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of Public Works; and,

MARION BOSCHERT, Recording Secretary, Board
of Public Works.

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P R O C E E D I N G S

GOVERNOR O'MALLEY: Welcome to the Board of Public Works. Today is April 17, 2013. I'm told it's a little warm here. We're having some AC problems so feel free to take off your coats if you have them. I'd like if we could, in a moment of solidarity with our neighbors in Boston, if we could just begin this meeting with a short moment of silence for those who have lost their lives, and a moment of silence and solidarity for those families and loved ones that are still fighting for their lives.

(Moment of silence.)

GOVERNOR O'MALLEY: Thanks very much. Mr. Comptroller, Madam Treasurer, any opening thoughts?

TREASURER KOPP: No, except to say that I'm sure we all do share, Governor, your feelings and thoughts of I think, I doubt there are many people in this room who don't have relatives and friends in Boston, who didn't in New York, who haven't everywhere around the world where there are these horrible tragedies, manmade tragedies. And it does keep you humble and aware and particularly aware of common humanity in the face of inhumanity.

GOVERNOR O'MALLEY: Well said, Mr. Comptroller?

COMPTROLLER FRANCHOT: Thank you, Governor and Madam Treasurer. I completely concur with your moment of silence. I think it's safe to say we all have heavy hearts today, given the horror experienced by our friends in Boston on Monday. My wife Annie and I have called Maryland home for more than 33 years now.

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It's where we started our family and raised our kids and built our careers. So I'm a Marylander through and through. But I'm a New Englander by birth. I grew up there, went to school there. And so hearing the news on Monday was particularly personal and painful for me, seeing the innocent souls who lost their lives or were so badly hurt, those families who have sustained devastating losses and will never again be the same. Those runners, spectators, and other innocent bystanders who will forever be haunted by what they saw and experienced.

The Boston Marathon is a special event, and not just because I ran it in 1978 and finished. But it's something in which Bostonians and New Englanders take deep pride. I know the Treasurer is aware of this. For their city and their region, and also it's on Patriot's Day. They take deep pride in our country. So it's tragic to see such an inspiring event turn so gruesome. It's also uplifting to see the best people shine through in the worst of times. I know everyone out there saw the news accounts of runners running through the finish line, straight to

Massachusetts General Hospital to give blood. Or watched the first responders who rose to the occasion, knowing that their own lives could be at stake. It's the ordinary citizens who do everything possible to help strangers in desperate need, and to watch government work how it should when it's needed most with an effective, coordinated response from the federal, state, and local agencies who were on the scene and who are now committed to investigating this act of terror to ensure justice is served swiftly.

I appreciate you, Governor, taking a minute to offer our thoughts and prayers to those whose physical and emotional wounds will take a long time to heal. And I hope each of us will take a moment to check in on our friends and loved ones in the next couple of days, put down our cell phones, or iPads, and spend as much time as we can with our families. Because we are all too painfully aware that there are just no guarantees in life.

I will always be a native New Englander. But in this difficult time I think, frankly, we are all Bostonians.

GOVERNOR O'MALLEY: Thank you, Mr. Comptroller. All right. We have a number of items on the Agenda today. One item that we do not have on the Agenda today has to do with Towson Title IX issues, baseball, soccer, women's sports. But I understand that there are eight people here, given what we talked about three or four weeks ago, who wanted to testify and say something. So if all eight of you could, or whoever have -- am I right?

SECRETARY MCDONALD: That is correct, yes.

GOVERNOR O'MALLEY: So anyone who wants to speak to this issue, since you came down in any event, you are welcome to. If you want to designate one person, that's fine. If you each want to take a minute to say whatever it is that you'd like to share with us, you are welcome to do that.

I understand that in the budget language, Peggy Watson, or Secretary Foster, that there was language requiring the University System as a whole to outline some policy guidelines that would be applicable statewide for providing equal opportunities for women and men in our universities. So I would

imagine that with that process there will probably be opportunities for hearings in from the Board of Regents, or the like. I'm not sure that given the freshness of the budget that that has been outlined. Can you shed any light on that for me?

MS. FOSTER: Yes. Governor, what you said is exactly correct. That was the language that was included by the conferees. It is a part of the official report that was adopted by the General Assembly. They essentially ended up putting the proceeds of the monies in the University System and the Board of Regents will make that determination.

GOVERNOR O'MALLEY: Okay. So with us we have Ryan King-White, Hilton Silver, Janine Fratantuono -- did I say that right? Towson University Baseball Parents Group. Lance Johnson, President of the Towson University Alumni Association; Danny Skelton, Towson soccer alumni; Chris Dyer, Towson University Baseball Parents Group; Greg Flaherty, mens soccer alumni; Tom Bailey, Oldtimers Soccer Association of Maryland. Who wants to speak first? Yes, sir?

MR. DYER: Good morning. My name is Chris Dyer. I don't --

SECRETARY MCDONALD: May I, I'd like to make one note. Our microphones are not on so we would ask you to project so people behind you can hear you as well.

GOVERNOR O'MALLEY: How about the one, the -

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SECRETARY MCDONALD: I think it's not, no.

GOVERNOR O'MALLEY: How about these little things here?

SECRETARY MCDONALD: They are for the court reporter --

GOVERNOR O'MALLEY: All right. So those are for the court reporter, so the flat one in front of your there. But we're, imagine it's the Shakespeare Theater in the round here.

(Laughter.)

