 Nyberg, Nathan, Rogers, 4710 Bethesda Avenue, #1101, Bethesda, MD, 20814
 Nzive, Alex, Mutinda, 6210 Belcrest Rd, Apt 1326, Hyattsville, MD, 20782
 O'Brien, Annie, Mahoney, 555 Mass. Avenue NW, Apt 710, Washington, DC, 20001
 O'Brien, Patrick, Denis, 4217 Glenridge Street, Kensington, MD, 20895
 O'Connell, Tamara, Adriana, 123 West Goldfinch Lane, Centreville, MD, 21617
 O'Connor, Megan, Renee, 7925 Hammond Pkwy, Laurel, MD, 20723
 O'Donnell, Kevin, Hughes, 1010 Mass. Ave. NW, Unit 1203, Washington, DC, 20001
 O'Donnell, Shaun, Holt, 1232 Battery Avenue, Baltimore, MD, 21230
 O'Hara, Sean, Charles, 4003 Denfeld Avenue, Kensington, MD, 20895
 O'Malley, Brandon, Michael, 6529 Old Carriage Drive, Alexandria, VA, 22315
 O'Meara, Megan, Fisher, 3105 Saturday Ct, Finksburg, MD, 21048
 O'Toole-Loureiro, Melissa, Mae, 707 York Road, Apt. 6329, Towson, MD, 21204
 Ochoa-Truszynski, Christina, Marie, 704 S. Port St., Baltimore, MD, 21224
 Ochs, David, Nathan, 5218 Rayland Dr, Bethesda, MD, 20814
 Oehmke, Adam, Seth, 8310 Colesville Road, Apt. 110, Silver Spring, MD, 20910
 Offutt, Eric, Michael, 1343 Wakefield Valley Road, New Windsor, MD, 21776
 Ognibene, Adrienne, Lee, Rt. 2 Box 421, Ridgely, WV, 26753
 Oldenbourg, Thoerrin, Z.-A. M., 1109 Primrose Court, Apt. 204, Annapolis, MD, 21403
 Olsen, Christopher, John, 519 West Pratt Street, Apt. 605, Baltimore, MD, 21201
 Olumide, Adetoun, 1237 Dalton Rd., Parkville, MD, 21234
 Onken, Laura, Cielle, 21 Hardwicke Pl., Rockville, MD, 20850
 Ortega, Chelsea, Rebekah, 3816 Wrights Wharf Road, Hurlock, MD, 21643
 Oshineye, Adetutu, Adeshola, 5540 Doubs Rd., Adamstown, MD, 21710
 Ostrovsky, Denis, 11504 Nairn Farmhouse Ct., Silver Spring, MD, 20902
 Osuor, Chukwuemeke, Kevin, 8521 Winands Road, Randallstown, MD, 21133
 Packman, Iris, Gillian, 4100 Mass. Ave., NW, Apt. 913, Washington, DC, 20016
 Packman, Joshua, Hersh, 4913 Cloister Dr., Rockville, MD, 20852
 Palazzolo, Katherine, Anne, 4601 Connecticut Ave., N.W., Apt. 604, Washington, DC, 20008
 Palko, David, Michael, 12911 Norwood Drive, Charlotte Hall, MD, 20622
 Palmer, Jennifer, Ordelt, 1317 Richardson Street, Baltimore, MD, 21230
 Pang, Lin, 6200 Westchester Park Drive, #913, College Park, MD, 20740

- Parasram, Krystél, Monique, 3200 E Lombard Street, Baltimore, MD, 21224
- Parr Jr., Robert, Francis, 4201 Mass. Ave., Apt. 7027c, Washington, DC, 20016
- Pascual, Rosalinda, 802 E 35th Street, Baltimore, MD, 21218
- Paslick, Marissa, Grace, 1602 Olive St., Baltimore, MD, 21230
- Patoka, Michael, Lewis, 7001 Plymouth Road, Baltimore, MD, 21208
- Payne, Kimberly, Elizabeth, 2321 Fort Drive, Alexandria, VA, 22303
- Peddicord, Audra, Marie, 6800 Tildenwood Ln., Rockville, MD, 20852
- Pedersen, Cynthia, Marie, 904 North Calvert Street, Apt. 2, Baltimore, MD, 21202
- Pelletier, Pauline, Marietta, 2710 Macomb Street NW, Unit 110, Washington, DC, 20008
- Penhallegon, Kevin, James, 313 Vine Street, Apt. 103, Philadelphia, PA, 19106
- Pennington, Kathleen, Faye Donovan, 207 Clay Street, Annapolis, MD, 21401
- Perales, Olegario, 7035 Blair Road NW, APT 120, Washington, DC, 20012
- Perez, Christine, Marie, 905 6th St. SW, Apt. 411B, Washington, DC, 20024
- Pergola, Julia, Lawrence, 228 14th St. SE, Washington, DC, 20003
- Perry, Samantha, Lynn, 2405 Eagle View Drive, Bel Air, MD, 21015
- Peters, Benjamin, Thomas, 5325 Westbard Avenue, Apt 815, Bethesda, MD, 20816
- Peters, Mandi, Marie Gordon, 926 Silver Run Valley Road, Westminster, MD, 21158
- Peters, Matthew, Jordan, 2211 Hillsborough Rd, Apt 1055, Durham, NC, 27705
- Peterson, Amanda, Brittany, 111 East Monument Street, Unit A, Baltimore, MD, 21202
- Petito, Jackson, Anthony, 3507 Buena Vista Avenue, Baltimore, MD, 21211
- Peyton, Jeffrey, Wayne, 701 Cathedral St., Apt. 31, Baltimore, MD, 21201
- Pfeferman, Robert, Lawrence, 1530 First Street NW, Washington, DC, 20001
- Phillips, Aliyah, Morgen, 1930 New Hampshire Ave. NW, Apt. 38, Washington, DC, 20009
- Phillips, Nicholas, James, 1214 North Charles Street, Apt. 321, Baltimore, MD, 21201
- Phillips, Ross, Nicholas, 8835 Kemp Rd., Easton, MD, 21601
- Phillips, Tracy, Elizabeth, 2725 Connecticut Ave., NW, Apt. 805, Washington, DC, 20008
- Picard, Jamie, Michelle, 9805 Glynshire Way, Potomac, MD, 20854
- Piereck de Sá, Ricardo, Lima, 2451 Midtown Avenue, Ste. 208, Alexandria, VA, 22303
- Pirog, Christopher, John, 1401 Charlestown Drive, Edgewood, MD, 21040
- Pié, Adam, James, 5939 Rockhold Drive, Deale, MD, 20751
- Plaxen, Joshua, Adam, 7152 Morning Light Trail, Columbia, MD, 21044
- Pleasant-Jones, George, Charles, 1901 Rose Theatre Circle, Olney, MD, 20832
- Plewes, Andrea, Kristine, 5822 Wyndham Circle, Apt. 104, Columbia, MD, 21044
- Podolsky, Bennett, Hale, 1847 Vernon St., Apt. B, Washington, DC, 20009
- Podzius, Megan, Elizabeth, 101 East Mount Royal Avenue, Apt. 908, Baltimore, MD, 21202
- Poe, Shawn, Michael, 260A Hilltop Ln., Apt. 201, Annapolis, MD, 21403
- Polansky, Hayley, Elizabeth Evans, 4509 Fieldgreen Road, Nottingham, MD, 21236
- Polcyn, Lucas, John, 611 S Port Street, Baltimore, MD, 21224
- Polkey, Aaron, Tobias, 1934 1st St NE, Washington, DC, 20002
- Pollack, Jennifer, Robyn, 2100 Connecticut Ave., NW, Apt. 203, Washington, DC, 20008
- Pollock, Spencer, Stewart, 1901 Billy Barton Circle, Reisterstown, MD, 21136
- Ponczak, Jana, Lindsay, 7812 Ridge Terrace, Baltimore, MD, 21208
- Pope III, William, Henry, 1705 East West Highway, Apt. 515, Silver Spring, MD, 20910
- Poretz, Edward, Matthew, 1020 Park Ave., #903, Baltimore, MD, 21201
- Posner, Samantha, Britney, 10605 Park Heights Ave., Owings Mills, MD, 21117
- Pozza, Kyle, Edward, 4450 S. Park Avenue, Apt. 1518, Chevy Chase, MD, 20815
- Prater, David, Andrew, 319 S. Fremont, Baltimore, MD, 21230
- Preer, Shaunte', Marie, 3606 Castle Terr., Silver Spring, MD, 20904
- Priddle, Laura, Jane, 132 Firetower Rd., Port Deposit, MD, 21904
- Priolo, Nichole, Francesca Maria, 605 Admiral Dr., Unit 107, Annapolis, MD, 21401
- Prywes, Joshua, David, 2512 Oakenshield Drive, Rockville, MD, 20854
- Pysno, Nathan, Charles, 3801 Connecticut Avenue, NW, Apt. 911, Washington, DC, 20008
- Qadeer, Saman, 11701 Owens Glen Way, North Potomac, MD, 20878
- Quaile, Leah, 8750 Georgia Avenue, #1504B, Silver Spring, MD, 20910
- Quinn, Jeffrey, Scott, 102 Holly Court, Stevensville, MD, 21666
- Qureshi, Sarah, Umbreen, 10996 Bacon Race Road, Woodbridge, VA, 22192
- Raba, Jessica, Marie, 731 Grundy Street, Baltimore, MD, 21224
- Rabinowitz, Matthew, Ross, 4450 South Park Avenue, Apt. 818, Chevy Chase, MD, 20815
- Radke, Amanda, Marie, 923 Vanderwood Road, Baltimore, MD, 21228
- Ragwar, Achieng, Rosa Otieno, 15001 Sunflower Court, Rockville, MD, 20853
- Ramirez, Aaron, 4616 SW 143 Place East, Miami, FL, 33175
- Ramirez, Michael, Alan, 3100 Wisconsin Avenue NW, Apt. B6, Washington, DC, 20016
- Rana, Yasmine, Ibrahim, 706 Brandon Green Drive, Silver Spring, MD, 20904
- Randolph, Bryan, Keagan, 636 Portland St., Baltimore, MD, 21230
- Randrup III, Anders, 105 West Main Street, Salisbury, MD, 21801
- Rapp, Stephanie, Lynn, 8025 13th Street, Apt. 312, Silver Spring, MD, 20910
- Rappaport, Yaakov, Mordechai, 3611 Bancroft Road, Baltimore, MD, 21215
- Rath, Thomas, Fredrick, 1012 Irving St., Apt. 1, Washington, DC, 20010
- Razdan, Neerja, 912 Chestnut Ridge Drive, Lutherville, MD, 21093
- Redd, Justin, Akihiko, 2534 Fait Avenue, Baltimore, MD, 21224
- Reek, Kristen, Nicole, 13708 Killarney Court, Phoenix, MD, 21131
- Reeves, Philip, John, 1400 Irving Street NW, Apt. 505, Washington, DC, 20010
- Regan, Kelley, Patricia, 2311 Long Ridge Road, Reisterstown, MD, 21136
- Rene', Kyle, Raymond, 1400 S. Joyce St., Apt. 932, Arlington, VA, 22202
- Retta, Tsehaitu, Girma, 305 West Fayette Street, Apt. 1005, Baltimore, MD, 21201

THE JUDICIARY

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- Reyes, Marianne, Angelica, 133 E. Ostend St, Baltimore, MD, 21230
 Reynolds, Benjamin, Knowlton, 4216 Corey Cir., Ann Arbor, MI, 48103
 Reynolds, Katherine, Ann, 908 Ranch Rd., Connerville, IN, 47331
 Reynolds, Lillian, Lane, 4308 Folly Quarter Road, Ellicott City, MD, 21042
 Reynolds, Megan, Jo, 2975 Hunters Branch Road, Apt. 150, Fairfax, VA, 22031
 Reza, Jabeen, Zehra, 1110 Fidler Lane, Apt 1214, Silver Spring, MD, 20910
 Rice, Elizabeth, Anne, 5002 Boxhill Ln., Baltimore, MD, 21210
 Rice, Jamie, Joan, 1670 Heather Ln, Huntingtown, MD, 20639
 Rich, Robert, Joseph, 3701 Connecticut Avenue NW, Apt. #702, Washington, DC, 20008
 Ricke, Jason, David, 1456 Orleans Ct., Crofton, MD, 21114
 Rider, Rachael, Elizabeth, 2865 Ivory Lane, Port Republic, MD, 20676
 Ridinger, Preston, Kent, 16 Castle Garden Court, Olney, MD, 20832
 Riedl, Elyn, Marie, 2629 N. Calvert Street, Baltimore, MD, 21218
 Rigamonti, Eva, Vittoria, 3412 Old Forest Road, Pikesville, MD, 21208
 Riley, Shane, Patrick, 1513 Sunswept Drive, Bel Air, MD, 21015
 Ritchie, Erica, Ann, 4803 Fernley Square, Baltimore, MD, 21227
 Ritter, Curran, Glenn, 1450 W Leesport Road, Leesport, PA, 19533
 Ritter, Sarah, Evelyn, 3408 Saint Paul Street, Baltimore, MD, 21218
 Roark, Christine, Trufant, 1254 10th Street, NW, Unit 1, Washington, DC, 20001
 Robel, Michele, Lynn, 9434 Seven Courts Drive, Baltimore, MD, 21236
 Robins, Sima, Gavriella, 200 Rector Place, Apt. 19F, New York, NY, 10280
 Robinson, Syritha, Leann, 4954 6th St. NE, Washington, DC, 20017
 Robinson, Tamiesha, Captora, 9 Sweetleaf Ct., Elkton, MD, 21921
 Robison, Aaron, Lee, 1660 Lanier Place NW, Apt. 111, Washington, DC, 20009
 Roche Jr., John, Raphael, 314 Emory St., Baltimore, MD, 21230
 Rodgers, Rebecca, Juliet, 670 N Calvert St., Apt. C, Baltimore, MD, 21202
 Rogers, Emily, Claire, 101 East Mount Royal Avenue, Apt. 308, Baltimore, MD, 21201
 Rogos, John, Martin, 1728 Swann Street, N.W., Apt. 2, Washington, DC, 20009
 Roldan, Joyce, Maramot, 4548 North Chelsea Lane, Bethesda, MD, 20814
 Romagnino, Kara, Dawn, 1301 M Street, N.W., Apt. 1014, Washington, DC, 20005
 Romanchok, Brandon, Gregory, 3111 Buccaneer Court, #201, Fairfax, VA, 22031
 Romanosky, Theresa, Lee, 1520 Independence Avenue, SE, Apt. #202, Washington, DC, 20003
 Romeo-Stuppy, Kelsey, Ann, 7566 Rain Flower Way, Columbia, MD, 21046
 Romero, Alexandra, Martin, 615D Madison Avenue, Charlottesville, VA, 22903
 Rosemond, Michael, Jason, 10401 Hutting Place, Silver Spring, MD, 20902
 Rosen, Elizabeth, Morehouse, 6417 Ruffin Rd., Chevy Chase, MD, 20815
 Rosenfeld, Wesley, Franklin, 1121 Arlington Blvd., Apt. 833, Arlington, VA, 22209
 Rosensweig, Mitchell, Evan, 16 Diamond Crest Court, Baltimore, MD, 21209
 Rosenthal, Sloane, Kuney, 2498 Buckelew Drive, Falls Church, VA, 22046
 Rosin, Jacob, Daniel, 98 Walraven Dr., Apt 2A, Teaneck, NJ, 07666
 Ross, Jennifer, Jane, 11074 Birchtree Lane, Laurel, MD, 20723
 Rosser IV, William, Edward, 7036 Albany Avenue, Rose Haven, MD, 20714
 Roundtree, Portia, Marie, 7917 Bressingham Dr., Fairfax Station, VA, 22039
 Rountree, Jeremy, Michael, 1203 Morling Avenue, Baltimore, MD, 21211
 Roussil, Jennifer, Megan, 26 Bell Bluff Ct., Gaithersburg, MD, 20879
 Rovinsky, Jeremy, Adam, Machal 12, Apt. 14, Jerusalem, Israel, 97763
 Rowe, Elizabeth, Cordeiro, 220 Benjamin Blvd., Bear, DE, 19701
 Rowe, Elizabeth, Lathrop, 2406 Grant St., Ivanston, IL, 60201
 Royce, Amelia, Anne, 1004 M St. NW, #3, Washington, DC, 20001
 Royer, Lauren, Marie, 101 Eastern Ave, Bel Air, MD, 21014
 Ruhl, Christina, Marie, 927 Lovegrove Street, Baltimore, MD, 21202
 Ruiz Garay, Jennifer, 1018 Booth St., Baltimore, MD, 21223
 Russell, Jessica, Lynn, 3904 Elm Ave, Baltimore, MD, 21211
 Rusz, Shannon, Elka, 324 Five Farms Drive, Stevensville, MD, 21666
 Ryan, John, Lincoln, 8920 Edgewood Drive, Gaithersburg, MD, 20877
 Sachanda, Nicholas, Robert, 1755 1/2 Park Road NW, Washington, DC, 20010
 Sadanandan, Seema, 3705 22nd St NE, Washington, DC, 20018
 Sager, Rebecca, Carroll, 2201 Seminary Road, Silver Spring, MD, 20910
 Saikh, Jesmin, Parveen, 7221 Grinnell Dr, Derwood, MD, 20855
 Salem, Daniel, Lee, 21-35 27th St., Apt. D4, Astoria, NY, 11105
 Sallee, Amanda, Blair, 155 Potomac Passage, Unit 319, Oxon Hill, MD, 20745
 Samakow, Rachel, Witt, 2204 Snow Road, Edgewood, MD, 21040
 Sambataro, Laura, Christina, 4650 Washington Blvd., Apt. 205, Arlington, VA, 22201
 Sanderlin, Joshua, Ray, 4101 Albemarle Street NW, Apt 304, Washington, DC, 20016
 Sanger, Sarah, Rice, 5415 Connecticut Avenue, NW, Apt. L30, Washington, DC, 20015
 Santa-Rita, João, Pedro, 611 E 50th St., Savannah, GA, 31415
 Sauter, Rachel, Elizabeth, 3009 Findley Rd., Kensington, MD, 20895
 Savage, Ian, Robert, 4600 S Four Mile Run Drive, Apt. 119, Arlington, VA, 22204
 Saxon, John, Patrick, 10412 Montrose Avenue, Apt. 203, Bethesda, MD, 20814
 Schaefer, Eliot, Charles, 647 N Kenmore Street, Arlington, VA, 22201
 Schavio, Brad, Miller, 1115 North Calvert Street, Apt. 2, Baltimore, MD, 21202
 Scheininger, Justin, Aaron, 1131 University Blvd. West, Apt. 710, Silver Spring, MD, 20902
 Schiller, Sabina, Suzanne, 400 Mass. Avenue, N.W., Apt. 518, Washington, DC, 20001
 Schilling, Christopher, John, 2001 Westheimer Rd., Apt. #463, Houston, TX, 77098
 Schlein, Zachary, David, 1630 Whetstone Way, Apt. 306, Baltimore, MD, 21230
 Schloss, Leah, Selma, 631 D St., NW, Apt. 440, Washington, DC, 20004
 Schmaedick, Agatha, 415 10th St., NE, Washington, DC, 20002
 Schmitt, Genevieve, Claire, 8200 Greensboro Drive, Suite 820, McLean, VA, 22102
 Schneider, Jonathan, Daniel, 212 Washington Avenue, Apt. 1019, Towson, MD, 21204
 Schopick, Abigail, Jo, 451 M St. NW, Basement, Washington, DC, 20001

- Schramm-Strosser, Meredith, Lynn, 1602 E St., SE, Washington, DC, 20003
- Schreibfeder, Elaine, Meredith, 1200 South Washington Street, Apt. 1409, Easton, MD, 21601
- Schuller, Joseph, James, 7819 Oak Leaf Court, Frederick, MD, 21701
- Schuller, Mary Clare, Cooch, 1170 Palmwood Court, Arnold, MD, 21012
- Schulman, Michael, Adam, 20A Quincy Pl, NW, Washington, DC, 20001
- Schultz, Jana, Christina, 1400 Lancaster Street, Apt. 903, Baltimore, MD, 21231
- Schwartz, Brett, Michael, 1375 Kenyon St., NW, Apt. 420, Washington, DC, 20010
- Seawell, Rachel, Jean, 1403 Lowman St., Baltimore, MD, 21230
- Seep, Jeremy, David, 624 Bay Hills Dr., Arnold, MD, 21012
- Selig, Christopher, Robert, 120 Gibbs St., Unit 385, Rockville, MD, 20850
- Severance, Rachel, Marie, 1138 Riverside Avenue, Baltimore, MD, 21230
- Shah, Chirag, Kamal, 220 Century Place, Apt. 3417, Alexandria, VA, 22304
- Shaheed, Jahaan, Akilah Ruth, 200 K Street NW, Apt. 510, Washington, DC, 20001
- Shanklin, Jan, Renee, 460 L St. NW#631, Washington, DC, 20001-2559
- Sharp, Jarrod, Stephen, 7500 Woodmont Avenue, #1104, Bethesda, MD, 20814
- Sharp, Jeremy, Farris, 628 S. Lakewood Avenue, Baltimore, MD, 21224
- Sharrock, Lauren, Christina, 6803 Grand Bahama Drive, Tampa, FL, 33615
- Shaukat, Imran, Osman, 1630 Whetstone Way, Apt. 306, Baltimore, MD, 21230
- Shay, Caitlin, Eileen, 326 S. Wolfe St., Baltimore, MD, 21231
- Shea, Brian, James, 1719 35th Street NW, Apt. 26, Washington, DC, 20007
- Shea, Jinni, Xie, 12606 Bright Spring Way, Boyds, MD, 20841
- Shearer, Stephanie, Lynn, 603 Village Grove Road, Apt. 107, Frederick, MD, 21703
- Shepard, Stephen, Patrick, 11550 Crossroads Circle, Unit 487, Middle River, MD, 21220
- Sherertz, Alexandra, Barrett, 191 State Street, Apt. 1, Montpelier, VT, 05602
- Sherman, Laura, Elizabeth, 733 15th St, NW, #1013, Washington, DC, 20037
- Shettle III, John, Francis, 4710 Roland Avenue, Baltimore, MD, 21210
- Shin, Hyunjae, 5855 Blue Sky, Elkridge, MD, 21075
- Shin, Sang, Yoon, 15120 Snow Mass Court, Silver Spring, MD, 20906
- Shirk, Meaghan, Marie, 10 E Brookfield Drive, Lebanon, PA, 17046
- Shirley, William, Zak, 1417 Walnut Avenue, Baltimore, MD, 21209
- Shmerling, Bryna, Rose, 511 West Pratt Street, Apt 1208, Baltimore, MD, 21201
- Shoemaker, Kyle, John, 8434 Cotoneaster Dr., #4A, Ellicott City, MD, 21043
- Shokunbi, Olamide, Nicholas, 2010 Yorktown Road NW, Washington, DC, 20012
- Shore, Justin, Lindsay Paul, 70 I Street SE, Apt 1132, Washington, DC, 20003
- Shuster, James, Patrick, 7035 Blair Road., NW, Apt. 314, Washington, DC, 20012
- Siad, Hodan, 5021 Seminary Road, Apt. 725, Alexandria, VA, 22311
- Siegel, Max, Drew, 401 S. Fremont Avenue, Unit C, Baltimore, MD, 21230
- Siegel, Steven, Michael, 10528 Democracy Blvd., Potomac, MD, 20854
- Silkman, Cory, Matthew, 709 Walnut Grove Road, Essex, MD, 21221
- Silva, Loni, Diane, 700 S Court House Road, Apt 501, Arlington, VA, 22204
- Silverman, Kenneth, Charles, 5414 Wilson Lane, Bethesda, MD, 20814
- Silvers, David, Benjamin, 3351 Martha Custis Drive, Alexandria, VA, 22302
- Silvestri, Michael, James, 2415 Cone Hill Court, Forest Hill, MD, 21050
- Sim, Mariah, Namoseub, 4715 Colonel Dent Court, Upper Marlboro, MD, 20772
- Simanski, Catherine, Anne Boone, 2014 Portugal St., Baltimore, MD, 21231
- Simmons, Derek, Spencer, 101 W. Read St., Apt. 402, Baltimore, MD, 21201
- Simon, Amy, Michelle, 6 Monterra Court, Rockville, MD, 20850
- Simon, Gregory, Brian, 811 4th St. NW, Unit 617, Washington, DC, 20001
- Singelmann, Olivia, Sealey, 1525 Q St., NW, Apt. 11, Washington, DC, 20009
- Singleton, Natane, Ameer, 10115 Hereford Place, Silver Spring, MD, 20901
- Sites, Heather, Brooke, 2226 E Lamley Street, Baltimore, MD, 21231
- Skinner, Erin, Will, 1226 Birchcrest Court, Arnold, MD, 21012
- Skorup, Brent, Dennis, 2230 Fairfax Dr., Apt. 706, Arlington, VA, 22201
- Skowronski, William, Almon, 2912 Andrea Avenue, Baltimore, MD, 21234
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THE JUDICIARY

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[12-23-35]

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

RULES ORDER

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Seventy-Fourth Report to the Court recommending adoption of the proposed deletion of existing Rules in Title 17 of the Maryland Rules and a proposed new Title 17, the proposed deletion of Rule 9-205 and a proposed new Rule 9-205, the proposed deletion of Rule 11-601, and proposed amendments to Rules 2-214, 2-303, 2-305, 2-311, 2-401, 2-403, 2-504.1, 2-510, 2-521, 2-643, 3-305, 3-510, 3-722, 4-212, 4-214, 4-216, 4-216.1, 4-217, 4-242, 4-243, 4-262 (a) and (m), 4-263 (a) and (m), 4-266, 4-326, 4-331, 4-345, 4-501, 4-504, 4-711, 5-404, 6-416, 7-112, 9-105, 14-212, 15-1001, and 15-1201, Form 4-504.1, and Rules 4 and 19 of the Rules Governing Admission to the Bar of Maryland, all as set forth in that Report published in the *Maryland Register*, Vol. 39, Issue 16, pages 1036 - 1075 (August 10, 2012); and

The Rules Committee having withdrawn the proposed amendments to Rules 2-521 and 4-326; and

This Court, by Rules Order dated October 4, 2012, having adopted certain proposed rules changes contained in the One Hundred Seventy-Fourth Report and having deferred action on the remaining proposed changes contained in that Report; and

This Court having considered at open meetings, notices of which were posted as prescribed by law, all those remaining proposed rules changes, together with the comments received, it is this 1st day of November, 2012,

ORDERED, by the Court of Appeals of Maryland, that the Rules in current Title 17 and current Rule 9-205 be, and they are hereby, rescinded, effective January 1, 2013; and it is further

ORDERED that new Title 17 and new Rule 9-205 be, and they are hereby, adopted in the form attached hereto; and it is further

ORDERED that amendments to Rules 2-214, 2-305, 2-504.1, 3-305, 3-722, 4-212, 4-217, 4-242, 4-243, 4-262, 4-263, 4-342, 4-345, 4-504, 4-711, 5-404, 9-105, 14-212, and 15-1201 be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that amendments to Rule 4-216 be, and they are hereby, adopted in the form attached hereto; and it is further

ORDERED that the proposed amendments to Rules 2-303, 2-311, 2-401, 2-643, 4-214, and 4-216.1 be, and they are hereby, rejected; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 2013 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell
 Glenn T. Harrell, Jr.
 *Lynne A. Battaglia
 Clayton Greene, Jr.
 Sally D. Adkins
 Mary Ellen Barbera
 **Robert N. McDonald

*Judge Battaglia declined to approve for adoption revised Title 17, revised Rule 9-205, and amendments to Rules 2-504.1 and 14-212.

