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# Maryland Register

Issue Date: May 4, 2012

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Volume 39 • Issue 9 • Pages 593—636

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 16, 2012, 5 p.m.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 April 16, 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](http://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.

## SUBSCRIPTION INFORMATION

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)

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### COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.sos.state.md.us](http://www.sos.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

### Availability of Monthly List of Maryland Documents

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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## CLOSING DATES AND ISSUE DATES through JULY 27, 2012

Issue Date	Emergency and Proposed Regulations 5:00 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
May 18	April 30	May 9	May 7
June 1**	May 14	May 21	May 18
June 15**	May 24	June 6	June 4
June 29	June 11	June 20	June 18
July 13**	June 25	July 3	July 2
July 27	July 9	July 18	July 16

\* 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.**

\*\* Note closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title      Subtitle      Chapter      Regulation      Subsection      Paragraph      Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

### Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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**26 DEPARTMENT OF THE ENVIRONMENT****Subtitles 08—12 (Part 2)**

26.09.01.02 • 39:2 Md. R. 215 (1-27-12)  
 26.09.02.05—.09 • 39:2 Md. R. 215 (1-27-12)  
 26.09.04.03,.05 • 39:2 Md. R. 215 (1-27-12)

**27 CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

27.01.10.01 • 39:6 Md. R. 459 (3-23-12)  
 27.01.11.01—.07 • 39:6 Md. R. 459 (3-23-12)  
 27.01.12.01 • 39:6 Md. R. 459 (3-23-12)

**31 MARYLAND INSURANCE ADMINISTRATION**

- 31.10.01.01—.03** • 38:24 Md. R. 1548 (11-18-11)
- 31.12.08.04** • 38:17 Md. R. 1039 (8-12-11)
- 31.12.08.04,.06** • 39:2 Md. R. 223 (1-27-12)

**33 STATE BOARD OF ELECTIONS**

- 33.04.02.01—.03** • 39:7 Md. R. 502 (4-6-12)
- 33.04.03.01** • 39:7 Md. R. 502 (4-6-12)
- 33.07.07.01,.02** • 39:9 Md. R. 627 (5-4-12)
- 33.08.04.02,.05—.08** • 39:9 Md. R. 627 (5-4-12)
- 33.08.04.05** • 39:7 Md. R. 503 (4-6-12)
- 33.11.02.01** • 39:7 Md. R. 503 (4-6-12)
- 33.13.06.03** • 39:9 Md. R. 627 (5-4-12)
- 33.13.08.02** • 39:7 Md. R. 504 (4-6-12)
- 33.13.09.02** • 39:7 Md. R. 504 (4-6-12)
- 33.15.03.06** • 39:7 Md. R. 503 (4-6-12)
- 33.16.02.01** • 39:7 Md. R. 503 (4-6-12)
- 33.16.05.03,.05** • 39:7 Md. R. 503 (4-6-12)

**34 DEPARTMENT OF PLANNING**

- 34.04.02.06** • 39:9 Md. R. 628 (5-4-12)



# The Governor

## EXECUTIVE ORDER 01.01.2012.09

### Maryland Council for Educator Effectiveness (Amends Executive Order 01.01.2010.12)

WHEREAS, Maryland's public school system has been recognized as best-in-the-nation for the last four years in a row. To prepare all of our students for the 21<sup>st</sup> century workforce, Maryland is committed to improving from national leader to world-class—not only for some students, but for all students;

WHEREAS, World-class means that the achievement gaps that continue to exist in far too many schools must be closed. Without dramatic and immediate policies directed at eliminating these gaps in achievement and improving achievement overall, Maryland's economic health and quality of life will decline;

WHEREAS, World-class means that all students are taught by effective teachers and principals because improvements in student achievement ultimately rely upon the expertise and abilities of our educators;

WHEREAS, Evaluations of the effectiveness of our educators must be conducted in a manner that is objective, transparent, timely, fair, and informed by multiple perspectives and sound information;

WHEREAS, Maryland must attract, develop and retain highly effective educators by creating school environments that maintain high standards of both professionalism and performance. While all schools should be staffed by effective educators, we must ensure that effective educators are equitably distributed among the lowest performing schools;

WHEREAS, Every aspect of our public educational system must be focused upon ensuring that these valuable professionals who serve our students daily have the knowledge, skills, and support necessary to meet this challenge;

WHEREAS, Given our long history of local innovation and tradition of broad collaboration, Maryland is well-positioned to work collectively to ensure that all of our educators have the capacity and the resources to help their students achieve at the highest levels;

WHEREAS, Nearly a quarter of the State's local school districts will be conducting pilots of new educator evaluation systems through June of 2012; and

WHEREAS The Maryland Council for Educator Effectiveness will continue to be an invaluable forum for sharing best practices and discussing the design and implementation of local educator evaluation systems as all local districts begin pilots of new systems during the fall of 2012.

NOW THEREFORE, I MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY AMEND EXECUTIVE ORDER 01.01.2010.12 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Establishment. There is a Maryland Council for Educator Effectiveness (the Council).

B. Membership. The Council consists of the following members:

- (1) The State Superintendent of Schools, or the Superintendent's designee;
- (2) The following members, appointed by the Governor:
  - (a) Six teachers or teacher representatives, selected with the advice of the Maryland State Education Association and the American Federation of Teachers-Maryland;
  - (b) Two principals, selected with the advice of the Maryland Association of Elementary School Principals and the Maryland Association of Secondary School Principals;
  - (c) One local school superintendent, selected with the advice of Public School Superintendents Association of Maryland;
  - (d) Two public school administrators with knowledge of human resources, business, accountability, or support of new or struggling educators;
  - (e) Two members of local school boards, selected with the advice of the Maryland Association of Boards of Education;
  - (f) One representative from the business community;
  - (g) One member of the State Board of Education;
  - (h) One representative of higher education with knowledge of teacher preparation programs; and
  - (i) Two at-large members with expertise in education policy.
- (3) A member of the Maryland Senate, appointed by the President of the Senate; and
- (4) A member of the Maryland House of Delegates, appointed by the Speaker of the House.

C. The Governor shall appoint two co-chairs from among the members of the Council.

D. The State Superintendent of Schools shall serve by virtue of the Superintendent's Office. Members of the Maryland General Assembly shall serve at the pleasure of their appointing authority. All other members serve at the pleasure of the Governor. In the event of a vacancy on the Council, a successor shall be appointed in the same manner as the member's predecessor.

E. Members of the Council may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

F. Responsibilities.

(1) Not later than December 31, 2010, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education recommendations for the development of the model evaluation system for educators required by Chapter 189 of the 2010 Laws of the General Assembly of Maryland – Education Reform Act of 2010.

(2) The recommendations shall address:

- (a) The definitions of "effective" teachers and principals;
  - (b) The definitions of "highly effective" teachers and principals; and
  - (c) The relationship between the student learning component of educator evaluations and the other components of the evaluations.
- (3) The Council's recommendations should seek to ensure that every educator is:
- (a) Evaluated using multiple, fair, transparent, timely, rigorous, and valid methods;
  - (b) Afforded a meaningful opportunity to improve their effectiveness; and
  - (c) Provided the means to share effective practices with other educators statewide.

(4) [Not later than December 31, 2011, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education any recommendations for corrections or adjustments to the overall design of the model evaluation system – including guidelines, tools, and measures – based on the experience in the field.]

**NOT LATER THAN DECEMBER 31, 2013, THE COUNCIL SHALL SUBMIT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE MARYLAND STATE BOARD OF EDUCATION A FINAL SUMMARY REPORT, INCLUDING AN UPDATE ON THE PROGRESS OF THE LOCAL DISTRICTS IN IMPLEMENTING THEIR NEW EDUCATOR EVALUATION SYSTEMS.**

(5) The Council shall perform any other duties related to State requirements for educator evaluations that may be requested by the Governor.

G. Procedures.

(1) A majority of Council members shall constitute a quorum for the transaction of any business.

(2) The Council may adopt such other procedures and by-laws as may be necessary to ensure the orderly transaction of business.

(3) The Council may establish working groups, task forces, or other structures from within its membership or outside its membership as needed to address specific issues or to assist in its work.

H. Meetings. The Council shall meet at the call of the co-chairs as needed to complete the tasks set forth in this Executive Order. Unless otherwise indicated, members may not send designees to represent them at Council meetings.

I. Advisory Panel. The Council shall create an Advisory Panel to provide expert advice and information to the Council. The Panel shall include State and national experts with experience in psychometrics and assessments; experts in teacher preparation programs; and individuals with knowledge of the needs of parents, students, and the business community.

J. Staffing. The Maryland State Department of Education and the Office of the Governor shall provide the Council with data, analytical information, and administrative support necessary to complete its work.

K. Termination. This Executive Order shall terminate and be of no effect after December 31, [2011] **2013**.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis this 18<sup>th</sup> day of April, 2012.

MARTIN O’MALLEY  
Governor

ATTEST:

JOHN MCDONOUGH  
Secretary of State

[12-09-38]

# Open Meetings Compliance Board

## SUMMARY OF OPINIONS ISSUED FROM JANUARY 4, 2012 — MARCH 29, 2012\*

### *8 Official Opinions of the Compliance Board 1 (2012)*

Anne Arundel County Ethics Commission  
Stephen Donnelly, Complainant  
January 4, 2012

Topics addressed: closed session procedures; contents and production of minutes; notice; Compliance Board authority

### *8 Official Opinions of the Compliance Board 8 (2012)*

Maryland Transportation Authority, Capital & Finance Committees  
Craig O'Donnell, Complainant  
January 30, 2012

Topics addressed: occurrence of a meeting; minutes; exceptions permitting closed sessions (procurement matters, litigation matters, advice of legal counsel); Compliance Board procedures

### *8 Official Opinions of the Compliance Board 19 (2012)*

Carroll County Commissioners  
Cornelius M. Ridgely, Complainant  
January 30, 2012

Topics addressed: occurrence of a meeting; open session requirement

### *8 Official Opinions of the Compliance Board 27 (2012)*

Maryland Transportation Authority  
Craig O'Donnell, Complainant  
January 30, 2012

Topics addressed: minutes, distinction between Public Information Act request for documents and Open Meetings Act request to inspect minutes

### *8 Official Opinions of the Compliance Board 32 (2012)*

Carroll County Utilities Advisory Council  
Michele Fluss, Complainant  
February 10, 2012

Topics addressed: minutes (detail, timely adoption)

### *8 Official Opinions of the Compliance Board 35 (2012)*

City of Annapolis Financial Advisory Commission  
Tom Marquardt, Complainant  
February 22, 2012

Topics addressed: closed session procedures; exceptions permitting closed sessions (collective bargaining)

### *8 Official Opinions of the Compliance Board 38 (2012)*

Calvert County Board of License Commissioners  
Sean Rice, Complainant  
March 20, 2012

Topics addressed: closed session procedures; exceptions permitting closed session (advice of legal counsel)

### *8 Official Opinions of the Compliance Board 42 (2012)*

Salisbury City Council  
Bruce F. Bright, Esq., Complainant  
March 20, 2012

Topics addressed: exceptions permitting closed sessions (advice of legal counsel, pending litigation)

### *8 Official Opinions of the Compliance Board 46 (2012)*

Maryland Transportation Authority  
Craig O'Donnell, Complainant  
March 29, 2012

Topics addressed: notice; closed session procedures (written statement, vote to close); public body; minutes; Compliance Board authority

\*The full text of these opinions can be found at <http://www.oag.state.md.us/Opengov/Openmeetings/index.htm>.

[12-09-23]

# The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

## SYNOPSIS NO. 8

### Chapters

**CH0003** SB0234 (Amended). The Pres (Admin), et al. Maryland Health Improvement and Disparities Reduction Act of 2012.

**CH0004** SB0179 (Amended). Sen Pugh, et al. Kathleen A. Mathias Chemotherapy Parity Act of 2012.

**CH0005** HB0243 (Amended). Del Nathan-Pulliam, et al. Kathleen A. Mathias Chemotherapy Parity Act of 2012.

**CH0006** SB0848 (Amended). Sen King. Education - Maintenance of Effort.

**CH0007** SB0009 Sen Forehand. Maryland Consolidated Capital Bond Loan of 2011 - Montgomery County - Mental Health Association HVAC Replacement.

**CH0008** SB0010 (Amended). Sen Colburn, et al. Slot Machines for Nonprofit Organizations on the Eastern Shore - Uses of Proceeds.

**CH0009** HB0325 Dels Conway and McDermott. Slot Machines for Nonprofit Organizations on the Eastern Shore - Uses of Proceeds.

**CH0010** SB0030 Sens Klausmeier and Kittleman. Injured Workers' Insurance Fund - Cancellation of Policies - Failure to Pay a Premium.

**CH0011** HB0065 Dels Jameson and Minnick. Injured Workers' Insurance Fund - Cancellation of Policies - Failure to Pay a Premium.

**CH0012** SB0037 Sen Colburn. Dorchester County - Water and Sewer Service - Late Fees.

**CH0013** SB0051 Sen Ferguson. Baltimore City - Board of Liquor License Commissioners - Transfer of License.

**CH0014** SB0059 Sen Kelley. State Commission on Criminal Sentencing Policy - Annual Report - Reporting Date.

**CH0015** HB0117 Del Mitchell, et al. State Commission on Criminal Sentencing Policy - Annual Report - Reporting Date.

**CH0016** SB0085 Sens Jennings and Getty. Election Law - Baltimore County Republican Party Central Committee - Election of Chairman.

**CH0017** SB0103 Sen Colburn. Dorchester County - Alcoholic Beverages - Hours for Sale.

**CH0018** SB0105 (Amended). Sen Colburn. Caroline County and Dorchester County - Turkey Hunting on Private Property - Sundays.

**CH0019** SB0108 (Amended). Chr EHE (Dept). Maryland Horse Industry Board - Licensing.

**CH0020** SB0109 Chr EHE (Dept). State Board of Architects - Continuing Professional Competency.

**CH0021** SB0112 Chr EHE (Dept). Maryland Agricultural Land Preservation Foundation - Appraisal Requirement.

**CH0022** SB0113 Chr EHE (Dept). Weights and Measures - Registration Fees.

**CH0023** SB0115 Chr EHE (Dept). Environment - Waterworks and Wastewater Works Certified Operators.

**CH0024** SB0117 Chr EHE (Dept). Environment - Water Appropriation Permits - Construction Dewatering Projects.

**CH0025** SB0118 Chr EHE (Dept). Voluntary Agricultural Nutrient and Sediment Credit Certification Program.

**CH0026** SB0119 Chr B&T (Dept). State Personnel and Pensions - Optional Retirement Program - Maryland Higher Education Commission.

**CH0027** SB0121 (Amended). Chr FIN (Dept), et al. Senior Prescription Drug Assistance Program - Sunset Extension.

**CH0028** SB0126 (Amended). Chr EHE (Dept). Department of Natural Resources - Land Preservation and Recreation Plans.

**CH0029** SB0131 Sen Middleton, et al. Criminal Procedure - Warrantless Arrests - Theft Crimes.

**CH0030** HB0115 Del Jameson, et al. Criminal Procedure - Warrantless Arrests - Theft Crimes.

**CH0031** SB0141 Chr JPR (Dept). Criminal Procedure - Criminal Justice Information System Central Repository - Reporting Data.

**CH0032** SB0142 Chr EHE (Dept). Secretary of Agriculture - Farm Food Safety.

**CH0033** SB0144 Chr EHE (Dept). Department of Labor, Licensing, and Regulation - Occupational and Professional Licensing - Licensees on Military Deployment.