MR. DYER: And I'm not nervous enough already? Thank you. Good morning, Governor O'Malley, Comptroller Franchot, Madam Treasurer. First of all, on behalf of the entire Towson baseball community I

want to thank you for the opportunity to speak today on this topic.

I'm speaking on behalf of the alumni of the storied program; the supporters who attended baseball games; the parents of current and past baseball teams; Coach Gottlieb, who has run this program for the past 20-plus years and is here today; and most importantly on behalf of the student athletes who have been so impacted by these past six months, by the way the decision process has unfolded. And you'll note the baseball players that are here today. They are the ones not wearing the suits and ties.

Secondly, I want to thank you for intervening over the past few weeks to help solve the financial situation in the TU athletic department, which we believe is the root of the issue and the reason by Towson Athletics was forced to make the decision to cut soccer and baseball. We greatly appreciate your involvement and action. And the players in particular, who were treated so poorly throughout this process, are especially gratified by your involvement to help stop what would have been a

permanent solution to a temporary problem, and allow them to continue to do what they love which is continue to play baseball while they are earning a degree, and their pride in that accomplishment.

We recognize that this is a complicated and complex issue. In the limited time we have here today I will not go into the detail of the work that we have done over the past six months. But suffice to say that we along with other prominent alumni have developed very specific and detailed solutions to both the financial situation and the Title IX issues which we were told were the primary reason for the cutting of these teams.

In our view, based upon our analysis, the primary issue was a financial one. And as you know, the program went from a surplus to a \$1.3 million deficit in two and a half short years, all during a time period when revenues to the Athletic Department were actually increasing. And we believe the Title IX issue of proportionality was addressable and we can share our analysis with you on that as well. Unfortunately we, the baseball parents, were never

granted the opportunity to meet with the administration.

Over the past few weeks it has been reported that baseball is being saved. Again, we are grateful for your involvement and your intervention. But as they say, the devil is in the details. And at this point the details of the funding and the process going forward are a bit unclear. From what we understand the legislation that was passed would provide increased funds for the Towson University athletic program. However, as we understand it these funds are not going towards soccer or baseball but are going to improve the women's softball facility, \$500,000 in 2014 and \$1.5 million in 2015. Our hope is that this will allow funds to be made available for baseball as a result of this improvement. In addition, Coach Gottlieb was told last week that he will not be given any funds for scholarships, baseball scholarships, for next year. Which will make it extremely difficult to recruit, both practically and morally.

Second, as we understand it baseball will only remain at Towson if and only if the University is

able to raise enough funds for the program to be self-sustaining financially. Specifically, \$100,000 by July if this year, \$100,000 by July of 2014, and \$350,000 to \$400,000 by 2015. If we do we will have access to the matching funds created by the legislation.

First of all, we question that dollar amount especially in light of the fact that the team will be prohibited from offering scholarships and that will reduce the cost of the baseball team in years 2014 and beyond. Further, we are unclear as to what access to means in this situation and would like to have that clarified. It seems to us that further clarification on where the money will be coming from, how it will be allocated, is an important question that needs to be addressed in a very specific way.

Our concern therefore is that with these financial restrictions on the continuation of the program, which we believe was the intent of the legislation, is in doubt. And when you combine that with the lack of clarity surrounding the funding, with the prohibition on scholarships, and the apparent need

for the program to raise \$100,000 by July of this year, and to be self-sustaining by 2015, the future of the program is very much in doubt.

We respectfully make the following requests: that there be an independent oversight of Towson's implementation of the process; that the University make the process fair and transparent, unlike the process that was carried out earlier; and that the opportunities are provided to allow us to participate in this process.

On Monday the President met with the baseball team and coaches. During that meeting she indicated she is forming a task force to evaluate the financial situation in the Athletic Department. We are encouraged by this announcement. As we have stated, we believe this is the real source of the reason these programs are being cut and it has prevented the University from having the resources to support the women's programs and remain financial viable in the future. We hope that this effort will finally focus on the redirection of funds in the Athletic Department over the past few years, and

adjust the budget in a way that will allow Towson to have a balanced and competitive athletic program that it has had for the past 20 years.

In conclusion our goal is and always has been to have the program be funded through the Athletic Department, like every other men's sport, and have a framework that will allow for recruiting and scholarship like every other men's sport. We stand ready, as we have for the past six months, to truly be part of this process, this process that affects our boys. Thank you.

COMPTROLLER FRANCHOT: Can I ask a question?

GOVERNOR O'MALLEY: Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes, thank you, Mr. Dyer. And if you could stay, I just have a question -
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(Laughter.)

COMPTROLLER FRANCHOT: Frankly, I'm honored to have you here and am looking forward to the other speakers also. But I just had a question following up your last comment. How are the boys doing?

MR. DYER: It's been tough. It's been tough. I mean, you have freshmen who just started out on their collegiate career and then within a month of their matriculation, just joining the team, being told that their program was being cut in a hastily called meeting. Then it's been six months, really, of trying to develop solutions, very specific detailed solutions, to both the Title IX issue and the financial issue. And it's been a roller coaster, it's been back and forth. I think they've been very respectful throughout the process, to be honest with you.

COMPTROLLER FRANCHOT: And could you just comment on the, regardless of what you, obviously you disagree with the, with President Loeschke. And by the way, I'm kind of disappointed she's not here. Because this issue --

(Applause.)