**Judge McDonald abstained from voting on revised Title 17, revised Rule 9-205, and amendments to Rules 2-504.1 and 14-212..

Filed: November 1, 2012

Bessie M. Decker
 Clerk
 Court of Appeals of Maryland

**MARYLAND RULES OF PROCEDURE
 TITLE 4 - CRIMINAL CAUSES
 CHAPTER 200 - PRETRIAL PROCEDURES**

AMEND Rule 4-216 correct an internal reference in subsection (f)(3), as follows:

Rule 4-216. PRETRIAL RELEASE – AUTHORITY OF JUDICIAL OFFICER; PROCEDURE

...
 (f) Duties of Judicial Officer

...
 (3) Imposition of Conditions of Release

If the judicial officer determines that the defendant should be released other than on personal recognizance without any additional conditions imposed, the judicial officer shall impose on the defendant the least onerous condition or combination of conditions of release set out in section [(e)] (g) of this Rule that will reasonably:

- (A) ensure the appearance of the defendant as required,
- (B) protect the safety of the alleged victim by ordering the defendant to have no contact with the alleged victim or the alleged victim’s premises or place of employment or by other appropriate order, and
- (C) ensure that the defendant will not pose a danger to another person or to the community.

...

**MARYLAND RULES OF PROCEDURE
 TITLE 9 - FAMILY LAW ACTIONS
 CHAPTER 200 - DIVORCE, ANNULMENT, ALIMONY,
 CHILD SUPPORT,
 AND CHILD CUSTODY**

DELETE current Rule 9-205 and ADD new Rule 9-205, as follows:

Rule 9-205. MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES

(a) Scope of Rule

This Rule applies to any action or proceeding under this Chapter in which the custody of or visitation with a minor child is an issue, including:

- (1) an initial action to determine custody or visitation;
- (2) an action to modify an existing order or judgment as to custody or visitation; and
- (3) a petition for contempt by reason of non-compliance with an order or judgment governing custody or visitation.

(b) Duty of Court

(1) Promptly after an action subject to this Rule is at issue, the court shall determine whether:

(A) mediation of the dispute as to custody or visitation is appropriate and likely would be beneficial to the parties or the child; and

(B) a mediator possessing the qualifications set forth in section (c) of this Rule is available to mediate the dispute.

(2) If a party or a child represents to the court in good faith that there is a genuine issue of abuse, as defined in Code, Family Law Article, §4-501, of the party or child, and that, as a result, mediation would be inappropriate, the court may not order mediation.

(3) If the court concludes that mediation is appropriate and likely to be beneficial to the parties or the child and that a qualified mediator is available, it shall enter an order requiring the parties to mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending the mediation on terms and conditions set forth in the order.

Cross reference: With respect to subsection (b)(2) of this Rule, see Rule 1-341 and Rules 3.1 and 3.3 of the Maryland Lawyers’ Rules of Professional Conduct.

(c) Qualifications of Court-Designated Mediator

To be eligible for designation as a mediator by the court, an individual shall:

- (1) have the basic qualifications set forth in Rule 17-205 (a);
- (2) have completed at least 20 hours of training in a family mediation training program that includes:
 - (A) Maryland law relating to separation, divorce, annulment, child custody and visitation, and child and spousal support;
 - (B) the emotional aspects of separation and divorce on adults and children;
 - (C) an introduction to family systems and child development theory;
 - (D) the interrelationship of custody, visitation, and child support; and

(E) if the training program is given after January 1, 2013, strategies to (i) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and (ii) safely terminate a mediation when termination is warranted; and

(3) have co-mediated at least eight hours of child access mediation sessions with an individual approved by the county administrative judge, or, in addition to any observations during the training program, have observed at least eight hours of such mediation sessions.

(d) Court Designation of Mediator

(1) In an order referring a matter to mediation, the court shall:

- (A) designate a mediator from a list of qualified mediators approved by the court;

(B) if the court has a unit of court mediators that provides child access mediation services, direct that unit to select a qualified mediator; or

(C) direct an ADR organization, as defined in Rule 17-102, to select a qualified mediator.

(2) If the referral is to a fee-for-service mediation, the order shall specify the hourly rate that the mediator may charge for mediation in the action, which may not exceed the maximum stated in the applicable fee schedule.

(3) A mediator selected pursuant to subsection (d)(1)(B) or (d)(1)(C) of this Rule has the status of a court-designated mediator.

(4) In designating a mediator, the court is not required to choose at random or in any particular order. The court should endeavor to use

the services of as many qualified mediators as practicable, but the court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

(5) The parties may request to substitute for the court-designated mediator another mediator who has the qualifications set forth in Rule 17-205 (a)(1), (2), (3), and (6) and subsection (c)(2) of this Rule, whether or not the mediator’s name is on the court’s list, by filing with the court no later than 15 days after service of the order of referral to mediation a Request to Substitute Mediator.

(A) The Request to Substitute Mediator shall be substantially in the following form:

[Caption of Case]
Request to Substitute Mediator and
Selection of Mediator by Stipulation

We agree to attend mediation proceedings pursuant to Rule 9-205 conducted by _____,

(Name, address, and telephone number of mediator) and we have made payment arrangements with the mediator. We request that the court substitute this mediator for the mediator designated by the court.

(Signature of Plaintiff)	(Signature of Defendant)
(Signature of Plaintiff’s Attorney, if any)	(Signature of Defendant’s Attorney, if any)

I, _____,
(Name of Mediator)
agree to conduct mediation proceedings in the above-captioned case in accordance with Rule 9-205 (e), (f), (g), (h), (i) and (j).

I solemnly affirm under the penalties of perjury that I have the qualifications prescribed by Rule 9-205 (d)(5).

Signature of Mediator

(B) If the Request to Substitute Mediator is timely filed, the court shall enter an order striking the original designation and substituting the individual selected by the parties to conduct the mediation, unless the court determines after notice and opportunity to be heard that the individual does not have the qualifications prescribed by subsection (d)(5) of this Rule. If no Request to Substitute Mediator is timely filed, the mediator shall be the court-designated mediator.

(C) A mediator selected by stipulation of the parties and substituted by the court pursuant to subsection (d)(5)(B) of this Rule is not subject to the fee schedule provided for in section (j) of this Rule and Rule 17-208 while conducting mediation proceedings pursuant to the stipulation and designation, but shall comply with all other obligations of a court-designated mediator.

Committee note: Nothing in this Rule or the Rules in Title 17 prohibits the parties from selecting any individual, regardless of qualifications, to assist them in the resolution of issues by participating in ADR that is not court-ordered.

(e) Role of Mediator

The role of a mediator designated by the court or agreed upon by the parties is as set forth in Rule 17-103.

(f) Confidentiality

Confidentiality of mediation communications under this Rule is governed by Rule 17-105.

Cross reference: For the definition of “mediation communication,” see Rule 17-102 (h).

Committee note: By the incorporation of Rule 17-105 by reference in this Rule, the intent is that the provisions of the Maryland Mediation Confidentiality Act are inapplicable to mediations under Rule 9-205. See Code, Courts Article, §3-1802 (b)(1).

(g) Scope of Mediation; Restriction on Fee Increase

(1) The court’s initial order may require the parties to attend a maximum of four hours in not more than two mediation sessions. For good cause and upon the recommendation of the mediator, the court may order up to four additional hours. The parties, by agreement, may extend the mediation beyond the number of hours stated in the initial or any subsequent order.

Committee note: Although the parties, without further order of court, may extend the mediation, an amendment to the time requirements contained in a scheduling order may be made only by order of the court.

Cross reference: See Rule 2-504.

(2) Mediation under this Rule shall be limited to the issues of custody and visitation unless the parties agree otherwise in writing.

(3) During any extension of the mediation pursuant to subsection (g)(1) of this Rule or expansion of the issues that are the subject of the mediation pursuant to subsection (g)(2) of this Rule, the mediator may not increase the mediator’s hourly rate for providing services relating to the action.

Cross reference: See Rule 17-208, concerning fee schedules and sanctions for noncompliance with an applicable schedule.

(h) If Agreement

If the parties agree on some or all of the disputed issues, the mediator shall provide copies of any document embodying the points of agreement to the parties and their attorneys for review and signature. If the document is signed by the parties as submitted or as modified by the parties, a copy of the signed document shall be sent to the mediator, who shall submit it to the court.

Committee note: Mediators often will record points of agreement expressed and adopted by the parties to provide documentation of the results of the mediation. Because a mediator who is not a Maryland lawyer is not authorized to practice law in Maryland, and a mediator who is a Maryland lawyer ordinarily would not be authorized to provide legal advice or services to parties in conflict, a mediator should not be authoring agreements regarding matters in litigation for the parties to sign. If the parties are represented by counsel, the mediator should advise them not to sign the document embodying the points of agreement until they have consulted their attorneys. If the parties, whether represented or not, choose to sign the document, a statement should be added that the points of agreement as recorded by the mediator constitute the points of agreement expressed and adopted by the parties.

(i) If No Agreement

If no agreement is reached or the mediator determines that mediation is inappropriate, the mediator shall so advise the court but shall not state the reasons. If the court does not order mediation or the case is returned to the court after mediation without an agreement as to all issues in the case, the court promptly shall schedule the case for hearing on any pendente lite or other appropriate relief not covered by a mediation agreement.

(j) Evaluation Forms

At the conclusion of the mediation, the mediator shall give to the parties any evaluation forms and instructions provided by the court.

(k) Costs

(1) Fee Schedule

Fee schedules adopted pursuant to Rule 17-208 shall include maximum fees for mediators designated pursuant to this Rule, and a court-designated mediator appointed under this Rule may not charge or accept a fee for a mediation proceeding conducted pursuant to that designation in excess of that allowed by that schedule.

(2) Payment of Compensation and Expenses

Payment of the compensation and reasonable expenses of a mediator may be compelled by order of court and assessed among the parties as the court may direct. In the order for mediation, the court may waive payment of the compensation and reasonable expenses.

Source: This Rule is derived in part from the 2012 version of former Rule 9-205 and is in part new.

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**MARYLAND RULES OF PROCEDURE
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CHAPTER 100 – GENERAL PROVISIONS**

Rule 17-101. APPLICABILITY

(a) General Applicability of Title

Except as provided in section (b) of this Rule, the Rules in this Title apply when a court refers all or part of a civil action or proceeding to ADR.

Committee note: The Rules in this Title do not apply to an ADR process in which the parties participate without a court order of referral to that process.

(b) Exceptions

Except as otherwise provided by Rule, the Rules in this Title do not apply to:

- (1) an action or order to enforce a contractual agreement to submit a dispute to ADR;
- (2) an action to foreclose a lien against owner-occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Rule 14-209.1;
- (3) an action pending in the Health Care Alternative Dispute Resolution Office under Code, Courts Article, Title 3, Subtitle 2A, unless otherwise provided by law; or
- (4) a matter referred to a master, examiner, auditor, or parenting coordinator pursuant to Rule 2-541, 2-542, 2-543, or 9-205.2.

(c) Applicability of Chapter 200

The Rules in Chapter 200 apply to actions and proceedings pending in a circuit court.

(d) Applicability of Chapter 300

The Rules in Chapter 300 apply to actions and proceedings pending in the District Court.

Source: This Rule is derived from former Rule 17-101 (2012).

**MARYLAND RULES OF PROCEDURE
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CHAPTER 100 – GENERAL PROVISIONS**

Rule 17-102. DEFINITIONS

In this Title, the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) ADR

“ADR” means “alternative dispute resolution.”

(b) ADR Organization

“ADR organization” means an entity, including an ADR unit of a court, that is designated by the court to select individuals with the applicable qualifications required by Rule 9-205 or the Rules in this Title to conduct a non-fee-for-service ADR ordered by the court.

(c) ADR Practitioner

“ADR practitioner” means an individual who conducts ADR under the Rules in this Title.

(d) Alternative Dispute Resolution

“Alternative dispute resolution” means the process of resolving matters in pending litigation through arbitration, mediation, neutral case evaluation, neutral fact-finding, settlement conference, or a combination of those processes.

(e) Arbitration

“Arbitration” means a process in which (1) the parties appear before one or more impartial arbitrators and present evidence and argument to support their respective positions, and (2) the arbitrators render an award that is not binding unless the parties agree otherwise in writing.

Committee note: Under the Federal Arbitration Act, the Maryland Uniform Arbitration Act, the International Commercial Arbitration Act, and at common law, arbitration awards are binding unless the parties agree otherwise.

(f) Fee-for-service

“Fee-for-service” means that a party will be charged a fee by an ADR practitioner designated by a court to conduct ADR.

(g) Mediation

“Mediation” means a process in which the parties work with one or more impartial mediators who, without providing legal advice, assist the parties in reaching their own voluntary agreement for the resolution of all or part of a dispute.

Cross reference: For the role of the mediator, see Rule 17-103.

(h) Mediation Communication

“Mediation communication” means a communication, whether spoken, written, or nonverbal, made as part of a mediation, including a communication made for the purpose of considering, initiating, continuing, reconvening, or evaluating a mediation or a mediator.

(i) Neutral Case Evaluation

“Neutral case evaluation” means a process in which (1) the parties, their attorneys, or both appear before an impartial evaluator and present in summary fashion the evidence and arguments to support their respective positions, and (2) the evaluator renders an evaluation of their positions and an opinion as to the likely outcome of the litigation.

(j) Neutral Expert

“Neutral expert” means an individual with special expertise to provide impartial technical background information, an impartial opinion, or both in a specific area.

(k) Neutral Fact-finding

“Neutral fact-finding” means a process in which (1) the parties, their attorneys, or both appear before an impartial individual and present the evidence and arguments to support their respective positions as to disputed factual issues, and (2) the individual makes findings of fact as to those issues that are not binding unless the parties agree otherwise in writing.

(l) Settlement Conference

“Settlement conference” means a conference at which the parties, their attorneys, or both appear before an impartial individual to discuss the issues and positions of the parties in an attempt to agree on a resolution of all or part of the dispute by means other than trial. A settlement conference may include neutral case evaluation and neutral fact-finding, and the impartial individual may recommend the terms of an agreement.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is new.

Section (c) is new.

Section (d) is derived from former Rule 17-102 (a) (2012).

Section (e) is derived from former Rule 17-102 (b) (2012).

Section (f) is derived from former Rule 17-102 (c) (2012).

Section (g) is derived from former Rule 17-102 (d) (2012).

Section (h) is derived from former Rule 17-102 (e) (2012).

Section (i) is derived from former Rule 17-102 (f) (2012).

Section (j) is new.

Section (k) is derived from former Rule 17-102 (g) (2012).

Section (l) is derived from former Rule 17-102 (h) (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 – GENERAL PROVISIONS**

Rule 17-103. ROLE OF MEDIATOR

A mediator may help identify issues and options, assist the parties and their attorneys in exploring the needs underlying their respective positions, and, upon request, record points of agreement expressed and adopted by the parties. While acting as a mediator, the mediator does not engage in any other ADR process and does not recommend the terms of an agreement.

Committee note: Mediators often record points of agreement expressed and adopted by the parties to provide documentation of the results of the mediation. Because a mediator who is not a Maryland lawyer is not authorized to practice law in Maryland and a mediator who is a Maryland lawyer ordinarily would not be authorized to provide legal advice or services to parties in conflict, a mediator should not be authoring agreements regarding matters in litigation for the parties to sign. If the parties are represented by counsel, the mediator should advise them not to sign the document embodying the points of agreement until they have consulted their attorneys. If the parties, whether represented or not, choose to sign the document, a statement should be added that the points of agreement as recorded by the mediator constitute the points of agreement expressed and adopted by the parties.

Source: This Rule is derived from the last two sentences of former Rule 17-102 (d) (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 – GENERAL PROVISIONS**

Rule 17-104. BASIC MEDIATION TRAINING PROGRAMS

To qualify under Rule 17-205 or 17-304, a basic mediation training program shall include the following:

(a) conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining, and models of conflict resolution;

(b) mediation skills and techniques, including information-gathering skills; communication skills; problem-solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; cultural, ethnic, and gender issues; and strategies to (1) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and (2) safely terminate a mediation when such action is warranted;

(c) mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, and standards of practice; and

(d) simulations and role-playing, monitored and critiqued by experienced mediator trainers.

Source: This Rule is derived from former Rule 17-106 (a) (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 – GENERAL PROVISIONS**

Rule 17-105. MEDIATION CONFIDENTIALITY

(a) Mediator

Except as provided in sections (c) and (d) of this Rule, a mediator and any person present or otherwise participating in the mediation at the request of the mediator shall maintain the confidentiality of all mediation communications and may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding.

(b) Parties

Except as provided in sections (c) and (d) of this Rule:

(1) a party to a mediation and any person present or who otherwise participates in a mediation at the request of a party may not disclose or be compelled to disclose a mediation communication in any judicial, administrative, or other proceeding; and

(2) the parties may enter into a written agreement to maintain the confidentiality of mediation communications and to require all persons who are present or who otherwise participate in a mediation to join in that agreement.

Cross reference: See Rule 5-408 (a)(3).

(c) Signed Document

A document signed by the parties that records points of agreement expressed and adopted by the parties or that constitutes an agreement reached by the parties as a result of mediation is not confidential, unless the parties agree otherwise in writing.

Cross reference: See Rule 9-205 (h) concerning the submission of a document embodying the points of agreement to the court in a child access case.

(d) Permitted Disclosures

In addition to any disclosures required by law, a mediator, a party, and a person who was present or who otherwise participated in a mediation may disclose or report mediation communications:

(1) to a potential victim or to the appropriate authorities to the extent they reasonably believe necessary to help prevent serious bodily harm or death to the potential victim;

(2) when relevant to the assertion of or defense against allegations of mediator misconduct or negligence; or

(3) when relevant to a claim or defense that an agreement arising out of a mediation should be rescinded because of fraud, duress, or misrepresentation.

Cross reference: For the legal requirement to report suspected acts of child abuse, see Code, Family Law Article, §5-705.

(e) Discovery; Admissibility of Information

Mediation communications that are confidential under this Rule are not subject to discovery, but information that is otherwise admissible or subject to discovery does not become inadmissible or protected from disclosure solely by reason of its use in mediation.

Cross reference: See Rule 5-408 (b). See also Code, Courts Article, Title 3, Subtitle 18, which does not apply to mediations to which the Rules in Title 17 apply.

Source: This Rule is derived from former Rule 17-109 (2012).

**MARYLAND RULES OF PROCEDURE
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**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT**

Rule 17-201. AUTHORITY TO ORDER ADR

- (a) Generally

A circuit court may order a party and the party’s attorney to participate in ADR but only in accordance with the Rules in this Chapter and in Chapter 100 of this Title.

(b) Referral Prohibited

The court may not enter an order of referral to ADR in a protective order action under Code, Family Law Article, Title 4, Subtitle 5, Domestic Violence.

(c) Mediation of Child Custody or Visitation Disputes

Rule 9-205 governs the authority of a circuit court to order mediation of a dispute as to child custody or visitation, and the Rules in Title 17 do not apply to proceedings under that Rule except as otherwise provided in that Rule.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 17-103 (a) (2012).

Section (b) is new.

Section (c) is derived from former Rule 17-103 (c)(1) (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT**

Rule 17-202. GENERAL PROCEDURE

(a) Scope

This Rule does not apply to health care malpractice actions under Code, Courts Article, Title 3, Subtitle 2A, which are governed by Rule 17-203.

(b) Participation Requirements

(1) Non-fee-for-service Settlement Conference

The court may require the parties and their attorneys to participate in a non-fee-for-service settlement conference.

Committee note: If a settlement conference is required, it should be conducted subsequent to any other court-referred ADR.

(2) Other ADR

The court may refer all or part of an action to one ADR process in accordance with sections (c), (d), and (e) of this Rule, but the court may not require participation in that ADR if a timely objection is filed in accordance with section (f) of this Rule.

(c) Designation of ADR Practitioner

(1) Direct Designation

In an order referring all or part of an action to ADR, the court may designate, from a list of approved ADR practitioners maintained by the court pursuant to Rule 17-207, an ADR practitioner to conduct the ADR.

(2) Indirect Designation if ADR is Non-fee-for-service

If the ADR is non-fee-for-service, the court may delegate authority to an ADR organization selected from a list maintained by the court pursuant to Rule 17-207 or to an ADR unit of the court to designate an ADR practitioner qualified under Rules 17-205 or 17-206, as applicable, to conduct the ADR. An individual designated by the ADR organization pursuant to the court order has the status of a court-designated ADR practitioner.

Committee note: Examples of the use of indirect designation are referrals of indigent litigants to publicly funded community mediation centers and referrals of one or more types of cases to a mediation unit of the court.

(d) Discretion in Designation

In designating an ADR practitioner, the court is not required to choose at random or in any particular order from among the qualified ADR practitioners or organizations on its lists. The court should endeavor to use the services of as many qualified persons as practicable, but the court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

(e) Contents of Order of Referral; Termination or Extension of ADR; Restriction on Fee Increase

An order of referral to ADR shall specify a maximum number of hours of required participation by the parties. An order to a fee-for-service ADR shall also specify the hourly rate that may be charged

for ADR services in the action, which may not exceed the maximum stated in the applicable fee schedule. The parties may participate for less than the number of hours stated in the order if they and the ADR practitioner agree that no further progress is likely. The parties, by agreement, may extend the ADR beyond the number of hours stated in the order. During any extension of the ADR, the ADR practitioner may not increase the practitioner’s hourly rate for providing services relating to the action.

Committee note: Having a maximum number of hours in the court’s order of referral encourages participation in ADR by assuring the parties that the ADR does not require an open-ended commitment of their time and money. Although the parties, without further order of court, may extend the ADR beyond the maximum, an amendment to the time requirements contained in a scheduling order may be made only by order of the court.

Cross reference: See Rule 2-504, concerning scheduling orders, and Rule 17-208, concerning fee schedules and sanctions for noncompliance with an applicable schedule.

(f) Objection; Alternatives

(1) Applicability

This section applies to a referral to ADR other than a non-fee-for-service settlement conference.

(2) Time for Filing

If the court issues an order referring all or part of an action to ADR, a party, within 30 days after entry of the order, may file (A) an objection to the referral, (B) an alternative proposal, or (C) a “Request to Substitute ADR Practitioner” substantially in the form set forth in section (g) of this Rule. If the order delegates authority to an ADR organization to designate an ADR practitioner, the objection, alternative proposal, or “Request to Substitute ADR Practitioner” shall be filed no later than 30 days after the party is notified by the ADR organization of the designation.

(3) Notification of Rights

An order referring all or part of an action to ADR, an order delegating authority to an ADR organization to designate an ADR practitioner, and an announcement of a determination to enter an order referring all or part of an action to ADR shall include the information set forth in subsection (f)(2) of this Rule.

(4) If No Objection or Alternative Filed

If an objection, alternative proposal, or “Request to Substitute ADR Practitioner” is not filed within the time allowed by this section, the order shall stand, subject to modification by the court.

(5) Ruling

If a party timely objects to a referral, the court shall revoke its order. If the parties offer an alternative proposal or agree on a different ADR practitioner, whether or not the ADR practitioner’s name is on the court’s list, the court shall revoke or modify its order, as appropriate.

(g) Form of Request to Substitute ADR Practitioner

A Request to Substitute ADR Practitioner shall be substantially in the following form:

[Caption of Case]

Request to Substitute ADR Practitioner and
Selection of ADR Practitioner by Stipulation

We agree to attend ADR conducted by _____

(Name, address, and telephone number of ADR Practitioner)

We have made payment arrangements with the ADR Practitioner and we understand that the court’s fee schedules do not apply to this ADR. We request that the court substitute this ADR Practitioner for the ADR Practitioner designated by the court.

(Signature of Plaintiff) (Signature of Defendant)

(Signature of Plaintiff's Attorney, if any) (Signature of Defendant's Attorney, if any)

[Add additional signature lines for any additional parties and attorneys.]