**CH0034** SB0145 (Amended). Chr EHE (Dept). State Real Estate Commission - Continuing Education - Documentation.

**CH0035** SB0148 (Amended). Chr EHE (Dept). Maryland Agricultural Land Preservation Foundation - Lot Release.

**CH0036** SB0149 (Amended). Chr EHE (Dept). State Government - Maryland Veterans Commission - Membership.

**CH0037** SB0170 Sen Shank, et al. Washington County - Sheriffs and Deputy Sheriffs - Practice of Law.

**CH0038** SB0173 (Amended). Sen Klausmeier, et al. Public School Buildings - Carbon Monoxide Detection and Warning Equipment.

**CH0039** HB0002 (Amended). Del Glenn. Public School Buildings - Carbon Monoxide Detection and Warning Equipment.

**CH0040** SB0174 Sen Klausmeier, et al. Subsequent Injury Fund and Uninsured Employers' Fund - Assessments on Settlement Agreements.

**CH0041** HB0114 Dels Jameson and Minnick. Subsequent Injury Fund and Uninsured Employers' Fund - Assessments on Settlement Agreements.

**CH0042** SB0175 (Amended). Sen Raskin, et al. Crimes - Electronic Communication - Harassment.

**CH0043** HB0008 (Amended). Del Washington. Crimes - Electronic Communication - Harassment.

**CH0044** SB0177 (Amended). Sen Robey, et al. Vehicle Laws - Nonfunctioning Traffic Control Signals - Requirement to Stop.

**CH0045** HB0067 Del S. Robinson, et al. Vehicle Laws - Nonfunctioning Traffic Control Signals - Requirement to Stop.

**CH0046** SB0185 (Amended). Sen Forehand, et al. Motor Vehicles - Child Safety Seats - Requirements.

**CH0047** HB0313 (Amended). Del Stein, et al. Motor Vehicles - Child Safety Seats - Requirements.

**CH0048** SB0226 Chr FIN (Dept). Commissioner of Labor and Industry - Inflatable Amusement Attractions - Inspection.

**CH0049** SB0232 (Amended). Chr FIN (Dept). Elevator Safety Review Board - Licensing.

**CH0050** SB0276 (Amended). Sen Mathias, et al. Drivers' Licenses and Identification Cards - Notation of Veteran Status.

**CH0051** HB0358 (Amended). Del Conway. Drivers' Licenses and Identification Cards - Notation of Veteran Status.

**CH0052** SB0290 Chr FIN (Dept). Financial Institutions - Savings Banks - Conversions.

**CH0053** SB0291 (Amended). Chr FIN (Dept), et al. Unemployment Insurance - Coverage - Victims of Domestic Violence.

**CH0054** SB0300 Sens Young and Brinkley. Frederick County - Public Facilities Bonds.

- CH0055** SB0302 (Amended). Chr FIN (Dept), et al. Financial Institutions - Commissioner of Financial Regulation - Investigative and Enforcement Powers and Regulation of Mortgage Lenders.
- CH0056** SB0303 (Amended). Chr FIN (Dept). Credit Regulation - Debt Management Services - Agreement and Prohibited Acts.
- CH0057** SB0320 Sen Young. Frederick County Board of Education - Membership and Employment.
- CH0058** SB0326 Sen DeGrange. Maryland Consolidated Capital Bond Loan of 2005 - Anne Arundel County - Benson-Hammond House.
- CH0059** SB0327 Sen McFadden. Baltimore City - 45th Legislative District - Liquor Stores - Premises Near Places of Worship or Schools.
- CH0060** HB0012 Del Glenn. Baltimore City - 45th Legislative District - Liquor Stores - Premises Near Places of Worship or Schools.
- CH0061** SB0345 (Amended). Sen Glassman. Harford County - Water and Sewer Authorities - Number of Directors.
- CH0062** SB0353 Sen Forehand. Estates - Small Estate Administration - Eligibility Thresholds.
- CH0063** HB0318 Del Feldman. Estates - Small Estate Administration - Eligibility Thresholds.
- CH0064** SB0357 Sen Jones-Rodwell (Chr Jt Com on Pnsns). State Retirement and Pension System - Medical Board Participation.
- CH0065** SB0374 Sen Mathias. Town of Ocean City - Criminal History Records Check - Taxi Driver Applicants.
- CH0066** SB0379 The Pres (DLS). Annual Corrective Bill.
- CH0067** SB0380 The Pres (DLS). Annual Curative Bill.
- CH0068** SB0396 Sen Forehand. Maryland Uniform Transfers to Minors Act - Orphans' Court.
- CH0069** HB0822 Del Waldstreicher. Maryland Uniform Transfers to Minors Act - Orphans' Court.
- CH0070** SB0409 Sen Jones-Rodwell (BCA), et al. Baltimore City - Police Department - Appointments.
- CH0071** SB0448 Sen Colburn. Talbot County - Alcoholic Beverages - Wineries.
- CH0072** SB0449 Sen Middleton. Electric Service Quality and Reliability Standards - Deadlines.
- CH0073** HB0280 Del Feldman. Electric Service Quality and Reliability Standards - Deadlines.
- CH0074** SB0484 Sen Kelley, et al. Managed Care Organizations - Medical Loss Ratio Information - Publication.
- CH0075** HB0286 (Amended). Del Hubbard, et al. Managed Care Organizations - Medical Loss Ratio Information - Publication.
- CH0076** SB0487 Sens Raskin and Reilly. Vehicle Laws - Salvage - Defective, Lost, or Destroyed Certificates of Title.
- CH0077** HB0435 Del Beidle. Vehicle Laws - Salvage - Defective, Lost, or Destroyed Certificates of Title.
- CH0078** SB0545 (Amended). Chr FIN (Dept). Money Transmitters - Licensing Requirements and Participation in Nationwide Licensing System.
- CH0079** SB0566 (Amended). Sen King, et al. Home Visiting Accountability Act of 2012.
- CH0080** HB0699 (Amended). Del Hixson, et al. Home Visiting Accountability Act of 2012.
- CH0081** SB0585 Sen Edwards. Garrett County - Alcoholic Beverages - Special Class C Beer, Wine and Liquor License.
- CH0082** SB0656 (Amended). Sen Manno, et al. Higher Education - Community Colleges - Tuition Waiver for Disabled Individuals.
- CH0083** HB0053 (Amended). Del Luedtke, et al. Higher Education - Community Colleges - Tuition Waiver for Disabled Individuals.
- CH0084** SB0711 (Enrolled). Sen Forehand. Maryland General and Limited Power of Attorney Act.
- CH0085** HB0774 (Amended). Del Waldstreicher. Maryland General and Limited Power of Attorney Act.
- CH0086** SB0755 Sen Young, et al. Consuming Wine Not Bought on Premises - Restaurants, Clubs, and Hotels.
- CH0087** HB0228 (Amended). Del Feldman, et al. Consuming Wine Not Bought on Premises - Restaurants, Clubs, and Hotels.
- CH0088** SB0763 Sen Benson. Election Law - Payroll Deductions and Member Contributions - Address of Contributor.
- CH0089** HB0694 Del Cardin, et al. Election Law - Payroll Deductions and Member Contributions - Address of Contributor.
- CH0090** SB0769 Sen Edwards. Garrett County - Animal Control Ordinance - Enabling Authority.
- CH0091** SB0816 (Amended). Harford County Senators. Harford County Board of Education - Student Member.
- CH0092** HB0401 (Amended). Del McHale, et al. Baltimore City - Alcoholic Beverages - Refillable Containers.
- CH0093** SB0874 (Enrolled). Sen Ferguson. Baltimore City - Alcoholic Beverages - Refillable Containers.
- CH0094** SB0883 Sen Jones-Rodwell (BCA). Baltimore City - Alcoholic Beverages - Video Lottery Facility and Video Lottery Concessionaire Licenses.
- CH0095** HB0962 Del Anderson (BCA), et al. Baltimore City - Alcoholic Beverages - Video Lottery Facility and Video Lottery Concessionaire Licenses.
- CH0096** HB0058 Del Eckardt, et al. Dorchester County - Alcohol Awareness Program - Certificate of Completion.
- CH0097** HB0061 (Amended). Del Eckardt, et al. Dorchester County - Bay Restoration Fund - Collection of Restoration Fee.
- CH0098** HB0063 Wicomico County Delegation. Wicomico County - Employees - Criminal History Records Checks.
- CH0099** HB0092 (Amended). Dels Simmons and Dumais. Peace and Protective Orders - Shielding - Complete Removal of Information from Public Web Site.
- CH0100** HB0110 (Amended). Del Barkley, et al. Alcoholic Beverages - Criminal History Records Checks - Procedures.
- CH0101** HB0126 (Amended). Del Beidle, et al. Maryland Condominium Act - Right of Entry to Investigate Damage and Make Repairs.
- CH0102** HB0135 Carroll County Delegation. Carroll County - Board of Elections - Membership.
- CH0103** HB0143 Del Beitzel. Garrett County - Salary Study Commission - Membership.
- CH0104** HB0150 Allegany County Delegation. Allegany County - Solicitation of Money or Donations from Occupants of Vehicles - Prohibitions and Permit Program.
- CH0105** HB0171 (Amended). St. Mary's County Delegation. St. Mary's County and Dorchester County - Winery Special Event Permits - Farmers' Markets.
- CH0106** HB0173 Dels Cardin and George. Election Law - Voter Registration Agencies - Electronic Signatures.
- CH0107** HB0197 Chr JUD (Dept). Department of Public Safety and Correctional Services - Representation on Boards, Commissions, and Councils.
- CH0108** HB0198 Chr JUD (Dept). Correctional Services - Delegation of the Secretary's Authority.
- CH0109** HB0205 Har Co Deleg, et al. Harford County - Alcoholic Beverages - Wine Festival License.
- CH0110** HB0210 (Amended). St. Mary's County Delegation. St. Mary's County - School Buses - Length of Operation.
- CH0111** HB0214 (Amended). Harford County Delegation. Harford County - Harford Community College - Authority to Incur Debt.
- CH0112** HB0216 Washington County Delegation. Washington County - Distribution of Amounts to Town of Williamsport - Payments in Lieu of Property Taxes on Electricity Generation Facilities.
- CH0113** HB0222 Del Beitzel. Garrett County - Alcoholic Beverages - Nudity and Sexual Displays - License Revocation.

THE GENERAL ASSEMBLY

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**CH0114** HB0248 Har Co Deleg, et al. Harford County - Alcoholic Beverages Licenses - Class C-3 Club License.

**CH0115** HB0258 (Amended). Del Haddaway-Riccio. Renewable Energy Portfolio Standard - Sale or Transfer of Solar Renewable Energy Credits - Minimum Required Term.

**CH0116** HB0264 Chr JUD (Dept). State Council on Child Abuse and Neglect - Transfer to Department of Human Resources.

**CH0117** HB0271 Chr ENV (Dept). Housing and Community Development - Disaster Relief Housing Program.

**CH0118** HB0288 (Amended). Del Hubbard. Baby Boomer Initiative Council.

**CH0119** HB0293 Chr ECM (Dept). Worker's Compensation - Uninsured Employers' Fund.

**CH0120** HB0301 (Amended). Chr ECM (Dept). Insurance Fraud - Applications for Insurance and Claim Forms - Required Disclosure Statement.

**CH0121** HB0353 (Amended). Dels Holmes and Glenn. Jury Service - Employers - Prohibited Acts.

**CH0122** HB0368 (Amended). Del Norman, et al. Business Occupations and Professions - State Board of Plumbing - Membership.

**CH0123** HB0404 (Amended). Del Kaiser, et al. Higher Education - Edward T. Conroy Memorial Scholarship Program - Eligibility.

**CH0124** HB0431 Del Hogan. Vehicle Laws - Use of School Bus Monitoring Cameras.

**CH0125** HB0504 Del Beitzel. Garrett County - Alcoholic Beverages - Class B Beer Licenses.

**CH0126** HB0544 Del Malone. Vehicle Laws - Motor Carriers - Application of Federal Safety Regulations.

**CH0127** HB0590 Chr W&M (Dept). Horse Racing - Maryland Standardbred Race Fund Advisory Committee - Registration of Horses.

**CH0128** HB0592 Chr W&M (Dept). Tax Credit for Businesses That Create New Jobs - Enhanced Credit - Extension.

**CH0129** HB0594 Del McIntosh, et al. Department of Natural Resources - Pamela J. Kelly Tree-Mendous Maryland Program.

**CH0130** HB0597 (Enrolled). Chr W&M (Dept). Horse Racing - Mile Thoroughbred Racetracks - Payment of Taxes and Impact Aid and Arabian Breed Racing Authorization.

**CH0131** HB0618 (Amended). Del Simmons, et al. Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

**CH0132** HB0687 Montgomery County Delegation. Montgomery County - Alcoholic Beverages License - Rock Spring Centre MC 2-12.

**CH0133** HB0690 Montgomery County Delegation. Damascus - Class H Beer and Light Wine Licenses - Repeal of Prohibition MC 6-12.

**CH0134** HB0691 Montgomery County Delegation. Montgomery County - Alcoholic Beverages - Special Art Gallery Beer and Wine License MC 18-12.

**CH0135** HB0726 Montgomery County Delegation. Montgomery County - Property Tax Credit - Benefit Corporations and Benefit Limited Liability Companies MC 13-12.

**CH0136** HB0813 (Amended). Prince George's County Delegation. Prince George's County - Hyattsville - Arts and Entertainment District - Licensed Alcoholic Beverages Establishments - Distance from Places of Worship PG 308-12.

**CH0137** HB0817 (Amended). Prince George's County Delegation. Prince George's County - Alcoholic Beverages - Entertainment Permit - Exemptions and Revisions PG 307-12.

**CH0138** HB0858 (Amended). Del Gilchrist. Land Use - Local Historic District Commissions and Historic Preservation Commissions - Alternate Members.

**CH0139** HB0889 PG Co Deleg and Mont Co Deleg. Washington Suburban Sanitary Commission - Human Resources PG/MC 103-12.

**CH0140** HB0890 PG Co Deleg and Mont Co Deleg. Washington Suburban Sanitary Commission - Pipeline Construction - Contracts PG/MC 104-12.

**CH0141** HB0923 (Amended). Del Lafferty, et al. Property Tax Credit - Neighborhood Conservation Act of 2012.

**CH0142** HB1160 (Amended). Charles County Delegation. Family Law - Interim and Temporary Peace and Protective Orders - Duration.

**CH0143** HB1268 Del Barnes, et al. Business Occupations and Professions - Plumbers - Lead-Free Materials.

**CH0144** HB1391 (Amended). Del Conway, et al. Public School Construction Program - Maryland School for the Blind.

**CH0145** HB1431 Del O'Donnell, et al. Calvert, Charles, and St. Mary's Counties - Turkey Hunting on Private Property - Sundays.

[12-09-29]

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

#### Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, May 18, 2012, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting.