COMPTROLLER FRANCHOT: It was very well publicized that this was going to be an opportunity for her administration and herself to speak in public. Which I don't think has happened anytime, and answer

the questions that you the baseball parents, and frankly it's you know, the kids have, people at Towson have, the alumni certainly have, the taxpayers do based on the subsequent very well-intentioned efforts by the Governor and the Legislature. And I'm just, I express my disappointment because I know she's a talented, intelligent person. But when you can't come out in the light of day and defend your decisions, and respond to some of the questions that you raised, it just causes real skepticism as to what is going on. It's not good enough just to come down and have private meetings with me and other officials. This is not something that should be done behind closed doors. It needs to be out there. Because otherwise, there is no accountability as far as the supposed reasons for dismantling these two tremendous sports programs.

So if you could just mention briefly, I'm not sure whether the, well let me just, I asked this before the Governor and the Treasurer came in, if everyone from Towson who is here on this issue, if you could stand up, please? And just once again -- and Mr. Dyer, thank you guys very much. But Mr. Dyer, if

you could just comment on the way in which this was communicated to the kids? And whether or not there was any, I mean I asked President Loeschke several times and couldn't get a straight answer as to what exactly happened when she went and informed the team about her decision. And there are all sorts of statements out there. Maybe you could just clarify a little bit whether or not this was handled appropriately?

MR. DYER: Well there were a couple, you know, there's been a couple of announcements that we've had with the team. The initial announcement was back in October. And it's my understanding that was done by the Athletic Director and the Director of the team. The most recent announcement was done just a few weeks ago. I think it was the President from what I understand surrounded by a security detail. And it was a three-minute announcement that the team would be cut. And there was, and she left with the detail from what I understand it, and there were no questions taken.

COMPTROLLER FRANCHOT: Okay. I guess my situation, my observation of the baseball program right now is that despite the best intentions of the Governor it's hanging by a thread. And I mean, I love this statement that the team is going to have to raise \$400,000 a year in private monies. You know, these teams are not some kind of 12-year-old travel league. These are --

(Applause.)

COMPTROLLER FRANCHOT: -- why don't we just for the, because we're all on a tight schedule, I appreciate that. But why don't we just focus exactly on what is the situation with the players? They, I take it it's almost worse than being cut off because it's kind of a purgatory where they are not sure whether they should stay, whether they should leave. What is the mind set out there as far as the players? Who I have gone up and seen play. Recently, the Navy game. And I'm here to tell you number one, who is in the, the right-fielder? Dominic? That guy could step into the Orioles tomorrow. He's a great player. And probably has better plans. But you know, it's high

quality and high caliber. How do you keep that up under the current uncertainty?

MR. DYER: Well as I said, I think it's been extremely difficult for the boys. Just being a student athlete in a Division I program in and of itself is a challenge. They have a very full schedule academically and in terms of sports and travel. And to throw on top of that the last six months, where they have been in limbo. And then, as I said, the intent of the legislation it appeared initially was to save baseball and soccer. But as I said, I'm not really sure about what the details are here. And so I think their view right now is that they have, they are in limbo in many respects until some of these details get addressed. And so they have a clear understanding as to what the funding process is going forward. How much they have to raise, why they have to be self-sustaining, whether or not other funds are going to be available either from the Athletic Department or from the State Legislature. These are all, as I say, you know, very specific questions that we don't have an answer to yet.

So we agree that our goal all along has been to have the discussion, you know, in a public way so that we can have a real serious look at what has gone in the financial side of the Athletic Department. And also to take a look at the Title IX issues. And we recognize that these are complicated, complex issues. We are not suggesting for one second they are black and white. We just would like to have an open and frank discussion about them and have an opportunity to share our findings. And we've done a lot of research on both of those topics and a lot of analysis.

COMPTROLLER FRANCHOT: I think that's excellent. The sunlight is so helpful to these discussions. People have strong opinions and they have facts that they think are facts. That's why we have transparency. But two quick questions and I'll let you go. Or I don't want to put you on the spot. Or, but are there any specific instances that the exact opposite happening up there as far as institutional or alumni support being withdrawn from Towson as a result of the President's decision and the manner in which it was handled? So not more money is

coming in, but less money is coming in because of the optics?

MR. DYER: Not that I know of. I'm not particularly close to that topic. But --

COMPTROLLER FRANCHOT: Well that's okay. You'll get a chance to talk.

MR. DYER: I'll let them --

COMPTROLLER FRANCHOT: Okay. And so you are a parent? Or a --

MR. DYER: I am a parent, yes, of a freshman baseball player, yes.

COMPTROLLER FRANCHOT: It's very stressful.

MR. DYER: It is. We're, you know, we are here reluctantly, I assure you. We would have rather not had this forum to have this kind of a discussion. We would have rather had discussion --

COMPTROLLER FRANCHOT: I'm supposed to let you go. We're going to move along. But you know, I have a daughter who played lacrosse at Penn. The sacrifices she made in her both education and social life to play at Division I level is nothing like what we ever experienced 20 or 30 years ago. It's an

unbelievable sacrifice on the behalf of these student athletes. And I have a son that went to Yale and played soccer. You know, he got on the wrong side of the coach. He was kind of a head case as far as I could tell. It hurt me more than it hurt him.

Because these are, these are our children. So thank you for taking the time to be down here. Personally I appreciate it. And I'm really, really sorry on behalf of the State position that I hold that this happened, and continues to unfold. Thank you, Mr. Dyer.

MR. DYER: Thank you very much.