I,

(Name of ADR Practitioner)

agree to conduct the following ADR in the above-captioned case [check one]:

- [] mediation in accordance with Rules 17-103 and 17-105.
[] ADR other than mediation: [specify type of ADR].

At the conclusion of the ADR, I agree to comply with the provisions of Rule 17-202 (h).

I solemnly affirm under the penalties of perjury that I have the qualifications prescribed by the following Rules [check all that are true]:

- [] Rule 17-205 (a) [Basic mediation]
[] Rule 17-205 (b) [Business and Technology]
[] Rule 17-205 (c) [Economic Issues - Divorce and Annulment]
[] Rule 17-205 (d) [Health Care Malpractice]
[] Rule 17-205 (e) [Foreclosure]
[] Rule 17-206 [ADR other than mediation]
[] None of the above.

Signature of ADR Practitioner

(h) Evaluation Forms; Notification to Court

At the conclusion of an ADR, the ADR practitioner shall give to the parties any ADR evaluation forms and instructions provided by the court and promptly advise the court whether all, some, or none of the issues in the action has been resolved.

Source: This Rule is derived in part from former Rule 17-103 (b) and (c)(2)-(4) (2012) and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT

Rule 17-203. HEALTH CARE MALPRACTICE ACTIONS

(a) Applicability

This Rule applies to health care malpractice actions under Code, Courts Article, Title 3, Subtitle 2A.

(b) Mandatory Referral to ADR; Timing

Within 30 days after a defendant has filed an answer to the complaint or within 30 days after a defendant has filed a certificate of a qualified expert pursuant to Code, Courts Article, Title 3, Subtitle 2A-04, whichever is later, the court shall issue a scheduling order requiring the parties to engage in ADR at the earliest practicable date, unless all parties file with the court an agreement not to engage in ADR and the court finds that ADR would not be productive.

Cross reference: See Rule 2-504 (b)(2)(C) and Code, Courts Article, §3-2A-06C (b).

(c) Designation

(1) By the Parties

Within 30 days after the defendant has answered the complaint or filed a certificate of a qualified expert pursuant to Code, Courts Article, Title 3, Subtitle 2A-04, whichever is later, the parties may agree on an ADR practitioner and shall promptly notify the court of their agreement and the name of the ADR practitioner. A Notice of Selection of ADR Practitioner shall be substantially in the following form:

[Caption of Case]

Notice of Selection of ADR Practitioner by Stipulation

We agree to attend ADR conducted by

(Name, address, and telephone number of ADR Practitioner)

We have made payment arrangements with the ADR Practitioner and we understand that the court's fee schedules do not apply to this ADR. We request that the court designate this ADR Practitioner in lieu of any court-appointed ADR Practitioner.

(Signature of Plaintiff) (Signature of Defendant)

(Signature of Plaintiff's Attorney, if any) (Signature of Defendant's Attorney, if any)

[Add additional signature lines for any additional parties and attorneys.]

I,

(Name of ADR Practitioner)

agree to conduct the following ADR in the above-captioned case [check one]:

- [] mediation in accordance with Rules 17-103 and 17-105.
[] ADR other than mediation: [specify type of ADR].

At the conclusion of the ADR, I agree to comply with the provisions of Rule 17-203 (f).

I solemnly affirm under the penalties of perjury that I have the qualifications prescribed by the following Rules [check all that are true]:

- [] Rule 17-205 (a) [Basic mediation]
[] Rule 17-205 (b) [Business and Technology]
[] Rule 17-205 (c) [Economic Issues - Divorce and Annulment]
[] Rule 17-205 (d) [Health Care Malpractice]
[] Rule 17-205 (e) [Foreclosure]
[] Rule 17-206 [ADR other than mediation]
[] None of the above.

Signature of ADR Practitioner

(2) By the Court

If the parties do not timely notify the court that they have agreed upon an ADR practitioner, the court promptly shall appoint a mediator who meets the qualifications prescribed by Rule 17-205 (d) and notify the parties. Within 15 days after the court notifies the parties of the name of the mediator, a party may object in writing, stating the reason for the objection. If the court sustains the objection, the court shall appoint a different mediator.

(d) Initial Conference; Outline of Case

The ADR practitioner shall schedule an initial conference with the parties as soon as practicable. At least 15 days prior to the initial conference, each party shall provide to the ADR practitioner a brief written outline of the strengths and weaknesses of the party's case. A party is not required to provide the outline to any other party, and the ADR practitioner shall not provide the outline or disclose its contents to anyone unless authorized by the party who submitted the outline.

Cross reference: See Code, Courts Article, §3-2A-06C (h)(2) and (k).

(e) Discovery

If the ADR practitioner determines that discovery is necessary to facilitate the ADR, the ADR practitioner, consistent with the scheduling order, may mediate the scope and schedule of that discovery, adjourn the initial conference, and reschedule an additional conference for a later date.

(f) Evaluation Forms

At the conclusion of the ADR, the ADR practitioner shall give to the parties any ADR evaluation forms and instructions provided by the court.

(g) Notification to the Court

The parties shall notify the court if the case is settled. If the parties agree to settle some but not all of the issues in dispute, the ADR practitioner shall file a notice of partial settlement with the court. If the parties have not agreed to a settlement, the ADR practitioner shall file a notice with the court that the case was not settled.

(h) Costs

Unless otherwise agreed by the parties, the costs of the ADR shall be divided equally between the parties.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 - PROCEEDINGS IN CIRCUIT COURT**

Rule 17-204. NEUTRAL EXPERTS

(a) Appointment

With the consent of all parties participating in the ADR, a court-designated ADR practitioner may select a neutral expert to participate in the ADR. The expense of the neutral expert shall be allocated among the parties in accordance with their agreement.

(b) Confidentiality

(1) Mediation Proceedings

In a mediation, the provisions of Rule 17-105 apply to the neutral expert.

(2) Other ADR

In all ADR other than mediation, the parties and the ADR practitioner may require the neutral expert to enter into a written agreement binding the neutral expert to confidentiality. The written agreement may include provisions stating that the expert may not disclose or be compelled to disclose any communications related to the ADR in any judicial, administrative, or other proceedings. Communications related to the ADR that are confidential under an agreement allowed by this subsection are not subject to discovery, but information otherwise admissible or subject to discovery does not

become inadmissible or protected from disclosure solely by reason of its use related to the ADR.

Source: This Rule is derived from former Rule 17-105.1 (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT**

Rule 17-205. QUALIFICATIONS OF COURT-DESIGNATED MEDIATORS

(a) Basic Qualifications

A mediator designated by the court shall:

(1) unless waived by the parties, be at least 21 years old;
(2) have completed at least 40 hours of basic mediation training in a program meeting the requirements of Rule 17-104 or, for individuals trained prior to January 1, 2013, former Rule 17-106;

(3) be familiar with the rules, statutes, and practices governing mediation in the circuit courts;

(4) have mediated or co-mediated at least two civil cases;

(5) complete in each calendar year four hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104;

(6) abide by any mediation standards adopted by the Court of Appeals;

(7) submit to periodic monitoring of court-ordered mediations by a qualified mediator designated by the county administrative judge; and

(8) comply with procedures and requirements prescribed in the court's case management plan filed under Rule 16-202 b. relating to diligence, quality assurance, and a willingness to accept, upon request by the court, a reasonable number of referrals at a reduced-fee or pro bono.

(b) Business and Technology Cases

A mediator designated by the court for a Business and Technology Program case shall, unless the parties agree otherwise:

(1) have the qualifications prescribed in section (a) of this Rule; and

(2) within the two-year period preceding an application for approval pursuant to Rule 17-207, have served as a mediator in at least five non-domestic civil mediations, at least two of which involved types of conflicts assigned to the Business and Technology Case Management Program.

(c) Economic Issues in Divorce and Annulment Cases

A mediator designated by the court for issues in divorce or annulment cases other than those subject to Rule 9-205 shall: (1) have the qualifications prescribed in section (a) of this Rule;

(2) have completed at least 20 hours of skill-based training in mediation of economic issues in divorce and annulment cases; and

(3) have served as a mediator or co-mediator in at least two mediations involving marital economic issues.

(d) Health Care Malpractice Claims

A mediator designated by the court for a health care malpractice claim shall, unless the parties agree otherwise:

(1) have the qualifications prescribed in section (a) of this Rule;

(2) within the two-year period preceding an application for approval pursuant to Rule 17-207, have served as a mediator in at least five non-domestic civil mediations, at least two of which involved types of conflicts assigned to the Health Care Malpractice Claims ADR Program;

(3) be knowledgeable about health care malpractice claims through experience, training, or education; and

(4) agree to complete any continuing education training required by the court.

Cross reference: See Code, Courts Article, §3-2A-06C.

(e) Foreclosure Cases

(1) This section does not apply to an ADR practitioner selected by the Office of Administrative Hearings to conduct a “foreclosure mediation” pursuant to Code, Real Property Article, §7-105.1 and Rule 14-209.1.

(2) A mediator designated by the court in a proceeding to foreclose a lien instrument shall, unless the parties agree otherwise:

(A) have the qualifications prescribed in section (a) of this Rule; and

(B) through experience, training, or education, be knowledgeable about lien instruments and federal and Maryland laws, rules, and regulations governing foreclosure proceedings.

(f) Experience Requirement

The experience requirements in this Rule may be met by mediating in the District Court or the Court of Special Appeals.

Source: This Rule is derived in part from former Rule 17-104 (a),(c),(d),(e), and (f) (2012) and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT

Rule 17-206. QUALIFICATIONS OF COURT-DESIGNATED ADR PRACTITIONERS OTHER THAN MEDIATORS

(a) Generally

Except as provided in section (b) of this Rule, an ADR practitioner designated by the court to conduct ADR other than mediation shall, unless the parties agree otherwise:

(1) abide by any applicable standards adopted by the Court of Appeals;

(2) submit to periodic monitoring of court-ordered ADR proceedings by a qualified person designated by the county administrative judge;

(3) comply with procedures and requirements prescribed in the court’s case management plan filed under Rule 16-202 b. relating to diligence, quality assurance, and a willingness, upon request by the court, to accept a reasonable number of referrals at a reduced-fee or pro bono;

(4) either (A) be a member in good standing of the Maryland bar and have at least five years experience as (i) a judge, (ii) a practitioner in the active practice of law, (iii) a full-time teacher of law at a law school accredited by the American Bar Association, or (iv) a Federal or Maryland administrative law judge, or (B) have equivalent or specialized knowledge and experience in dealing with the issues in dispute; and

(5) have completed any training program required by the court.

(b) Judges and Masters

An active or retired judge or a master of the court may chair a non-fee-for-service settlement conference.

Cross reference: Rule 16-813, Maryland Code of Judicial Conduct, Canon 4F and Rule 16-814, Maryland Code of Conduct for Judicial Appointees, Canon 4F.

Source: This Rule is derived from former Rule 17-105 (2012).

MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDINGS IN CIRCUIT COURT

Rule 17-207. PROCEDURE FOR APPROVAL

(a) Generally

(1) Scope

This section applies to individuals who seek eligibility for designation by a court to conduct ADR pursuant to Rule 9-205, Rule 14-212, or Rule 17-201 other than in actions assigned to the Business

and Technology Case Management Program or the Health Care Malpractice Claims ADR Program.

(2) Application

An individual seeking designation to conduct ADR shall file an application with the clerk of the circuit court from which the individual is willing to accept referrals. The application shall be substantially in the form approved by the State Court Administrator and shall be available from the clerk of each circuit court. The clerk shall transmit each completed application, together with all accompanying documentation, to the county administrative judge or the judge’s designee.

(3) Documentation

(A) An application for designation as a mediator shall be accompanied by documentation demonstrating that the applicant meets the requirements of Rule 17-205 (a) and, if applicable, Rule 9-205 (c)(2) and Rule 17-205 (c) and (e).

(B) An application for designation to conduct ADR other than mediation shall be accompanied by documentation demonstrating that the applicant is qualified as required by Rule 17-206 (a).

(C) The State Court Administrator may require the application and documentation to be provided in a word processing file or other electronic format.

(4) Action on Application

After such investigation as the county administrative judge deems appropriate, the county administrative judge or designee shall notify the applicant of the approval or disapproval of the application and the reasons for a disapproval.

(5) Court-Approved ADR Practitioner and Organization Lists

The county administrative judge or designee of each circuit court shall maintain a list:

(A) of mediators who meet the qualifications set forth in Rule 17-205 (a), (c), and (e);

(B) of mediators who meet the qualifications of Rule 9-205 (c);

(C) of other ADR practitioners who meet the applicable qualifications set forth in Rule 17-206 (a); and

(D) of ADR organizations approved by the county administrative judge.

(6) Public Access to Lists

The county administrative judge or designee shall provide to the clerk of the court a copy of each list, together with a copy of the application filed by each individual on the lists. The clerk shall make these items available to the public.

(7) Removal from List

After notice and a reasonable opportunity to respond, the county administrative judge may remove a person from a court-approved list for failure to maintain the qualifications required by Rule 17-205, Rule 9-205 (c), or Rule 17-206 (a) or for other good cause.

(b) Business and Technology and Health Care Malpractice Programs

(1) Scope

This section applies to individuals who seek eligibility for designation by a court to conduct ADR pursuant to Rule 17-201 in an action assigned to the Business and Technology Case Management Program or pursuant to Rule 17-203 in an action assigned to the Health Care Malpractice Claims ADR Program.

(2) Application

An individual seeking designation to conduct ADR shall file an application with the Administrative Office of the Courts, which shall transmit the application to the Committee of Program Judges appointed pursuant to Rule 16-108 b. 4. The application shall be substantially in the form approved by the State Court Administrator and shall be available from the clerk of each circuit court.

(3) Documentation

(A) An application for designation as a mediator, shall be accompanied by documentation demonstrating that the applicant meets the applicable requirements of Rule 17-205.

(B) An application for designation to conduct ADR other than mediation shall be accompanied by documentation demonstrating that the applicant is qualified as required by Rule 17-206 (a).

(C) The State Court Administrator may require the application and documentation to be provided in a word processing file or other electronic format.

(4) Action on Application

After such investigation as the Committee of Program Judges deems appropriate, the Committee shall notify the Administrative Office of the Courts that the application has been approved or disapproved and the reasons for a disapproval. The Administrative Office of the Courts shall notify the applicant of the action of the Committee and the reasons for a disapproval.

(5) Court-Approved ADR Practitioner Lists

The Administrative Office of the Courts shall maintain a list:

(A) of mediators who meet the qualifications of Rule 17-205 (b);

(B) of mediators who meet the qualifications of Rule 17-205 (d); and

(C) of other ADR practitioners who meet the qualifications of Rule 17-206 (a).

(6) Public Access to Lists

The Administrative Office of the Courts shall attach to the lists such additional information as the State Court Administrator specifies, keep the lists current, and transmit a copy of each current list and attachments to the clerk of each circuit court, who shall make these items available to the public.

Committee note: Examples of information that the State Court Administrator may specify as attachments to the lists include information about the individual's qualifications, experience, and background and any other information that would be helpful to litigants selecting an individual best qualified to conduct ADR in a specific case.

(7) Removal from List

After notice and a reasonable opportunity to respond, the Committee of Program Judges may remove an individual from a court-approved practitioner list for failure to maintain the qualifications required by Rule 17-205 or Rule 17-206 (a) or for other good cause.

Source: This Rule is derived in part from former Rule 17-107 (2012) and is in part new.

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 200 – PROCEEDING IN CIRCUIT COURT**

Rule 17-208. FEE SCHEDULES

(a) Authority to Adopt

Subject to the approval of the Chief Judge of the Court of Appeals, the county administrative judge of each circuit court shall develop and adopt maximum hourly rate fee schedules for court-designated individuals conducting each type of fee-for-service ADR. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide those services and the ability of litigants to pay for them.

Committee note: The maximum hourly rates in a fee schedule may vary based on the type the alternative dispute resolution proceeding, the complexity of the action, and the qualifications of the ADR practitioner.

(b) Applicability of Fee Schedules

The court's fee schedules apply only to ADR practitioners who are initially designated by the court, and not to an individual selected by the parties as a substitute mediator or to an ADR practitioner selected by the parties at the outset, even if the selection is

subsequently memorialized by the court in an order of referral or consent order.

(c) Compliance

A court-designated ADR practitioner subject to a fee schedule may not charge or accept a fee for the ADR in excess of that allowed by court order, and the amount stated in the court order may not exceed the fee stated in the applicable schedule. Violation of this Rule shall be cause for removal from court-approved ADR practitioner lists.

Source: This Rule is derived from former Rule 17-108 (2012).

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
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**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT**

Rule 17-301. ADR OFFICE

(a) Definition

“ADR Office” means the District Court Alternative Dispute Resolution Office, a unit within the Office of the Chief Judge of the District Court.

(b) Duties

The ADR Office is responsible for administering the ADR programs of the District Court. Its duties include processing applications for approval as ADR practitioners, conducting orientation for approved ADR practitioners and applicants for approval as such practitioners, arranging the scheduling of ADR practitioners at each District Court location, collecting and maintaining statistical information about the District Court ADR programs, and performing such other duties involving ADR programs as are required by the Rules in this Chapter or are assigned by the Chief Judge of the District Court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE**TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION****CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT**

Rule 17-302. GENERAL PROCEDURES AND REQUIREMENTS

(a) Authority to Order ADR

Except as provided in sections (b) and (c) of this Rule and Rule 17-303, the court, on or before the day of a scheduled trial, may order a party and the party's attorney to participate in one non-fee-for-service mediation or one non-fee-for-service settlement conference.

Committee note: Under this Rule, an order of referral to ADR may be entered regardless of whether a party is represented by an attorney. This Rule does not preclude the court from offering an additional ADR upon request of the parties.

(b) When Referral Prohibited

The court may not enter an order of referral to ADR in an action for a protective order under Code, Family Law Article, Title 4, Subtitle 5, Domestic Violence.

(c) Objection by Party

(1) Notice of Right to Object

If, on the day of a scheduled trial, an order of referral is contemplated or entered by the court, the court shall inform the parties that they have a right to object to the referral at that time. If a written order of referral is entered and served on the parties prior to the date of the scheduled trial, the order shall inform the parties that they have a right to object to a referral and state a reasonable time and method by which the objection may be made.

(2) Consideration of Objection

(A) If a party objects to a referral, the court shall give the party a reasonable opportunity to explain the basis of the objection and give fair and prompt consideration to it.

(B) If the basis of the objection is that the parties previously engaged in good faith in an ADR process that did not succeed and the court finds that to be true, the court may offer the opportunity for, but may not require, participation in a new court-referred mediation or settlement conference.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE**TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION****CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT**

Rule 17-303. DESIGNATION OF MEDIATORS AND SETTLEMENT CONFERENCE CHAIRS

(a) Limited to Qualified Individuals

(1) Court-Designated Mediator

A mediator designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (a).

(2) Court-Designated Settlement Conference Chair

A settlement conference chair designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (b).

(b) Designation Procedure

(1) Court Order

The court by order may designate an individual to conduct the ADR or may direct the ADR Office, on behalf of the court, to select a qualified individual for that purpose.

(2) Duty of ADR Office

If the court directs the ADR Office to select the individual, the ADR Office may select the individual or may arrange for an ADR organization to do so. An individual selected by the ADR Office or by the ADR organization has the status of a court-designated mediator or settlement conference chair.

(3) Discretion in Designation or Selection

Neither the court nor the ADR Office is required to choose at random or in any particular order from among the qualified individuals. They should endeavor to use the services of as many qualified individuals as practicable, but the court or ADR Office may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

(4) ADR Practitioner Selected by Agreement of Parties

If the parties agree on the record to participate in ADR but inform the court of their desire to select an individual of their own choosing to conduct the ADR, the court may (A) grant the request and postpone further proceedings for a reasonable time, or (B) deny any request for postponement and proceed with a scheduled trial.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE**TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION****CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT**

Rule 17-304. QUALIFICATIONS AND SELECTION OF MEDIATORS AND SETTLEMENT CONFERENCE CHAIRS

(a) Qualifications of Court-Designated Mediator

To be designated by the court as a mediator, an individual shall:

- (1) unless waived by the parties, be at least 21 years old;
- (2) have completed at least 40 hours of basic mediation training in a program meeting the requirements of (A) Rule 17-104 or (B) for individuals trained prior to January 1, 2013, former Rule 17-106;
- (3) be familiar with the Rules in Title 17 of the Maryland Rules;
- (4) submit a completed application in the form required by the ADR Office;
- (5) attend an orientation session provided by the ADR Office;
- (6) unless waived by the ADR Office, observe, on separate dates, at least two District Court mediation sessions and participate in a debriefing with the mediator after each mediation;
- (7) unless waived by the ADR Office, mediate on separate dates, at least two District Court cases while being reviewed by an experienced mediator or other individual designated by the ADR Office and participate in a debriefing with the observer after each mediation;
- (8) agree to volunteer at least six days in each calendar year as a court-designated mediator in the District Court day-of-trial mediation program;
- (9) abide by any mediation standards adopted by the Court of Appeals;
- (10) submit to periodic monitoring by the ADR Office;
- (11) in each calendar year complete four hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104; and

(12) comply with the procedures and requirements posted on the ADR Office’s website relating to diligence and quality assurance.

(b) Qualifications of Court-Designated Settlement Conference Chair

To be designated by the court as a settlement conference chair, an individual shall be:

- (1) a judge of the District Court;
- (2) a retired judge approved for recall for service under Maryland Constitution, Article IV, §3A; or
- (3) an individual who, unless the parties agree otherwise, shall:

(A) abide by any applicable standards adopted by the Court of Appeals;

(B) submit to periodic monitoring of court-ordered ADR by a qualified person designated by the ADR Office;

(C) be a member in good standing of the Maryland Bar and have at least three years experience in the active practice of law;

(D) unless waived by the court, have completed a training program of at least six hours that has been approved by the ADR Office; and

(E) comply with the procedures and requirements posted on the ADR Office’s website relating to diligence and quality assurance.

(c) Procedure for Approval

(1) Filing Application

An individual seeking designation to mediate or conduct settlement conferences in the District Court shall submit to the ADR Office a completed application substantially in the form required by that Office. The application shall be accompanied by documentation demonstrating that the applicant has met the applicable qualifications required by this Rule.

Committee note: Application forms are available from the ADR Office and on the Maryland Judiciary’s website, www.mdcourts.gov/district/forms/general/adr001.pdf.

(2) Action on Application

After such investigation as the ADR Office deems appropriate, the ADR Office shall notify the applicant of the approval or disapproval of the application and the reasons for a disapproval.

(3) Court-Approved ADR Practitioner and Organization Lists

The ADR Office shall maintain a list:

(A) of mediators who meet the qualifications of section (a) of this Rule;

(B) of settlement conference chairs who meet the qualifications set forth in subsection (b)(3) of this Rule; and

(C) of ADR organizations approved by the ADR Office.

(4) Public Access to Lists

The ADR Office shall provide to the Administrative Clerk of each District a copy of each list for that District maintained pursuant to subsection (c)(3) of this Rule. The clerk shall make a copy of the list available to the public at each District Court location. A copy of the completed application of an individual on a list shall be made available by the ADR Office upon request.

(5) Removal from List

After notice and a reasonable opportunity to respond, the ADR Office may remove a person as a mediator or settlement conference chair for failure to maintain the applicable qualifications of this Rule or for other good cause.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE
TITLE 17 – ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 300 – PROCEEDINGS IN THE DISTRICT COURT**

Rule 17-305. NO FEE FOR COURT-ORDERED ADR

District Court litigants and their attorneys shall not be required to pay a fee or additional court costs for participating in a mediation or

settlement conference before a court-designated ADR practitioner in the District Court.

Source: This Rule is new.