For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[12-09-25]

## COURT OF SPECIAL APPEALS

### SCHEDULE FOR JUNE 1, 4, 5, 6, 7, 8, 11, 12, 18, 19, 20, 2012

#### Friday, June 1, 2012

##### Courtroom No. 1

- No. 00375/11 Ronnetta Craig vs. Sinai Hospital et al.  
No. 00397/11 Gail B. Litz vs. Maryland Department of the Environment et al.  
No. 00499/11 Tim S. Meese vs. Megan S. Meese  
No. 00431/11 Cemaphore Systems, Inc. et al. vs. John Liccione  
No. 00075/11 Amy Thomas-Solomon vs. Prince George's County Personnel Board

##### Courtroom No. 2

- No. 02068/10 Dennot Ashley Joseph vs. State of Maryland  
No. 00530/11 Daniel J. Boehler vs. Cheryl Boehler  
No. 00062/11 Pines Point Marina Condominium vs. Topper Industries Inc. et al.  
No. 00848/11 Lekeia Denee Atkinson vs. Robert L. Pottier  
No. 00593/11 Frederick Memorial Hospital vs. Maureen Distefano

#### Monday, June 4, 2012

##### Courtroom No. 1

- No. 00043/11 Premium of America, LLC vs. William C. Sanchez, M.D. et al.  
No. 00960/11\* Victoria Gillespie vs. David Gillespie\*\*  
No. 02153/11\* Victoria Gillespie vs. David Gillespie\*\*  
No. 01419/11 Keith Alan Hanson, Sr. vs. State of Maryland  
No. 00098/11 Marshall Thompkins et ux. vs. Mortgage Lenders Network USA, Inc. et al.  
No. 00639/11 Robert W. Michaud, III vs. State of Maryland

\*8-207(a)

\*\*Consolidated Cases

##### Courtroom No. 2

- No. 01971/11\* Melissa L. Howell vs. Brenda S. Kelley  
No. 00758/11 Gregory Alan Galasso, Jr. vs. State of Maryland  
No. 02655/10 Noel Tshiani vs. Marie-Louise Tshiani  
No. 00697/11 WFHI, LLC. vs. Brian Lockhart et al.  
No. 00601/11 Michael, L.L.C. vs. 8204 Associates Limited Liability Company et al.

\*8-207(a)

#### Tuesday, June 05, 2012

##### Courtroom No. 1

- No. 01401/11 Robert Calvin Valentine vs. State of Maryland  
No. 00316/11 Bertha N. Mforsong vs. Board of Education for Prince George's County  
No. 00297/11 Ardeshir Vedadi vs. Bregman, Berbert, Schwartz and Gilday, LLC  
No. 00330/11 Marco A. Saenz vs. Saxon Mortgage Services Inc.  
No. 00376/11 Martin McLaughlin vs. Gill Simpson Electric et al.

##### Courtroom No. 2

- No. 01947/11\* Lisa G. Stafford vs. Timothy L. Stafford, Sr.  
No. 02552/10 Aberdeen Proving Ground Federal Credit Union vs. Billy G. Hunt, Sr. et ux.  
No. 00082/11 Donald Williams vs. Prince George's County Police Department  
No. 00084/11 Kwasi A. Debra, et al. vs. Enterprise Office Park, Inc. et al.  
No. 00900/11 Exelon Generation Company, LLC et al. vs. C. A. Murren & Sons Company, Inc.

\*8-207(a)

#### Wednesday, June 06, 2012

##### Courtroom No. 1

- No. 01617/11\* Janet Kalman vs. Joseph Fuste  
No. 00400/11 Falls Road Community Association et al. vs. Maryvale Preparatory School  
No. 01400/11 Financial Casualty Insurance Company vs. State of Maryland  
No. 00498/11 Tonia Jones-Anderson vs. Mehtap A. Aygun et al.  
No. 00559/11 Harry Pitt vs. Conn O'Neill  
No. 00707/11 James Carr vs. State of Maryland

\*8-207(a)

##### Courtroom No. 2

- No. 00092/11 Michael P. Corbin et ux. vs. John Burson, Substitute Trustee et al.  
No. 00349/11 Charles Smalley vs. Barclays Capital Real Estate Inc. et al.  
No. 01159/11 TJ Sharocko Jackson vs. State of Maryland  
No. 00303/11 Lydia Hagos vs. John S. Burson et al., Substitute Trustees  
No. 00818/11 Mehrnaz Naini vs. Siros Arefi

**Thursday, June 07, 2012**

Courtroom No. 1

- No. 00769/11 Washington Metropolitan Area Transit Authority vs. Robert M. Washington
- No. 02270/11\* In Re: Adoption/Guardianship of Hilliard S.
- No. 02942/10 George Charles Reaver vs. Kimberly A. Reaver
- No. 00263/11 David Sines vs. Virgil A. Trenum
- No. 00340/11 Corey Woodhams et al. vs. Linda Paige et al.

\*8-207(a)

Courtroom No. 2

- No. 00391/11 John K. Floyd vs. Gilliland Construction Services et al.
- No. 01444/11 Bashawn Montgomery Ray vs. State of Maryland
- No. 01063/11 Bashawn Moneak Montgomery vs. State of Maryland
- No. 02986/10 Hollis Hay vs. Bryan James
- No. 00987/11 Charles Wesley Cox vs. David N. Prensky, Esq. Substitute Trustee et al.

**Friday, June 08, 2012**

Courtroom No. 1

- No. 02974/10 Mahdi Shabazz vs. State of Maryland
- No. 00548/11 Russell R. Schaffer vs. Subsequent Injury Fund et al.
- No. 00555/11 Shanell Butler vs. Maryland State Police
- No. 00595/11 Vicki Muhammad etc. et al. vs. Petrello Cabbagestalk et al.
- No. 00678/11 Montgomery County Office of Child Support Enforcement ex rel. Carlos Palomera-Valdez vs. Algeris Arias

Courtroom No. 2

- No. 00210/11 Green Valley Estates, LLC. vs. Capital One, N.A.
- No. 02073/11\* Siata Diarrassouba vs. Alhanif Abdur-Rashid
- No. 00414/11 Albert J. Bierman, Sr. et al. vs. Warren Robert Bierman
- No. 00018/11 Muriel Peters vs. Early Healthcare Giver, Inc.
- No. 00206/11 Ronald R. Payne, Jr. vs. Hector Perete et al.

\*8-207(a)

**Monday, June 11, 2012**

Courtroom No. 1

- No. 00786/11 Shelia Murphy, Personal Representative of the Estate of Dorothy Mae Urban vs. Jeremy Fishman, Esq. et al.
- No. 02632/10 Daisy Couloote Phillip vs. Veracity Title LLC, et al.
- No. 00831/11 Arthur J. Belton vs. Charlene Belton
- No. 00382/11 Tedditashae Payton vs. Wells Fargo Bank, N.A. et al.
- No. 02625/10 Sampson Sarpong vs. Howard University

**Tuesday, June 12, 2012**

Courtroom No. 1

- No. 00803/11 Luther M. Randall et al. vs. PNC Bank, NA
- No. 01171/11 Tim Arth vs. David Zammit
- No. 01212/11\* Heather Thomeczek f/k/a Heather Wooldridge vs. Christopher Coquia
- No. 02299/11\* In Re: Adoption/Guardianship of Jayden G.
- No. 03032/10 Peggy Lilly vs. The Wackenhut Corporation

\*8-207(a)

**Monday, June 18, 2012**

All cases submitted on brief

Courtroom No. 1

- No. 01302/10 Lubna N. Khan vs. Zubair Arif Khan Niazi
- No. 01037/10 Angela M. Kalender n/k/a Angela Mala Seymour vs. Burcin M. Kalender
- No. 01105/11 James Armstead vs. State of Maryland
- No. 01112/11 Reginald Carter vs. State of Maryland
- No. 01132/11 Donald R. Pevia, Jr. vs. State of Maryland
- No. 01144/11 Bobby Rydell Lloyd, II vs. State of Maryland
- No. 01149/11 Dale Thomas Ryles, Jr. vs. State of Maryland
- No. 01150/11 Michael Bowser vs. State of Maryland
- No. 01156/11 Charles Howard Thompson vs. State of Maryland
- No. 01173/11 Carlton Everette Joyner vs. State of Maryland
- No. 01183/11 William Raymond Aschmeller vs. State of Maryland

Courtroom No. 2

- No. 00385/11 Nathan O. Strong vs. Comptroller of Maryland et al.
- No. 00860/11 Jeffrey Woerner vs. State of Maryland
- No. 00864/11 Alvondo Allender vs. State of Maryland
- No. 01098/11 Michael A. McNeil vs. Sarah P. McNeil\*\*
- No. 01991/11\* Michael A. McNeil vs. Sarah P. McNeil\*\*
- No. 00881/11 Monica Michelle McLaughlin vs. State of Maryland
- No. 00476/11 Todd D. Watters vs. State of Maryland
- No. 02226/10 John Americo Giorgilli vs. State of Maryland
- No. 00627/11 Willondon Pettiford vs. State of Maryland
- No. 00629/11 Philip Anthony Eldridge vs. State of Maryland
- No. 00694/11 Anita Jones vs. State of Maryland
- No. 00703/11 Milton Randall vs. State of Maryland
- No. 00843/11 Gregory Scott Mattoon vs. State of Maryland

\*8-207(a)

\*\*Consolidated Cases

**Tuesday, June 19, 2012**

All cases submitted on brief

Courtroom No. 1

- No. 01165/11 Jerry J. Mathis vs. State of Maryland
- No. 02801/10 Brett Evans vs. State of Maryland
- No. 02955/10 Daquan Watts vs. State of Maryland
- No. 02300/11\* In Re: Elijah G.
- No. 02985/10 Ronald Brittingham vs. State of Maryland
- No. 00100/11 Antonio Lenzey Walker-Bey vs. State of Maryland
- No. 02619/10 Ronald Lawton Neal vs. State of Maryland
- No. 00437/11 Jonathan Walter Coates vs. State of Maryland
- No. 00446/11 Victor Hickman vs. State of Maryland

\*8-207(a)

Courtroom No. 2

- No. 00946/11 Davon Tarelle Fletcher vs. State of Maryland
- No. 00501/11 Terren L. Curtis vs. Norbert P. Abell et ux.
- No. 01447/11 James Ray, Jr. vs. State of Maryland
- No. 00948/11 Roland Jones vs. State of Maryland
- No. 00971/11 Herbert Hayes vs. State of Maryland
- No. 01076/11 Pamela Ball vs. John S. Burson et al., Substitute Trustees
- No. 00459/11 Kenneth Perry vs. State of Maryland
- No. 01591/11\* In Re: Michael G., Renee G., and Guinnivere S.
- No. 00865/11 Richard Warren Anderson vs. State of Maryland\*\*
- No. 00866/11 Abdul Brown vs. State of Maryland\*\*
- No. 00915/11 Kevin Morris vs. State of Maryland



No. 00927/11 Akeem Salim vs. State of Maryland  
 No. 00934/11 William Coffee vs. State of Maryland  
 No. 00941/11 Darrell C. Williams vs. State of Maryland

\*8-207(a)

\*\*Consolidated Cases

**Wednesday, June 20, 2012**

All cases submitted on brief

Courtroom No. 1

No. 01885/10 Raju Varghese et ux. vs. Griffmore Group, LLC  
 et al.  
 No. 01439/11 Edward Charles Schmitt vs. State of Maryland  
 No. 01465/11 Edward Leon Wilson vs. State of Maryland  
 No. 01194/11 Dominac Cook vs. State of Maryland  
 No. 01199/11 Benjamin Herbert vs. State of Maryland  
 No. 01469/11 Lloyd Chapman vs. State of Maryland  
 No. 01652/11\* David A. Rothwell vs. Andrea C. Straw  
 No. 01241/11 Faydra Commodore vs. State of Maryland  
 No. 01259/11 Debra Leigh Vendetti vs. State of Maryland  
 No. 01351/11 Denorrhise Glover vs. State of Maryland  
 No. 01360/11 Adrian Outten vs. State of Maryland  
 No. 01381/11 Bradrick T. Greene vs. State of Maryland

\*8-207 (a)

Courtroom No. 2

No. 01024/11 Thomas C. Trexler et al. vs. Securities  
 Commissioner of Maryland  
 No. 00850/11 Joseph Johnson, Jr. vs. Sallie Mae, Inc. d/b/a Sallie  
 Mae Guarantee Services  
 No. 00977/11 Robert Battle vs. State of Maryland  
 No. 02603/10 Lonnie Donnell Johnson vs. State of Maryland  
 No. 00863/11 Alexander Dykes vs. State of Maryland  
 No. 00622/11 James Harrison vs. State of Maryland  
 No. 01770/11 Brian Hall vs. State of Maryland  
 No. 01340/09 Juvon Curtis Harris vs. State of Maryland  
 No. 02223/10 Kent Aubrey Brummell vs. State of Maryland  
 No. 02622/10 Kathleen T. Bailey vs. Kent N. Oliver

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 June, 2012, the Court will recess until July, 2012.

LESLIE D. GRADET  
 Clerk

**ADMINISTRATIVE ORDER**

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of June 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 June, 2012

Chief Judge's signature appears on  
 original Administrative Order

Dated: April 20, 2012

[12-09-34]

# 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 09

# DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 10 RACING COMMISSION

### 09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

#### Notice of Emergency Action

[12-105-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulation **.88** under **COMAR 09.10.01 Thoroughbred Rules**.

**Emergency status began: April 6, 2012.**

**Emergency status expires: August 30, 2012.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 617—618 of this issue, referenced as [12-105-P].

J. MICHAEL HOPKINS  
Executive Director

# 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 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

### Subtitle 08 HOME IMPROVEMENT COMMISSION

#### 09.08.06 Civil Citations

Authority: Business Regulation Article, §§8-207(a) and 8-620 (c)(1),  
Annotated Code of Maryland

#### Notice of Final Action

[11-374-F]

On April 5, 2012, the Maryland Home Improvement Commission adopted new Regulations .01 and .02 under a new chapter, **COMAR 09.08.06 Civil Citations**. This action, which was proposed for adoption in 38:26 Md. R. 1717—1719 (December 16, 2011), has been adopted as proposed.

**Effective Date: May 14, 2012.**

JOHN BORZ  
Chairman

Maryland Home Improvement Commission

### Subtitle 10 RACING COMMISSION

#### 09.10.01 Thoroughbred Rules

Authority: Business Regulation Article, §11-210, Annotated Code of  
Maryland

#### Notice of Final Action

[12-055-F]

On April 17, 2012, the Maryland Racing Commission adopted amendments to Regulation .28 under **COMAR 09.10.01 Thoroughbred Rules**. This action, which was proposed for adoption in 39:2 Md. R. 149 (January 27, 2012), has been adopted as proposed.

**Effective Date: May 14, 2012.**

J. MICHAEL HOPKINS  
Executive Director  
Maryland Racing Commission

## Subtitle 24 BOARD OF PUBLIC ACCOUNTANCY

### 09.24.01 General Regulations

Authority: Business Occupations and Professions Article, §§2-207, 2-209, 2-304, 2-307, 2-309, 2-311, 2-313, and 2-416, Annotated Code of Maryland

#### Notice of Final Action

[12-049-F]

On April 3, 2012, the Board of Public Accountancy adopted amendments to Regulation .09 under **COMAR 09.24.01 General Regulations**. This action, which was proposed for adoption in 39:2 Md. R. 154—155 (January 27, 2012), has been adopted as proposed.

**Effective Date: June 1, 2012.**

THOMAS J. MURPHY  
Chairman  
Board of Public Accountancy

## Subtitle 24 BOARD OF PUBLIC ACCOUNTANCY

### 09.24.01 General Regulations

Authority: Business Occupations and Professions Article, §§2-102 and 2-207,  
Annotated Code of Maryland

#### Notice of Final Action

[12-046-F]

On April 3, 2012, the Board of Public Accountancy adopted new Regulation .10 under **COMAR 09.24.01 General Regulations**. This action, which was proposed for adoption in 39:2 Md. R. 155—156 (January 27, 2012), has been adopted as proposed.