(Applause.)

DR. KING-WHITE: I'm Dr. Ryan King-White. I'm a faculty member in sports management at Towson University. And I'm coming here to speak on behalf of the teams, both teams.

Under the blueprint provided by former President Bob Caret's Black and Gold Task Force, Athletic Director Mike Waddell was hired to "raise the competitiveness of our athletics teams." The line of thinking behind this directive was to parallel the supposed \$643 million in free advertisement that

George Mason University realized on the runs to the Men's Final Four in 2006. The study that the task force cited for this was actually written by a professor of sports management at George Mason University who was never published in peer review journal, most likely because the level of eminence needed to publish in academia was lacking.

Regardless of a lack of evidence, coupled with the fact that at present if capital expenditures are counted virtually no colleges or universities in this country turn a profit from sport, my Athletic Director and former President proceeded under the assumption that men's basketball and football are the academic engines that drive intercollegiate sports whilst also bringing in more and better students. Moreover, under the current solution that the State has offered to the athletics issue at Towson it seems as if the well-intentioned government is still doing the same.

As such I implore you to take a step back and reconsider bailing my Athletic Director out without fundamentally changing his mind set. By this

I mean what is happening at Towson University is not unique to the school. In fact, nearly every university with an athletics program is operating under the idea that if basketball and football are good, the school will benefit. Essentially this logic has it that if men's basketball were to make to the Final Four then the University will make a substantial windfall from prospective students applying, alumni donating, and current students purchasing merchandise. Only the academic findings on this line of thinking are murky at best and very often unsustainable.

Furthermore, if you look at it sort of objectively my Athletic Director is essentially gambling State funds on the idea that this type of athletic success is achievable during a time when literally every other school in the country is doing the same exact thing.

But let's think for a second, that the unthinkable happens at Towson University and our men's basketball team does go to the Final Four. What happens next? Sure, we'll probably see a small spike in Towson merchandise being sold, a few more students

applying, but the cost of winning is considerable. Put differently, we will need to house these new students. Which means more State funds going to build new places for them to stay. In fact, Towson University has extricated from my research at least half a billion dollars from the State in capital expenditures alone over the last 15 years, including \$45 million for this new building in Harford County.

Tiger Arena will need to constantly be renovated and updated. And our coaching staff will need to be paid or they will likely leave for schools that can afford to pay them even more money. Not surprisingly, this is exactly what happened at George Mason University. Coach Larranaga has gone to the University of Miami. The team plays in front of a rapidly declining fan base. And the cost of losing is made worse because they were willing to pay Coach Larranaga more and now they have to pay the new coach about the same as they did with him.

In addition, the students applying for the college now were only ten or 11 when George Mason went to the Final Four. And the novelty of small schools

winning in the men's basketball tournament has worn off since a bunch of schools have done it since, Butler, Wichita State, and a few others over the past seven years.

Of course my line of thinking on this matter will likely be disregarded as it's been so far by the University and our athletics will proceed as it has in the past few years. Thus what I am asking each of you on this panel and my President to do is hold my Athletic Director accountable. Specifically make him provide sound, verified evidence that his decisions to cut men's soccer, disable baseball, and focus on men's basketball and football actually works financially and is sustainable. Given the overwhelming findings in academic against pinning our hopes on these two teams, as evidenced by the fact that even after our football and basketball teams's modest successes enrollment figures have actually dropped and our budget is in disarray, I am sure he will find this difficult to do. Thank you.

GOVERNOR O'MALLEY: Thank you. Anybody?

COMPTROLLER FRANCHOT: Yeah, thank you. So you are a professor?

DR. KING-WHITE: I am.

COMPTROLLER FRANCHOT: And an academic?

DR. KING-WHITE: Yes, sir.

COMPTROLLER FRANCHOT: And you have information? Please, send it our way. Because I think you have put your finger on what the problem is. And I am thinking of the recent newspaper account of that wonderful young man from the Ukraine, who happens to be seven feet, one inch tall, who somehow made his way over to College Park and enrolled. And shortly after his sophomore year has just announced he is leaving to become a professional basketball player.

Now, do I blame the universities? I guess I do, because they should be protecting us against turning our universities into sports factories for professional programs. But I have to admit that the real culprit here is the NCAA. You know, they attract tens of billions of dollars of revenue from TV productions of college sports and then they give it to the schools in the conferences. You know, why don't

they take it and spread it around to all the higher ed institutions? And get out of this corrosive practice of turning our wonderful college teams into minor league programs for professional sports. I mean, these kids, I don't know, maybe some of them have a chance to be professional. But I would say 95 or 80 percent of them don't. And they play for the love of the game. And that's the way it ought to be. And so I'm just responding to your academic testimony. This is a big problem. And you know, I'd love to see the academic record of that about to be multimillionaire professional basketball player, if it exists. But what in God's name does that have to do with amateur athletics?

DR. KING-WHITE: Well I think that --

COMPTROLLER FRANCHOT: Am I wrong to blame the NCAA? I mean, it's money. It's --

DR. KING-WHITE: Well, absolutely. And as I was telling some of the parents today, a former basketball player from UCLA is suing the NCAA to using his likeness, Ed O'Bannon. Bill Russell and Oscar Robertson are also on this lawsuit, because the NCAA

was actually making money off of them after they were "amateur athletes." If this lawsuit goes through in 2014 and he actually wins, the NCAA will likely fold. So this is an ongoing pressing matter. And the sort of push towards more professionalism and paying coaches high salaries, which you can't blame them because why wouldn't you take a nice salary if you can get paid to do something you love? But it's become less about education and more about professionalism of these, you know, student athletes. And as you say, there is only one percent, if that, go on to be professional. So the mind set needs to be shifted back towards the whole student, in my opinion.