[12-23-24]

**COURT OF SPECIAL
APPEALS**

**SCHEDULE FOR DECEMBER 3, 4, 5, 6,
7, 10, 11, 12, 13, 14, 17, 2012**

Monday, December 3, 2012

Courtroom No. 1

- No. 02424/11* Anthony Monk vs. Debra Monk
- No. 01542/10 Lawrence Thomas Covington, Jr. vs. State of Maryland
- No. 01996/11 Rolanda Catrice Moore vs. Rosenberg & Fayne, LLP et al.
- No. 01313/11 John M. Stoltzfus et al. vs. Hen-Mar Farms, Inc. et al.
- No. 01170/11 The Mayor and Commissioners of Westernport, Maryland vs. Moran Manor Limited Partnership
- No. 02200/11 William Thomas Ross vs. Marianne Phelan Ross
- *8-207(a)

Courtroom No. 2

- No. 01081/11** CapitalSource Bank f/b/o Aeon Financial, LLC. vs. Anne Arundel County, Maryland
- No. 01082/11** CapitalSource Bank f/b/o Aeon Financial, LLC vs. Anne Arundel County, Maryland
- No. 01861/11 John Harrison Frye, Sr. vs. Melissa Lynn Mather
- No. 02247/11 Karen Lee Ives vs. Winbak Farms et al.
- No. 01847/11 Carolina Federal Savings Bank vs. Richard Cucina, Jr. et al.
- No. 00360/11 Willie L. Harkless, Sr. et al. vs. The Estate of Willie Harkless, Jr. etc. et al.
- No. 02631/10 Thomas P. Dore et al., Substitute Trustees vs. Graciela Thompson et vir

**Consolidated Cases

Tuesday, December 4, 2012

Courtroom No. 1

- No. 01650/11 Alfreida Sedgwick vs. Paul J. Mackoul, et al.
- No. 02802/11 Kevin Modecki vs. State of Maryland
- No. 01115/11 William Linwood Foster vs. State of Maryland
- No. 02007/11 George G. Perdikakis et ux. vs. Toll MD Limited Partnership et al.
- No. 02280/11 William Ackridge, III vs. State of Maryland

Courtroom No. 2

- No. 02110/11 David S. Cornblatt vs. Andrea K. Cornblatt
- No. 02241/11 Frank P. Ellis, IV et al. vs. NVR, Inc. et al.
- No. 02569/11 Christopher Phillip Tyler vs. State of Maryland
- No. 00066/11 Michael D. Brassell vs. Baltimore Police Department
- No. 01235/11 Sian James vs. State of Maryland
- No. 01756/11 Kristine D. Stevenson vs. Christopher M. Stevenson

Wednesday, December 5, 2012

Courtroom No. 1

No. 02020/11 David S. Schuman vs. Greenbelt Homes, Inc. et al.
 No. 02192/11 Gerald Gray vs. Kristin Mattson Gray
 No. 02255/11 Charles William Selby, III vs. State of Maryland
 No. 01920/11 Covered Bridge Farm II, LLC et al. vs. State of Maryland et al.
 No. 00232/12* Thomas Chuckas, Jr. vs. Kelly Chuckas
 No. 00762/12* In Re: Dashawn B., Ahmed K., and Miriam K.
 *8-207(a)

Courtroom No. 2

No. 02220/11 W. Patrick McCuan vs. Regions Bank, as successor by merger to AmSouth Bank
 No. 01763/11 Thomas Wilton Morris, Sr. vs. State of Maryland
 No. 00895/12* In Re: Adoption/Guardianship of William T., Jr. and Isaiah T.
 No. 00401/12 5648 Southwestern Boulevard, LLC vs. Baltimore County, Maryland
 No. 02235/11 SY, LLC et al. vs. PNC Bank, National Association
 No. 02581/11 Cordaro Dockery vs. State of Maryland
 *8-207(a)

Thursday, December 6, 2012

Courtroom No. 1

No. 02034/11 Smith-Myers Corporation d/b/a Smith-Myers Mortgage Group vs. Ada Sherill et al.
 No. 02021/11 John Philip Muth vs. Jean Muth
 No. 02278/11 Scottie Terry vs. State of Maryland
 No. 02025/11 PNC Bank, National Association et al. vs. Braddock Properties
 No. 02128/11 Dewan Holmes vs. State of Maryland
 No. 02134/11 Justin Jeffries vs. State of Maryland

Courtroom No. 2

No. 02175/11 Kenny Bailey vs. State of Maryland
 No. 02103/11 National Institutes of Health Federal Credit Union vs. BAC Home Loans Servicing, LP
 No. 02224/11 Cory Jamaul Jones vs. State of Maryland
 No. 01612/11 Richard Sternberg vs. Sheryl Sternberg
 No. 01593/11 Mount Vernon Centre Associates, LLC. vs. State of Maryland
 No. 02528/11 William M. Jones vs. State of Maryland

Friday, December 7, 2012

Courtroom No. 1

No. 01897/11 Pleasant Plains, LLC etc. vs. Leung Lo et al.
 No. 02211/11 James W. Ancel, Sr. et al. vs. 100 Harborview Drive Council of Unit Owners et al.
 No. 02067/11 Thaddus Roberts vs. Montgomery County, Maryland
 No. 01706/11 Mandel Tyre Brown vs. State of Maryland
 No. 01315/11 Henry Eagles et ux. vs. State Farm Automobile Insurance Company et al.

Courtroom No. 2

No. 01951/11 Reginald J. McClain vs. Douglas S. Walker et al., Substitute Trustees
 No. 02378/11 Francina Spivery-Jones vs. In the matter of The Receivership Estate of Trans Healthcare, Inc. et al.

No. 01830/11 Reno Blake et al. vs. Harford County Council sitting as the Board of Appeals for the Zoning Hearing Examiner
 No. 02005/11 Stephen Meadowcroft vs. Veolia Energy Baltimore
 No. 00672/11 Cleaven Williams vs. State of Maryland
 No. 01856/11 AM-PM Marine, Inc. vs. Joseph J. Blanchfield et ux.

Monday, December 10, 2012

Courtroom No. 1

No. 01933/11 Montgomery County Career Fire Fighters Association et al. vs. Montgomery County, Maryland et al.
 No. 00722/11 Fraternal Order of Police, Montgomery County Lodge 35 vs. Montgomery County Executive
 No. 00825/11 Municipal and County Government Employees Organization vs. Montgomery County Executive
 No. 00608/11 Robert Craig Taylor vs. State of Maryland
 No. 01536/11 Karen Humphries et al. vs. Lorien-Taneytown, Inc.
 No. 00988/11 Resa B. Laird, Guardian of Nellie Owens Gray and Personal Representative of Edward Gillespie Gray vs. State of Maryland et al.
 No. 01539/11* Mary Katherine Goldsborough vs. Leslie E. Goldsborough, III

*8-207(a)

Courtroom No. 2

No. 01576/11 W. R. Grace & Company et al. vs. Krystyna Gladysz
 No. 02056/11 Anton J. Berk vs. Carole A. Berk et al.
 No. 02006/11 Florida Rock Industries, Inc. et al. vs. Jeffrey P. Owens
 No. 01558/11 David Smith et ux. vs. Vicki Mermelstein et al.
 No. 02008/11 Derek Kalinowski vs. Sigma-Tau Pharmaceuticals, Inc.

Tuesday, December 11, 2012

Courtroom No. 1

No. 01846/11 Philip E. Berringer vs. Nevett Steele, Jr. et al.
 No. 02107/11 Anacostia Riverkeeper et al. vs. Maryland Department of the Environment et al.
 No. 01440/11 Kurt Kolb et ux. vs. Gregory Newman et ux.
 No. 00581/11 Michael McClure, Personal Representative of the Estate of Edna Perry vs. Lawrence Perry
 No. 01557/11 5648 Southwestern Boulevard, LLC vs. Baltimore County Department of Permits and Development Management
 No. 01004/11 Kalanchid Somawathie vs. Joseph V. Buonassissi, II et al. Substitute Trustees

Courtroom No. 2

No. 01694/11 Zvi Guttman, trustee for Deborah Mullins vs. Edward J. Gallagher, Director of Finance et al.
 No. 02022/11 Joseph F. Andrulonis vs. Mary I. Reilly f/k/a Mary I. Andrulonis
 No. 02076/11 J. G. Cochran Auctioneers & Associates et al. vs. Nancy Railey et al.
 No. 02039/11 Station Maintenance Solutions, Inc. vs. Two Farms, Inc.
 No. 01553/11 Gail Ann Mroz vs. Gregory Vincent Mroz
 No. 02061/11 Chad Eason Froboeck vs. State of Maryland

THE JUDICIARY

1528

Wednesday, December 12, 2012

Courtroom No. 1

- No. 01574/11 Donnell Nance vs. David Gordon, M.D. et al.
- No. 01486/11 Thomas Bryce vs. Maxim Crane Works, L.P.
- No. 02526/11 William W. Bennett vs. State of Maryland
- No. 01382/11 Gahiji Ajamu Tshamba vs. State of Maryland
- No. 01561/11 David Burns vs. Employees Retirement System of Baltimore County
- No. 01641/11 Owens Corning Fiberglass Corporation et al. vs. Charliisa Crenshaw

Courtroom No. 2

- No. 01797/11 Spacesaver Systems, Inc. vs. Carla Adam
- No. 01035/11 Vicky Orem et vir vs. Hanover Office Park Council of Unit Owners
- No. 00390/11 Health Care for Children, LLC et al. vs. Milan S. Baltazar, M.D. et al.
- No. 01608/11 Jeffrey Metheny vs. Garrett County Department of Social Services et al.
- No. 01749/11 Dennis Parker vs. Housing Authority of Baltimore City
- No. 02445/11 Imagine Capital, Inc. vs. Charles Moore et al.
- No. 01554/11 C&D Concrete, LLC et al. vs. Michael Davidson

Thursday, December 13, 2012

All cases submitted on brief

Courtroom No. 1

- No. 02028/11 John Dunaway vs. George Gisin et al.
- No. 01995/11 Eun O. Kim vs. Justin Kyle Vaughn
- No. 02703/11 Matthew Spray vs. State of Maryland
- No. 02484/11 Gary William Pescrillo vs. State of Maryland
- No. 01029/12* In Re: Adoption/Guardianship of Matteo B.
- No. 02530/11 Alberto G. Flores vs. State of Maryland
- No. 01687/11 Troy Barnes vs. State of Maryland
- No. 02405/11 Rodney L. Jones vs. State of Maryland
- No. 02707/11 Jamar L. Cropper vs. State of Maryland

*8-207(a)

Courtroom No. 2

- No. 01772/09 Colvin I. Bert vs. Comptroller of the Treasury
- No. 01214/11 Michael R. Sigmon vs. Hillen Tire et al.
- No. 02297/11 Christopher Quidas vs. State of Maryland
- No. 01901/11 Eric Von Poole vs. Office of the State's Attorney for Baltimore et al.
- No. 02095/11 Lamont Darnell Garrison vs. State of Maryland
- No. 02283/11 George Records vs. State of Maryland
- No. 01366/11 Michael Talbert vs. State of Maryland
- No. 02539/11 Benjamin Hill vs. State of Maryland
- No. 02315/11 Bryant Adams a/k/a Shane Thomas vs. State of Maryland
- No. 01729/11 Candus Thurman vs. State of Maryland
- No. 02487/11 Charles R. Dodson, Jr. vs. State of Maryland
- No. 02804/11 Leon Presbury vs. State of Maryland

Friday, December 14, 2012

All cases submitted on brief

Courtroom No. 1

- No. 00267/12* Lynita A. Dorsey vs. Thomas Jefferson Wilson, Jr.
- No. 00699/10 Michelle Pindell vs. Shawn Pindell
- No. 02449/11 Deandre Tywon Moore vs. State of Maryland
- No. 02786/10** Jamaal Garvin Alexis vs. State of Maryland
- No. 02787/10** Jamaal Garvin Alexis vs. State of Maryland
- No. 00471/09 Bruce Antonio Ricks vs. State of Maryland

- No. 02208/11 Dameon Hunt vs. State of Maryland
- No. 00262/09 James Dinkins vs. State of Maryland
- No. 02182/11 Jason Michael Costello vs. State of Maryland
- No. 02043/11 Aubrey James Dunn vs. State of Maryland
- No. 02236/10 Christina R. Parker vs. State of Maryland

*8-207(a)

**Consolidated Cases

Courtroom No. 2

- No. 02805/11 Douglas Andrew Wiley vs. State of Maryland
- No. 02228/11 Doran Bowers vs. Clarke Bowers et al.
- No. 00610/09 Harold Keith Stull vs. State of Maryland
- No. 02285/11 Tony Nathaniel Harmon, Jr. vs. State of Maryland
- No. 02842/11 Darryl Girard Pannell vs. State of Maryland
- No. 02127/11 Antwane Brown vs. State of Maryland
- No. 01678/11 Resha Lamonte Jennings vs. State of Maryland
- No. 02282/11 Ingram N. Hird vs. State of Maryland
- No. 01914/11 Valencia Tubaya vs. State of Maryland

Monday, December 17, 2012

All cases submitted on brief

Courtroom No. 1

- No. 01949/11 Ronald Dion Boyd vs. State of Maryland
- No. 01804/08** James Riffin vs. Raymond S. Wisnom, Jr. et al.
- No. 00147/09** James Riffin vs. Baltimore County, Maryland
- No. 01716/11 Dwayne Hugh Marshall a/k/a Clayton Stewart vs. State of Maryland
- No. 02843/11 Dirk Devon Lynch vs. State of Maryland
- No. 02158/11 Michael Wiggins vs. State of Maryland
- No. 01667/11 Dante Jeter vs. State of Maryland
- No. 02454/11 Carlos Mata vs. State of Maryland
- No. 01021/12* In Re: Michael H.**
- No. 01025/12* In Re: Marquel H.**
- No. 01026/12* In Re: Anthony H.**
- No. 01027/12* In Re: Mariah H.**
- No. 01028/12* In Re: Neveah F.**
- No. 01734/11 Timothy Josh Hunter vs. State of Maryland

*8-207(a)

**Consolidated Cases

Courtroom No. 2

- No. 01855/11 James Howard McCormick, III vs. State of Maryland
- No. 02346/11 Albert Arking et al. vs. Montgomery County Planning Board et al.
- No. 02164/11 Phillip Scheibe vs. Anne Arundel County Ethics Commission
- No. 01875/11 Gabrielle Day vs. State of Maryland
- No. 01903/11 Nadine Marie Wilson vs. State of Maryland
- No. 00804/12* In Re: Kayla M.
- No. 01881/11 Kevin L. Murray vs. State of Maryland
- No. 02720/10 Darryl White vs. State of Maryland
- No. 02132/11 Michael Thornton vs. State of Maryland
- No. 00800/12* In Re: James C. and Christopher C.
- No. 02071/11 Charles Thomas vs. State of Maryland
- No. 01724/11 Ronald Sinclair vs. State of Maryland

*8-207(a)

On the day of argument, counsel are instructed to register in the Office of the Clerk **no later than 9 a.m.** The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After December, 2012, the Court will recess until January, 2013.

LESLIE D. GRADET
Clerk

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of December be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in December, 2012

Chief Judge's signature appears on
original Administrative Order

Dated: October 26, 2012

[12-23-17]

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

TITLE 14 INDEPENDENT AGENCIES

SUBTITLE 09 WORKERS' COMPENSATION COMMISSION

Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act (§§10-130 through 10-139 of the State Government Article), the Workers' Compensation Commission (the "Commission") is currently reviewing and evaluating the following chapter:

14.09.01 Procedural Regulations

The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal any obsolete or duplicative provisions. Pursuant to its work plan, the Commission will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations are:

- Still necessary to the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal regulations and other state regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete, duplicative, or otherwise appropriate for amendment or repeal.

The Commission would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on the regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes. Comments must be received by: **January 15, 2013**.

Comments should be directed to Amy S. Lackington, Regulations Coordinator, 10 E. Baltimore Street, Baltimore, MD 21202, or by e-mail to alackington@wcc.state.md.us.

[12-23-22]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

*Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707,
Annotated Code of Maryland*

Notice of Emergency Action

[12-321-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01 — .11** under the new chapter, **COMAR 13B.05.01 Registration**, under a new subtitle, **Subtitle 05 Fully Online Programs**.

This action supersedes the emergency action previously published in 39:17 Md. R. 1146 (August 24, 2012), which took effect on July 1, 2012. Those emergency regulations are repealed by the Maryland Higher Education Commission as of the date that these new emergency regulations take effect.

Emergency status began: October 17, 2012.

Emergency status expires: March 30, 2013.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 1552 — 1554 of this issue, referenced as [12-321-P].

DANETTE GERALD HOWARD, Ph.D.
Secretary of Higher Education

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.07 Prohibition of Sale of Baby Bumper Pads

Authority: Health-General Article, §22-501 et seq., Annotated Code of Maryland

Notice of Final Action

[12-162-F]

On November 7, 2012, the Secretary of Health and Mental Hygiene adopted new Regulations **.01 — .03** under a new chapter, **COMAR 10.11.07 Prohibition of Sale of Baby Bumper Pads**. This action, which was proposed for adoption in 39:14 Md. R. 842—843 (July 13, 2012), has been adopted as proposed.

Effective Date: November 26, 2012.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Title 13A

STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.05 Appeals to the State Board of Education

Authority: Education Article, §§2-205, 4-205, 6-202, 7-305, and 23-406; State Government Article, §§10-122 and 10-201 et seq.; Annotated Code of Maryland

Notice of Final Action

[12-241-F]

On October 31, 2012, the Maryland State Board of Education adopted amendments to Regulations **.07** and **.08** under **COMAR 13A.01.05 Appeals to the State Board of Education**. This action, which was proposed for adoption in 39:18 Md. R. 1213 (September 7, 2012), has been adopted as proposed.

Effective Date: November 26, 2012.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 14

INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

Notice of Final Action

[12-234-F]

On November 1, 2012, the Maryland State Lottery Agency adopted amendments to:

(1) Regulation **.18** under **COMAR 14.01.10 Video Lottery Terminals**; and

(2) Regulation **.04** under **COMAR 14.01.12 Video Lottery Terminal Machines**.

This action, which was proposed for adoption in 39:18 Md. R. 1213—1214 (September 7, 2012), has been adopted as proposed.

Effective Date: November 26, 2012.

STEPHEN L. MARTINO
Director
State Lottery Agency

Title 21

STATE PROCUREMENT REGULATIONS

Subtitle 11 SOCIOECONOMIC POLICIES

21.11.11 Prevailing Wage — Contracts for Public Works

Authority: State Finance and Procurement Article, §17-204(a), Annotated Code of Maryland

Notice of Final Action

[12-257-F]

On November 7, 2012, the Commissioner of Labor and Industry adopted amendments to Regulation **.02** under **COMAR 21.11.11 Prevailing Wage — Contracts for Public Works**. This action, which was proposed for adoption in 39:19 Md. R. 1284—1285 (September 21, 2012), has been adopted as proposed.

Effective Date: November 26, 2012.

J. RONALD DEJULLIS
Commissioner of Labor and Industry

Title 26
DEPARTMENT OF THE
ENVIRONMENT
Subtitle 11 AIR QUALITY

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

Notice of Final Action

[12-198-F]

On October 23, 2012, the Secretary of the Environment adopted amendments to Regulation **.08-2** under **COMAR 26.11.08 Control of Incinerators**. This action, which was proposed for adoption in 39:16 Md. R. 1119—1120 (August 10, 2012), has been adopted as proposed.

Effective Date: November 26, 2012.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Title 29
DEPARTMENT OF STATE
POLICE

Subtitle 06 FIRE PREVENTION
COMMISSION

Notice of Final Action

[12-222-F-I]

On October 31, 2012, the Secretary of State Police adopted:

(1) Amendments to Regulations **.02**, **.06—10**, and **.14** and the repeal of Regulation **.12** under **COMAR 29.06.01 Fire Prevention Code**;

(2) The repeal of Regulations **.01—04** under **COMAR 29.06.03 Approval of Testing Laboratories**; and

(3) Amendments to Regulations **.03—05**, **.07—10**, **.12**, **.14**, and **.15** and the repeal of Regulations **.11** and **.16** under **COMAR 29.06.07 Ground-Based Sparkling Devices**.

This action, which was proposed for adoption in 39:17 Md. R. 1169—1173 (August 24, 2012), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 1, 2013.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 29.06.01.08J: the paragraph reference number in the National Fire Protection Association 1 Fire Code is corrected to be 3.3.182.22.

29.06.01 Fire Prevention Code

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

.08 National Fire Protection Association 1 Fire Code.

A.—I. (proposed text unchanged)

J. Amend Paragraph [[3.182.22]] 3.3.182.22 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

J-1 .—EEE. (proposed text unchanged)

MARCUS L. BROWN
Secretary of State Police

Withdrawal of Regulations

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

11.15.13 Issuance of a Nonresident Permit

Authority: Transportation Article, §§12-104(b) and 13-402.1, Annotated Code of Maryland

Notice of Withdrawal

[12-175-W]

The Administrator of the Motor Vehicle Administration withdraws the proposal to amend Regulations **.01** and **.02** under **COMAR 11.15.13 Issuance of a Nonresident Permit**, as published in 39:15 Md. R. 1005—1007 (July 27, 2012).

JOHN T. KUO
Administrator
Motor Vehicle Administration

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.04 Establishment of Paternity

Authority: Family Law Article, §§5-1005—5-1048 and 10-301—10-359, Annotated Code of Maryland
(Agency Note: Federal Regulatory Reference — 45 CFR §§302.31 and 303.5)

Notice of Proposed Action

[12-318-P]

The Secretary of Human Resources proposes to amend Regulation .04 under **COMAR 07.07.04 Establishment of Paternity**.

Statement of Purpose

The purpose of this action is to require that laboratories authorized to conduct paternity testing for the Child Support Enforcement Administration provide documentation establishing that the laboratory is qualified to perform DNA analysis and is accredited by the American Association of Blood Banks' Parentage Testing Committee. DNA analysis is the preferred method of establishing paternity and the Administration has exclusively used laboratories that perform DNA analysis for many years.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, Department of Human Resources, Office of Government, Corp. and Comm. Affairs, 311 W. Saratoga Street, Room 270, Baltimore, MD 21201-3521, or call 410-767-2149, or email to AShuck@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.04 Paternity Testing Laboratories.

A.—B. (text unchanged)

C. A laboratory's application shall include:

(1) (text unchanged)

(2) [The classes of paternity tests that the laboratory can provide] *Documentation that the laboratory is qualified to perform DNA analysis*; and

(3) (text unchanged)

D. Except as provided in §E of this regulation, a laboratory included on the list shall be accredited by [one or more of] the [following:

(1)] American Association of Blood Banks' Parentage Testing Committee[;

(2) American Society for Histocompatibility and Immunogenetics; or

(3) American Society of Crime Laboratory Directors].

E. (text unchanged)

F. The Administration's list of laboratories shall [specify the classes of paternity determination tests which the laboratory is] *be* qualified to perform[, including, but not limited to:

(1) Red cell antigens;

(2) Human leukocyte antigen;

(3) Serum protein;

(4) Red cell enzymes; and

(5)] DNA analysis.

G.—I. (text unchanged)

THEODORE DALLAS
Secretary of Human Resources

Benefit (+)
Cost (-) Magnitude

Title 09
DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION
Subtitle 11 REAL ESTATE
COMMISSION

09.11.01 General Regulations

Authority: Business Occupations and Professions Article, §§17-208, 17-303, and 17-306, Annotated Code of Maryland

Notice of Proposed Action
[12-308-P]

The Real Estate Commission proposes to amend Regulation .11 under **COMAR 09.11.01 General Regulations**. This action was considered by the Real Estate Commission at a public meeting held on September 26, 2012, notice of which was given by publication in 39:17 Md. R. 1180 (August 24, 2012), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to delete two provisions of the regulation that are outdated, and to add a requirement that applicants successfully complete the real estate salesperson’s examination within 1 year of completing the preclicensing course. If the applicant does not take or pass the examination within that time, the applicant must complete another preclicensing course. There are specific time provisions for those who complete the course prior to March 1, 2013.

This requirement will insure that applicants have current information in the areas covered by the preclicensing course before they begin providing real estate brokerage services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. An applicant who does not pass the real estate salesperson’s licensing examination within 1 year of completing a preclicensing course will be required to take a new course. The cost of that course ranges from \$99 to \$250.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public:

Prelicensing course cost	(+)	\$99 — \$250 per affected applicant
--------------------------	-----	-------------------------------------

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

F. An applicant who does not pass the licensing examination within 1 year of completion of a preclicensing course must retake that course. The cost of a preclicensing course ranges from \$99 to \$250. There will be no additional costs for applicants who successfully complete the examination within the required time period.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Katherine Connelly, Executive Director, Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6227, or email to kconnelly@dlr.state.md.us, or fax to 410-333-0023. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Real Estate Commission during a public meeting to be held on January 16, 2012, at 10:30 a.m., at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

.11 Instruction in Real Estate Principles and Practices for Salespersons.

A. (text unchanged)

B. The minimum 60 clock-hour educational requirement [effective October 1, 1998.] for a salesperson [,] shall embrace the following areas of study:

(1) — (15) (text unchanged)

C. — F. (text unchanged)

[G.] (proposed for repeal)

G. *Completion of Examination.*

(1) *Subject to §G(2) and (3) of this regulation, an applicant for a salesperson’s license shall have 1 year from completion of a preclicensing education course to pass both portions of the salesperson licensing examination. An applicant who does not pass both portions of the licensing examination within 1 year of the course completion date must complete a new preclicensing course in order to be eligible to take or retake the examination.*

(2) *An applicant who has completed a preclicensing course more than 1 year prior to March 1, 2013, must pass both portions of the salesperson licensing examination no later than August 31, 2013, in order to avoid the need to complete a new preclicensing course.*

(3) *An applicant who has completed a preclicensing course less than 1 year prior to March 1, 2013, must pass both portions of the salesperson licensing examination within 1 year of the course*

completion date to avoid the need to complete a new preclicensing course.

J. NICHOLAS D'AMBROSIA
Chairman
Real Estate Commission

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.66 Inflatable Amusement Attractions

Authority: Business Regulation Article, §§3-307—3-313 and 3-402, Annotated Code of Maryland

Notice of Proposed Action

[12-298-P-I]

The Commissioner of Labor and Industry proposes to adopt new Regulations .01—.21 under a new chapter, **COMAR 09.12.66 Inflatable Amusement Attractions**. This action was considered by the Amusement Ride Safety Advisory Board at a public meeting held on June 22, 2012, notice of which was given in 39:11 Md. R. 730 (June 1, 2012), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to implement Ch. 21, Acts of 2009, effective October 1, 2009, and Ch. 48, Acts of 2012, effective October 1, 2012, which require the annual inspection of inflatable amusement attractions by the Commissioner of Labor and Industry.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Amusement attractions, including certain inflatable attractions, are to be inspected each time they are modified or moved to a new location. Ch. 21, Acts of 2009, exempts inflatable amusement attractions from that inspection schedule and requires the annual inspection of inflatable amusement attractions by the Commissioner of Labor and Industry. Ch. 48, Acts of 2012, limits the inspection of inflatable attractions to those 4 feet or more above the ground. The Department anticipates a significant savings in overtime pay as many of the inflatable attractions operate during the weekend when inspectors receive overtime pay.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$7,700
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
	NONE	

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The Department of Labor, Licensing, and Regulation estimates a 15 percent savings, or \$7,700 in overtime expenditures.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dlr.state.md.us, or fax to 410-767-2986. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the ASTM International Standards on Amusement Rides and Devices: 7th Edition, F2374—04 Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (2004) (ASTM F2374-04) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 39:2 Md. R. 104 (January 27, 2012), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Purpose.

A. This chapter establishes safety standards for the installation, assembly, repair, maintenance, use, operation, disassembly, and inspection of inflatable amusement attractions operated in the State.