**Effective Date: June 1, 2012.**

THOMAS J. MURPHY  
Chairman  
Board of Public Accountancy

**Title 10**  
**DEPARTMENT OF HEALTH**  
**AND MENTAL HYGIENE**  
**Subtitle 37 HEALTH SERVICES COST**  
**REVIEW COMMISSION**

**10.37.10 Rate Application and Approval Procedures**

Authority: Health-General Article, §§19-201, 19-207 and 19-211, Annotated Code of Maryland

**Notice of Final Action**

[12-058-F]

On April 11, 2011, the Health Services Cost Review Commission adopted amendments to Regulation **.07-1** under **COMAR 10.37.10 Rate Application and Approval Procedures**. This action, which was proposed for adoption in 39:2 Md. R. 189—190 (January 27, 2012), has been adopted as proposed

**Effective Date: May 14, 2012.**

JOHN M. COLMERS  
 Chairman  
 Health Services Cost Review Commission

**Title 34**  
**DEPARTMENT OF**  
**PLANNING**

**Subtitle 04 HISTORICAL AND**  
**CULTURAL PROGRAMS**

**34.04.09 Maryland Historical Trust African American Heritage Preservation Grant Program**

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-330, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

**Notice of Final Action**

[11-338-F]

On April 19, 2012, the Maryland Department of Planning adopted amendments to Regulation **.08** under **COMAR 34.04.09 Maryland Historical Trust African American Heritage Preservation Grant Program** to remove the requirement that a historic preservation easement be conveyed on properties that are eligible for listing in the Maryland Register of Historic Properties only as contributing properties in historic districts. This action, which was proposed for adoption in 38:25 Md. R. 1669 — 1670 (December 2, 2011), has been adopted as proposed.

**Effective Date: May 14, 2012.**

RICHARD E. HALL  
 Secretary of Planning

# Withdrawal of Regulations

## Title 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitle 09 MEDICAL CARE PROGRAMS

##### 10.09.04 Home Health Services

Authority: Health-General Article, §2-104(b), 15-103, and 15-105, Annotated Code of Maryland

##### Notice of Withdrawal

[11-121-W]

Pursuant to State Government Article, §10-116(b), Annotated Code of Maryland, notice is given that the proposal to amend Regulations .01 and .03 under **COMAR 10.09.04 Home Health Services**, which was published in 38:9 Md. R. 555—556 (April 22, 2011), has been withdrawn by operation of law.

BRIAN MORRIS  
Acting Administrator  
Division of State Documents

# 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 02 SOCIAL SERVICES ADMINISTRATION

### 07.02.15 Social Services to Adults

Authority: Human Services Article, §§4-205(a), 4-207, 5-205(a), and 5-207,  
Annotated Code of Maryland

#### Notice of Proposed Action

[12-108-P]

The Secretary of Human Resources proposes to amend Regulation  
**.03** under **COMAR 07.02.15 Social Services to Adults**.

#### Statement of Purpose

The purpose of this action is to rectify language currently in regulation that refers to a chart for all levels of income. Regulation language does not include reference of the 80 percent median income requirement in determining eligibility for case management services.

#### 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 an impact on individuals with disabilities as follows:

This program provides ongoing case management services to individuals with disabilities within their own home and community as part of a community support system.

## Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St, 2nd floor, Baltimore, MD 21201, or call 410-767-7193, or email to regulations@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

### .03 Eligibility.

A. An adult is eligible for Social Services to Adults if the adult:

(1) (text unchanged)

(2) [Has an income within the limitations described in COMAR 07.02.04.08 and has liquid assets within the limits described in §C of this regulation.] *Has income that does not exceed 80 percent of the State Median Income based on individual family size as described in COMAR 07.02.04.08 and has liquid assets within the limits described in §C of this regulation.* The following criteria apply:

(a)—(b) (text unchanged)

(3)—(4) (text unchanged)

A-1.—D. (text unchanged)

THEODORE DALLAS  
Secretary of Human Resources

# Title 08 DEPARTMENT OF NATURAL RESOURCES

## Subtitle 02 FISHERIES SERVICE

### 08.02.05 Fish

Authority: Natural Resources Article, §4-2A-03, Annotated Code of Maryland

#### Notice of Proposed Action

[12-104-P]

The Secretary of Natural Resources proposes to repeal existing Regulation .14 and adopt new Regulation .14 under **COMAR 08.02.05 Fish**.

#### Statement of Purpose

The purpose of this action is to comply with the Atlantic States Marine Fisheries Commission (ASMFC) Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot, and Spotted Seatrout. Spanish mackerel, *Scomberomorus maculatus*, support significant recreational and commercial fisheries in South Atlantic waters and are gaining importance in the Mid-Atlantic. Spanish mackerel is one of several species that the ASMFC manages cooperatively with the South Atlantic Fishery Management Council. Spanish mackerel are managed under Amendment I (2011) to the Spanish mackerel Fishery Management Plan (1990).

The primary purpose of managing the Spanish mackerel stock is to ensure that the resource can be utilized throughout its range by current and future generations of the fishing and nonfishing public. An additional purpose is to foster compatible management among the states that harvest these resources, and in the case of Spanish mackerel, between the states and the federal government.

Specifically, the proposed action requires Spanish mackerel harvested recreationally to be landed with both the head and fins intact and creates a trip limit of 3,500 pounds per vessel per day, whichever is longer, for the commercial fishery. The proposed action also updates the format of the regulation and updates the public notice provision to include the reasons for making changes to the fishery by public notice.

#### 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 Spanish Mackerel Regulations, Regulatory Staff, Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

#### **.14 Spanish Mackerel.**

##### *A. Recreational Fishery.*

(1) *Minimum Size.* An individual may not catch or possess a Spanish mackerel less than 14 inches total length.

(2) *Catch Limit.* An individual may not catch or possess more than 15 Spanish mackerel per day.

(3) *Season.* The recreational season for catching Spanish mackerel is January 1 through December 31.

(4) All Spanish mackerel harvested by a recreational angler shall be landed with the heads and fins attached naturally.

##### *B. Commercial Fishery.*

(1) *Minimum Size.* An individual licensed to catch fish for commercial purposes may not catch or possess a Spanish mackerel less than 14 inches total length.

(2) *Catch Limit.* No more than 3,500 pounds of Spanish mackerel may be landed per vessel per day or trip, whichever is longer, regardless of the number of licensees on board the vessel.

(3) *Season.* The commercial season for catching Spanish mackerel is March 1 through the last day of February.

##### *C. General.*

(1) The Secretary may modify catch limits or size limits or open or close a season as required by the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Spanish Mackerel by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date.

(2) The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

JOHN R. GRIFFIN  
Secretary of Natural Resources

## Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

### 08.18.19 Patapsco River

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

#### Notice of Proposed Action

[12-100-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.18.19 Patapsco River**. This action was considered at the Maryland Boat Act Advisory Committee public comment meeting that was held October 6, 2011.

#### Statement of Purpose

The purpose of this action is to ensure safe boating on the waterway.

#### 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 Michael Grant, Regulations Coordinator, Department of Natural Resources — Boating Services, 580 Taylor Avenue, E-4, Annapolis, Maryland 21401, or call 410-260-8013, or email to mgrant@dnr.state.md.us, or fax to 410-260-

8453. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**.03 Patapsco River South Shore.**

- A.—B. (text unchanged)
- C. Rock Creek.

(1) Lower Rock Creek encompasses all of the waters of Rock Creek [beginning at a point at or near the shore at the south side of the entrance, defined by Lat. 39°09.297'N., Long. 76°30.027'W.; then running approximately 329° True to a point at or near the shore at the N. side of the entrance, defined by Lat. 39°09.465'N., Long. 76°30.157'W.; then running upstream to a line beginning at a point at or near the shore at the N. entrance of Wall Cove, defined by Lat. 39°09.257'N., Long. 76°30.057'W.; then running approximately 185° True to a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W.; then running approximately 285° True to a point at or near the shore at Water Oak Point, defined by Lat. 39°09.131'N., Long. 76°30.543'W.; then running approximately 332° True to a point at or near the shore at the N. side of Rock Creek, defined by Lat. 39°09.240'N., Long. 76°30.618'W.] *south of a line beginning at a point at or near Lat. 39° 9.297' N., Long. 76° 30.027' W., then running 329° (True) to a point, at or near Lat. 39° 9.465' N., Long. 76° 30.157' W., and north of a line beginning at a point, at or near Lat. 39° 9.257' N., Long. 76° 30.050' W., then running 224° (True) to a point, at or near Lat. 39° 9.098' N., Long. 76° 30.246' W., then running 279° (True) to a point, at or near Lat. 39° 9.132' N., Long. 76° 30.533' W., then running 329° (True) to a point, at or near Lat. 39° 9.240' N., Long. 76° 30.618' W.* This area has a 6-knot [(6.9 miles per hour)] speed limit Saturdays, Sundays, and State holidays during the boating season [which is April 15 through October 15].

(2) Upper Rock Creek encompasses all of the waters of Rock Creek[, including Tar Cove, upstream of a line beginning at a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W.; then running approximately 285° True to a point at or near the shore at Water Oak Point, defined by Lat. 39°09.131' N., Long. 76°30.543'W.; then running approximately 332° True to a point at or near the shore at the N. side of Rock Creek, defined by Lat. 39°09.240' N., Long. 76°30.618'W.] *upstream of a line beginning at a point at or near Lat. 39° 9.132' N., Long. 76° 30.533' W., then running 329° (True) to a point, at or near Lat. 39° 9.240' N., Long. 76° 30.618' W.* This area has a 6-knot [(6.9 miles per hour)] speed limit at all times during the boating season [which is April 15 through October 15].

(3) Wall Cove *and Tar Cove* encompasses the area [upstream of a line beginning at a point at or near the shore at the N. entrance of Wall Cove, defined by Lat. 39°09.257'N., Long. 76°30.057'W.; then running approximately 185° True to a point at or near the south entrance of Wall Cove, defined by Lat. 39°09.036'N., Long. 76°30.082'W.] *south of a line beginning at a point at or near Lat. 39° 9.257' N., Long. 76° 30.050' W., then running 224° (True) to a point, at or near Lat. 39° 9.098' N., Long. 76° 30.246' W., then running 279° (True) to a point, at or near Lat. 39° 9.132' N., Long. 76° 30.533' W.* This area has a 6-knot [(6.9 miles per hour)] speed limit at all times during the boating season [which is April 15 through October 15].

- D. — F. (text unchanged)

JOHN R. GRIFFIN  
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS**

**08.18.21 Potomac River**

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

**Notice of Proposed Action**

[12-101-P]

The Secretary of Natural Resources proposes to amend Regulations .02 and .03 under COMAR 08.18.21 Potomac River. This action was considered at the Maryland Boat Act Advisory Committee public comment meeting that was held October 6, 2011.

**Statement of Purpose**

The purpose of this action is to ensure safe boating on the waterway.

**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 Michael Grant, Regulations Coordinator, Department of Natural Resources — Boating Services, 580 Taylor Avenue, E-4, Annapolis, Maryland 21401, or call 410-260-8013, or email to mgrant@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**.02 Upper Potomac River.**

- A. (text unchanged)

B. Fish and Game Club Area. The Fish and Game Club area encompasses the area [beginning at a point 150 feet upriver from the Potomac Fish and Game Club boat launching ramp, running to a point 150 feet downriver from the ramp, and extending from the shore 250 feet into the river.] *northeast of a line beginning at a point on shore, at or near Lat. 39°33.104'N., Long. 77°52.965' W., then running 214° (True) to a point, at or near Lat. 39° 33.066' N., Long. 77° 52.998' W., then running 123° (True) to a point, at or near Lat. 39° 32.696' N., Long. 77°52.256' W., then running 45° (True) to a point on shore, at or near Lat. 39°32.728' N., Long. 77° 52.215' W.* This area has a 6-knot [(6.9 MPH)] speed limit all year.

- C. — J. (text unchanged)

**.03 Potomac River North Shore.**

- A. — I. (text unchanged)

J. *Mallows Bay* encompasses the area east of a line beginning at a point at or near Lat. 38° 27.822'N., Long. 77° 16.252' W., then running 352° (True) to a point, at or near Lat. 38°28.883'N., Long. 77° 16.447'W., and running to the head of the bay, including the inner basin. This area has a 6-knot speed limit all year.

JOHN R. GRIFFIN  
Secretary of Natural Resources



**Title 09**  
**DEPARTMENT OF LABOR,**  
**LICENSING, AND**  
**REGULATION**

**Subtitle 10 RACING COMMISSION**

**09.10.01 Thoroughbred Rules**

Authority: Business Regulation Article, §11-210, Annotated Code of Maryland

**Notice of Proposed Action**

[12-105-P]

The Maryland Racing Commission proposes to adopt new regulation .88 under **COMAR 09.10.01 Thoroughbred Rules**. This action was considered by the Maryland Racing Commission at a public meeting held on March 20, 2012, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to permit a type of wager that would provide the entire net pari-mutuel pool for a particular day plus any carryover from a previous pool to a person who selects the winner of five separate races and who is the only person who holds the winning ticket for that particular day. The proposed action also provides for the distribution to holders of a ticket who select the most winners for that day as well as a provision for a mandatory payout of the entire net pool plus any carry over.

**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 J. Michael Hopkins, Executive Director, Maryland Racing Commission, 300 East Towsontown Boulevard, Towson, MD 21286, or call 410-296-9682, or email to mhopkins@dllr.state.md.us, or fax to 410-296-9687. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Racing Commission during a public meeting to be held on July 17, 2012, at 12:30 p.m., at Laurel Park, Maryland.

**.88 Pick (n) Jackpot.**

A. *The Pick (n) Jackpot is a type of bet encompassing five or more races, the exact number of races being determined by the number substituted for (n), where, unless otherwise provided, only one, unique ticket holder designates the official winners in each of the Pick (n) Jackpot races.*

B. *Except as provided in §G of this regulation, the net pari-mutuel pool for the Pick (n) Jackpot bet that day, together with any*

*carryover from previous pools of the same type of bet, shall be distributed to the holder of the one, unique pari-mutuel ticket which correctly designates the official winners in each of the Pick (n) Jackpot races for that day.*

C. *In the event there is more than one pari-mutuel ticket which correctly designates the official winners in each of the Pick (n) Jackpot races for that day, the net pari-mutuel pool for the Pick (n) Jackpot bets that day shall be distributed:*

(1) *60 percent, equally, to the holders of pari-mutuel tickets which correctly designate the official winners in each of the Pick (n) Jackpot races for that day; and*

(2) *40 percent to the Pick (n) Jackpot carryover pool.*

D. *In the event there is no pari-mutuel ticket which correctly designates the official winners in each of the Pick (n) Jackpot races for that day, the net pari-mutuel pool for the Pick (n) Jackpot bets that day shall be distributed:*

(1) *60 percent, equally, to the holders of pari-mutuel tickets which correctly designate the most official winners in each of the Pick (n) Jackpot races for that day; and*

(2) *40 percent to the Pick (n) Jackpot carryover pool.*

E. *If one or more of the races scheduled as part of the Pick (n) Jackpot bet, but less than 50 percent of the races scheduled as part of this bet, are cancelled or declared a "no contest":*

(1) *The net pari-mutuel pool for the Pick (n) Jackpot bets that day shall be distributed, equally, to the holders of pari-mutuel tickets which correctly designate the most official winners in the races that were run; and*

(2) *There shall be no carryover from that net pool.*

F. *A Pick (n) Jackpot bet shall be refunded if:*

(1) *For any reason, 50 percent or more of the races scheduled as a part of this bet are cancelled or declared a "no contest";*

(2) *Two or more races comprising the Pick (n) Jackpot betting for that day are moved from the turf to the main track after the close wagering for the Pick (n) Jackpot; or*

(3) *No bet selects any winner in the Pick (n) Jackpot races.*

G. *Mandatory Distribution.*

(1) *The Pick (n) Jackpot carryover pool may be designated for mandatory distribution on a specified date:*

(a) *If it is the closing day of the race meet;*

(b) *If the association declares its intention to do so at least 72 hours before the opening of Pick (n) Jackpot wagering for which there is to be a mandatory distribution; or*

(c) *Upon such other condition the Commission may approve.*

(2) *If the Pick (n) Jackpot carryover pool is designated for a mandatory distribution on a specified date and, on that date, there is no unique winning ticket holder under §B of this regulation, then the following precedence shall be followed in determining winning wagers for the mandatory distribution of both the net Pick (n) Jackpot pool for that day and the Pick (n) Jackpot carryover pool:*

(a) *Equally to holders of pari-mutuel tickets which correctly designate all of the official winners in each of the Pick (n) Jackpot races;*

(b) *If there are no pari-mutuel tickets which correctly select all of the official winners in each of the Pick (n) Jackpot races, equally to the holders of pari-mutuel tickets which correctly designate the most official winners in each of the Pick (n) Jackpot races for that day; and*

(c) *If there are no pari-mutuel tickets which correctly select even one winner in the Pick (n) Jackpot races for that day, then all Pick (n) Jackpot wagers shall become winners and share 100 percent of that day's net Pick (n) Jackpot pool, together with the Pick (n) Jackpot carryover pool.*

(3) If, for any reason, there is not a mandatory distribution as provided in this section, the Pick (n) Jackpot carryover pool shall be:

(a) Deposited in an interest bearing account at a bank located in the State this is approved by the Commission;

(b) With accrued interest, added to the net Pick (n) Jackpot pool of the next race meet held by the racing association or an affiliated racing association; and

(c) Distributed as a mandatory distribution on the next occasion Pick (n) Jackpot wagering is offered by the racing association or an affiliated racing association.