COMPTROLLER FRANCHOT: Thank you. Great testimony, I appreciate it. Thank you.

GOVERNOR O'MALLEY: Okay. It's now ten minutes to 11:00. Does anybody else want to be heard on this matter?

MS. FRATANTUONO: Hi, my name is Janine Fratantuono, and I'm a parent of a current baseball player. Good morning, Governor O'Malley, Comptroller Franchot, and Treasurer Kopp. Thank you for allowing

me to speak today regarding the Towson baseball program. I have a vested interest in this situation. Comptroller Franchot, I want to personally thank you for bringing public awareness to our cause and for immediately taking action.

From a parent perspective I have to offer the following. From the initial recommendation made in October to now, let me just tell you it has been one heck of a roller coaster ride. I could not be more proud of each and every player, coach, or parent associated with the baseball team. They have shown leadership, character, but most of all respect during this whole process. Imagine waking up one morning to attend 6:00 a.m. workouts, then attend an 8:00 a.m. meeting to hear that your team is on the chopping block. At this point the boys reacted with more determination and began working even harder to gain acceptance by the Towson administration.

Let me just say as a parent the past five months has been difficult to say the least. Trying to show respect when none was given to the students this affected the most was the hardest to overcome. These

student athletes made a loyal commitment to Towson University in good faith only to have Towson turn their back on them. The Towson administration did not even offer any guidance to the students during this whole process. It was, "Here is the recommendation, and we hope to have a decision shortly after winter break." Well winter break would have been the best time for the students to visit other colleges.

Envision yourself as a student athlete trying to focus on your studies, wondering if you have a team next year, and where you will be. Oh, and they still continued 6:00 a.m. workouts twice during the week plus fall practice everyday as well. The mental anguish the team had to endure was intolerable. But Towson University put them to the test and the team passed with flying colors in the classroom posting a Fall GPA of 3.09 even under the most disturbing circumstances.

However, the boys felt defeated again by the administration as the Towson Athletic Director posted a tweet praising the men's basketball team for

producing a 2.9 GPA, but no mention of the boys' baseball team.

Winter break comes and goes and still no decision. Students are watching their emails everyday to see if any new updates come across but no communication from the President from November 19th until March 8th, not a peep. The lack of respect shown to the student athletes is one that even Scott Van Pelt from ESPN commented on his show, as the President made the announcement to cancel baseball and soccer and to show up with police officers is totally ridiculous. And yes, it was the baseball team's in conference home opener against rival Delaware just four hours later that afternoon.

As a parent, being on the receiving end of the phone call only to hear the disappointment in your son's voice is one that will always bring a tear to your eye. Again, the team felt defeated by the administration in more ways than one. It is now March 8th and most transfer deadlines to other universities is March 1st. The pressure is really on the students now to study, play ball, win. Remember,

competitiveness is one of the three bases of the original recommendation. And to look for another college. Really? Could you add anymore to their plate?

The uncertainty continues even today. These students athletes deserve better. Towson University owes it to them. Thank you.

COMPTROLLER FRANCHOT: And I have one question for you, if I could? Assuming the meeting, was it March 8th when the players were told?

MS. FRATANTUONO: Yes, sir.

COMPTROLLER FRANCHOT: Assuming it started at 10:00 a.m. sharp, how long did it last?

MS. FRATANTUONO: I believe it was no more than three to four minutes long.

COMPTROLLER FRANCHOT: Three to four minutes? And what were the players told and were they allowed to ask any questions?

MS. FRATANTUONO: No. The President just announced that the soccer team had been disbanded immediately and the baseball team would be disbanded

at the end of the current season. And that she said, you know, Godspeed, and walked out.

COMPTROLLER FRANCHOT: And just for the record, because God knows I'm never going to get a straight answer from President Loeschke, how many Towson University police officers were involved in this whole announcement? How many were in the room with the President? How many were perched outside the door? How many were stationed in cars outside the building in the parking lot? I mean, what is the --

MS. FRATANTUONO: If I could ask Zach Fisher to come up. He's actually a baseball player. He attended the meeting.

COMPTROLLER FRANCHOT: Come on up.

MS. FRATANTUONO: Zach, could you? Zach could answer that. He was actually there.

COMPTROLLER FRANCHOT: Zach, I believe you are an Academic All-American, right? Or academic star in addition to being a good baseball player.

MR. FISHER: Thank you. There were two or three cars outside. There were two cops on each, or a cop on each floor of the stairwell. There was two

cops with her. And then after everybody left there were double digits cops seen leaving the seen. So there were at least ten.

COMPTROLLER FRANCHOT: And were the coaches allowed into the room? Were they there when you were told?

MR. FISHER: No, they were taken into another room and handed their information.

MS. FRATANTUONO: Yes.

COMPTROLLER FRANCHOT: That's what I have kind of a tough time understanding. I mean, here are the coaches who recruited you, who are strong mentors, positive role models, great people. I think they are here today. They weren't there to give some counsel to you guys? Okay. Zach, sorry about that. Keep up your great academic performance. I think you are a Capital One Academic Star, and maybe I've got the wrong Zach Fisher, maybe it's somebody else.