B. COMAR 09.12.62 does not apply to inflatable amusement attractions.

.02 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference to the extent that they are referenced in this chapter:

A. The ASTM International Standards on Amusement Rides and Devices: 7th Edition, F2374—04 Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (2004) (ASTM F2374-04); and

B. The National Electrical Code, ANSI/NFPA #70-2005, which is incorporated by reference in COMAR 20.50.02.02.

.03 Definitions.

A. In addition to terms defined in Business Regulation Article, §3-101, Annotated Code of Maryland, in this chapter the following terms have the meanings indicated.

B. Terms Defined.

(1) "ASTM" means ASTM International, originally known as the American Society for Testing and Materials.

(2) "Attendant" means a person assigned to assist the operator in attending to the safety needs of users.

(3) "Certificate of inspection of an inflatable amusement attraction" means a certificate issued by the Commissioner of Labor and Industry.

(4) "Exit" means a doorway or other opening affording safe and unobstructed egress.

(5) "Fire official" means the authority having jurisdiction in the locality over matters relating to fire prevention and explosion.

(6) "Inflatable amusement attraction" means an air-supported amusement attraction that:

(a) Incorporates a structural and mechanical system; and

(b) Uses a high strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure.

(7) "Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist" means the Commissioner of Labor and Industry's form to be completed by the owner prior to the operation of an inflatable amusement attraction.

(8) "Operator" means a person who is trained and who is capable of identifying existing and predictable hazards involving the inflatable amusement attraction operation, and has the authority to control and eliminate any hazards.

(9) "Owner" means a person, the State or a political subdivision of the State that owns an inflatable amusement attraction, or if the amusement attraction is leased, the lessee.

(10) "Qualified person" means a person who has successfully demonstrated the ability to solve or resolve problems related to the subject matter or the work:

(a) By possession of a recognized degree, certificate, or professional standing; or

(b) By extensive knowledge, training, and experience.

(11) "Rated capacity" means a capacity:

(a) Established by the manufacturer for the normal loading and operation of an inflatable amusement attraction by weight or number of users; or

(b) If the manufacturer has not established a capacity, as established by the Commissioner after inspection.

(12) "Safety work order" means a written demand issued by an authorized representative of the Commissioner to perform work that has potential safety impact if not corrected.

(13) Serious Physical Injury.

(a) "Serious physical injury" means, for the purposes of this regulation, an injury that requires medical treatment by a physician other than one-time first aid.

(b) "Serious physical injury" does not include:

(i) An injury that does not ordinarily require medical treatment, such as a minor burn, splinter, contusion, scratch, or cut not requiring stitches; or

(ii) A diagnostic procedure, including examination and X-ray, even though provided by a physician or other licensed professional personnel.

(14) "Special inflated amusement structure" means a fun house, dark ride, walk through, haunted house, or any other similar inflated amusement attraction that uses air pressure to support the walls and roof of the structure.

(15) User.

(a) "User" means any person who is a participant in the use of an inflatable amusement attraction as defined by the manufacturer's specifications.

(b) "User" does not include employees of the inflatable amusement attraction owner while engaged in the duties of their employment.

.04 General Responsibility for Compliance.

A. Each owner of an inflatable amusement attraction erected in the State shall:

(1) Comply with the provisions of this chapter; and

(2) Ensure that the manufacturer's recommendations, specifications, and other requirements relating to safety in the erection, operation, maintenance, repair, and disassembly of the inflatable amusement attraction are followed.

B. In the event of a conflict between a regulation under this chapter and a manufacturer's specification, the owner shall comply with the provision that best ensures the safety of the public as determined by the Commissioner or his authorized representative.

.05 Registration, Inspection, and Notice of Operation.

A. Except as specified by law, an owner may not operate an inflatable amusement attraction unless the Commissioner has issued a certificate of inspection of an inflatable amusement attraction.

B. Annually, each owner shall register with the Commissioner those inflatable amusement attractions that the owner intends to operate in Maryland that year and file a certificate of insurance indicating that the owner has obtained insurance in the amount of at least \$200,000 against liability for injury to an individual that arises out of the use of the inflatable amusement attraction.

C. Request for Certificate Inspection.

(1) Each owner requiring a certificate inspection of an inflatable amusement attraction shall notify the Commissioner that the inflatable amusement attraction is ready for inspection by submitting a completed inspection request form at least 30 days in advance of the anticipated operation date.

(2) If there is a cancellation or change in the schedule of location or dates after initial notification, an owner shall:

(a) Immediately notify the Commissioner by telephone; and

(b) Promptly confirm the change in writing.

(3) If an owner is unable to provide the Commissioner with the required 30-day advance notice, the owner shall submit to the Commissioner an inspection request form along with a detailed explanation of the reason for the lack of advance notice. The Commissioner may grant the inspection request contingent upon the availability of State resources.

(4) The inspection request form shall be furnished by the Commissioner.

D. Notice of Operation.

(1) At least 5 business days in advance of anticipated operation of an inflatable amusement attraction with a current certificate of inspection, an owner of an inflatable amusement attraction shall submit to the Commissioner an itinerary of scheduled locations and dates.

(2) If there is a cancellation or change in the schedule of location or dates after submission of the itinerary, an owner shall:

(a) Immediately notify the Commissioner by telephone, email, or fax; and

(b) If by telephone, promptly confirm the change in writing.

.06 Inspections.

A. Inspection Hours.

(1) Inflatable amusement attraction inspections will normally be conducted during the business hours of 8 a.m. through 5 p.m., Monday through Friday, excluding holidays.

(2) The Commissioner may schedule inspections at other times when the Commissioner determines that there are extenuating circumstances.

B. The Commissioner may review the following as part of the inspection:

(1) The Daily Inspection Pre-Opening Checklist;

(2) The owner's manual; and

(3) Other information as requested including, but not limited to, the manufacturer's specifications.

C. If after an inspection the Commissioner determines that corrective action is necessary, the Commissioner may issue a safety work order that details the required corrective action, including the time allowed for abatement of each action.

D. In response to the issuance of a safety work order, the Commissioner may:

- (1) Grant an extension of the time allowed to abate the action;
- (2) Deny or revoke a certificate of inspection of an inflatable amusement attraction; or
- (3) Issue a citation with a penalty.

E. If required, a certificate of inspection of an inflatable amusement attraction shall be posted in public view on or in front of the inflatable amusement attraction for which the certificate is issued.

.07 Special Inflated Amusement Structures.

A. For a special inflated amusement structure located in an amusement park, carnival, or fair, the owner shall make a request to the fire official for the jurisdiction where the amusement attraction is located for fire safety inspection:

- (1) Before operation at each location; and
- (2) When there is a change in construction, materials, or decorations.

B. Exits.

(1) At least two exits remote from each other shall be provided for each floor, tier, room, or balcony in a structure that contains a special inflatable amusement structure.

- (2) An exit may not be less than 22 inches wide.

C. A certificate of inspection for an inflatable amusement attraction issued by the Commissioner is valid for the inflatable attraction only and does not address fire safety issues that may require review by the local fire official.

.08 Information Panel and State Registration Sticker.

A. Information Panel.

(1) The information panel shall include the following, as applicable:

- (a) Serial number, which is a manufacturer-issued or owner-issued unique identifying number;
- (b) Name of the inflatable amusement attraction;
- (c) Manufacturer of the inflatable amusement attraction;
- (d) Date of manufacture, which is the month and year of manufacture, as determined by the manufacturer, if known;
- (e) Direction of travel, if the direction of travel is essential to the safe operation of the inflatable amusement attraction; and
- (f) Rated capacity in weight or number of users.

(2) An information panel:

- (a) Is required for each inflatable amusement attraction;
- (b) Shall be printed in English; and
- (c) Shall be designed to remain legible for the expected life of the inflatable amusement attraction.

B. State Registration Sticker.

(1) The Commissioner shall issue a State registration number and State registration sticker to each registered inflatable amusement attraction.

(2) If the registration number is no longer legible, the owner shall notify the Commissioner for issuance of a replacement State registration sticker.

C. Each inflatable amusement attraction shall have the State registration sticker on site in a readily visible location on the inflatable amusement attraction.

.09 Operation.

A. Each owner shall obtain the manufacturer's operations manual and shall:

- (1) Read and become familiar with the contents of the manufacturer's recommended operating instructions and specifications;
- (2) Keep the manufacturer's operations manual on location with the inflatable amusement attraction; and
- (3) Provide a copy of the manufacturer's operations manual, in English, to the Commissioner on request.

B. Except as provided in §C of this regulation, an owner shall ensure that an inflatable amusement attraction is operated in accordance with ASTM F2374-04.6.

C. The owner shall set up and operate an inflatable amusement attraction in accordance with the following:

- (1) Inflatable amusement attractions may not be operated when the wind speed is 25 mph or greater;
- (2) Anchorage points installed near an entrance or exit of an inflatable amusement attraction shall be connected in such a manner as to minimize the potential for tripping, abrasions, or other injuries;
- (3) Blowers and inflation tubes shall be positioned to prevent kinks or bends in the inflation tube;
- (4) Blowers and inflation tubes may not impede the ingress to or egress from the inflatable amusement attraction; and
- (5) Inflatable amusement attractions shall be anchored or secured in accordance with the manufacturer's specifications or the following requirements:

(a) The on-ground anchor weight used for inflatable amusement attractions shall be at least 75 pounds for bounce-type rides;

(b) The on-ground anchor weight for slide-type rides over 15 feet tall shall be at least 500 pounds for each installed anchor position;

(c) Anchors shall be used at all of the manufacturer's required positions at all times for both indoor and outdoor use;

(d) Anchors can be straight stakes, screw stakes, ground weights, or sandbag ground anchors, and must comply with the following:

(i) If straight stakes are used, they must range from 30 inches to 42 inches in length with at least 75 percent or more of the length in the ground; and

(ii) The ends of the stakes should be covered to prevent a tripping hazard;

(e) Tie-downs should be attached to a secure device or permanent structure and attached so that they cannot slip off the anchor during use;

(f) Tie-downs should not be attached to motor vehicles; and

(g) Tie-downs should comply with manufacturer's specifications or have a minimum tensile strength of 3,700 pounds or 370 pounds safe working load.

D. Operator, Attendant, and User Operating Requirements.

(1) For an inflatable amusement attraction less than 15 feet in height, the owner shall provide the appropriate number of operators and attendants as specified by the manufacturer.

(2) For an inflatable amusement attraction over 15 feet in height, the owner shall follow the manufacturer's specifications as to the appropriate number of operators and attendants, but a minimum of one operator and one attendant shall be provided.

(3) For an inflatable amusement attraction over 15 feet in height, the owner shall follow the manufacturer's specifications as to maximum number of users.

(4) If the manufacturer's specifications do not provide the number of users, there shall be no more than two users on the attraction and two users in a queue at any one time.

E. General Owner Obligations.

(1) *The owner shall have a prohibition on the use of drugs and alcohol for operators and attendants during the performance of their duties.*

(2) *The owner shall prevent the use of an inflatable amusement attraction when the attraction is not in operation.*

(3) *The owner shall ensure that the amusement attraction is positioned at a location so that the operator has a clear view of the user loading and unloading areas.*

(4) *The owner shall ensure that a designated operator shall operate only one inflatable amusement attraction at a time.*

F. Operators.

(1) *The owner shall ensure each inflatable amusement attraction is under the direct control of an operator who has been trained in the operation of the assigned inflatable amusement attraction.*

(2) *The owner shall ensure that a designated operator:*

(a) *Does not operate any inflatable amusement attraction while under the influence of drugs or alcohol;*

(b) *Knows the use and function of all operating controls, signal systems, and safety devices applicable to the inflatable amusement attraction;*

(c) *Knows the proper user loading sequence and capacity of the particular inflatable amusement attraction being operated;*

(d) *Remains stationed at the inflatable amusement attraction during operation;*

(e) *Has control of the inflatable amusement attraction at all times; and*

(f) *Enforces applicable restrictions.*

G. Operator and Attendant Identification.

(1) *An owner shall issue to each operator and attendant identification that is highly visible.*

(2) *The identification shall clearly indicate the following:*

(a) *The title, that is, operator or attendant;*

(b) *Either the name of the operator or attendant or an identification number; and*

(c) *The name of the inflatable amusement attraction company.*

(3) *Before issuing any identification, the owner shall train the operator and the attendant in accordance with §H of this regulation.*

H. Operator and Attendant Training.

(1) *The owner shall provide training to each operator and attendant of an inflatable amusement attraction.*

(2) *An owner shall train operators and attendants in the following:*

(a) *Specific inflatable amusement attraction operational policies and procedures consistent with the manufacturer's instructions;*

(b) *Specific duties and responsibilities of the operator and the attendant;*

(c) *Emergency procedures in the event of an abnormal condition, interruption of power, or severe environmental conditions;*

(d) *Instructions on general safety procedures; and*

(e) *Additional instructions considered necessary by the owner.*

(3) *As part of the training, the owner shall observe and document each operator's and attendant's ability to operate an inflatable amusement attraction.*

I. Daily Inspection Program.

(1) *The owner shall ensure that each inflatable amusement attraction is inspected and tested by a qualified person each day before operation, with a daily preopening inspection program that complies with this subsection.*

(2) *The daily preopening inspection program shall include, but not be limited to, the following:*

(a) *Inspection and testing of all user-carrying devices, including tie-downs, anchors, blowers, and electrical systems;*

(b) *Inspection and testing of all automatic and manual safety devices;*

(c) *Inspection and testing of control devices, and other equipment provided for safety;*

(d) *Visual inspection of all fencing, gates, and guardrails;*

(e) *Visual inspection of the inflatable amusement attraction structure, supports, electrical components, and wiring;*

(f) *Inspection of entrances, exits, stairways, ramps, and the area surrounding the inflatable amusement attraction; and*

(g) *Confirmation of functioning communication system and, where necessary, testing of all communication equipment.*

(3) *The owner of an inflatable amusement attraction shall ensure that the Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist is properly filled out and signed at the completion of the daily pre-opening program.*

(4) *A copy of the Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist shall be provided to the Commissioner on request.*

(5) *Worn and damaged components shall be repaired or replaced immediately and before operation.*

.10 Accident Reporting.

A. *Immediately after an accident involving serious physical injury resulting from the operation of an inflatable amusement attraction, an owner shall orally notify the Commissioner.*

B. *An owner shall submit a written accident report to the Commissioner within 24 hours.*

C. *The report shall contain the following:*

(1) *Date and time of the accident;*

(2) *Name, address, and telephone number of the injured person and parent or guardian information if the injured person is a minor;*

(3) *Age and sex of the injured person;*

(4) *Name and manufacturer of the inflatable amusement attraction;*

(5) *Description of the injury;*

(6) *Description of events related to the accident; and*

(7) *Name, address, and phone number of the inflatable amusement attraction operator and attendant.*

D. *The Commissioner may prohibit the use of an inflatable amusement attraction after an accident if the Commissioner determines the following:*

(1) *The inflatable amusement attraction violates a regulation under this title; or*

(2) *There is a substantial probability of death or serious physical injury from continued use of the inflatable amusement attraction.*

.11 Records and Reports.

A. *The Inflatable Amusement Attraction Daily Inspection and Daily Pre-Opening Checklist shall be:*

(1) *Signed by the person performing the inspection immediately upon completion of the inspection;*

(2) *Kept with the inflatable amusement attraction or at an on-site office; and*

(3) *Maintained for at least 30 days.*

B. *Identification Records. An owner shall maintain a record of the name and identification number of each operator and attendant with the following information:*

(1) *Inflatable amusement attraction that the operator and attendant operated; and*

(2) *The date and location of operation.*

C. Record of Training.

(1) Each owner shall:

- (a) Maintain a record of training provided to each operator and attendant; and
- (b) Provide the Commissioner with a copy of the record of training on request.
- (2) The training record shall indicate the following for each operator and attendant:
 - (a) The name or identification number;
 - (b) A detailed description of the training provided; and
 - (c) A list of all the inflatable amusement attractions for which the operator and attendant received training.

.12 Design Criteria.

A. An owner shall ensure that an inflatable amusement attraction is designed and manufactured in accordance with the criteria set forth in ASTM F2374-04.5.

B. Upon request, an owner shall provide the Commissioner with information to document compliance with §A of this regulation.

C. Copies of all documents provided to the Commissioner shall be in English.

.13 Access, Egress, and Walking Surfaces.

A. Access to and egress from all inflatable amusement attractions shall be free from all recognized hazards.

B. All walking surfaces including, but not limited to, loading and unloading areas, platforms, landings, stairs, and ramps shall be stable and slip-resistant.

C. If there is the potential for exposure to a fall distance exceeding 30 inches, the owner shall take steps to prevent such falls.

.14 Signage.

A. When a manufacturer or the Commissioner requires a restriction on the use of an inflatable amusement attraction, such as the age or weight of a user, a legible sign indicating the restriction shall be posted in full view of individuals seeking admission to the inflatable amusement attraction.

B. The location of the sign shall be:

- (1) At the location specified by the manufacturer;
- (2) At the entrance of the inflatable amusement attraction; or
- (3) Close to the inflatable amusement attraction.

.15 General Environment.

A. All manufacturer wind-related and weather-related restrictions shall be complied with.

B. In the event of lightning, winds gusting in excess of 25 mph, a tornado watch, a severe storm predicted within a 5 mile radius, fire, or other disturbance, an owner shall implement the following:

- (1) Users shall be unloaded or evacuated safely from the inflatable amusement attraction immediately; and
- (2) The inflatable amusement attraction shall be closed and secured immediately.

C. Illumination.

(1) Each inflatable amusement attraction, including entrances and exits, shall be illuminated to provide adequate visibility of the surfaces used.

(2) For the assembly and disassembly of inflatable amusement attractions, all work areas shall be illuminated to provide adequate visibility.

.16 Fire Protection.

A. Flammable and Combustible Liquids.

(1) An owner shall store and handle flammable and combustible liquids consistent with the applicable National Fire Protection Association (NFPA) standards.

(2) An owner may not handle or fuel equipment with flammable liquids within 20 feet of an inflatable amusement attraction.

(3) An owner shall store flammable and combustible liquids at least 75 feet from an inflatable amusement attraction or other spark-producing equipment.

B. Fire Extinguishers.

(1) An owner shall provide at least one portable fire extinguisher listed and labeled with a 10-B:C rating.

(2) The fire extinguisher shall be located not less than 25 feet, or more than 75 feet, from any:

- (a) Flammable or combustible liquid storage; or
- (b) Portable electric generator.

.17 Equipment and Materials.

A. Guarding.

(1) The owner shall ensure that machinery is guarded to prevent contact with belts, fan blades, or similar moving components.

(2) Guards shall be:

- (a) Designed to perform a specific task;
- (b) Properly secured; and
- (c) Properly maintained in a condition consistent with the intent of the guard's design.

(3) Before a guard is removed for maintenance purposes:

- (a) The equipment shall be locked out or tagged out; and
- (b) The guard shall be replaced before normal operation is resumed.

(4) A guard shall be designed so that it does not pose a hazard itself.

B. Portable Electric Generators.

(1) A portable electric generator is not required to be grounded if the portable electric generator:

- (a) Supplies only equipment mounted on the generator; or
- (b) Supplies power to the equipment through receptacles mounted on the generator that are connected by plug and cord and single extensions.

(2) If a portable electric generator does not comply with §B(1) of this regulation, the owner shall ensure that a grounding electrode, such as a ground rod, is used for any fault current.

(3) A portable electric generator shall be listed and labeled by a Nationally Recognized Testing Laboratory.

(4) A portable electric generator may not be located:

- (a) Near user or pedestrian traffic; or
- (b) In locations that may be hazardous.

.18 Location and Operation.

A. Assembly and Disassembly.

(1) The assembly and disassembly of an inflatable amusement attraction shall be performed:

- (a) In accordance with the manufacturer's procedures and specifications; and
- (b) Using only manufacturer specified components, fasteners, tools, replacement parts, and materials.

(2) During assembly, parts shall be closely inspected to discover excessively worn or damaged parts.

B. Location.

(1) Placement of the inflatable amusement attraction at the location where it is to be operated shall ensure that:

- (a) The inflatable amusement attraction will be on a level and stable surface;
- (b) The inflatable amusement attraction is compliant with manufacturer specifications;
- (c) There is continuous pedestrian traffic flow; and
- (d) It is accessible by emergency personnel.

(2) Tie-Downs.

(a) Tie-downs and anchors used to support an inflatable amusement attraction may not create a tripping or impalement hazard.

(b) The immediate area surrounding the inflatable amusement attraction shall be clear of:

- (i) Trees and shrubs, if they pose a hazard;
- (ii) Trash; and
- (iii) Other tripping hazards including, but not limited to,

pot holes.

C. Clearances.

(1) Except for equipment required for operation of the inflatable amusement attraction, there shall be side and overhead clearances of at least 48 inches between an inflatable amusement attraction and any other object.

(2) Except for conductors supplying power to the device, an inflatable amusement attraction may not operate under or within 15 feet of any power lines.

.19 Electrical Requirements.

A. Electrical systems, conductors, and equipment installed on or used in conjunction with inflatable amusement attractions shall conform to the requirements of the National Electrical Code, ANSI/NFPA #70-2005.

B. Each owner shall ensure that electrical systems required to operate the inflatable amusement attractions are maintained by a qualified person.

C. Wiring Methods.

(1) Flexible cords used with temporary and portable lights and extension cord sets used in conjunction with inflatable amusement attractions shall be:

- (a) Suitable for location (physical damage);
- (b) Suitable for use (outdoor);
- (c) Suitable for voltage (insulation rating); and
- (d) Adequate for ampacity (conductor size).

(2) Flexible cords and extension cord sets shall be continuous without splice or tap between connectors.

D. Lighting systems. Lighting systems, including fluorescent lighting systems, shall be:

- (1) In good repair;
- (2) Protected against accidental contact and breakage; and
- (3) Capable of containing the pieces of a broken light should breakage occur.

.20 Rules of Procedure for Hearings.

All contested case hearings before the Commissioner shall be governed by COMAR 09.01.02.

.21 Variances.

A. Application for Variance.

(1) An affected owner may apply to the Commissioner for a variance from any regulation adopted under Business Regulation Article, Title 3, Annotated Code of Maryland.

(2) An application for variance shall be in writing and shall include:

- (a) The name and address of the applicant;
- (b) Identification of the regulation from which the applicant seeks a variance;
- (c) The location, equipment, and practices involved;
- (d) A detailed statement of the applicant's reasons for requesting a variance;
- (e) A statement of the steps the applicant has taken and will take, with specific dates when appropriate, to protect the public against the specific hazard covered by the regulation; and
- (f) Any request for a hearing.

B. Posting of Notice.

(1) Immediately on filing a request for a variance pursuant to Business Regulation Article, §3-314, Annotated Code of Maryland, an applicant shall post notice of the application at the place or places where a certificate of inspection is required to be posted.

(2) The notice shall include:

- (a) The name and address of the applicant;
- (b) The date on which the application was filed;
- (c) Identification of the regulation from which the applicant seeks a variance;

(d) The location, equipment, and practices involved; and

(e) Notice to the public and affected employees of their right to participate in the proceeding.

(3) The notice shall be maintained until the commencement of the proceedings.

C. Order of Variance.

(1) After investigation, on-site inspection, and such hearing as the Commissioner may direct, the Commissioner may grant a variance from a regulation under this chapter if:

(a) It is evident that action is necessary to prevent undue hardship; or

(b) Existing conditions prevent practical compliance and the reasonable safety of the public can, in the opinion of the Commissioner, be ensured.

(2) An order of variance may require such special conditions as are reasonably necessary to ensure public safety.

(3) A declaration, act, or omission of the Commissioner or the Commissioner's authorized representative, other than a written order authorizing a variance as permitted above, may not be construed to exempt, either wholly or in part, expressly or implicitly, any owner from full compliance with the terms of any regulation under this chapter.

D. Modification, Revocation, and Renewal of Order of Variance.

(1) The Commissioner may modify, revoke, or renew an order of variance in the same manner prescribed for the issuance of an order of variance.

(2) An order of variance may not be modified or revoked unless affected parties are informed of the proposed action and afforded an opportunity to:

- (a) Submit written data, views, or arguments regarding the proposed action; and
- (b) Request a hearing on the proposal.

J. RONALD DEJULIIS
Commissioner of Financial Regulation

**Subtitle 13 BOARD FOR
PROFESSIONAL LAND SURVEYORS**

09.13.08 Continuing Professional Competency Requirements

Authority: Business Occupations and Professions Article, §§15-314(f), 15-315, and 15-316, Annotated Code of Maryland

Notice of Proposed Action

[12-316-P]

The Board for Professional Land Surveyors proposes to adopt new Regulations .16 and .17 under **COMAR 09.13.08 Continuing Professional Competency Requirements**. This action was considered by the Board at a public meeting held on May 2, 2012, notice of which was published in 39:8 Md. R. 590 (April 20, 2012).

Statement of Purpose

The purpose of this action is to add new regulations to allow land surveyors who are licensed as professional engineers to use CPC credits earned as a condition of renewal of their engineer's license towards the surveyors' CPC license requirements and also to accept credits earned by surveyors in other states as meeting the CPC

requirements in Maryland as long as the credits meet certain criteria established in the regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Land Surveyors, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on January 2, 2013, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.16 Dual Licensees.

A licensee who maintains current licenses in the State of Maryland both as a professional land or property line surveyor and as a professional engineer shall comply with the CPC requirements set forth in COMAR 09.23.06 applicable to licensed professional engineers, except that a minimum of 1/3 of the units earned shall be gained from the qualifying programs on a land surveying subject as set forth in Regulations .03 and .05 of this chapter.

.17 CPC Units Earned in Other States.

The Board will accept CPC units earned for activities completed in other jurisdictions, provided that the activities and programs are consistent with and comply with the requisite criteria set forth in this chapter and the licensee otherwise fulfills all other applicable license renewal requirements of this chapter.