**H. Races Moved from Turf to Main Track.**

(1) If one of the races comprising the Pick (n) Jackpot is moved from the turf to the main track after the close of wagering for the Pick (n) Jackpot, each selection on a Pick (n) Jackpot ticket for that race shall be considered a winning selection.

(2) If two or more of the races comprising the Pick (n) Jackpot are moved from the turf to the main track after the close of wagering for the Pick (n) Jackpot, a Pick (n) Jackpot bet shall be refunded under §F(2) of this regulation.

I. If there is a dead heat for win in any of the Pick (n) Jackpot races, each horse in the dead heat shall be deemed to have won the race.

J. If a betting interest is scratched, excused, or determined by the judges to be a nonstarter:

(1) The actual favorite, as evidenced by the amounts bet in the win pool when betting on the race in which the scratched betting interest was to participate is closed, shall be substituted for that betting interest; or

(2) If the amount bet in the win pool is identical on two or more favorites when betting on the race is closed, the favorite with the lowest program number shall be substituted for the scratched betting interest.

K. Coupled entries shall be permitted in races designated for Pick (n) Jackpot wagering.

L. The purchase and acceptance of a Pick (n) Jackpot wager by a bettor shall constitute:

(1) An acknowledgment of the correctness of the ticket; and

(2) An agreement to be bound by the terms and provisions of this regulation.

M. The sale of a Pick (n) Jackpot wager other than from a pari-mutuel wagering machine, and the re-sale of a Pick (n) Jackpot ticket from one person to another, is prohibited.

N. Neither a racing association, nor a totalizator company, nor the Commission, nor the State shall be liable to any person for a Pick (n) Jackpot ticket which is not:

(1) A winning wager in accordance with the provisions of this regulation; or

(2) Delivered, for any reason, including:

(a) A mechanical malfunction;

(b) An electrical failure; or

(c) A machine locking.

O. This regulation shall be displayed prominently in the betting area of the racing association conducting Pick (n) Jackpot wagering.

J. MICHAEL HOPKINS  
Executive Director

# Title 10

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

#### 10.28.17 Disciplinary Sanctions and Monetary Penalties

Authority: Health Occupations Article, §§1-606 and 11-314, Annotated Code of Maryland

#### Notice of Proposed Action

[12-109-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 10.28.17 Disciplinary Sanctions and Monetary Penalties**. This action was considered at a public meeting held on January 25, 2012, notice of which was given by publication in 39:1 Md. R. 94 (January 13, 2012), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to establish guidelines for imposing disciplinary sanctions on licensees of the Board of Examiners in Optometry who are found to be in violation of COMAR 10.28 or the Maryland Optometry Act.

#### 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, or email to regs@dhh.state.md.us, or fax to 410-767-6483. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

#### .01 Scope.

This chapter establishes standards for sanctions and monetary penalties not exceeding \$5,000 against any optometrist in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §11-314, Annotated Code of Maryland, to impose a sanction or monetary penalty.

#### .02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Examiners in Optometry.

(2) "License" means a license issued by the Board to practice optometry.

(3) "Licensee" means an optometrist who is licensed by the Board to practice optometry.

(4) "Penalty" means monetary penalty.

(5) "Sanction" means a formal disciplinary action against a license such as a reprimand, probation, suspension, or revocation.

**.03 Imposition of a Penalty — General.**

*Imposition of a Penalty After a Hearing. If, after a hearing under Health Occupations Article, §11-315, Annotated Code of Maryland, the Board finds that there are grounds under Health Occupations Article, §11-313, Annotated Code of Maryland, to suspend or revoke a license, the Board may impose a penalty as set forth in this chapter:*  
 A. Instead of, or in addition to, suspending the license; or  
 B. In addition to revoking the license.

**.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.**

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Optometry Act and its regulations according to the guidelines set forth in the following chart:

VIOLATION	MINIMUM SANCTION/PENALTY	MAXIMUM SANCTION/PENALTY
(1) Fraudulently or deceptively obtains or attempts to obtain a license	Active suspension for 90 days \$1,000	Denial of a license application or revocation \$5,000
(2) Fraudulently uses a license	Active suspension for 90 days \$1,000	Denial of a license application or revocation \$5,000
(3) Is convicted of or pleads guilty or nolo contendere to a felony or crime of moral turpitude	Probation for 1 year \$500	Denial of a license application or revocation \$5,000
(4) Abandons a patient	Reprimand \$100	Revocation \$5,000
(5) Provides professional services while under the influence of alcohol or using any narcotic or controlled dangerous substance	Probation for 1 year \$1,000	Revocation \$5,000
(6) Promotes sales to exploit for financial gain	Reprimand \$1,000	Revocation \$5,000
(7) Willfully makes or files a false report in the practice of optometry	Probation for 1 year \$1,000	Revocation \$5,000
(8) Willfully fails to file or record any report as required by law or impedes, obstructs, or induces the failure to file	Reprimand \$100	Revocation \$5,000
(9) Fails to provide details of optometric patient record to a physician or another optometrist on proper request by a patient	Reprimand \$100	Revocation \$5,000
(10) Employs another person as a solicitor of business or splits or agrees to split a fee for optometric services for bringing or referring a patient	Reprimand \$1,000	Revocation \$5,000
(11) Makes a willful misrepresentation in treatment	Probation for 1 year \$1,000	Revocation \$5,000
(12) Aids an unauthorized person in the practice of optometry	Reprimand \$500	Revocation \$5,000
(13) Grossly and willfully overcharges for optometric services or submits a false statement to collect a fee	Probation for 1 year \$1,000	Revocation \$5,000
(14) Behaves immorally in the practice of optometry	Active suspension for 1 year \$1,000	Revocation \$5,000

**PROPOSED ACTION ON REGULATIONS**

(15) Professional, physical, or mental incompetence	Probation for 1 year	Denial of a license application or revocation
(16) Advertising in a false or misleading manner	Reprimand \$100	Active suspension for 1 year \$1,000
(17) Reciprocal discipline by an optometry board in another state	Reprimand \$100	Denial of a license application or revocation \$5,000
(18) Violates any provision of Health Occupations Article, Title 11, Annotated Code of Maryland, or rule or regulation adopted by the Board	Reprimand \$100	Revocation \$5,000
(19) Commits an act of unprofessional conduct in the practice of optometry	Reprimand \$100	Revocation \$5,000
(20) Discrimination	Reprimand \$100	Probation for 2 years \$1,000
(21) Willfully engages in conduct likely to deceive, defraud, or harm the public	Reprimand \$1,000	Revocation \$5,000
(22) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland	Reprimand \$100	Revocation \$5,000
(23) Engages in conduct which exhibits an inappropriate standard of care	Probation for 1 year \$500	Revocation \$5,000

B. If a licensee is found in violation of more than one category enumerated in this chapter, the category or categories containing the highest maximum sanction and penalty shall prevail.

C. Notwithstanding the guidelines set forth in this chapter, in order to resolve a pending disciplinary action, the Board and licensee may agree to a surrender of license or a consent order with terms, sanction, and penalty agreed to by the Board and the licensee.

D. A departure from the guidelines set forth in this chapter alone is not grounds for any hearing or appeal of a Board action.

**.05 Mitigating and Aggravating Factors to Be Considered in the Assessment of the Sanction.**

Depending upon the facts and circumstances of each case, and to the extent that they apply, the Board may consider the following aggravating and mitigating factors in determining whether the sanction in a particular case should fall outside the range of sanctions established by the guidelines. These factors may include, but are not limited to, the following:

**A. Mitigating Factors:**

- (1) The licensee's lack of a prior disciplinary record;
- (2) The licensee self-reported the violation to the Board;
- (3) The licensee's full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings;
- (4) Implementation of remedial measures to correct or mitigate harm arising from the misconduct;
- (5) Timely good-faith effort to make restitution or to rectify consequences of misconduct;
- (6) Evidence of rehabilitation or rehabilitative potential;
- (7) Absence of premeditation to commit the misconduct;
- (8) Absence of potential harm or adverse impact to the public; and
- (9) The licensee's conduct was an isolated incident and not likely to recur.

**B. Aggravating Factors:**

- (1) The licensee has a previous criminal or administrative disciplinary history;
- (2) The violation was committed deliberately or with gross negligence or recklessness;
- (3) The violation had the potential for, or caused, serious patient or public harm;
- (4) The violation was part of a pattern of detrimental conduct;
- (5) The licensee was motivated to perform the violation for financial gain;
- (6) The vulnerability of the client or clients;
- (7) The licensee lacked insight into the wrongfulness of the conduct;
- (8) The licensee committed the violation under the guise of treatment; and
- (9) Previous attempts at rehabilitation of the licensee were unsuccessful.

C. The existence of one or more of these factors does not impose on the Board or an Administrative Law Judge any requirement to articulate its reasoning for not exercising its discretion to impose a sanction outside of the range of sanctions set forth in this chapter.

D. Nothing in this regulation requires the Board or an Administrative Law Judge to make findings of fact with respect to any of these factors.

**.06 Payment of Penalty.**

A. A licensee shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-222, Annotated Code of Maryland, or Health Occupations Article, §11-318, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board under this chapter.

*C. If a licensee fails to pay, in whole or in part, a penalty imposed by the Board under this chapter, the Board may not restore, reinstate, or renew a license until the penalty has been paid in full.*

*D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Management to institute and maintain proceedings to ensure prompt payment.*

*E. The Board shall pay all monies collected under this chapter into the State's General Fund.*

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

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 12 CERTIFICATION

#### 13A.12.03 Specialists

Authority: Education Article, §§2-205, 2-303(g), 6-101—6-104, and 6-701—6-706; Health Occupations Article, §2-301; Annotated Code of Maryland

##### Notice of Proposed Action

[12-106-P]

The Professional Standards and Teacher Education Board proposes to amend Regulation .02 under **COMAR 13A.12.03 Specialists**. This action was considered at the Professional Standards and Teacher Education Board meeting held on February 2, 2012.

##### Statement of Purpose

The purpose of this action is to add a second degree option entitled "school counseling" to the existing degree option of guidance and counseling and provide a fifth option for initial certification for experienced counselors.

##### 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 Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385, or email to [jsatterfield@msde.state.md.us](mailto:jsatterfield@msde.state.md.us), or fax to 410-333-8963. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

##### Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on July 5, 2012, at 200 West Baltimore Street, Baltimore, MD 21201.

#### .02 School Counselor.

The requirements for certification as a school counselor are:

A. Option I. The applicant shall have:

(1) A master's degree in school *counseling or* guidance and counseling from an IHE;

(2) — (3) (text unchanged)

B. Option II. The applicant shall have:

(1) A master's degree in school *counseling or* guidance and counseling in a program approved using State-approved standards under COMAR 13A.07.06.01; and

(2) 2 years of satisfactory performance as a teacher or *school* counselor, or 500 clock hours in a supervised practicum in school [guidance and] counseling.

C. Option III. The applicant shall have a master's degree in *school counseling or* school guidance and counseling from a program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

D. Option IV. The applicant shall have:

(1) A master's degree in school *counseling or* guidance and counseling from an approved program under the Interstate Contract agreement for support services; and

(2) 2 years of satisfactory performance as a teacher or *school* counselor.

E. Option V. The applicant shall:

(1) *Have a master's degree from an IHE; and*

(2) *Present a valid, professional certificate from another state and verification of at least 27 months of satisfactory performance as a school counselor during the past 7 years on the basis of which application is being made for a comparable Maryland certificate.*

BERNARD J. SADUSKY, Ed.D.  
Interim State Superintendent of Schools

## Title 14 INDEPENDENT AGENCIES

### Subtitle 09 WORKERS' COMPENSATION COMMISSION

#### 14.09.01 Procedural Regulations

Authority: Health-General Article, §4-303; Labor and Employment Article, §§9-307, 9-309, 9-310.2, 9-314, 9-404, 9-405, 9-410, 9-603, 9-625, 9-635, 9-689, 9-701, 9-709, 9-710, 9-711, 9-721, 9-731, 9-739, and 9-6A-07; Insurance Article, §§19-405 and 19-406; State Government Article, §10-1103; Annotated Code of Maryland

##### Notice of Proposed Action

[12-103-P]

The Workers' Compensation Commission proposes to amend Regulation .20 under **COMAR 14.09.01 Procedural Regulations**. This action was considered at an open meeting held on March 22, 2012, notice of which was given by publication in 39:4 Md. R. 358 (February 24, 2012) pursuant to State Government Article §10-506(c), Annotated Code of Maryland.

##### Statement of Purpose

The purpose of this action is to establish procedures for scheduling independent medical examinations, to delineate a covered employee's obligation to cooperate in the examination and to establish consequences for failing or refusing to appear and cooperate in the examination.

**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 Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to [alackington@wcc.state.md.us](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on June 28, 2012, at 10 E. Baltimore Street, Baltimore, MD 21202.