(Laughter.)

COMPTROLLER FRANCHOT: But keep up the great work. And just once again, I find this pretty deplorable. Okay? Next? Thank you, Janine.

MR. FISHER: Thank you.

MR. SKELTON: Good morning. Thank you guys, very much. Governor O'Malley, the Comptroller, and the Treasurer, and the other members.

GOVERNOR O'MALLEY: And tell me your name?

MR. SKELTON: My name is Danny Skelton.

GOVERNOR O'MALLEY: Thank you.

MR. SKELTON: I attended and played soccer at Towson University from '99 from 2003. What I'm about to share with you all was written under the impression that baseball had already been saved. And I think like a lot of people we were fooled, or misunderstood. So I just want to add that my comments will specifically address soccer but I certainly want to add baseball into this. As there has been a silver lining in this whole process it has been the bond that has been created between those two programs and I think that should be highlighted.

I was fortunate enough to have the honor to serve as the team captain my senior year and be a part of the first team to advance to the NCAA Tournament for the men's soccer program. As I shared with

President Loeschke and the assembled task force back in the Fall at our open forum, I am here today as a resident of Maryland after moving from my hometown of Boca Raton, Florida to attend school and play soccer at Towson University. Furthermore, as a result my two small children are here today due to my decision.

With precisely that weighing on my mind I settled in to think about what I was going to say with the limited time that I have. The truth of the matter is this, there is no way to set aside emotions as this is clearly an emotionally charged issued. And it is with great sadness weighing on my heart that I will address you all today. I could spend all my time regurgitating facts, statistics, to all of you. Facts such as the Towson University Athletic Department over the past ten years has never had an unbalanced budget. Towson University has not been formally cited for a Title I violation. And the men's soccer and baseball programs are arguably the most successful athletic programs in the school's history, with men's lacrosse being the only other sport to have more NCAA appearances.

Now considering the three presented issues to justify the termination of soccer and baseball, for long term financial stability, Title IX compliance, and increased competitiveness, one would think the previously stated facts would be clear justification for retaining these two programs. As much as I would like to continue to spend more time talking about this, I will leave those details for Lance Johnson, who will follow me. And I will shift my focus to bring your attention to the collateral damage that this decision will have on our community and our youth.

It is a decision such as this that causes me to pause and to take a moment to examine the true message that this decision will send to those in the Towson community, to others throughout Maryland, and to the rest of our country. More specifically to our children. I ask you all to ponder the question what message will this decision send? As a person who has chosen a lifelong career in education as a school counselor at St. Paul's School for Boys, as well as a high school and youth soccer coach, I know all too

well the impact this decision will have in our communities and our young men and women.

Since beginning my coaching career in 2006 at Patapsco High School, then on to Perry Hall High School for four years, and now where I am currently at St. Paul's, I have witnessed first hand the incredible positive impact that the Towson University men's soccer program has had on high school sports as well as youth programs in the State of Maryland. In the few years that I have been involved in youth soccer I have personally been involved in the recruitment of three student athletes to Towson University's men's soccer program and have been involved with even more student athletes who have had and still have the aspiration of being a part of such a storied program.

I have watched and supported Coach Frank Olszewski as he has worked tirelessly each season to go after some of the top recruits in the area with a limited budget, competing against fully funded programs such as UMBC, Maryland, and Loyola. Time and time again Coach Frank was able to produce results and compete in one of the toughest conferences in the

country with far fewer resources than other schools in the area and in the CAA. Consistently for decades at least half of the men's soccer roster has been comprised of Maryland residents. And I firmly believe this number would be even higher if his funding had made him more competitive when pursuing local talents.

Each of these local student athletes is a product of our rec, travel, club, and high school programs here in the State of Maryland. With some of our country's finest soccer players and youth programs right here in Maryland it is an absolute crime to deprive these future student athletes with the opportunity to get a great education while being a part of the most tenured and historic college program in the State.

There are 28 club soccer programs in the Baltimore area alone, 14 additional clubs in the surrounding area, totaling 42 high level club soccer programs, not mentioning the many travel and road programs that support and are supported by the Towson University Soccer Program. Nationally recognized clubs such as Baltimore Base, which has been ranked

the number one club in the country for the past four years running; Pipeline Soccer Club, which is one of the fastest growing clubs in the region; FC Bethesda; FC Frederick; Soccer Association of Columbia; Potomac; LCSC; Baltimore Soccer Club are just a few examples of the tremendous reach that Towson Soccer has had over the decades. That reach is extended with the growing number of Towson Soccer alumni continuing to give back to the community by becoming and staying involved in youth soccer after graduating from Towson. It is a never ending cycle of giving and receiving, community, and development.

With nine TU Soccer alumni currently coaching in area high schools, and over 20 alumni currently coaching at youth clubs, it is clear that Towson University Men's Soccer Program has and continues to touch the lives of many young men and women. Our alumni community stretches further than just the State of Maryland. Take me for example. I am here today because of alumni Carl Kurtz, who spotted me playing in a high school game down in Boca Raton, Florida. More importantly, he and I are still

very close to this day. With a tradition dating back to the 1920's the very roots of the Towson Men's Soccer Program are based on community and family. It has been a part of the lives of countless families. It has influenced the lives of countless children. And no matter what the final decision is the impacts of Towson Soccer will echo for an eternity.