JOHN V. METTEE III
Chair

State Board for Professional Land Surveyors

Subtitle 23 BORD FOR PROFESSIONAL ENGINEERS

09.23.04 Fees

Authority: Business Regulation Article, §§2-106.1 and 2-106.2; Business Occupations and Professions Article, §§14-207—14-209, 14-312, and 14-316; Annotated Code of Maryland

Notice of Proposed Action

[12-317-P]

The Board for Professional Engineers proposes to amend Regulation .03 under COMAR 09.23.04 Fees. This action was considered by the Board at a public meeting held on May 10, 2012, notice of which was published in 39:8 Md. R. 389 (April 20, 2012).

Statement of Purpose

The purpose of this action is to establish a fee to be paid by individuals holding a retired status engineer’s license to reactive their license and engage in the practice of engineering.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pamedwards@dllr.state.md.us, or fax to 410-333-0021. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on January 10, 2013, at 9 a.m., at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.03 Fees and Costs.

A. The Secretary and the design boards have agreed to average their direct and indirect costs, based on the calculation of costs performed by the Secretary in consultation with the design boards. Based on these calculations, the Board sets the following fees:

- (1) — (5) (text unchanged)
- (6) *Reactivation fee* — \$168;
- [(6)] (7) — [(7)] (8) (text unchanged)

B. — E. (text unchanged)

HOWARD C. HARCLERODE
Chair
Board for Professional Engineers

Subtitle 35 ELEVATOR SAFETY REVIEW BOARD

09.35.01 General Regulations

Authority: Public Safety Article, §§12-822.1, 12-823, 12-824, 12-833.1, 12-834, and 12-837, Annotated Code of Maryland

Notice of Proposed Action

[12-309-P]

The Elevator Safety Review Board proposes to repeal existing Regulation .01 and adopt new Regulation .01 under COMAR 09.35.01 General Regulations. This action was considered by the Elevator Safety Review Board at a public meeting held on June 22, 2012, notice of which was given pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to set forth and restate, as applicable, application, license, renewal, reinstatement, and verification fees as related to the licensing of elevator mechanics, elevator renovator

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mechanics, temporary elevator mechanics, elevator contractors, and elevator renovator contractors.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed regulations set forth application and initial and renewal license fees for elevator renovator mechanics and contractors, a license verification fee and a reinstatement fee. Individuals or firms would be required to pay a one-time application fee and, if approved, a licensing fee every 2 years. Renovator categories were not authorized in the original Review Board legislation. The General Assembly authorized a reinstatement process and granted the Board authority to issue and charge for license verifications pursuant to Ch. 49, Acts of 2012. The fees collected would be deposited in the Elevator Safety Review Board Fund and be accounted for in order to offset the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board. Existing fees recodified in this proposal are not covered by this statement.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Revenue from new fees	(R+)	Up to \$18,000 biennially
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Payment of new fees	(-)	Up to \$18,000 biennially
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Net public benefit	(+)	Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. No more than 60 individual renovator mechanics, 10 renovator contractors, 50 verifications, and 40 reinstatements to be processed every 2 years

D. Applicants and licensees will be required to pay the proposed fees for the licenses, reinstatements, and verifications issued by the Board.

F. It is assumed that the licensing fees paid by the mechanic and contractor may be passed through to consumers of elevator contractor services. However such cost would be more than offset because the consumer will benefit from the enforcement of health and safety provisions, the availability of qualified renovator contractors and mechanics, and the regulatory accountability for work performed.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Raquel Meyers, Administrative Secretary, Elevator Safety Review Board, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6379, or email to rmeyers@dlr.state.md.us, or fax to 410-333-6314. Comments will be accepted through December 21, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Elevator Safety Review Board during a public meeting to be held on February 22, 2013, at 10 a.m., at 500 N. Calvert Street, Third Floor, Baltimore, MD 21202.

.01 Fees.

This chapter is intended to set various fees to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Elevator Safety Review Board (the Board). Therefore, the Board hereby sets the following fees:

A. Nonrefundable application fee for an Elevator Mechanic license, Elevator Contractor license, Elevator Renovator Mechanic license, and Elevator Renovator Contractor license: \$25

B. Initial license fee:

(1) Elevator Mechanic license and Elevator Renovator Mechanic license: \$175

(2) Elevator Contractor license and Elevator Renovator Contractor license: \$275

C. Renewal license fee:

(1) Elevator Mechanic license and Elevator Renovator Mechanic license: \$200

(2) Elevator Contractor license and Elevator Renovator Contractor license: \$300

D. License reinstatement fee, payable in addition to any applicable renewal fees: \$25

E. License verification fee: \$25

F. Temporary Elevator Mechanic license:

(1) \$25 for a 30-day initial license; and

(2) \$10 for each 30-day renewal license.

EDWARD M. HORD

Chairman

Elevator Safety Review Board

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Subtitle 05 FREESTANDING
AMBULATORY CARE FACILITIES

10.05.04 Freestanding Kidney Dialysis Centers

Authority: Health-General Article, §19-3B-03, Annotated Code of Maryland

Notice of Proposed Action

[12-320-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.01**, **.06**, **.08**, and **.09** and adopt new Regulations **.13** and **.14** under **COMAR 10.05.04 Freestanding Kidney Dialysis Centers**.

Statement of Purpose

The purpose of this action is to amend existing regulations by adding requirements for nocturnal hemodialysis, the requirements for dialysis centers to have emergency preparedness plans, and the requirement that dialysis centers are responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordinator, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(3-1) *“In-center daytime hemodialysis” means a hemodialysis treatment that:*

(a) *Usually lasts 3 to 5 hours;*

(b) *Is performed on a routine basis, usually three times a week, to treat a chronic condition; and*

(c) *Is provided in a kidney dialysis center during daytime hours.*

(3-2) *“In-center nocturnal hemodialysis” means a hemodialysis treatment that:*

(a) *Lasts 6 to 9 hours;*

(b) *Is performed on a routine basis, usually three times a week, to treat a chronic condition; and*

(c) *Is provided in a kidney dialysis center.*

(3-3) *“Interdisciplinary team (IDT)” means a multidisciplinary team:*

(a) *Consisting of, at a minimum:*

(i) *The patient or the patient’s designee, if the patient chooses;*

(ii) *A registered nurse;*

(iii) *A physician;*

(iv) *A nurse practitioner or physician assistant treating the patient for ESRD;*

(v) *A social worker; and*

(vi) *A dietitian; and*

(b) *Whose professional members have dialysis experience.*

(4) (text unchanged)

(5) *“Patient care plan” means an individualized care plan that reflects the patient’s psychological, social, medical, dietary, and rehabilitation needs and identifies the care required to meet those needs as well as individualized modifications in the approaches required to meet long-term and short-term goals.] “Patient comprehensive assessment” means an individualized comprehensive assessment that reflects the patient’s psychological, social, medical, dietary, and rehabilitation needs and identifies the care required to meet those needs as well as individualized modifications in the approaches required to meet the patient’s goals.*

(6) *“Patient long-term program” means a written long-range plan that presents the rationale for selection or change of a suitable treatment modality, that is, dialysis or transplant and the dialysis setting.] “Patient plan of care” means a written plan that includes all of the care, services, and treatment interventions the interdisciplinary team decides to implement to meet the specific needs of the patient.*

.06 Personnel.

A.—B. (text unchanged)

C. Dialysis Monitoring.

(1) Staffing Ratio.

(a) *[The monitoring individual-to-patient ratio at each center shall be a minimum of one staff member to three participants and staffing shall be sufficient to meet the needs of patients.] In-Center Daytime Hemodialysis. When in-center daytime hemodialysis is performed, the monitoring individual-to-patient ratio at each center shall be:*

(i) *A minimum of one staff member to three participants;*

and

(ii) *Sufficient to meet the needs of patients.*

(b) *In-Center Nocturnal Hemodialysis. When in-center nocturnal hemodialysis is performed, the monitoring individual-to-patient ratio at each center for in-center nocturnal hemodialysis shall be:*

(i) *A minimum of one staff member to five participants;*

and

(ii) *Sufficient to meet the needs of the patients.*

[(b)] (c)—[(c)] (d) (text unchanged)

(2)—(3) (text unchanged)

D. (text unchanged)

.08 Patient [Long-Term Program] Comprehensive Assessment.

[A.] — [B.] (proposed for repeal)

A. *The facility’s interdisciplinary team shall develop and maintain an individualized interdisciplinary comprehensive assessment for each patient to ensure that each patient receives the appropriate treatment modality, whether dialysis or transplantation.*

B. *Patient Comprehensive Assessment. The patient’s comprehensive assessment shall be developed by a multidisciplinary team.*

C. *The health care team described in §B of this regulation shall review, document, and make appropriate revisions to each patient’s*

[program] *comprehensive assessment* at least every 12 months or more often as indicated by the patient's response to treatment.

D. When a patient is transferred to another kidney dialysis center, the facility shall ensure that a copy of the patient's [long term program] *comprehensive assessment* accompanies the patient, or is sent to the new kidney dialysis center within 1 working day after transfer.

.09 Patient Care Plan.

A. Patient Care Plan. A health care team, consisting of at least the physician, *nurse practitioner, or physician's assistant* responsible for the patient's end-stage renal disease care, a nurse responsible for nursing services, a social worker, and a dietitian, shall develop an individualized care plan for each patient.

B. (text unchanged)

C. The health care team shall review the patient care plan:

(1) (text unchanged)

(2) [Every 6 months for a patient whose condition has stabilized.] *Annually for a patient whose condition has stabilized.*

.13 In-Center Nocturnal Hemodialysis.

Before performing in-center nocturnal hemodialysis, the facility's interdisciplinary team shall:

A Determine the patient's appropriateness for in-center nocturnal hemodialysis by considering the patient's:

(1) *Overall medical condition;*

(2) *Expectations for care;*

(3) *Response to in-center day-time hemodialysis; and*

(4) *Availability of transportation;*

B. Document the patient's appropriateness for in-center nocturnal hemodialysis in the patient's medical record; and

C. Obtain an order from a physician, nurse practitioner, or physician assistant for in-center nocturnal hemodialysis.

.14 Emergency Management.

A. *A kidney dialysis center shall have an emergency plan.*

B. *An emergency plan shall include policies and procedures that will be followed before, during, and after an emergency to address:*

(1) *The safe management of individuals who are receiving services at the kidney dialysis center when an emergency occurs;*

(2) *Notification of patients, families, staff, and licensing authorities regarding actions that will be taken concerning the provision of dialysis services to the individuals served by the kidney dialysis center;*

(3) *Staff coverage, organization, and assignment of responsibilities; and*

(4) *The continuity of operations, including procedures to secure access to essential goods, equipment, and dialysis services.*

C. *This regulation does not prohibit a kidney dialysis center from applying for and receiving reimbursement:*

(1) *Under any applicable insurance policy; or*

(2) *From any State or federal funds that may be available due to a declared State or federal emergency.*

D. *A kidney dialysis center is solely responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan developed by the kidney dialysis center under this regulation.*

E. *For purposes of coordinating local emergency planning efforts, a kidney dialysis center shall provide access to the emergency plan developed under this regulation to local organizations for emergency management.*

F. *A dialysis provider shall provide the Office of Health Care Quality a 24/7 live operational contact phone number.*

G. *Information Regarding the Status of Generators. A kidney dialysis center shall provide one of the following regarding the status of generators:*

(1) *Evidence of an on-site generator;*

(2) *The capacity to hook up a generator; or*

(3) *A copy of the contract with a company who will provide a generator in the event of an emergency, if there is no on-site generator.*

H. *If the center has no plan to use the services of a generator, the center shall provide a copy of the center's emergency plan to the Office of Health Care Quality to ensure there is no disruption of dialysis services to patients.*

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.83 Third Party Liability

Authority: Health-General Article, §§2-104(b), 15-103, 15-120--15-121.3 Annotated Code of Maryland

Notice of Proposed Action

[12-314-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01— .07** under a new chapter, **COMAR 10.09.83 Third Party Liability**.

Statement of Purpose

The purpose of this action is to set forth procedures for the calculation and recovery of the Department's subrogation claims as required by federal law. Since its initial publication of the regulations on September 24, 2010, the Department has solicited written comments from and convened numerous meetings with interested parties. As a result of these comments and meetings, the Department has agreed to modify the regulations to: (1) defer to the trier of fact's determination regarding the amount of the overall award attributable to medical expenses, compared to the amount attributable to pain and suffering and other factors, in cases involving a determination by a judge or jury, (2) clarify the right to place undisputed portions of a settlement or award into a trust, (3) clarify and modify all timing requirements to be consistent with Health-General Article, §15-120, Annotated Code of Maryland, (4) provide for a proportional reduction of recoveries if the judgment or award is greater than available liability coverage, (5) limit the Department's recoupment to only the portion of the allocation related to past medical expenses, (6) reduce the Department's recovery by one-third of the amount of the recipient's attorney's fees in the event that the Department, after notice, fails to intervene in the recipient's case; and (7) provide the recipient an opportunity to present evidence at a fair hearing to challenge the Department's proposed subrogation claim.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Claim" means a demand for payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured.

(2) "Department" means the Department of Health and Mental Hygiene, the single State agency designated to administer the Maryland Medical Assistance Program under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.

(3) "Program" means the Maryland Medical Assistance Program.

(4) "Provider" means an individual, association, partnership, corporation, or unincorporated group licensed or certified to provide health care services for recipients and who, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number.

(5) "Recipient" means:

(a) An individual who is certified as eligible for, and is receiving, Program benefits;

(b) An individual who was certified as eligible for and received Program benefits; or

(c) The successor in interest of a person identified in §B(6)(a) or (b) of this regulation.

(6) "Third party" means any individual, entity or program that is or may be liable to pay all or part of the expenditures for Program benefits.

.02 Program's Right of Subrogation.

A. The Department may not pay medical claims that are payable by a third party.

B. The Department is assigned any and all rights to payments by any third party that result from medical care received by the recipient, together with the rights of any other individuals eligible for Program benefits for whom the recipient can make assignment. This assignment shall be effective to the extent of the amount of medical assistance actually paid by the Program.

C. If a recipient has a cause of action against a third party, including a claim under Insurance Article, §19-509 or 19-510, Annotated Code of Maryland, the Department shall be subrogated to that cause of action to the extent of any payments made by the Department on behalf of the recipient that result from the occurrence that gave rise to the cause of action.

D. The Department's subrogation claim shall be limited to that portion of the claim that represents compensation for the medical expenses paid by the Program until the date of an award, settlement or judgment.

E. Judicial Allocation of Medical Expenses from an Award or Settlement.

(1) A recipient may not agree, in settlement of the recipient's cause of action, to an allocation of medical expenses less than the amounts set forth in §F of this regulation, without prior approval of the Department.

(2) If an action decided by the court does not determine the allocation of medical expenses in such action, the allocation shall be determined in accordance with §F of this regulation.

(3) Provided that the Department is provided at least 10 days advance written notice of any hearing at which the allocation of medical expenses shall be heard, the Department shall defer to the court's determination of the allocation of medical expenses.

F. The Department's Recovery in Subrogation Claims.

(1) Except as provided in §§F(2)—(4) of this regulation, in satisfaction of the Department's subrogation claim, the Department shall recover the lesser of:

(a) The full amount of past medical costs paid by the Program; or

(b) 50 percent of the judgment, award or settlement less attorney fees, litigation costs, and other deductions required by law.

(2) For the benefit of the recipient, the Department's recovery in subrogation claims as provided in §F(1) of this regulation shall be reduced by one-third of the amount of the attorney's fees incurred by the recipient in bringing the case, unless the Department files a petition to intervene in a case in which it has a subrogation interest, is independently represented by counsel and has been provided the notice required by §E(3) of this regulation.

(3) The Department shall provide the recipient written notice under COMAR 10.01.04.03 of the amount of the subrogation claim it proposes to recover as provided in §§F(1)—(2) of this regulation and of the recipient's right to request a fair hearing to present evidence of a different allocation of medical expenses. If the recipient files a request for a hearing, the recipient shall bear the burden of proof and the hearing shall be governed by COMAR 10.01.04. Unless the recipient files a timely request for a hearing within 30 days of receipt of the written notice, the Department shall recover the amount of the subrogation claim set forth in the written notice to the recipient.

(4) If the amount of money actually collected by the recipient is less than the amount of the judgment or award because available insurance coverage is less than the amount of the judgment or award, the Department's recovery as calculated in §F(1) of this regulation shall be proportionally reduced by the same percentage as is the amount actually collected compared to the amount of the judgment or award.

G. Unless ordered by a court, the Department may not be required to join, intervene, or otherwise become a party to the cause of action against a third party to maintain the Department's subrogation right under §C of this regulation.

H. An action brought under this regulation is not exclusive and is independent of and in addition to any right, remedy, or cause of action available to the State, the Department, other State agencies, or a Program recipient or other individual.

I. The Department may enter into contracts for the collection of medical expenses already paid by the Program from potential third parties. The Department may pay, from the funds recovered by the contractor, amounts owed to the federal government as the Department's share of the Program paid claim, and the costs of collecting the funds.

J. The Department may assign the Department's rights of subrogation to a managed care organization and shall provide notice of the assignment to the recipient or the recipient's attorney.

K. The Department may compromise or settle and release the Department's subrogation claim if, in the Department's judgment, collection of the claim will cause substantial hardship to the:

(1) Recipient; or

(2) Surviving dependents of a deceased recipient in a wrongful death action.

.03 Recipient Responsibility.

A. A recipient shall cooperate with and assist the Department in identifying and providing information concerning third parties who may be liable to pay for care and services received by the recipient under the Program.

B. A recipient is required to assist and cooperate fully with the Department in the Department's efforts to secure the Department's rights in Regulation .02 of this chapter, including but not limited to:

- (1) Notifying the Program's Division of Recoveries and Financial Services in writing within 10 days of filing suit or commencing an action against a third party;
- (2) Notifying the Program's Division of Recoveries and Financial Services in writing before negotiating or entering a settlement with a third party;
- (3) Subject to Regulation .05 of this chapter, paying to the Program within 30 days all funds received from a third party to the extent necessary to satisfy the subrogation rights of the Department;
- (4) Disclosing information regarding health insurance or other third party resources when applying for Program benefits;
- (5) Notifying providers of health and casualty coverage and other third party resources when requesting medical care;
- (6) Notifying the Program of any health insurance obtained after becoming eligible for Medicaid;
- (7) Notifying the Program's Division of Recoveries and Financial Services of any casualty or liability insurance that may cover medical treatment received due to an injury; and
- (8) Executing and delivering to the Program such documents as reasonably requested by the Program to pursue the Department's subrogation claim.

C. As a condition of medical assistance eligibility, a person who applies for Program benefits shall, at the time of application:

- (1) Assign to the Department the applicant's rights of payment for care and services from a third party to the extent the Department has paid for care and services;
- (2) Cooperate with and assist the Department in identifying and providing information concerning third parties who may be liable to pay for care and services received by the recipient under the Program; and
- (3) Agree to apply for all other available third party resources that may be used to:
 - (a) Provide or pay for the cost of care or services received by the recipient; or
 - (b) Finance reimbursement to the State for the cost of care or services received by the recipient.

D. Nothing in this regulation shall require a recipient to file a civil or other action for the purpose of reimbursing the State for the cost of care or services. If a recipient fails or refuses to commence a civil or other action to enforce the legal liability of a third party, the Department may commence an independent action, after notice to the recipient, to recover all medical costs to which the Department is entitled. In any such action by the Department, the recipient in interest may be joined as a party.

E. Failure of the applicant or recipient to cooperate with the Program to secure the Department's rights to subrogation and assignment may result in the denial or termination of the recipient's Program eligibility. Recipients terminated under this regulation shall be notified in writing of the proposed Program action and afforded the opportunity for a fair hearing under COMAR 10.01.04.

.04 Notice to the Department.

A. An attorney representing a recipient in a cause of action that gives rise to the Department's right of subrogation under Regulation .02 of this chapter shall notify the Program's Division of Recoveries and Financial Services in writing before:

- (1) Filing a claim;

- (2) Commencing an action; or
- (3) Negotiating a settlement.

B. The notice required under §A of this regulation shall include submission of the following information:

- (1) The recipient's name, Social Security Number, date of birth, last known address, and telephone number;
- (2) The name of any person against whom the recipient is making a claim;
- (3) The identification of each potentially liable third party, including that party's name, last known address, and telephone number;
- (4) The name of any insurer of any person against whom the recipient is making a claim, if known;
- (5) The date of the injury or illness giving rise to the claim;
- (6) A short statement identifying the nature of the recipient's claim or the terms of any settlement, judgment or award;
- (7) Copies of the pleadings and other papers related to the action or claim; and
- (8) A valid release of the confidentiality of the recipient's medical records from the date of the injury until the date of the notice.

C. In any action or claim by a recipient to recover damages for an injury or illness that has resulted in the Department providing or paying for Program benefits, an attorney who represents a recipient shall give the Program's Division of Recoveries and Financial Services written notice:

- (1) Not later than 30 calendar days after any judgment or award in such action or claim; or
- (2) Before the resolution of the cause of action or claim.

D. If a recipient is handling the action or claim on a pro se basis, the provisions of this regulation apply as if the recipient were an attorney representing the recipient.

E. Upon receiving the notice required pursuant to §A of this regulation, the Department shall, within 3 business days, acknowledge in writing its claim to the recipient or the attorney of the recipient and to the third party. The Department shall provide the amount of the claim and an itemized list of charges within 15 business days pursuant to Regulation .06 of this chapter. Nothing herein shall prevent the Department from thereafter updating the amount of the claim and itemized list of charges within a reasonable time after the recipient's provider notifies the Department of additional charges.

.05 Judgment, Award, or Settlement of a Medical Assistance Claim.

A. Except as provided in §§B—E of this regulation, a third party shall have no further liability if it settles or compromises a dispute in good faith and without knowledge that the individual is a recipient of Program benefits.

B. A recipient, or the recipient's attorney, guardian, or personal representative, who receives money as a result of a judgment, award, or settlement of an action or claim in which the Department has a subrogation claim shall:

- (1) Deduct applicable attorney fees and litigation costs from the total judgment, award, or settlement;
- (2) Subject to §C of this regulation, hold and forward to the Department the remainder of the judgment, award, or settlement for the benefit of the Department to the extent required for the Department's subrogation claim.

C. A recipient shall first repay the Department for costs of past Program services provided to the recipient related to that action or claim before placing any money received from a judgment, award, or settlement into any special needs trust, pooled trust, or pooled trust sub-account, or otherwise distributing the recovered funds to or for the benefit of the recipient. If the recipient and the Department disagree about the amount of the Department's subrogation right

under Regulation .02 of this chapter, the recipient may place the undisputed portion of the judgment, award or settlement into any special needs trust, pooled trust, or pooled trust sub-account, or otherwise distribute the undisputed portion to or for the benefit of the recipient, and the disputed portion of the judgment, award or settlement into an escrow account pending resolution of the disagreement.

D. The Department may only discharge a claim under Regulation .06 of this chapter if the discharge complies with federal law.

E. Liability to the Department.

(1) Except as otherwise provided in §E(3) of this regulation, a person who, after written notice of the Department's subrogation claim under Regulation .04F of this chapter, disposes of money as a result of a judgment, award, or settlement of an action or claim in violation of §B or C of this regulation, without the written approval of the Department, shall be liable to the Department for any amount that, because of the disposition, is not recoverable by the Department.

(2) Except as otherwise provided in §E(3) of this regulation, any person who fails to comply with the notice requirements of Regulation .04 of this chapter is liable to the Department for:

(a) The total amount of the Department's claim created pursuant to Regulation .06 of this chapter; and

(b) Any attorney's fees and litigation expenses incurred by the Department in enforcing the Department's subrogation rights.

(3) A person is not liable to the Department under §E(1) or (2) of this regulation if a court determines that there was good cause for:

(a) Disposing of the money in violation of §B or C of this regulation; or

(b) Failing to comply with the notice requirements of Regulation .04 of this chapter.

.06 Program Claim.

A. In a case where the Department is subrogated to the rights of the recipient, the Department has a claim to the proceeds of the recovery from the persons liable, whether the proceeds of the recovery are by way of judgment, settlement, or otherwise and shall, to the extent permitted by federal law, be satisfied in full.

B. The claim is in the amount of all Program benefits paid minus any deductions required by law.

C. The claim is effective when:

(1) Filed with a court of competent jurisdiction in the State; and

(2) Notice of filing of the claim is served by the Department upon the third party, personally or by registered, certified, or insured mail, return receipt requested.

.07 Conflict with Federal Requirements.

If any provision of this chapter related to subrogation, assignment, or lien conflicts with federal law concerning the Program or receipt of federal funds to finance the Program, the provision does not apply to the extent of the conflict.

JOSHUA SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 15 FOOD

10.15.03 Food Service Facilities

Authority: Health-General Article, §§21-301, 21-330.1, 21-324.1, Annotated Code of Maryland

Notice of Proposed Action

[12-319-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .20, and .27 under COMAR 10.15.03 Food Service Facilities.

Statement of Purpose

The purpose of this action is to:

(1) Clarify the requirements for sale of cottage food products in farmer's markets and public events; and

(2) Allow restaurants the option of operating with their outer doors and windows open under certain conditions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There may be an economic impact from this proposal on the Department and local health departments because of complaints related to cottage food businesses or restaurants that operate with their windows/doors open. However, the impact cannot be quantified because it is not known how many complaints or violations may occur. There may be a positive impact on cottage food businesses and restaurants that operate with their doors/windows open because of increased business.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Indeterminable
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and C. There may be an economic impact from this proposal on the Department and local health departments because of complaints related to cottage food businesses or restaurants that operate with their windows/doors open. However, the impact cannot be quantified because it is not known how many complaints or violations may occur.

D. There may be a positive impact on cottage food businesses and restaurants that operate with their doors/windows open because of increased business.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(17) (text unchanged)

(17-1) "Cottage food business" means a business that:

(a) Produces or packages cottage food products in a residential kitchen; and

(b) Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000.