**.20 Independent Medical Examination.**

A. *Either party may schedule an independent medical examination.*

B. *The party scheduling the independent medical examination shall be responsible for all reasonable expenses associated with the examination.*

C. *When scheduling the independent medical examination, the employer/insurer shall send the covered employee and the covered employee's counsel advance written notice of the examination that contains the following information:*

(1) *The proposed date, time, and place of the examination;*

(2) *The identity and area of specialization of the examining health care provider; and*

(3) *The procedure for changing the proposed date, time, and place of examination.*

D. *The covered employee shall cooperate fully in the examination and shall provide complete and accurate answers concerning his or her medical history and current medications.*

E. *If a covered employee fails to appear at, refuses to submit to, or fails to cooperate with the independent medical examination, upon finding that this action was without good cause, the Commission may order that:*

(1) *The employer/insurer suspend the covered employee's benefits; and*

(2) *The covered employee pay a reasonable fee to the examining physician.*

R. KARL AUMANN  
Chairman

Workers' Compensation Commission

**Subtitle 09 WORKERS' COMPENSATION COMMISSION**

**14.09.06 Local Office Requirements for Insurers**

Authority: Labor and Employment Article, §§9-309, 9-404, 9-405, 9-409, 9-410, and 9-744, Annotated Code of Maryland

**Notice of Proposed Action**

[12-102-P]

The Workers' Compensation Commission proposes to amend Regulation .05 under **COMAR 14.09.06 Local Office Requirements for Insurers**. This action was considered at a public meeting held on March 22, 2012, notice of which was given by publication in 39:4 Md. R. 358 (February 24, 2012) pursuant to State Government Article §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to remove COMAR 14.09.06.05B, which requires an appellant's attorney to send a copy of a petition for judicial review to the Attorney General representing the Commission if the issue being appealed is the award of attorney's fees. This provision is being removed from this chapter so that it may be transferred and recodified into a more thematically appropriate chapter.

**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 Amy S. Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to [alackington@wcc.state.md.us](mailto:alackington@wcc.state.md.us), or fax to 410-864-5301. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on June 28, 2012, at 10 E. Baltimore Street, Baltimore, MD 21202.

**.05 Appeal.**

[A.] An appeal from a decision made under this chapter shall be made in accordance with Maryland Rules 7-201—7-210.

[B. When the issue appealed is the award of attorney's fees, the appellant's attorney shall forward a copy of the petition for judicial review to the Attorney General assigned to represent the Commission.]

R. KARL AUMANN  
Chairman  
Workers' Compensation Commission

# Title 21 STATE PROCUREMENT REGULATIONS

## Notice of Proposed Action [12-111-P]

The Board of Public Works proposes to:

- (1) Amend Regulation .02 under **COMAR 21.02.02 Maryland State Board of Contract Appeals**;
- (2) Amend Regulations .01 and .06 under **COMAR 21.05.07 Small Procurement Regulations (\$25,000 or Less)**;
- (3) Amend Regulation .07 under **COMAR 21.05.08 Mandatory Written Solicitation Requirements**;
- (4) Amend Regulation .01 under **COMAR 21.05.09 Intergovernmental Cooperative Purchasing**;
- (5) Amend Regulation .02 under **COMAR 21.10.02 Protests**;
- (6) Adopt new Regulations .01 — .10 under a new chapter, **COMAR 21.11.13 Veteran-Owned Small Business Enterprises**; and
- (7) Adopt new Regulation .15 under **COMAR 21.13.01 Reporting Requirements**.

This action was considered at a public meeting held on March 21, 2012, notice of which was published pursuant to State Government Article, §10 -506, Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to 1) implement the veteran-owned small business enterprise procurement program; 2) update the definition of primary procurement unit; and 3) clarify small procurement notice requirements.

### 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 action should have a positive economic impact on the veteran-owned small business community.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
<hr style="border: 1px solid black;"/>			
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
<hr style="border: 1px solid black;"/>			
D. On regulated industries or trade groups:	NONE		
E. On other industries or trade groups:	NONE		
Increased State contract awards	(+)		Indeterminable
F. Direct and indirect effects on public:	NONE		

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

E. The 0.5 percent participation goal should result in increased contract awards to veteran-owned small businesses.

### Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. The State procures billions of dollars in goods and services each year. The veteran-owned small business procurement program establishes a 0.5 percent participation goal which should increase contracts and subcontracts awarded to those 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 Mary Jo Childs, Procurement Advisor, Board of Public Works, 80 Calvert Street, Room 117, Annapolis, MD 21401, or call 410-260-7335, or email to mchilds@comp.state.md.us, or fax to 410-974-5240. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

## Subtitle 02 STATE PROCUREMENT ORGANIZATION

### 21.05.02 Maryland State Board of Contract Appeals

Authority: State Finance and Procurement Article, §§15-201—15-223, Annotated Code of Maryland

#### **.02 Jurisdiction.**

The Appeals Board shall have jurisdiction to hear and decide all disputes arising under a contract with any State agency, or as a result of a breach of a contract with any State agency, or as a result of a protest relating to the award of a contract with any State agency, except [for architectural services or engineering services contracts entered into pursuant to Subtitle 12 of this title] *as provided in COMAR 21.10.02.02*. The Appeals Board has no jurisdiction over labor disputes or a contract claim relating to a lease of real property.

## Subtitle 05 PROCUREMENT METHODS AND PROJECT DELIVERY METHODS

### 21.05.07 Small Procurement Regulations (\$25,000 or Less)

Authority: State Finance and Procurement Article, §§12-101, 13-109, 14-301—14-308, and 14-406, Annotated Code of Maryland

#### **.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) — (4) (text unchanged)

(5) “Written solicitation” means the written description of the procurement [that, at least 3 working days before responses are due, is:

- (a) Posted on a bid board; or
- (b) Published in a newspaper of general circulation or in eMaryland Marketplace].

**.06 Standards.**

- A. (text unchanged)
- B. Solicitation Methods and Use.

(1) (text unchanged)

(2) [The departments] *Procurement agencies* may use either or both of the solicitation methods specified in §B(1) of this regulation for Categories I and II Small Procurements. If both oral and written solicitations are used, procurement agencies shall ensure that the solicitation terms are consistent.

(3) (text unchanged)

(4) All Category III solicitations shall be posted on eMaryland Marketplace. A copy of each Category III solicitation shall be sent in electronic format to the Governor’s Office of Minority Affairs concurrently with posting on eMaryland Marketplace. *Procurement agencies are not required to post solicitations for Categories I and II small procurements on eMaryland Marketplace.*

(5) (text unchanged)

C. — H. (text unchanged)

I. Small Procurement Record.

(1) Each [Department] *procurement agency* shall establish written procedures for maintaining small procurement records. These records shall be maintained by the using agency until audited or for a period of 3 years after final payment, whichever occurs last.

(2) (text unchanged)

J. (text unchanged)

**21.05.08 Mandatory Written Solicitation Requirements**

Authority: State Finance and Procurement Article, §§3-412, 11-206, 12-101, 13-207, 13-218, 13-221, 13-317, 14-303, 14-308, 14-406, 16-102, 16-202, 16-203, 17-401—17-402, and Title 19; Election Law Article, §§14-101—14-108; Annotated Code of Maryland; Ch. 293, Acts of 2009

**.07 Bid/Proposal Affidavit.**

A. (text unchanged)

B. Mandatory Solicitation Addendum. The solicitation addendum shall be in substantially the same form as follows:

BID/PROPOSAL AFFIDAVIT

A. — B-1. (text unchanged)

B-2. *Certification Regarding Veteran-Owned Small Business Enterprises. The undersigned bidder hereby certifies and agrees that it has fully complied with the State veteran-owned small business enterprise law, State Finance and Procurement Article, §14-605, Annotated Code of Maryland, which provides that a person may not:*

(1) *Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public money, procurement contracts, or funds expended under a procurement contract to which the person is not entitled under this title;*

(2) *Knowingly and with intent to defraud, fraudulently represent participation of a veteran-owned small business enterprise in order to obtain or retain a bid preference or a procurement contract;*

(3) *Willfully and knowingly make or subscribe to any statement, declaration, or other document that is fraudulent or false as to any material matter, whether or not that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;*

(4) *Willfully and knowingly aid, assist in, procure, counsel, or advise the preparation or presentation of a declaration, statement, or other document that is fraudulent or false as to any material matter, regardless of whether that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;*

(5) *Willfully and knowingly fail to file any declaration or notice with the unit that is required by COMAR 21.11.12; or*

(6) *Establish, knowingly aid in the establishment of, or exercise control over a business found to have violated a provision of §B-2(1) — (5) of this regulation.*

C. — K. (text unchanged)

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(print name of Authorized Representative and Affiant)

\_\_\_\_\_  
(signature of Authorized Representative and Affiant)

**21.05.09 Intergovernmental Cooperative Purchasing**

Authority: State Finance and Procurement Article, §§12-101, 13-102, and 13-110, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Primary procurement unit” means:

- (a) — (f) (text unchanged)
- (g) Morgan State University; [and]
- (h) St. Mary’s College of Maryland;
- (i) *The University System of Maryland; and*
- (j) *The Department of Information Technology.*

**Subtitle 10 ADMINISTRATIVE AND CIVIL REMEDIES**

**21.10.02 Protests**

Authority: State Finance and Procurement Article, §§12-101 and 15-201—15-223, Annotated Code of Maryland

**.02 Filing of Protest.**

A. An interested party may protest to the appropriate procurement officer against the award or the proposed award of a contract subject to this title, [except:] *including awards subject to the veteran-owned small business enterprise program set forth in COMAR 21.11.12.*

A-1. *An interested party may not protest:*

- (1) A contract for architectural services or engineering services; [or]
- (2) An unintentional violation of State Finance and Procurement Article, §17-502, Annotated Code of Maryland; or
- (3) *Verification of a veteran-owned small business enterprise by the Center for Veterans Enterprise of the United States Department of Veterans Affairs.*

B. — C. (text unchanged)



## **Subtitle 11 SOCIOECONOMIC POLICIES**

### **21.11.13 Veteran-Owned Small Business Enterprises**

*Authority: Chs. 507 and 508, Acts of 2010*

#### **.01 General — Purpose.**

This chapter provides that maximum contracting opportunities be extended to veteran-owned small business enterprises, as both prime contractors and subcontractors, and establishes that:

A. Each procurement agency shall structure its procedures for making procurements to try to achieve an overall minimum of 0.5 percent of the unit's total dollar value of all procurement contracts made directly or indirectly with veteran-owned small business enterprises; and

B. The requirements of this chapter may be applied to individual task orders competitively procured among contractors under a multiple-award procurement as provided in COMAR 21.06.03.10.

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

##### **B. Terms Defined.**

(1) "Directory" means the veteran small business directory maintained by the Center for Veterans Enterprise of the United States Department of Veterans Affairs.

(2) "Veteran-Owned Small Business Enterprise (VSBE)" means a business that is verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs as a veteran-owned small business.

#### **.03 Scope.**

A. Except to the extent that any provisions conflict with federal law, or as provided in §B of this regulation, this chapter applies to every procurement of supplies, services, maintenance, construction, construction-related services, architectural services, and engineering services by a procurement agency.

B. Small procurements are not subject to this chapter. These procurements shall be made in accordance with COMAR 21.05.07. Procurement agencies may use the directory to solicit VSBEs for consideration of small procurement contract awards.

C. Nothing in this chapter is to be construed to relieve a procurement agency from attempting to achieve its statutory cumulative goals for VSBE participation.

#### **.04 Procurement Agency Responsibility.**

A. Each procurement agency shall make its procurements in accordance with this chapter.

B. The Department of Information Technology, in executing its responsibility under State Finance and Procurement Article, Title 3A, Subtitle 4, Annotated Code of Maryland, over procurement of information technology equipment and related services, shall require procurement agencies to make those procurements in compliance with this chapter.

C. When delegating procurement authority to procurement agencies, the Department of General Services and the Department of Budget and Management shall condition the delegation on compliance with this chapter.

D. Procurement agencies shall use the forms and affidavits developed by the Board of Public Works for reporting procedures required by this title.

#### **.05 Procurement Solicitations.**

A. To attain the overall and specific goals under Regulation .01A of this chapter, procurement agencies shall set, where appropriate, an overall VSBE goal, expressed as a percentage of the dollar value of the contract.

##### **B. Goal Setting Generally.**

(1) A procurement agency shall assess the potential for VSBE prime contractor and subcontractor participation in each contract, and estimate the amount of participation if any before initiating the procurement.

(2) Some factors which may be used to determine the level of VSBE participation include:

(a) The extent to which direct solicitation at the prime contract level, subcontracting, or a combination of both is determined most likely to result in maximum VSBE participation in the contract;

(b) The number of VSBEs listed in the directory or otherwise identified for a particular supply, service, maintenance, construction, construction-related service, architectural service, or engineering service;

(c) The geographical proximity, when relevant, of VSBEs to the location of the work to be performed; and

(d) The feasibility of subcontracting opportunities given the nature and extent of the proposed contract.

##### **C. VSBE Subcontracting Provisions.**

(1) Solicitation Content. The solicitation shall contain provisions requiring bidders or offerors to:

(a) Identify specific work categories within the scope of the procurement appropriate for subcontracting;

(b) Solicit VSBEs before bids or proposals are due, describing the identified work categories and providing instructions on how to bid on the subcontracts;

(c) Attempt to make personal contact with the VSBEs solicited and to document these attempts;

(d) Assist VSBEs to fulfill, or to seek waiver of, bonding requirements; and

(e) Attempt to attend prebid or other meetings the procurement agency schedules to publicize contracting opportunities to VSBEs.

(3) On forms provided by the procurement agency, a bidder or offeror shall submit with its bid or proposal:

(a) A completed VSBE utilization affidavit including either an agreement to meet the certified VSBE participation goal or a request for a full or partial waiver; and

(b) A completed VSBE participation schedule that identifies the veteran-owned small business that the bidder or offeror agrees to utilize in the performance of the contract and the percentage of contract value attributed to each VSBE.

(4) The VSBE participation schedule shall:

(a) Include the name of each VSBE that will participate in the project; and

(b) Include the percentage of the contract to be paid to each VSBE for the work or supply.

(5) The failure of a bidder to accurately complete and submit the VSBE utilization affidavit and participation schedule may result in a determination that the bid is not responsive.

(6) The failure of an offeror to accurately complete and submit the VSBE utilization affidavit and the VSBE participation schedule may result in a determination that the proposal is not susceptible of being selected for award.

(7) The names of prime contractors requesting or purchasing solicitation documents for construction contracts shall be made available on request to any VSBE whose specialty suggests an interest in subcontracting.

(8) Each prime contractor given solicitation documents as part of a procurement with an VSBE goal shall be given the web address for the electronic version of the directory for purposes of soliciting subcontract quotations, bids, or offers from VSBEs.

D. *Direct Solicitation.* As part of the solicitation process being employed for the business community in general, and in addition to the public notice requirements of COMAR 21.05.02.04 and 21.05.03.02B, a procurement agency shall send a copy of the solicitation or notice of the solicitation, or both, to a sufficient number of VSBEs listed in the directory, as determined by the procurement officer, as is likely to result in VSBE responses to the solicitation.

E. *Notification.* Except for sole source, small, and emergency procurements, a copy of the solicitation notice for each procurement with an VSBE goal may be sent in an electronic format to the Maryland Department of Veterans Affairs for distribution to the appropriate veteran and small business assistance agencies and trade organizations.

F. *Prebid and Preproposal Conferences.* When prebid or preproposal conferences are held, the procurement agency shall explain the VSBE subcontracting goal if applicable, the VSBE provisions of the solicitation, the documentation required, and its relationship to the determinations that will be made in connection with the evaluation process.

**.06 Contract Award — Documentation.**

A. The documentation in §C of this regulation is considered part of the contract and shall be furnished by the apparent successful bidder or offeror to the procurement officer within 10 working days from notification of apparent award, or from the date of the award, whichever is earlier. If the documentation is not furnished within the specified time, the bidder or offeror may be rejected as nonresponsible.

B. A VSBE subcontractor project participation statement shall be furnished and signed by the bidder or offeror and each VSBE listed in the participation schedule. The project participation statement shall include:

(1) A statement of intent to enter into a contract between the prime contractor and each subcontractor;

(2) If a contract is executed between the procurement agency and the prime contractor or if the prime contract has been awarded and the procurement officer makes a request, copies of the subcontract agreement or agreements; and

(3) The amount and type of bonds required of VSBE subcontractors, if any.