This brings me to my final point. When examining the influence of collegiate the professional sports in America, it is easy to see the tremendous impact that sports have made and continue to make with regard to shaping our society. Whether we like it or not, our college and professional athletes are constantly in the limelight and continually being viewed as role models and heroes for our youth. We have become a country that glorifies the idea of a champion. But at what cost? Professional athletes' status has reached new heights. And considering the ever growing, increasing media attention surrounding college sports, the same can be said for the status of

our student athletes. Or should I say, athletes that happen to be students?

It is precisely this that comes to mind when I think of the collateral damage that would be seen if we allow the decision to cut men's soccer and baseball to become a reality. What kind of message will this send to our children? When one of the most academically successful sports at Towson University is eliminated to create more money to fund more revenue producing sports such as football and basketball? What kind of message will it send to our society if universities continue to eliminate college opportunities for young men in order to bring in more money to grow a university's "brand?" Are universities about the value of education, or are they a cutthroat business that only focuses on the dollar? What kind of message do we want to send to our young aspiring athletes, who will continue with this disgraceful trend?

When this all comes out, when this all initially came out, I truly believed in my alma mater, I believed that Towson would do the right thing and

not sink to the level that it has now sunk. I had faith that we would be better than this and go against the growing trend of universities putting sports, championships, and money over education and opportunity. It is not too late. The story of Towson University can still be rewritten. The vision of my alma mater can still be refocused and it can still be a place that I am proud of, a place that I will one day proudly send my two-year-old son.

Do your part and be a voice and do not let this happen. In closing I want to remind you all, there are over 400,000 NCAA student athletes, and just about all of them will go pro in something other than sports. This is the quote from their commercial. Is this a catchy slogan? Or is this something that we truly believe? Where are our priorities? Thank you very much.

GOVERNOR O'MALLEY: Thank you.

COMPTROLLER FRANCHOT: Just if I could ask a question of Mr. Skelton, because what you say resonates. Here we have soccer, the global, globally the most popular sport in the world. We have

baseball, which is the nation's past time. Both of those proud programs, stretching back decades, get axed. And I guess my question is what impact does that have on Towson's hard earned reputation and public stature?

MR. SKELTON: Well I, again --

COMPTROLLER FRANCHOT: You are connected --

MR. SKELTON: -- being involved in the community at the youth soccer level, you know, it has left a bad taste in a lot of people's mouths. You know, I know specifically I am currently coaching a group of boys, a U-18 team, a high level club team. And many of them were being recruited by Towson and several other Division I schools. And the moment it was initially announced in a meeting several months ago, where Mr. Waddell had called in two separate meetings men's soccer and men's baseball to let them know that there was a possibility that these two programs would be eliminated, once that was made public and it started to spread a lot of these kids no longer had an interest in Towson. And it's a shame.

COMPTROLLER FRANCHOT: Are you aware of any Division I school in Maryland that doesn't have a soccer program? Men's soccer program?

MR. SKELTON: Well I know Mount St. Mary's I believe was recently eliminated. Other than that, no.

COMPTROLLER FRANCHOT: Well thank you.

MR. SKELTON: My pleasure.

COMPTROLLER FRANCHOT: I'm glad you live in Maryland, not Florida.

MR. SKELTON: Thank you guys very much.

GOVERNOR O'MALLEY: Anyone else? It's now 11:10.

MR. JOHNSON: All right. I will be brief. My name is Lance Johnson. I am the Towson University Alumni Association President, and my views today are not representative of the Towson Alumni Association President, they are mine and mine only.

I am Lance Johnson. Let me start by saying today thank you, Governor O'Malley, Comptroller Franchot, and Treasurer Kopp for hearing me today. I am a Towson University Hall of Fame member. I played

for the Baltimore Blast for 11 years. And I am a commercial lender at First Mariner Bank.

Let me start by saying I was a member of the task force and understand how the Athletic Department and the President arrived at the decision to discontinue baseball and soccer, but I respectfully disagree. Cutting the two programs is a solution to financial mismanagement of the Athletic Department and these two programs were used as a scapegoat. By mismanagement I mean adding over \$1 million in expenses with no sustainable revenue source. Taking a step back, what I don't understand is how the decision was made to reinstate baseball and not soccer. Funding for this was provided by the State, which is why I am here today.

The Legislature ultimately approved a U.S. and incentive met program for institutions competing in NCAA Division I sports. The program provides Towson a window of opportunity to address Title IX inequalities and projected future funding shortfalls. It also provides supporters of baseball enough operating assistance to engage in a fundraising

campaign that might enable the baseball program to be self-sufficient by the Fall of 2015. I applaud the baseball team for their efforts to get this done. The program will require institutions and boosters to raise private dollars to match State assistance. Why wasn't the soccer team given this opportunity?

The task force was told cutting only one sport was not an option. But why is it now? Raising money to support operations was not an option. We were told on the task force only a \$12 million endowment per sport would make them self-sufficient. I ask you, what has changed?

The sports were originally discontinued for their negative impact on Title IX, financial sustainability, and competitiveness. If money was allocated to reinstate baseball, surely it made sense to also reinstate the soccer team which has fewer males, fewer scholarships, costs less to operate per year, and has had multiple national rankings over the last ten years. This equates to less of an impact on Title IX, financial sustainability, and it enhances competitiveness. I'm sure you can see my confusion.

Maryland is spending \$2.6 million on Title IX. \$2 million to reconfigure the softball field, and \$300,000 a year for operating expenses. Compare this to a \$350,000 investment if soccer was reinstated. If the University and the State are trying to fix the Title IX and financial sustainability problem, why wasn't soccer saved?