(17-2) "Cottage food product" means a non-potentially hazardous food as specified in Regulation .27 of this chapter that is offered for sale only at a farmer's market or public event.

(18)—(33) (text unchanged)

(34) Food Service Facility.

(a)—(b) (text unchanged)

(c) "Food service facility" does not include a:

(i)—(iv) (text unchanged)

(v) Farmer's market or a public event where food products as specified in §B(30)(a) of this regulation are sold; [or]

(vi) Bake sale where only non-potentially hazardous bakery goods, including breads and pastries, are sold in conjunction with a fundraising event; or

(vii) Cottage food business.

(35)—(86) (text unchanged)

.20 Vermin Control.

A. A food service facility may operate with its outer doors and windows open unless, while the food service facility is operating with the outer doors or outer windows open, the approving authority:

(1) Finds evidence of vermin in food preparation or food storage areas; or

(2) Finds evidence of flying insects in food preparation or food storage areas that pose a significant threat to sanitation or public health.

B. If the approving authority finds that a food service facility is operating in violation of §A of this regulation, the food service facility shall take immediate action to eliminate the vermin or flying insects.

C. If the approving authority finds that a food service facility is operating in violation of §A of this regulation, the approving authority may:

(1) Close a food service facility;

(2) Order a temporary closure of the outer windows and outer doors, until the vermin or flying insects are eliminated from the food preparation or food storage areas; or

(3) Take another action to eliminate vermin or flying insects.

D. A food service facility found to be operating in violation of §A of this regulation on three or more separate occasions shall keep the outer windows and outer doors closed at all times until:

(1) Modifications approved by the local approving authority are made to the food service facility to effectively protect against the entrance of vermin and flying insects; or

(2) Another action acceptable by the approval authority is taken.

E. The person-in-charge shall ensure that:

[A.] (1)—[B.] (2) (text unchanged)

[C.] (3) Openings into the building are effectively protected against the entrance of insects and rodents by:

[(1)] (a) Doors that are:

[(a)] (i)—[(b)] (ii) (text unchanged)

[(2)] (b) Screening on windows, doors, skylights, transoms, and other openings, which is:

[(a)] (i)—[(c)] (iii) (text unchanged)

[(3)] (c)—[(4)] (d) (text unchanged)

[D.] (4) Insect control devices that are used to electrocute or stun flying insects are:

[(1)] (a)—[(2)] (b) (text unchanged)

[(3)] (c) Located so that dead insects and insect fragments are prevented from being impelled or from falling onto:

[(a)] (i)—[(e)] (v) (text unchanged)

.27 Farmer's Market, [and] Bake Sales, and Cottage Food Business.

[The approving authority shall:]

A. [Accept] The approving authority shall accept as being from an approved source the homemade foods specified in §B of this regulation when the foods are:

(1) (text unchanged)

(2) Offered or sold only at a farmer's market, *bake sale*, or *public event*[:].

B. [Allow] The approving authority shall allow the preparation and sale of the following foods in accordance with §A of this regulation:

(1)—(6) (text unchanged)

(7) All other non-potentially hazardous foods produced by a licensed entity[: and].

C. Cottage Food Business.

(1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products that are:

(a) Produced or packaged in a residential kitchen;

(b) Stored on the premises of the cottage food business; and

(c) Prepackaged with a label that contains the following information:

(i) The name and address of the cottage food business;

(ii) The name of the cottage food product;

(iii) The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;

(iv) The net weight or net volume of the cottage food product;

(v) Allergen information as specified by federal labeling requirements;

(vi) Nutritional information as specified by federal labeling requirements, if any nutritional information claim is made; and

(vii) Printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: "Made by a cottage food business that is not subject to Maryland's food safety regulations."

(2) The owner of a cottage food business shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products.

(3) Upon receipt of a complaint or outbreak of illness the approving authority may:

(a) Investigate the conditions under which the product was produced and any complaint alleging that a cottage food business has violated this regulation;

(b) Send a representative of the Department, at a reasonable time, to enter and inspect the premises of a cottage food business to determine compliance with this regulation; and

(c) Collect samples of a cottage food product or its ingredients to determine if the cottage food product is misbranded or adulterated.

(4) The owner of a cottage food business may not:

(a) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business in response to a complaint; or

(b) Interfere with any inspection or collection of samples in response to a complaint or outbreak of illness.

D. If the approving authority finds a person to be in violation of any provision of this regulation, the approving authority:

[C.] (1) [Take] Shall take action against a misbranded or adulterated food at a farmer's market, [or] bake sale, or public event in accordance with Health-General Article, §§21-211, 21-253, and 21-254, Annotated Code of Maryland; and

(2) May determine that homemade food produced by the person is not from an approved source.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

**IMPORTANT CORRECTION
COMAR 11.11.05.02**

The Notice of Proposed Action docketed as 12-292-P in 39:22 Md. R. (November 2, 2012) was filed in error with the Division of State Documents. The action has not yet been proposed by the Department of Transportation.

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 08 STUDENTS

13A.08.07 Transfer of Educational Records for Children in State-Supervised Care

Education Article, §§2-205, 4-122, and 8-501—8-506, Annotated Code of Maryland

**Notice of Proposed Action
[12-294-P]**

The Maryland State Board of Education proposes to amend Regulation .03-1 under **COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care**. This action was considered at the Maryland State Board of Education meeting on August 28, 2012.

Statement of Purpose

The purpose of this action is to (1) clarify the documentation that a receiving school may require from the person enrolling a child in

State-supervised care; (2) specify the local school system responsible for documenting the residency of the child's parent or guardian; and (3) require proof of residency documents be dated within 3 months of enrollment date.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There may be an economic impact through the requirements placed on local school systems. Actual costs would vary, depending on the jurisdiction. We anticipate that any additional costs would be minimal.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. There may be an economic impact through the requirements placed on local school systems. Actual costs would vary, depending on the jurisdiction. We anticipate that any additional costs would be minimal.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Richard Baker, Deputy Branch Chief, Budget Branch, Division of Business Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-4419 (TTY 410-333-6442), or email to rbaker@msde.state.md.us, or fax to 410-333-8723. Comments will be accepted through December 3, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 22, 2013, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.03-1 Enrollment Process.

A. — B. (text unchanged)

C. Notwithstanding any other enrollment documentation requirements of the receiving school, the receiving school may not

require the person enrolling the child to present more than the following:

(1) Proof that the child is in State-supervised care, with acceptable documents including:

(a) (text unchanged)

(b) A letter on the letterhead of the placement agency that has custody of the child explaining that the child is in State-supervised care; [and] or

(c) *The receiving school system's enrollment form signed by a representative of the State Agency having jurisdiction over the child.*

(2) Proof of the residency of the child in one of the following ways as chosen by the person authorized under §A of this regulation to enroll the child:

(a) (text unchanged)

(i) [Lease] *A currently dated (within 3 months of the date of enrollment) lease, rent receipts, deed, or property tax bill; or*

(ii) [Gas] *A currently dated (within 3 months of the date of enrollment) gas and electric bill, water bill, cable bill, online computer services bill, noncellular phone bill; or*

(b) (text unchanged)

D. It is and remains the responsibility of the sending school system to establish and confirm the residency of the child's parent or guardian.

E. Until the sending school system establishes that the child's parent or guardian has moved out of the sending school system, the parent or guardian is presumed to reside in the sending school system.

[D.] F. — [F.] H. (text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

*Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707,
Annotated Code of Maryland*

Notice of Proposed Action

[12-321-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01 — .11 under a new chapter, **COMAR 13B.05.01 Registration**, under a new subtitle, **Subtitle 05 Fully Online Programs**.

At this time, the Commission is also withdrawing the proposal to adopt new Regulations .01—.11 under **COMAR 13B.05.01 Registration**, as published in 39:17 Md. R.1167 — 1169 (August 24, 2012).

This action was considered by the Commission at an open meeting held on September 27, 2012, notice of which was given pursuant to State Government Article, §10-5076(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement Ch. 595, Acts of 2012, which establishes the requirement that an institution of postsecondary education enrolling Maryland students in

a fully online distance education program in the State be registered with the Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Institutions of postsecondary education registering to provide fully online distance education in Maryland will pay a registration fee, creating new revenues. The Commission will need additional personnel to administer the new registration program, creating new expenditures in the Commission's operating budget.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) Revenues	(R+)	\$260,000
(2) Personnel costs	(E+)	\$121,319
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$260,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Possible cost	(-)	Uncertain

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). Approximately 650 out-of-State institutions have made inquiries with the Commission regarding providing fully online distance education to Maryland students. The Commission estimates that 40% of those 650 institutions, or 260 institutions, will register in FY 2013 and pay the \$1,000.

A(2). According to the fiscal note for S.B. 843 (Ch. 595, Acts 2012), the Commission will need three additional positions to perform the administrative work required by the new law and regulations. The total cost for those positions in FY 2013 is \$121,319, allowing for a 90-day start-up delay in hiring in FY 2013.

D. Out-of-State institutions seeking to provide fully online distance education in Maryland will have to pay the \$1,000 registration fee.

F. Out-of-State institutions will be paying the registration fees from their operating budgets. Institutions may pass this added cost on to Maryland students through tuition and fees.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tonja Ringgold, Ph.D., Assistant Secretary of Higher Education, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3312, or email to tringgold@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Commission" means the Maryland Higher Education Commission.

(2) "Enroll" means to register a student, in any semester or other instructional period, in a course in an online program.

(3) "Institution" means an institution of higher education that enrolls one or more Maryland students in an online program.

(4) "Maryland student" means a student who is domiciled in Maryland on the date of enrollment at an institution.

(5) "Online program" has the same meaning as "fully online distance education program in the State" stated in Education Article, §11-202.2, Annotated Code of Maryland.

(6) "Secretary" means the Secretary of Higher Education.

(7) "State" means a state of the United States, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(8) "State authority" means the higher education certifying, approving, or regulatory authority of a state.

.02 Scope.

This chapter does not apply to an online program that is subject to review for approval or recommendation by the Commission under COMAR 13B.02.03.

.03 Delegation.

The Commission has delegated to the Secretary authority to act in its behalf on applications for registration filed by institutions under this chapter.

.04 Registration Required.

On and after July 1, 2012, an institution that enrolls a Maryland student in an online program:

A. Shall file an application for registration with the Commission within 3 months of enrolling the first Maryland student; and

B. Except as provided in Regulation .07B of this chapter, may not commence or continue to operate, do business, or function without registering with the Commission within 6 months of enrolling the first Maryland student.

.05 Accreditation Required.

An institution required to register under this chapter may not commence or continue to operate, do business, or function in this State unless it is accredited by an accrediting body recognized and approved by the U.S. Department of Education.

.06 Registration Procedure.

A. An institution seeking registration with the Commission as required in Regulation .04 of this chapter shall submit to the Commission:

(1) An application for registration in the form required by the Secretary;

(2) An application fee in the amount of \$1,000;

(3) Information on the ownership of the institution;

(4) A list of all online programs that will be offered to Maryland students, including program tuition and fee costs for those programs;

(5) Documentation that the institution is:

(a) Accredited by and in good standing with an accrediting body recognized and approved by the U.S. Department of Education;

(b) In good business standing in the state in which the central administration of the institution is incorporated;

(c) If the state in which the central administration of the institution is located has a state authority, in good academic standing with that state authority;

(d) In compliance with the principles of good practice for distance education established by the Commission in COMAR 13B.02.03; and

(e) In compliance with the refund policies in Regulation .10 of this chapter;

(6) Documentation that the institution has a process for the filing and resolution of complaints by Maryland students, including informing students that the institution is subject to investigation of complaints by the Office of the Attorney General or the Commission;

(7) An affidavit from the President or Chief Executive Officer of the institution affirming that:

(a) The institution has not filed for bankruptcy protection under Title 11 of the U.S. Code during its existence; and

(b) The President or Chief Executive Officer will:

(i) Abide by the requirements of Education Article, §11-202.2, Annotated Code of Maryland, and this chapter; and

(ii) Notify the Commission in reference to the matters set forth in Regulation .11 of this chapter; and

(8) If the institution is or will be enrolling Maryland students before registration is issued, within 30 days of submitting the complete application, a financial guarantee as provided in Regulation .07 of this chapter.

B. In addition to the requirements of §A of this regulation, an institution shall submit a copy of the institution's most recent financial statement reviewed by an independent accountant retained by the institution with its first application for registration and with subsequent applications for registration every 2 years.

C. Following the first registration, with each subsequent application for registration, an institution shall submit all data reports on Maryland students required by the Maryland Longitudinal Data System in the form required by the Commission.

D. An application is complete as of the day on which an institution submits all documentation required in §A(1) — (7) of this regulation for the registration process as determined by the Secretary.

E. If the Secretary finds that the institution is in compliance with the applicable requirements of Education Article, Title 11, Annotated Code of Maryland, and this chapter, the Secretary shall issue registration to the institution.

F. Secretary's Denial of Registration.

(1) If the Secretary is not satisfied that an institution is in compliance with applicable requirements of Education Article, Title 11, Annotated Code of Maryland, and this chapter, the Secretary shall issue a notice of deficiencies and preliminarily deny registration to the institution.

(2) Within 20 days of receipt of a notice of deficiencies, the institution denied registration may request a hearing before the Commission.

(3) If the institution does not file a timely request for a hearing on the notice of deficiencies, the Secretary's decision becomes final.

G. Secretary's Failure to Issue or Deny Registration.

(1) If the Secretary fails to issue a registration or a written notice of deficiencies within 6 months of the completed application, the institution may request a hearing before the Commission to determine whether the registration should be issued.

(2) The request shall be made within 20 days of the expiration of the 6-month period.

H. Hearing by Commission.

(1) The Commission may refer a request for hearing under §F or G of this regulation to the Office of Administrative Hearings.

(2) A hearing before the Commission shall be held within 60 days after receipt of the request for hearing.

(3) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) Within 30 days of the hearing, the Commission shall render a decision.

(5) The Commission may take the following action:

(a) Issue registration;

(b) Deny registration; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

I. Judicial Review.

(1) An institution that is denied registration by the Commission after a hearing under §H of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

.07 Financial Guarantee.

A. If a Maryland student is enrolled before an institution is registered or when an institution's registration expires, the institution must file an application for registration as required in Regulation .04A of this chapter and provide a financial guarantee to the Commission in order to commence or continue operation.

B. An institution that files an application and provides a financial guarantee under this regulation may continue to operate without a registration while the Commission considers the institution's application, conducts a hearing concerning the institution's application, or participates in judicial review regarding the institution's application.

C. The financial guarantee shall be in the form required by the Secretary and conditioned that, if the institution is denied registration, the institution will provide 100 percent refunds of tuition and fees paid to the institution by all Maryland students.

D. The amount of the financial guarantee shall be 5 times the average annual total program tuition and fee costs payable by an individual Maryland student enrolled at the institution.

E. While the financial guarantee is active, if the institution's tuition and fee liability to all Maryland students enrolled at the institution exceeds the amount of the financial guarantee, the Secretary may require that the amount of the guarantee be increased to a level to cover 100 percent refunds of tuition and fees paid to the institution by all Maryland students.

.08 Effect of Registration Denial.

If an institution is denied registration, the institution shall:

A. Immediately notify all Maryland students that their enrollment is terminated as of the date that registration is finally denied;

B. Within 60 days of the date that registration is finally denied, refund to each Maryland student 100 percent of tuition and fees paid to the institution; and

C. Provide documentation to the Commission that all refunds due to Maryland students have been timely made.

.09 Duration of Registration.

A. A registration is valid during 1 fiscal year from July 1 through June 30.

B. A registration issued at any time during a fiscal year expires on June 30 of that fiscal year.

C. An institution seeking registration for the next fiscal year following its current registration shall file an application for registration in accordance with Regulation .06 of this chapter.

.10 Refund Policy.

A. Except as provided in §B of this regulation, an institution's refund policy shall conform to this regulation and the institution shall provide for refunds of tuition to Maryland students as provided in this regulation.

B. If an institution's refund policy is more beneficial to Maryland students, the institution shall follow its refund policy and provide for refunds of tuition to Maryland students as provided in that policy.

C. Minimum Refund.

(1) The minimum refund that an institution shall pay to a Maryland student who withdraws or is terminated after completing only a portion of a course, program, or term within the applicable billing period is as follows:

Proportion of Total Course, Program, or Term Completed as of Date of Withdrawal or Termination	Tuition Refund
Less than 10%	90% refund
10% up to but not including 20%	80% refund
20% up to but not including 30%	60% refund
30% up to but not including 40%	40% refund
40% up to but not including 60%	20% refund
More than 60%	No refund

(2) A refund due to a Maryland student shall be based on the date of withdrawal or termination and paid within 60 days from the date of withdrawal or termination.

D. An institution's refund policy for Maryland students shall be clearly disclosed to and acknowledged by students at enrollment.

E. An institution shall maintain documentation to verify that a refund has been made.

.11 Institutional Operations.

An institution that is registered under this chapter shall:

A. Promptly notify the Commission of:

(1) A change in ownership or a change in majority control;

(2) A material change in the institution's financial status;

(3) A filing for bankruptcy protection under Title 11 of the U.S. Code;

(4) A change in the institution's business standing in the state in which the central administration of the institution is incorporated;

(5) Any communication received from the state authority that regulates the institution regarding institutional or program status with regard to online programs in which Maryland students are enrolled; and

(6) Any communication from the institution's accrediting body that may impact the institution's status with the accrediting body;

B. Comply with the principles of good practice for distance education in COMAR 13B.02.03;

C. Make refunds to Maryland students as required by Regulation .10 of this chapter; and

D. Make public and post on its website:

(1) Information on its registration with the Commission; and

(2) The process for Maryland students to make complaints about the institution.

DANETTE GERALD HOWARD, Ph.D.
Secretary of Higher Education

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 03 WEIGHTS AND MEASURES

15.03.10 Civil Penalty Standards for Weights and Measures

Authority: Agriculture Article, §11-208.1, Annotated Code of Maryland

Notice of Proposed Action

[12-310-P]

The Secretary of Agriculture proposes to amend Regulation .02 under COMAR 15.03.10 Civil Penalty Standards for Weights and Measures.

Statement of Purpose

The purpose of this action is to provide a civil penalty for any person who advertises any agricultural product as local or locally grown in violation of regulations adopted by the Secretary.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Civil penalties range from \$500, \$1,000 or \$2,000 for the first, second, third or subsequent violation.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	Unknown
	(E-)	Unknown
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	Unknown
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Unknown

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A and D. It is unknown how many civil penalties will be imposed and collected or what costs will be expended by the department to collect them.

F. Increased enforcement will promote truthful advertising.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kenneth Ramsburg, Chief, Weights and Measures, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5790, or email to kenneth.ramsburg@maryland.gov, or fax to 410-841-2765. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.02 Assessment of Civil Penalty.

Instead of pursuing criminal charges, the Secretary may impose a civil penalty as provided under Regulation .03 of this chapter on a person who:

A. — J. Text unchanged.

K. Manipulates or in any manner renders a weight or measure to a state calculated to deceive or defraud anyone[.]; or

L. Advertises any agricultural product as local or locally grown in violation of COMAR 15.01.09.

EARL F. HANCE

Secretary of Agriculture

Subtitle 06 PLANT PEST CONTROL

15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §9.5-301, Annotated Code of Maryland

Notice of Proposed Action

[12-312-P-I]

The Secretary of Agriculture proposes to adopt new Regulations .01—.05 under a new chapter, COMAR 15.06.04 Regulation of Invasive Plants.

Statement of Purpose

The purpose of this action is to establish a risk assessment protocol in order to rank invasive plants and to establish administrative procedures and orders.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Carol Holko, Assistant Secretary, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5734, or email to Carol.Holko@maryland.gov, or fax to 410-841-5870. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Development and Validation of a Weed Screening Tool for the United States, Biological Invasions (2012) 14:273—294 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 39:2 Md. R. 104 (January 27, 2012), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Scope.

These regulations establish a science-based risk assessment protocol to determine the harm and impact caused by invasive plants, including an approval procedure for activities involving invasive plant species that cause or are likely to cause severe harm and administrative orders that the Secretary may issue to enforce these regulations.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Invasive plant” means a terrestrial plant species that:
 - (a) Did not evolve in the State; and
 - (b) If introduced within the State, will cause or is likely to cause, as determined by the Secretary:
 - (i) Economic harm;
 - (ii) Ecological harm;
 - (iii) Environmental harm; or
 - (iv) Harm to human health.
- (2) “Tier 1 invasive plant” includes invasive plant species that cause or are likely to cause severe harm within the State.
- (3) “Tier 2 invasive plant” includes invasive plant species that cause or are likely to cause substantial negative impact within the State.

.03 Risk Assessment Protocol for Invasive Plants.

The Secretary shall determine whether an invasive plant qualifies as a Tier 1 or a Tier 2 plant based on the following protocols:

A. Plant risk assessment protocol established by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection Quarantine pursuant to A. Koop, L. Fowler, L. Newton, and B. Caton, *Development and Validation of a Weed Screening Tool for the United States, Biological Invasions (2012) 14:273—294*, which is incorporated by reference; and

B. Factors relating to special Maryland circumstances (e.g. potential distribution, current distribution, threatened and endangered species or ecosystems, feasibility of control, and special agricultural conditions).

.04 Tier 1 Approval Process.

A. Unless a person receives prior approval from the Secretary as provided by this regulation, a person may not propagate, import, transfer, sell, purchase, transport, or introduce any living part of a Tier 1 invasive plant in the State.

B. A written request for approval shall be submitted to the Secretary with the following information:

- (1) Name;
- (2) Business, nursery or plant dealer license # if applicable;
- (3) Phone;
- (4) Email;

- (5) Tier 1 plant for which approval is being requested, full botanical name;
- (6) Specific location of the Tier 1 plant;
- (7) Proposed activity;
- (8) Method of safeguarding from propagule dispersal;
- (9) Time-frame of the proposed activity; and
- (10) Any other information required by the Secretary.

C. The Secretary may not approve any person’s request for approval for any activity involving a Tier 1 invasive plant unless the activity is for any of the following purposes:

- (1) Disposing of the invasive plant;
- (2) Controlling the invasive plant;
- (3) Using the invasive plant for research or educational purposes; or
- (4) Exporting the invasive plant out of the State.

D. Upon notice and an opportunity to be heard the Secretary may:

- (1) Withdraw or revoke any approval for any person who violates any condition of any approval by the Secretary; or
- (2) Revise any approval as provided in the permit, based on new information obtained after an approval is granted.

.05 Administrative Orders By The Secretary.

A. The Secretary may issue administrative orders to enforce the provisions of this chapter and Agriculture Article, Title 9.5 (Invasive Plants Prevention and Control), Annotated Code of Maryland, as follows:

- (1) Order any person to cease propagating, importing, transferring, selling, purchasing, transporting, or introducing any living part of a Tier 1 invasive plant in the State;
- (2) Order the condemnation and seizure of any Tier 1 plant owned or possessed by any person who violates § 9.5-302(a)(2) of the Agriculture Article, Annotated Code of Maryland;
- (3) Order the marking or tagging in a conspicuous manner of a Tier 1 plant owned or controlled by any person subject to an order of the Secretary under this chapter;
- (4) Order any person, on notice from the Secretary, to dispose of any Tier 1 plant that is held in violation of this Chapter or in violation of Agriculture Article, Title 9.5, Annotated Code of Maryland, in a manner that renders all plant parts nonviable, or allow a person to return a Tier 1 plant to the out-of-State supplier of the plant, as approved in advance by the Secretary;
- (5) Order a person to make any Tier 1 plant available to the Secretary for destruction if the person has failed to dispose of the Tier 1 plant as ordered by the Secretary and require that person to pay any destruction cost;
- (6) Order any person to cease selling or offering for sale at any retail outlet a Tier 2 invasive plant until the retail outlet posts in a conspicuous manner in proximity to all Tier 2 plant displays a sign identifying the plants as Tier 2 plants;
- (7) Order any person to cease providing landscaping services to plant or supply for planting a Tier 2 invasive plant, if the person fails to provide the customer with a list of Tier 2 invasive plants; or
- (8) Order a person to take any action that the Secretary considers necessary to enforce the requirements of Agriculture Article, Title 9.5, Annotated Code of Maryland.

B. A person who violates any order issued by the Secretary is subject to a civil penalty not to exceed \$500 for each violation.

EARL F. HANCE
Secretary of Agriculture

Subtitle 08 TURF AND SEED

15.08.03 Seed Certification

Authority: Agriculture Article, §9-202, Annotated Code of Maryland

Notice of Proposed Action

[12-311-P]

The Secretary of Agriculture proposes to amend Regulation .19 under **COMAR 15.08.03 Seed Certification**.

Statement of Purpose

The purpose of this action is to increase the fees for the inspection, tagging, or grading of seed under the Department’s voluntary seed certification program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The fee increase of 14 cents for each certified tag or label will cover increased operating costs by the Department associated with administering the voluntary certified seed program for seed producers in Maryland.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	\$16,919
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$16,919
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The Department will have an increase in revenue, due to the increase in certified seed tag and label fees. The following will explain how these totals were estimated:

Last year the Department issued tag and labels at a cost to seed producers of \$30,291. The 14 cent increase in fees will result in \$16,919 to cover the costs incurred by the Department.

D. The regulated industry will have an increase in expenditure by the increase in seed certification tags and labels.

F. Certified seed labeling protects the consumer against mislabeled seed.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lois Capshaw, Chief, Turf and Seed, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-5960, or email to Lois.Capshaw@maryland.gov, or fax to 410-841-5969. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.19 Fees.

Agency fees for field inspection and tagging of bagged and bulk seed are as follows:

A. — B. (text unchanged)

C. Bulk certification fee — [8] 14 cents for each unit of seed certified in bulk delivery, including minibulk and similar containers. A unit of barley shall weigh 48 pounds, a unit of wheat shall weigh 50 pounds, and a unit of soybeans shall weigh 60 pounds. The agency shall provide one tag or label for each container.