C. Other documentation considered appropriate by the procurement agency to ascertain bidder or offeror responsibility in connection with the contract VSBE participation goal shall be furnished by the bidder or offeror.

D. If the VSBE utilization affidavit and participation schedule of the apparent successful bidder or offeror do not achieve the contract goal for VSBE participation, the apparent successful bidder or offeror shall submit documentation supporting the waiver request that was included with the bid or proposal as provided in Regulation .07 of this chapter.

E. An agency head may waive any of the provisions of Regulations .05 and .06 of this chapter for a sole source, expedited, or emergency procurement in which the public interest cannot reasonably accommodate use of those procedures.

**.07 Waiver.**

A. If, for any reason, the apparent successful bidder or offeror is unable to achieve the VSBE goal, the bidder or offeror may request, in writing, a waiver to include the following:

(1) A detailed statement of the efforts made to select portions of the work proposed to be performed by VSBEs;

(2) A detailed statement of the efforts made to contact and negotiate with VSBEs, including:

(a) The names, addresses, dates, and telephone numbers of the VSBEs; and

(b) A description of the information provided to VSBEs regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed;

(3) As to each VSBE that placed a subcontract quotation or offer that the apparent successful bidder or offeror considers to be unacceptable, a detailed statement of the reasons for this conclusion; and

(4) A list of VSBEs found to be unavailable, which shall be accompanied by a VSBE unavailability verification form signed by the VSBE, or a statement from the apparent successful bidder or offeror that the VSBE refused to give the written verification.

B. A waiver of a VSBE contract goal may be granted only upon a reasonable demonstration by the bidder or offeror that VSBE subcontract participation was unable to be obtained, or was unable to be obtained at a reasonable price, and if the agency head or designee determines that the public interest is served by a waiver. In making a determination under this section, the agency head or designee may consider engineering estimates, catalogue prices, general market availability, and availability of VSBEs in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between VSBE and non-VSBE cost of participation, and their impact on the overall cost of the contract to the State and any other relevant factor.

**.08 Amendment of VSBE Participation Schedule.**

A. If, at any time after submission of a bid or proposal and before execution of a contract, the apparent successful bidder or offeror determines that a VSBE listed on the participation schedule required under Regulation .05 of this chapter has become or will become unavailable, then the apparent successful bidder or offeror shall immediately notify the procurement officer in writing. An apparent successful bidder or offeror shall obtain approval from the procurement officer before any changes to the participation schedule may be made. The bidder or offeror shall make reasonable efforts to substitute another VSBE subcontractor to perform the work.

B. Amendments to the VSBE participation schedule occurring after the date of contract award may occur only upon written approval by the agency head and subsequently by contract amendment.

**.09 Compliance.**

To ensure compliance with VSBE subcontract participation goals, the procurement agency shall verify that the VSBEs listed in the participation schedule are actually performing work and receiving compensation as set forth in the schedule.

**.10 Verification.**

If a VSBE no longer has verified status with the Center for Veterans Enterprise of the United States Department of Veterans Affairs, the VSBE is no longer eligible to participate in a procurement as a verified VSBE. The VSBE is still eligible for credit towards a VSBE goal under a contract entered into when the VSBE was verified. Ineligibility of a VSBE to participate in the VSBE program may not be the sole cause of the termination of the VSBE contractual relationship for the remainder of the term of the contract.

## Subtitle 13 PROCUREMENT REPORTING REQUIREMENTS

### 21.13.01 Reporting Requirements

Authority: State Finance and Procurement Article, §§12-101, 13-207, 14-208, 14-305, 14-505, 15-110, 15-111, and 17-104, Annotated Code of Maryland

#### .15 Report on Veteran-Owned Small Business Participation

A. On or before October 1 of each year, each agency shall report to the Board of Public Works on the number and amount of contracts awarded to VSBEs and the effectiveness of the VSBE program.

B. The report format shall be determined by the Board of Public Works.

SHEILA McDONALD  
Executive Secretary  
Board of Public Works

## Title 33 STATE BOARD OF ELECTIONS

### Notice of Proposed Action

[12-110-P]

The State Board of Elections proposes to:

(1) Amend Regulations .01 and .02 under **COMAR 33.07.07 Challengers or Watchers**;

(2) Amend Regulations .02 and .05, adopt new Regulation .06, and recodify existing Regulations .06 and .07 to be Regulations .07 and .08 under **COMAR 33.08.04 Central Count Procedures**; and

(3) Amend Regulation .03 under **COMAR 33.13.06 Campaign Accounts**.

This action was considered by the State Board of Elections at its March 29, 2012, meeting, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify the entities that are subject to certain requirements for designating challengers and watchers, define procedures when certain ballots are duplicated, clarify the types of accounts available for use by certain entities, and correct typographical errors.

#### 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 changes to COMAR 33.08.04.06 will have an economic impact on the local boards of elections. The local boards will be required to have ballot verification teams to review ballots generated from a barcode. Since the proposed verification replaces a more time-consuming and labor intensive process, the net economic impact is nominal.

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:  
Local boards of elections (E+) Nominal

Benefit (+) Cost (-)	Magnitude
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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. This increase is offset by a reduction of time and expense associated with the current process.

#### 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 Nikki Baines Trella, Election Reform Director, State Board of Elections, P.O. Box 6486, Annapolis, MD 21401-0486, or call 410-269-2843, or email to ntrella@elections.state.md.us, or fax to 410-974-2019. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

## Subtitle 07 ELECTION DAY ACTIVITIES

### 33.07.07 Challengers or Watchers

Authority: Election Law Article, §§2-102(b)(4) and 10-311, Annotated Code of Maryland

#### .01 Designating Entities.

A. — B. (text unchanged)

C. Other Designating Entities. If a designating entity *other than the State Board or a local board* intends to distribute instructions to the individual or individuals it designates, the designating entity:

(1) — (2) (text unchanged)

D. (text unchanged)

#### .02 Permissive Activities of Accredited Challengers or Watchers.

A. — B. (text unchanged)

C. During Voting Hours.

(1) (a) (text unchanged)

(b) When determining the location of the accredited challengers and [watcher] *watchers* in the voting room, the Chief Judges shall ensure:

(i) — (ii) (text unchanged)

(c) (text unchanged)

(2) (text unchanged)

D. (text unchanged)

Subtitle 08 CANVASSING

33.08.04 Central Count Procedures

Authority: Election Law Article, §§2-102(b)(4) and 11-201, Annotated Code of Maryland

.02 Special Teams.

A. (text unchanged)
B. Types. The special teams shall include, but not be limited to, one or more:

- (1) (text unchanged)
(2) Ballot inspection teams; [and]
(3) Ballot duplicating teams; and
(4) Ballot verification teams.

C. (text unchanged)

.05 Ballot Duplication — Team Method.

A. — C. (text unchanged)

.06 Ballot Duplication — Automated Method.

A. In General. If a local board uses a barcode to generate a ballot that is acceptable for machine tabulation, the ballot submitted by the voter and the ballot generated from the barcode must be referred to a ballot verification team.

B. Standard for Verification.

(1) The ballot verification team shall compare the ballot submitted by the voter against the ballot generated from the barcode.

(2) If the team determines that the ovals marked on both ballots:

(a) Match, the ballot generated from the barcode shall be tabulated.

(b) Do not match, the team shall duplicate the ballot submitted by the voter according to Regulation .05 of this chapter and notify the State Administrator.

C. Disposition of Ballots. If the ballot generated from the barcode is tabulated:

(1) The original ballot shall be replaced by the verified ballot;

(2) The verified ballot shall be counted with the appropriate group; and

(3) Both ballots shall be:

(a) Given a unique identifying number; and

(b) Securely attached to each other.

D. The local board shall follow procedures issued by the State Administrator when tabulating these ballots.

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §§2-102(b)(4) and 13-220, Annotated Code of Maryland

.03 Required Elements.

A. (text unchanged)

B. Other Permissible Accounts or Investments. A political committee may, in addition to the checking account required in §A of this regulation, establish additional accounts or temporarily invest campaign funds as provided in this section. Permissible accounts or investments are limited to:

(1) [Insured] Deposit accounts at a financial institution that are insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA);

(2) — (4) (text unchanged)

C. — E. (text unchanged)

LINDA H. LAMONE
State Administrator

Title 34
DEPARTMENT OF
PLANNING
Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.02 Maryland Historical Trust Historic
Preservation Loan Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-327, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action

[12-107-P]

The Maryland Department of Planning proposes to amend Regulation .06 under COMAR 34.04.02 Maryland Historical Trust Historic Preservation Loan Program.

Statement of Purpose

The purpose of this action is to repeal the requirement, under COMAR 34.04.02.06D, that an applicant for a loan under the Maryland Historical Trust Historic Preservation Loan Program seek and be denied private financing prior to receiving loan funds under this program, thus enabling more potential borrowers to take advantage of the program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Maryland Historical Trust Loan Program loans may be available to all businesses and individuals in Maryland that own properties eligible for listing in the Maryland Register of Historic Properties that otherwise would not be eligible. Businesses and individuals currently must provide evidence that at least two private lenders are unwilling to loan them funds for rehabilitation of historic properties they own, in order to be eligible for loans from the Maryland Historical Trust Loan Program.

Table with 2 columns: II. Types of Economic Impact, Revenue (R+/R-), Expenditure (E+/E-), Magnitude. Rows include A. On issuing agency, B. On other State agencies, C. On local governments, D. On regulated industries or trade groups.

E. On other industries or trade groups: (-/+) Indeterminable

F. Direct and indirect effects on public: (-/+) Indeterminable

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

E. and F. The impact cannot be estimated at this time.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. Maryland Historical Trust Loan Program loans may be available to all businesses in Maryland that own properties eligible for listing in the Maryland Register of Historic Properties that otherwise would not be. Businesses currently must provide evidence that at least two private lenders are unwilling to loan them funds for rehabilitation of historic properties they own, in order to be eligible for loans from the Maryland Historical Trust Loan Program.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Elizabeth Hughes, Deputy Director, Maryland Historical Trust, 100 Community Place, Crownsville, MD 21032-2023, or call 410-514-7604, or email to ehughes@mdp.state.md.us, or fax to 410-514-7678. Comments will be accepted through June 4, 2012. A public hearing has not been scheduled.

**.06 Application and Processing Procedures.**

A. — C. (text unchanged)

[D. Evidence of Inability to Obtain Private Financing. Business entities and individuals shall submit evidence that they have sought to obtain as much financing as feasible through the private sector. Documentation must include the following:

- (1) Copies of applications submitted to at least two private lenders within the previous 3 months;
- (2) Written evidence from each lender confirming:
  - (a) That the lender is currently making loans for the relevant activity,
  - (b) The date of the application,
  - (c) The loan amount requested,
  - (d) That the rate and term requested by the applicant are consistent with the lender’s policy,
  - (e) The specific reasons for rejection, and
  - (f) A statement identifying the maximum loan amount and terms the lender would be willing to commit to the project.]

[E.] D. — [M.] L. (text unchanged)

RICHARD E. HALL  
Secretary of Planning

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT 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."

DATE: March 1, 2012, through March 31, 2012.

ADDRESS: 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):

EXCO Resources (PA), LLC, Pad ID: Elk Run Hunt Club Drilling Pad 1, ABR-201203001, Davidson Township, Sullivan County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: March 8, 2012.

EOG Resources, Inc., Pad ID: WOLFE B Pad, ABR-201203002, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 12, 2012.

EOG Resources, Inc., Pad ID: SGL 94D Pad, ABR-201203003, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 12, 2012.

Southwestern Energy Production Company, Pad ID: EASTMAN, ABR-201203004, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 12, 2012.

Southwestern Energy Production Company, Pad ID: GREMMEL, ABR-201203005, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 12, 2012.

Southwestern Energy Production Company, Pad ID: BIENKO, ABR-201203006, New Milford and Jackson Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 12, 2012.

Talisman Energy USA, Inc., Pad ID: 03 109 Alderfer H, ABR-201203007, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: March 12, 2012.

EOG Resources, Inc., Pad ID: SGL 94C Pad, ABR-201203008, Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 13, 2012.

EOG Resources, Inc., Pad ID: GHFC Pad D, ABR-201203009, Goshen Township, Clearfield County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 13, 2012.

Inflection Energy LLC, Pad ID: Nature Boy East, ABR-201203010, Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 13, 2012.

WPX Energy Appalachia, LLC, Pad ID: McNamara Well Pad, ABR-201203011, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 13, 2012.

WPX Energy Appalachia, LLC, Pad ID: Adams Well Pad, ABR-201203012, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 13, 2012.

Cabot Oil & Gas Corporation, Pad ID: ManzerA P1, ABR-201203013, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 14, 2012.

Chesapeake Appalachia, LLC, Pad ID: R&N, ABR-201203014, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 14, 2012.

Cabot Oil & Gas Corporation, Pad ID: MackeyR P1, ABR-201203015, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 14, 2012.

Cabot Oil & Gas Corporation, Pad ID: TeddickM P1, ABR-201203016, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 14, 2012.

Ultra Resources, Inc., Pad ID: Granger 853, ABR-201203017, Gaines Township, Tioga County, Pa.; Consumptive Use of Up to 4.990 mgd; Approval Date: March 19, 2012.

Chesapeake Appalachia, LLC, Pad ID: Matthews, ABR-201203018, Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 20, 2012.

Chesapeake Appalachia, LLC, Pad ID: Floydie, ABR-201203019, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 20, 2012.

Chesapeake Appalachia, LLC, Pad ID: Maggie, ABR-201203020, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 20, 2012.

Chesapeake Appalachia, LLC, Pad ID: CMI, ABR-201203021, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 20, 2012.

SWEPI, LP, Pad ID: Parker 727, ABR-201203022, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 21, 2012.

SWEPI, LP, Pad ID: Schanbacher 711, ABR-201203023, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 21, 2012.

Chesapeake Appalachia, LLC, Pad ID: Schulze, ABR-201203024, Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 21, 2012.

Chief Oil & Gas, LLC, Pad ID: Stasiak Drilling Pad #1, ABR-201203025, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: March 23, 2012.

Chief Oil & Gas, LLC, Pad ID: Ober Drilling Pad #1, ABR-201203026, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: March 23, 2012.

SWEPI, LP, Pad ID: Wilson 286, ABR-201203027, Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: March 27, 2012.

Range Resources – Appalachia, LLC, Pad ID: Porter, Stephen, ABR-201203028, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: March 27, 2012.

Range Resources – Appalachia, LLC, Pad ID: Roaring Run Unit, ABR-201203029, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: March 27, 2012.

Chesapeake Appalachia, LLC, Pad ID: Hattie BRA, ABR-201203030, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 30, 2012.

Chesapeake Appalachia, LLC, Pad ID: Circle Z BRA, ABR-201203031, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 30, 2012.

Chesapeake Appalachia, LLC, Pad ID: RBF BRA, ABR-201203032, Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 30, 2012.

Chesapeake Appalachia, LLC, Pad ID: Rainbow BRA, ABR-201203033, Terry Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 30, 2012.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: April 13, 2012.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[12-09-26]

delayed effective date will enable relevant agencies and organizations to prepare for implementation through education and outreach to health care providers, parents, and school personnel and set up needed processes in the school and health systems.

DHMH is asking the public for comments on draft regulations posted at <http://ideha.dhmh.maryland.gov/OPPI/SitePages/Home.aspx>. These comments can be on any aspect of the proposed changes, including the proposed implementation date of September 2014 for these regulations, and will assist DHMH with determining and planning for next steps.