D. Tag and label fees — For seed packaged in bags of 2 bushels or less, \$2 per lot per printing plus [9] 14 cents for each certified tag or 14 cents for each certified label issued to the applicant.

[E.] (proposed for repeal)

[F.] E. (text unchanged)

EARL F. HANCE
Secretary of Agriculture

Subtitle 18 STATE CHEMIST

15.18.04 Compost

Authority: Agriculture Article, Title 6, Subtitle 2, Annotated Code of Maryland

Notice of Proposed Action

[12-293-P]

The Secretary of Agriculture proposes to amend Regulation .02 under **COMAR 15.18.04 Compost**.

Statement of Purpose

The purpose of this action is to correct an inconsistency between the language of the Department of Agriculture’s existing compost regulations and its current administrative practice and policy to regulate certain compost products.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Warren Bontoyan, State Chemist, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, or call 410-841-2740, or email to Warren.Bontoyan@maryland.gov, or fax to 410-841-2721. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.02 Registration of Compost.

A. Registration.

(1)—(2) (text unchanged)

(3) The following compost products are [exempt from] *not subject to* registration or regulation under this chapter:

(a) (text unchanged)

[(b) Compost or soil conditioner from sewage sludge or seepage;]

[(c)] (b) (text unchanged)

[(d) Mulch or fertilizer products made from the processing of compostable materials;]

[(e)] (c)— [(f)] (d) (text unchanged)

B.—C. (text unchanged)

EARL F. HANCE
Secretary of Agriculture

Title 27
CRITICAL AREA
COMMISSION FOR THE
CHESAPEAKE AND
ATLANTIC COASTAL BAYS
Subtitle 01 CRITERIA FOR LOCAL
CRITICAL AREA PROGRAM
DEVELOPMENT

27.01.12 Variances

Authority: Natural Resources Article, §8-1806, Annotated Code of Maryland

Notice of Proposed Action

[12-313-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to repeal existing Regulation .01 and adopt new Regulations .01—.07 under COMAR 27.01.12 Variances. This action was considered by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on October 3, 2012 pursuant to State Government Article, §10-506 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update the existing variance provisions in the Critical Area variance regulations found in COMAR 27.01.12.01. The proposed regulations do not change the meaning or the intent of the existing variance regulations. Rather, the proposed regulations consolidate the existing variance provisions of the law with the existing variance provisions from COMAR into one self-contained chapter of COMAR. This action will make it easier for local governments and variance applicants to find the applicable requirements.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amber Widmayer, Planner, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100, Annapolis, MD 21401, or call 410-260-3481, or email to awidmayer@dnr.state.md.us, or fax to 410-974-5338. Comments will be accepted through December 17, 2012. A public hearing has not been scheduled.

.01 Definition.

In this chapter, “unwarranted hardship” means that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

.02 Local Program Requirements.

A. A local jurisdiction shall include standards and procedures in its local Critical Area program for the granting of a variance to the provisions of Title 8, Subtitle 18, Natural Resources Article, Annotated Code of Maryland, COMAR 27.01, and its local program requirements.

B. A local jurisdiction may establish additional, more restrictive standards for the granting of a variance consistent with the intent and purposes of this subtitle and the approved local Critical Area program.

.03 Standing.

In accordance with Natural Resources Article, § 8-1808(d)(2), Annotated Code of Maryland, if a person meets the threshold standing requirements under federal law, the person shall have standing to participate as a party in a local administrative proceeding.

.04 Variance Standards.

A local jurisdiction may not grant a variance unless the local jurisdiction makes written findings based on competent and substantial evidence that:

A. *In accordance with Natural Resources Article, § 8-1808(d)(3)(ii), Annotated Code of Maryland, an applicant has overcome the presumption that the specific development activity for which the variance is required does not conform with the general intent of the local jurisdiction’s program; and*

B. *The applicant has satisfied each of the following variance provisions:*

(1) *Due to special features of the site or special conditions or circumstances peculiar to the applicant’s land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;*

(2) *A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program;*

(3) *The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program;*

(4) *The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

(5) *The variance request does not arise from any conforming or nonconforming condition on any neighboring property;*

(6) *The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction’s local Critical Area; and*

(7) *The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.*

.05 Variance Procedures.

A. *With due regard for a person's experience, technical competence, and specialized knowledge, a local jurisdiction may base its written findings required in Regulation .04 of this chapter on evidence introduced and testimony presented by:*

- (1) *The applicant;*
- (2) *The local jurisdiction or another government agency; or*
- (3) *A person deemed appropriate by the local jurisdiction.*

B. *Within 10 working days after a local jurisdiction's issuance of a written variance decision described in Regulation .04 of this chapter, the Commission shall receive a copy of the decision from the local jurisdiction.*

.06 After-the-Fact Variance Procedures.

A. *A local jurisdiction may not accept an application for a variance to legalize a violation of this subtitle, including an unpermitted structure or other development activity, until the local jurisdiction:*

- (1) *Issues a notice of violation; and*
- (2) *Assesses an administrative or civil penalty for the violation.*

B. *A local jurisdiction may not issue a permit, approval, variance, or special exception to legalize a violation of this subtitle unless an applicant has:*

(1) *Fully paid all administrative, civil, and criminal penalties imposed under Natural Resources Article, § 8-1808(c)(1)(iii)14-15 and (2)(i), Annotated Code of Maryland;*

(2) *Prepared a restoration or mitigation plan, approved by the local jurisdiction, to abate impacts to water quality or natural resources as a result of the violation; and*

(3) *Performed the abatement measures in the approved plan in accordance with the local Critical Area program.*

C. *If a local jurisdiction denies the requested after-the-fact variance, then the local jurisdiction shall:*

- (1) *Order removal or relocation of any structure; and*
- (2) *Order restoration of the affected resources.*

.07 Variance Appeals.

A. *A person with standing under Regulation .03 of this chapter may:*

(1) *Participate as a party in an administrative proceeding at a board of appeals even if the person was not a party to the original administrative proceeding; and*

(2) *Petition for judicial review and participate as a party even if the person was not a party to the action which is the subject of the petition.*

B. *An appeal may be filed by:*

(1) *A person aggrieved or adversely affected by a decision made under this chapter, including a government agency; and*

(2) *The Chairman, even if the Chairman was not a party to or is not specifically aggrieved by the action or decision.*

C. *A local jurisdiction may not issue a permit for the activity that was the subject of the variance application until the applicable 30-day appeal period has elapsed.*

MARGARET G. McHALE
 Chair
 Critical Area Commission for the
 Chesapeake and Atlantic Coastal Bays

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 20, 2012, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 20, 2012, in Harrisburg, Pennsylvania, the Commission took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the Supplementary Information below.

DATE: September 20, 2012

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission web site at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to its related actions on projects identified in the summary above and the listings below, the following items were also presented or acted on at the business meeting: 1) approved/ratified grants involving the Chesapeake Bay Nutrient Monitoring Program, the development of Total Maximum Daily Loads (TMDLs) studies, and the Public Water System Assistance Initiative Project with the PA Dept. of Environmental Protection; 2) amended the Water Quality Protection and Pollution Prevention Grant (known as the 106 grant); 3) authorized expansion of the SRBC Remote Water Quality Monitoring Network; 4) approved two listing agreements with Latus Commercial Realty for sale of the current headquarters building and leasing of space in the new headquarters building now under construction; 5) approved the partial waiver of application fees when a project sponsor withdraws an application prior to SRBC beginning its technical review; 6) approved a request by Talon Holdings, LLC for a conditional transfer extension related to the Hawk Valley Golf Course, Lancaster County, Pa.; and 7) approved issuance of a corrective docket to Nature's Way Purewater Systems, Inc. to correct an error misidentifying a project feature for which monitoring is required.

Project Applications Approved

The Commission approved the following project applications:

Project Sponsor and Facility: Borough of Adamstown, Adamstown Borough, Lancaster County, Pa. Renewal of groundwater withdrawal of up to 0.069 mgd (30-day average) from Well 4 (Docket No. 19801104).

Project Sponsor and Facility: Anadarko E&P Company LP (Second Fork Larrys Creek), Mifflin Township, Lycoming County, Pa. Surface water withdrawal of up to 0.200 mgd (peak day).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20080908).

Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20080905).

Project Sponsor and Facility: Carrizo (Marcellus), LLC (Muddy Run), Gulich Township, Clearfield County, Pa. Surface water withdrawal of up to 0.720 mgd (peak day).

Project Sponsor and Facility: East Hempfield Township Municipal Authority, East Hempfield Township, Lancaster County, Pa. Surface water withdrawal of up to 0.070 mgd (30-day average) from S-1 (Baker Spring); and Groundwater withdrawal of up to 0.268 mgd (30-day average) from Well W-1, 0.673 mgd (30-day average) from Well W-2, 0.264 mgd (30-day average) from Well W-3, 0.321 mgd (30-day average) from Well W-4, and renewal of groundwater withdrawal of up to 0.632 mgd (30-day average) from Well W-5 (Docket No. 19810203).

Project Sponsor and Facility: Enerplus Resources (USA) Corporation (West Branch Susquehanna River), East Keating Township, Clinton County, Pa. Surface water withdrawal of up to 2.000 mgd (peak day).

Project Sponsor and Facility: EXCO Resources (PA), LLC (Larrys Creek), Mifflin Township, Lycoming County, Pa. Renewal of surface water withdrawal with modification, for a total of 0.200 mgd (peak day) (Docket No. 20080936).

Project Sponsor and Facility: Forest Springs Water Company, Wayne Township, Schuylkill County, Pa. Groundwater withdrawal of up to 0.075 mgd (30-day average) from Borehole BH-1, and modification to consumptive water use approval removing previous sources Spring 1 and Spring 2 and adding new source Borehole BH-1 (Docket No. 20010206).

Project Sponsor: Hydro Recovery-Antrim LP. **Project Facility:** Antrim Treatment Plant, Duncan Township, Tioga County, Pa. Modification to project features and to increase surface water withdrawal by an additional 1.152 mgd, for a total of 1.872 mgd (peak day) (Docket No. 20090902).

Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Modification to increase surface water withdrawal, for a total of 2.125 mgd (peak day) (Docket No. 20110616).

Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Moshannon Creek), Snow Shoe Township, Centre County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20080946).

Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20080944).

Project Sponsor and Facility: Roaring Spring Water – Division of Roaring Spring Blank Book, Roaring Spring Borough, Blair County, Pa. Modification to increase consumptive water use by an additional 0.125 mgd, for a total of 0.255 mgd (peak day) (Docket No. 20120309), and to increase surface water withdrawal by an additional 0.131 mgd, for a total of 0.302 mgd (peak day) (Docket No. 20120309).

Project Sponsor and Facility: Talisman Energy USA Inc. (Susquehanna River), Sheshequin Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20080909).

Project Applications Tabled

The following project applications were tabled by the Commission:

Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, Pa. Application for renewal of groundwater withdrawal of up to 0.035 mgd (30-day average) from Well 6 (Docket No. 19820912).

Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

Project Sponsor and Facility: Falling Springs Water Works, Inc. (Falling Springs Reservoir), Ransom Township, Lackawanna County, Pa. Application for surface water withdrawal of up to 0.800 mgd (peak day).

Project Sponsor and Facility: Gaberseck Brothers (Odin Pond 2), Keating Township, Potter County, Pa. Application for surface water withdrawal of up to 0.249 mgd (peak day).

Project Sponsor and Facility: Houtzdale Municipal Authority (Beccaria Springs), Gulich Township, Clearfield County, Pa. Application for surface water withdrawal of up to 10.000 mgd (peak day).

Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.720 mgd (peak day).

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 19, 2012.

THOMAS W. BEAUDUY
Deputy Executive Director

[12-23-15]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1, 2012, through September 30, 2012

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR §806.22(f):

Southwestern Energy Production Company, Pad ID: ENDLESS MOUNTAIN RECREATION, ABR-201209001, New Milford

Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 4, 2012.

Talisman Energy USA Inc., Pad ID: 05 112 Abell G, ABR-201209002, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 10, 2012.

Atlas Resources, LLC, Pad ID: Logue Pad B, ABR-201209003, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 11, 2012.

WPX Energy Appalachia, LLC, Pad ID: Beckley Well Pad, ABR-201209004, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 11, 2012.

XTO Energy Incorporated, Pad ID: West Brown B, ABR-201209005, Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: September 14, 2012.

Southwestern Energy Production Company, Pad ID: WOOSMAN PAD, ABR-201209006, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

Southwestern Energy Production Company, Pad ID: SWOPE PAD, ABR-201209007, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

Southwestern Energy Production Company, Pad ID: MULLOY PAD, ABR-201209008, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

Southwestern Energy Production Company, Pad ID: MARVIN PAD, ABR-201209009, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

Southwestern Energy Production Company, Pad ID: FREITAG PAD, ABR-201209010, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

Chesapeake Appalachia, LLC, Pad ID: Gene, ABR-201209011, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 24, 2012.

Chesapeake Appalachia, LLC, Pad ID: Yench, ABR-201209012, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 24, 2012.

SWEPI LP, Pad ID: Delaney 651, ABR-201209013, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 24, 2012.

Chesapeake Appalachia, LLC, Pad ID: Blueberry Hill, ABR-201209014, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 25, 2012.

Chesapeake Appalachia, LLC, Pad ID: Carr, ABR-201209015, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 25, 2012.

Talisman Energy USA Inc., Pad ID: 01 099 Storch, ABR-201209016, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 25, 2012.

Southwestern Energy Production Company, Pad ID: Cooley (Pad 2), ABR-201209017, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

Southwestern Energy Production Company, Pad ID: Gypsy Hill-Eastabrook (Pad 5), ABR-201209018, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

Southwestern Energy Production Company, Pad ID: Rabago Birk (Pad 10), ABR-201209019, Herrick and Standing Stone Townships, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

WPX Energy Appalachia, LLC, Pad ID: Wootton East Well Pad, ABR-201209020, Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

Chief Oil & Gas LLC, Pad ID: Romisoukas Drilling Pad, ABR-201209021, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 25, 2012.

WPX Energy Appalachia, LLC, Pad ID: McLallen Well Pad, ABR-201209022, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

WPX Energy Appalachia, LLC, Pad ID: Mordovancey Well Pad, ABR-201209023, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

Talisman Energy USA Inc., Pad ID: 02 101 Olson, ABR-201209024, Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 27, 2012.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 22, 2012.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[12-23-14]

PROPOSED CALENDAR YEAR 2013 STANDARD PERMIT APPLICATION TURNAROUND TIMES

As required by Section 1-607(A)(2) of the Environment Article, the Maryland Department of the Environment (MDE) is seeking comment on the proposed standard turnaround times for all types of permit applications. For further information, please contact Mr. Andrew Gosden in MDE's MDEStat Office at 410-537-4158. Details about the proposed changes and the full list of proposed turnaround times are available on MDE's web site, www.mde.state.md.us.

MDE reviews and adjusts these turnaround times annually to give permit applicants current information regarding the processing time. Please note the following important points about these standard times:

- 1) These standards refer to the time between MDE's receipt of a complete permit application and MDE's issuance or denial of the permit, excluding delays caused by factors beyond MDE's control. Many applications are incomplete when they first arrive at MDE. The appropriate MDE permit writer can provide guidance on how to ensure that an application is complete when submitted.
- 2) In most permitting programs, each application has unique characteristics that influence its processing time. For each program listed, the standard time represents the time in which 90% of applications can be processed. Many applications will require less time; a few will require more time due to unusual circumstances.

Paper copies of the proposed times are available on request. Requests, comments, and questions can be directed to Mr. Andrew Gosden at agosden@mde.state.md.us; by phone at 410-537-4158; via postal mail to MDE/OS, 1800 Washington Boulevard, Suite 745, Baltimore, MD 21230-1720; or by fax to 410-537-3888. Comments will be accepted until December 16, 2012.

[12-23-34]

MARYLAND HEALTH CARE COMMISSION

Number of Chronic Hospital Beds and Patient Days and Percent Occupancy, by Facility: Maryland, 2011

Jurisdiction/Facility	Number of Beds	Number of Days	Occupancy (%)
Baltimore City			
James Lawrence Kernan Hospital ¹⁹	40	12,963	88.79%
Johns Hopkins Bayview Medical Center ²⁰	76	23,729	85.54%
Levindale Hebrew Geriatric Center and Hospital	100	34,051	93.29%
University Specialty Hospital	180	37,598	57.23%
Prince George's County			
Laurel Regional Hospital ²¹	46	5,576	33.21%
SUBTOTAL: Private Chronic Hospitals	442	113,917	70.61%
Washington County			
Western Maryland Hospital Center ²²	60	6,721	30.69%
Wicomico County			
Deer's Head Hospital Center ²³	66	5,572	23.13%
SUBTOTAL: State-operated Chronic Hospitals²⁴	126	12,293	26.73%
STATEWIDE TOTAL²⁵	568	126,210	60.88%

Sources: Maryland Health Care Commission. The number of licensed chronic hospital beds maintained in the Commission's inventory is based on the Commission's Certificate of Need files and licensing information provided by the Office of Health Care Quality. The number of FY 2011 patient days for the private chronic hospitals is obtained from the Financial Data Base, as reported by private chronic hospitals to the Health Services Cost Review Commission (HSCRC), as of October 16, 2012. The number of FY 2011 patient days for the two state-operated chronic hospitals is obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health and Mental Hygiene.

Notes: The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2011 (the end of the 2011 fiscal year reporting period). Occupancy is calculated based on licensed beds.

[12-23-16]

¹⁹ Kernan Hospital's 40 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds.

²⁰ Johns Hopkins Bayview Medical Center's 23,729 patient days is the combined number of patient days for the separately licensed 76 special hospital-chronic beds and nine special hospital-rehabilitation beds.

²¹ Gladys Spellman Specialty Hospital and Nursing Center relocated its 46 licensed chronic hospital beds to Laurel Regional Hospital, effective June 30, 2011.

²² Western Maryland Hospital Center's occupancy, based on its 23 *budgeted* chronic hospital beds, would be 80.06 percent.

²³ Deer's Head Hospital Center's chronic hospital occupancy, based on its 14 *budgeted* chronic hospital beds, would be 109.04 percent.

²⁴ The occupancy for the two State-operated chronic hospitals, based on the total 37 *budgeted* chronic hospital beds, would be 91.03 percent.

²⁵ The statewide chronic hospital occupancy based on the 442 *licensed* beds at the five *private* facilities plus the 37 *budgeted* beds at the two *state-operated* facilities would be 72.19 percent.

DEPARTMENT OF STATE POLICE

HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under Public Safety Article, §5-405, Annotated Code of Maryland, and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **November 16, 2012**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Baltimore, MD 21208

<i>Manufacturer</i>	<i>Model Name</i>	<i>Model Number</i>	<i>Caliber</i>
Dan Wesson Firearms/NYI	1911 CCO		.45 ACP
Dan Wesson Firearms/NYI	1911 Specialist		.45 ACP
Christensen Arms	Tactical		.45 ACP
Christensen Arms	1911 Officer		.45 ACP
Christensen Arms	1911 Commander		.45 ACP
Christensen Arms	Government		.45 ACP
Wilson Combat	CQB Tactical LE		10mm
Steyr Mannlicher	C9-A1		9mm
Smith & Wesson		686	.38 SPL
Radom (See Z.M. Lucznik)	Mag 98		9mm (9 X 19)
Regent	R 350CR		.45 ACP
I.W.I. Israeli Weapon Industries (Carl Walther) * Not for sale to general public (purchase by US Gov, Armed Forces, Law Enforce. Agencies ONLY)	UZI Pistol		.22 LR
Dan Wesson Firearms/NYI	ECO		.45 ACP
Magnum Research	BFR	N/A	.500 JRH
Henry	Mares' Leg	H001 ML, H006ML, H006MML	.44 Mag, .357 Mag
BRNO or CZ	CZ-82		9 X 18 mm

[12-23-20]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: November 28, 2012, 2 — 4 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [12-23-37]

ADVISORY COUNCIL ON CEMETERY OPERATIONS

Subject: Public Meeting
Date and Time: November 29, 2012, 10 a.m. — 1 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl., Baltimore, MD
Contact: Marilyn Haris-Davis (410) 230-6229
 [12-23-07]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Meeting
Date and Time: December 11, 2012, 5 — 5:45 p.m.
Place: House Office Bldg., 6 Bladen St., Judiciary Committee Hearing Rm. (Rm. 100), Annapolis, MD
Contact: David Soule (301) 403-4165
 [12-23-11]

COMMISSION ON CRIMINAL SENTENCING POLICY

Subject: Public Hearing
Date and Time: December 11, 2012, 6:15 — 7:30 p.m.
Place: House Office Bldg., 6 Bladen St., Judiciary Committee Hearing Rm. (Rm. 100), Annapolis, MD
Contact: David Soule (301) 403-4165
 [12-23-12]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting
Date and Time: December 3, 2012, 10 a.m. — 2 p.m.
Place: Howard Co., Bureau of Utilities Bldg., 8270 Montgomery Rd., Columbia, MD
Contact: James T. Merrow (410) 764-3512
 [12-23-09]

BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting
Date and Time: December 12, 2012, 9:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Steve Smitson (410) 230-6169
 [12-23-06]

DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

Subject: Public Meeting
Date and Time: December 5, 2012, 10 a.m.
Place: 10946 Golden West Dr., Ste., 160, Hunt Valley, MD
Add'l. Info: The MOSH Advisory Board will meet to discuss issues related to occupational safety and health.
Contact: Debbie Stone (410) 767-2225
 [12-23-21]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: December 5, 2012, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262
 [12-23-23]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: December 20, 2012, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
 [12-23-02]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: November 28, 2012, 8:30 a.m. — 5 p.m.
Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hanover, MD
Contact: Pam Gregory (410) 865-1253
 [12-23-05]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Receipt of Application
Date and Time: December 12, 2012
Place: 4201 Patterson Ave., Rm. 109, Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750
 [12-23-13]

BOARD OF EXAMINERS IN OPTOMETRY

Subject: Public Meeting
Date and Time: November 28, 2012, 9:30 — 11:30 a.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Rm. 100, Baltimore, MD
Add'l. Info: Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into administrative session.
Contact: Patricia G. Bennett (410) 764-4710
 [12-23-01]

GENERAL NOTICES

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**RETIREMENT AND PENSION
SYSTEM — BOARD OF TRUSTEES**

Subject: Public Meeting

Date and Time: December 18, 2012, 10 a.m.

Place: Sun Trust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD

Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the MD Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodation for qualified individuals with disabilities will be provided upon request; please call 410-625-5609 or 1-800-735-2258 TTY.

Contact: Patrice Sowah (410) 625-5609
[12-23-08]

BOARD OF REVENUE ESTIMATES

Subject: Public Meeting

Date and Time: December 13, 2012, 3 — 4 p.m.

Place: Governor's Reception Rm., Annapolis, MD

Contact: Linda I. Vasbinder (410) 260-7450

[12-23-10]

**BOARD OF WATERWORKS AND
WASTE SYSTEMS OPERATORS**

Subject: Public Meeting

Date and Time: December 20, 2012, 10 a.m. — 4 p.m.

Place: Maryland Environmental Service, Millersville, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Pat Kratochvil (410) 537-3167
[12-23-03]

**WORKERS' COMPENSATION
COMMISSION**

Subject: Public Meeting on Regulations

Date and Time: December 13, 2012, 9 — 11 a.m.

Place: 10 E. Baltimore St., 7th Fl., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy Lackington (410) 864-5300
[12-23-04]

**YOUTH CAMP SAFETY ADVISORY
COUNCIL**

Subject: Public Meeting

Date and Time: December 12, 2012, 10 a.m. — 12 p.m.

Place: Howard Co. Health Dept., 7178 Columbia Gateway Dr., Conf. Rm. A, Columbia, MD

Add'l. Info: The Youth Camp Safety Advisory Council meets quarterly each year to advise the Department of Health and Mental Hygiene on Maryland laws and regulations concerning youth camps.

Contact: Linda Rudie (410) 767-8419
[12-23-26]

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Department of Health and Mental Hygiene: Part & Subtitles

Part 1

- 01 Procedures
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- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

Part 2

- 09 Medical Care Programs

Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

Part 4

- 23 Advance Directive Registry
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- 25 Maryland Health Care Commission
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- 37 Health Services Cost Review Commission
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- 43 Board of Chiropractic Examiners
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- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
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- 53 Board of Nursing—Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies

Title 11

Department of Transportation – Volume & Subtitles

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- 01 Office of the Secretary
 - 02 Transportation Service Human Resources System
 - 03 Maryland Aviation Administration
 - 04 State Highway Administration
 - 05 Maryland Port Administration
 - 06 Mass Transit Administration
 - 07 Maryland Transportation Authority
 - 08 Vacant
 - 09 Vacant
 - 10 Vacant
- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
 - 12 MVA – Licensing of Businesses and Occupations
 - 13 MVA – Vehicle Equipment
 - 14 MVA – Vehicle Inspections
 - 15 MVA – Vehicle Registration
 - 16 MVA – Vehicle Operations
 - 17 MVA – Driver Licensing and Identification Documents
 - 18 MVA – Financial Responsibility Requirements
 - 19 MVA – School Vehicles
 - 20 MVA – Motorcycle Safety Program
 - 21 MVA – Commercial Motor Vehicles
 - 22 MVA – Preventive Maintenance Program
 - 23 MVA – Drivers' Schools, Instructors, Driver Education Program

Title 26

Department of the Environment – Part & Subtitles

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- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

Part 2

- 08 Water Pollution
- 09 Maryland CO₂ Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —
Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under
Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
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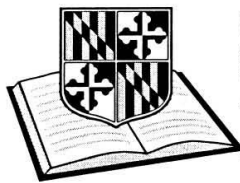
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