Please submit comments by May 18, 2012. Comments may be submitted by mail to Michele Phinney, Director, DHMH Office of Regulation and Policy Coordination, 201 W. Preston Street, Room 512, Baltimore, MD 21201; or by email to [regs@dhmh.state.md.us](mailto:regs@dhmh.state.md.us); or by fax to 410-767-6483.

[12-09-22]

## **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

### **REQUEST FOR INFORMAL PUBLIC COMMENT ON REQUIRED IMMUNIZATIONS FOR MIDDLE SCHOOL**

The Department of Health and Mental Hygiene will be proposing to amend COMAR 10.06.04.03 School Health Services and Required Immunizations Before Entry into School.

The purpose of this action is to:

(1) Add Tetanus-diphtheria-acellular pertussis (Tdap) and meningococcal vaccines (MCV) as a 7th grade school entry requirement;

(2) Add a varicella booster dose as a kindergarten entry requirement; and

(3) Change the number of doses for mumps and rubella vaccines.

The proposed school requirement changes are recommended by the national Advisory Committee on Immunization Practices that advises the Centers for Disease Control and Prevention (CDC), and will allow Maryland to join 36 other states that already have similar requirements for middle school vaccinations. The amendments to the school requirements are proposed to begin September 2014. This

# MARYLAND HEALTH CARE COMMISSION

## Nursing Home Licensed Beds Occupancy by Region and Jurisdiction: Maryland, Fiscal Year 2010

	Region/Jurisdiction	Percent Occupancy Rate*
<b>Western Maryland</b>		<b>92.07</b>
	Allegany County	93.32
	Carroll County	90.46
	Frederick County	90.87
	Garrett County	93.73
	Washington County	93.19
<b>Montgomery County</b>		<b>87.23</b>
<b>Southern Maryland<sup>(1)</sup></b>		<b>89.41</b>
	Calvert County	89.74
	Charles County	91.17
	Prince Georges County	89.49
	St Mary's County <sup>(1)</sup>	85.89
<b>Central Maryland</b>		<b>88.97</b>
	Anne Arundel County	86.44
	Baltimore City	87.77
	Baltimore County	90.82
	Harford County	92.08
	Howard County	83.00
<b>Eastern Shore</b>		<b>88.35</b>
	Caroline County	93.10
	Cecil County	89.08
	Dorchester County	85.46
	Kent County	81.82
	Queen Anne's County	90.21
	Somerset County	91.11
	Talbot County	84.56
	Wicomico County	91.76
	Worcester County	85.07
<b>MD Total<sup>(1)</sup></b>		<b>89.16</b>

\*Licensed Beds Occupancy Rate is based on a ratio of total patient days to total available licensed nursing home days, which excludes temporarily delicensed beds.

Source: Maryland Health Care Commission, 2010 Long Term Care Survey, 2010 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2010 cost reports

<sup>(1)</sup>Excludes Charlotte Hall Veterans Home



## Required Maryland Medical Assistance Participation Rates for Nursing Homes by Region and Jurisdiction: Fiscal Year 2010

Region/Jurisdiction	Required Medicaid Participation Rate*
<b>Western Maryland</b>	<b>44.40</b>
Allegany County	52.88
Carroll County	39.47
Frederick County	40.27
Garrett County	61.51
Washington County	40.82
<b>Montgomery County</b>	<b>40.68</b>
<b>Southern Maryland<sup>(1)</sup></b>	<b>46.26</b>
Calvert County	40.09
Charles County	50.75
Prince Georges County	45.64
St Mary's County <sup>(1)</sup>	52.30
<b>Central Maryland</b>	<b>48.81</b>
Anne Arundel County	41.35
Baltimore City	61.06
Baltimore County	42.73
Harford County	47.45
Howard County	43.29
<b>Eastern Shore</b>	<b>49.81</b>
Caroline County	57.69
Cecil County	45.63
Dorchester County	54.30
Kent County	37.31
Queen Anne's County	48.44
Somerset County	61.82
Talbot County	37.29
Wicomico County	52.50
Worcester County	52.76
<b>MD Total <sup>(1)</sup></b>	<b>46.51</b>

\* Participation Rates are based on weighted mean Medicaid participation (calculated as total county Medicaid days divided by total county patient days) minus 15.5%.

Source: Maryland Health Care Commission, 2010 Long Term Care Survey, 2010 Nursing Home Bed Inventory Records; Maryland Medical Assistance Program, unaudited 2010 cost reports

<sup>(1)</sup>Excludes Charlotte Hall Veterans Home

[12-09-27]

# 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.

### DEPARTMENT OF AGING

**Subject:** Public Hearing  
**Date and Time:** May 15, 2012, 10 a.m. — 12 p.m.  
**Place:** Dept. of Community Services, 104 Powell St., Centreville, MD  
**Add'l. Info:** Public hearing to solicit input for the State Plan on Aging covering Fiscal Years 2013—2016.  
**Contact:** Casey Brown (410) 767-1266  
 [12-09-31]

### DEPARTMENT OF AGING

**Subject:** Public Hearing  
**Date and Time:** May 22, 2012, 10 a.m. — 12 p.m.  
**Place:** Harry & Jeanette Weinberg Building, 909 Progress Cir., Bradford Rm., Salisbury, MD  
**Add'l. Info:** Public hearing to solicit input for the State Plan on Aging covering Fiscal Years 2013—2016.  
**Contact:** Casey Brown (410) 767-1266  
 [12-09-35]

### DEPARTMENT OF AGING

**Subject:** Public Hearing  
**Date and Time:** May 24, 2012, 10 a.m. — 12 p.m.  
**Place:** Randallstown Community Center, 3505 Resource Dr., Randallstown, MD  
**Add'l. Info:** Public hearing to solicit input for the State Plan on Aging covering Fiscal Years 2013—2016.  
**Contact:** Casey Brown (410) 767-1266  
 [12-09-36]

### DEPARTMENT OF AGING

**Subject:** Public Hearing  
**Date and Time:** May 29, 2012, 10 a.m. — 12 p.m.  
**Place:** Laurel-Beltsville Senior Activity Center, 7120 Contee Rd., Laurel, MD  
**Add'l. Info:** Public hearing to solicit input for the State Plan on Aging covering Fiscal Years 2012—2016.  
**Contact:** Casey Brown (410) 767-1266  
 [12-09-32]

### DEPARTMENT OF AGING

**Subject:** Public Hearing  
**Date and Time:** May 31, 2012, 10 a.m. — 12 p.m.  
**Place:** Senior Center at Girls, Inc., 626 Washington Ave., Hagerstown, MD  
**Add'l. Info:** Public hearing to solicit input for the State Plan on Aging covering Fiscal Years 2013—2016.  
**Contact:** Casey Brown (410) 767-1266  
 [12-09-33]

### BOARD OF BARBERS

**Subject:** Public Meeting  
**Date and Time:** June 11, 2012, 9:30 a.m. — 4:15 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl., Baltimore, MD  
**Add'l. Info:** Centre St. Entrance  
**Contact:** Robert Wood (410) 230-6190  
 [12-09-12]

### BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** May 10, 2012, 10 a.m. — 1 p.m.  
**Place:** Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Room 108/109, Baltimore, MD  
**Contact:** Maria Ware (410) 764-5902  
 [12-09-06]

### MARYLAND COLLECTION AGENCY LICENSING BOARD

**Subject:** Public Meeting  
**Date and Time:** May 10, 2012, 10:30 a.m. — 12:30 p.m.  
**Place:** 6751 Columbia Gateway Dr., Columbia, MD  
**Contact:** Kelly Mack (410) 230-6079  
 [12-09-16]

### BOARD OF COSMETOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** June 4, 2012, 9:30 a.m. — 4:30 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl., Baltimore, MD  
**Add'l. Info:** Centre St. Entrance  
**Contact:** Robert Wood (410) 230-6190  
 [12-09-11]

### BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting  
**Date and Time:** May 17, 2012, 12:30 — 3:30 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Lenelle Cooper (410) 764-4733  
 [12-09-17]

### MARYLAND STATE BOARD OF EDUCATION

**Subject:** Public Meeting  
**Date and Time:** May 22, 2012, 9 a.m. — 4:30 p.m.; May 23, 2012, 9 a.m. — 12 p.m. (tentative)  
**Place:** 200 W. Baltimore St., Baltimore, MD  
**Add'l. Info:** The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board must call (410-767-0467) or email (cnecessary@msde.state.md.us) the Board office no earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.  
**Contact:** Charlene L. Necessary (410) 767-0467  
 [12-09-05]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

**Subject:** Public Meeting  
**Date and Time:** May 18, 2012, 10 a.m. — 12 p.m.  
**Place:** 653 W. Pratt St., Ste. 508, Baltimore, MD  
**Add'l. Info:** The Provider Review Panel meets regularly on the 3rd Friday of every other month.  
**Contact:** Leandra Gilliam (410) 706-4449  
 [12-09-14]

**BOARD OF ENVIRONMENTAL  
SANITARIANS**

**Subject:** Public Meeting  
**Date and Time:** June 6, 2012, 10 a.m. — 4:30 p.m.  
**Place:** Howard Co. Bureau of Utilities, Columbia, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Pat Kratochvil (410) 537-3597  
 [12-09-04]

**HALL OF RECORDS COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** June 4, 2012, 12 — 2 p.m.  
**Place:** Edward C. Papenfuse State Archives Bldg., 350 Rowe Blvd., Annapolis, MD  
**Contact:** Rachel Frazier (410) 260-6401  
 [12-09-28]

**DEPARTMENT OF HEALTH AND  
MENTAL HYGIENE/MARYLAND  
BOARD OF PHYSICIANS**

**Subject:** Public Meeting  
**Date and Time:** May 23, 2012, 9 — 10 a.m.  
**Place:** 4201 Patterson Ave., Rms. 108/109, Baltimore, MD  
**Add'l. Info:** Appropriate auxiliary aid services provided for qualified individuals upon request. Call Ellen D. Smith at (410) 764-4769.  
**Contact:** Tammy Austin (410) 764-4769  
 [12-09-08]

**DEPARTMENT OF HEALTH AND  
MENTAL HYGIENE/LABORATORIES  
ADMINISTRATION**

**Subject:** Public Meeting  
**Date and Time:** June 5, 2012, 8:30 a.m. — 12 p.m.  
**Place:** 201 W. Preston St., O'Connor Bldg., Rm. L-37, Baltimore, MD  
**Contact:** Georgette P. Zoltani (410) 764-2899  
 [12-09-18]

**MARYLAND STATE LOTTERY  
COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** May 17, 2012, 10 a.m. — 12 p.m.  
**Place:** Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD  
**Contact:** Marie A. Torosino (410) 230-8790  
 [12-09-30]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** May 17, 2012, 1 p.m.  
**Place:** Maryland Health Care Commission, 160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460  
 [12-09-15]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Receipt of Application  
**Add'l. Info:** On April 6, 2012, the Maryland Health Care Commission (MHCC) received two applications for Certificate of Need submitted by:  
 Fort Washington Medical Center — Matter No. 12-16-2334 — Construction of a new two-story addition to the hospital to expand the Emergency Department and the addition of patient rooms. Cost: \$19,820,000.

Harford Memorial Hospital — Matter No. 12-12-2335 — Relocation of 33 temporarily delicensed inpatient rehabilitation beds from Maryland General Hospital to Harford Memorial Hospital. Cost: \$7,557,170.

The MHCC shall review the applications under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the applications. All further notices of proceedings on the applications will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the applications. A copy of the applications are available for review in the office of the MHCC, during regular business hours by appointment. All correspondence should be addressed to Paul Parker, Acting Director, Center for Hospital Services, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276  
 [12-09-20]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Formal Start of Review  
**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:  
 Massachusetts Avenue Surgery Center — Docket No. 12-15-2328 — Addition of a third operating room to the existing

ambulatory surgery center located at 6400 Goldsboro Road, Bethesda. Cost: \$638,250.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced applications must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business June 4, 2012. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Hospital Services, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.  
**Contact:** Ruby Potter (410) 764-3276  
 [12-09-37]

**MARYLAND PUBLIC  
BROADCASTING COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** May 22, 2012, 8:30 a.m.  
**Place:** Maryland Public Television, Owings Mills, MD  
**Contact:** Sharon Abernathy (410) 581-4141  
 [12-09-03]

**MINORITY BUSINESS ENTERPRISE  
ADVISORY COMMITTEE**

**Subject:** Public Meeting  
**Date and Time:** May 9, 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  
 [12-09-02]

## GENERAL NOTICES

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### BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

**Subject:** Public Meeting  
**Date and Time:** May 9, 2012, 9:30 a.m.  
**Place:** 4201 Patterson Ave., Rm. 109,  
Baltimore, MD  
**Contact:** Patricia Hannigan (410) 764-  
4750

[12-08-09]

### BOARD OF EXAMINERS IN OPTOMETRY

**Subject:** Public Meeting  
**Date and Time:** May 23, 2012, 9:30 a.m.  
— 12:30 p.m.  
**Place:** Metro Executive Bldg., 4201  
Patterson Ave., Rm. 105, 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 executive session.  
**Contact:** Patricia G. Bennett (410) 764-  
4710

[12-09-07]

### BOARD OF EXAMINERS OF PSYCHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** May 11, 2012, 9 a.m. — 1  
p.m.  
**Place:** 4201 Patterson Ave., Conf. Rm.  
110, Baltimore, MD  
**Add'l. Info:** Sign language interpreters/other  
appropriate accommodations for qualified  
individuals with disabilities will be provided  
upon request. May be discussing proposed  
changes to regulations.  
**Contact:** Dorothy Kutcherman (410) 764-  
4703

[12-09-24]

### BOARD OF PUBLIC ACCOUNTANCY

**Subject:** Public Meeting  
**Date and Time:** June 5, 2012, 9 a.m. — 12  
p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf.  
Rm., Baltimore, MD  
**Contact:** Dennis L. Gring (410) 230-6224

[12-09-10]

### RACING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** May 15, 2012, 12:30 — 1  
p.m.  
**Place:** Triple Crown Room, Pimlico,  
Baltimore, MD  
**Contact:** J. Michael Hopkins (410) 296-  
9682

[12-09-21]

### MARYLAND STATE REHABILITATION COUNCIL

**Subject:** Public Meeting  
**Date and Time:** May 9, 2012, 4 — 7 p.m.  
**Place:** Workforce & Technology Center,  
2301 Argonne Dr., Rm. T-130, Baltimore,  
MD  
**Contact:** Polly Huston (410) 554-9437,  
phuston@dors.state.md.us

[12-09-19]

### BOARD OF SOCIAL WORK EXAMINERS

**Subject:** Public Hearing  
**Date and Time:** May 11, 2012, 11 a.m. —  
3 p.m.  
**Place:** 4201 Patterson Ave., Rm. 109,  
Baltimore, MD  
**Add'l. Info:** The Board may discuss/vote  
on proposed regulations. A portion of the  
meeting may be held in closed session.  
**Contact:** James T. Merrow (410) 764-4788

[12-09-13]

### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting  
**Date and Time:** June 14, 2012, 9 — 11  
a.m.  
**Place:** 10 E. Baltimore St., Baltimore, MD  
**Add'l. Info:** Portions of this meeting may  
be held in a closed session.  
**Contact:** Amy Lackington (410) 864-5300

[12-09-01]

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Department of Health and Mental Hygiene: Part & Subtitles

#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 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
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Vacant
- 52 Preventive Medicine
- 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

#### Volume 1

- 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 CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
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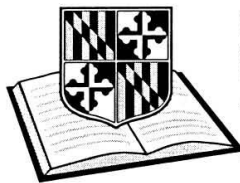
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