Please don't let soccer be the scapegoat for this financial mismanagement. A mistake has been made so let's correct it. Thank you.

COMPTROLLER FRANCHOT: Thank you. Governor, thank you.

GOVERNOR O'MALLEY: Thank you.

COMPTROLLER FRANCHOT: I'd like to ask a question. Sir, give me your name again? You are the head of the Alumni --

MR. JOHNSON: Lance Johnson.

COMPTROLLER FRANCHOT: Mr. Johnson. So you are President of the Alumni Association?

MR. JOHNSON: Yes.

COMPTROLLER FRANCHOT: Okay, if I could just quickly ask, are you aware of any Title IX complaints that have been made against Towson University --

MR. JOHNSON: No.

COMPTROLLER FRANCHOT: To the best of your knowledge, is there any active or pending litigation against Towson based upon non-compliance with the letter or the spirit of Title IX?

MS. JOHNSON: No.

COMPTROLLER FRANCHOT: The U.S. Department of Education Office of Civil Rights, which has jurisdiction for Title IX, has repeatedly said that, I mean, this is unbelievable, that the elimination of men's sports teams to accomplish Title IX is specifically in the statute, articulated, as not the right approach. That we are supposed to bring opportunities for women athletes, like my daughter, up. I'm all for that. But the idea of abolishing men's programs is in the statute. I think the exact phrase, I think it's diplomatic language, this is a, this would be considered a disfavored practice. Okay?

GOVERNOR O'MALLEY: I would agree with that.

COMPTROLLER FRANCHOT: Thank you.

(Applause.)

COMPTROLLER FRANCHOT: By the way, the Governor has been great on this. And I appreciate his interest. Because it's --

(Applause.)

COMPTROLLER FRANCHOT: So let me just ask about this fundraising. Apparently on the website a month ago it was said no private fundraising. Then all of a sudden after the Governor with best intentions stepped in now it's, "Oh yea, we do want private fundraising. And in fact, we want a lot of private fundraising." Does one contradict the other? Or what is your understanding as the head of the Alumni Association?

MR. JOHNSON: Well as a task force member when we were addressed by the Athletic Department and people raised questions about can we keep the programs if the programs essentially help themselves by doing fundraising, we were told no that's not possible. The only thing that is going to solve this problem is a \$12 million endowment. And the spinoff revenue from

that endowment per team per year is the only thing that would save the teams, essentially pushing it back on us and saying, giving us an unreachable goal.

COMPTROLLER FRANCHOT: Okay. So now the new website, the old website said it's too complicated to raise money privately. A month later they put a new one up saying with the additional funding and the increase in the student fees, fundraising by the baseball program and supporters of at least \$100,000 per year over the next two years is required in order for the program to remain operational. This is on the University's website. By Fall, 2015 \$400,000 per year in private funds must be raised to continue annually Division I baseball at Towson University.

MR. JOHNSON: Yes --

COMPTROLLER FRANCHOT: So yes, I agree with you. Kudos to baseball. I love baseball. But I wouldn't hold my breath, number one. And number two, what the heck does this mean? I mean --

(Applause.)

COMPTROLLER FRANCHOT: Thank you for your testimony. Thank you for playing at Towson. And

thank you for being here. I know it takes, there's a lot of retaliation floating around in the air, to be honest. I appreciate the fact that you are down here.

MR. JOHNSON: Thank you.

GOVERNOR O'MALLEY: Thank you.

MR. SILVER: My name is Hilton Silver. I'm a 70's alumni at Towson where I played soccer and other sports. Title IX is at the point of the decision to drop soccer and give baseball a two-year window. I have four daughters. They all are or have been athletes. I'm certainly in favor of Title IX. Title IX is to be used a shield to protect and nurture women's athletics, not as a sword to gut men's athletics. There are no Title IX investigations of Towson University. This is a contrived issue to cover Athletic Department overspending.

When the original athlete numbers were released by the Athletic Department, women's track and cross country athletes were undercounted. When the Baltimore Sun pointed out the discrepancy the numbers were revised, but then some men's teams rosters were increased to compensate, to maintain the original

ratio. The numbers are obviously fudged. It seems inconceivable that the original miscount was inadvertent. As it stands now the football team has 108 members. They don't need a roster size that big.

Financial stability has been cited here. Towson Athletic Department has 52 assistants, while other schools like UMBC and Loyola have 35. Towson --

COMPTROLLER FRANCHOT: Can everyone hear Mr. Silver? Speak up a little bit.

MR. SILVER: The Towson men's basketball team has six assistant coaches. UMBC has two. Loyola has three. I wonder why Towson needs six assistants with 12 athletes, when its field hockey team has one assistant coach and 30 athletes, and baseball and men's soccer have two assistants. The problem here is wasteful, extravagant, and systemic overspending on support staff.

After Mr. Waddell decided he was going to cut soccer and baseball he hired an athletic administrator at \$125,000 a year. How can you justify that kind of hire when you are \$1.3 million in deficit?

Competitiveness is the third issue cited by the University. Baseball and men's soccer have been competitive on and off the field. Until this last season, the men's basketball team has been woeful on and off the court. They were ineligible for post-season play because of academic deficiencies. But because of the conference the money brought on the NCAA Tournament, the basketball team could lose all of their games and still make money. However, swimming is not competitive. And if competitiveness is the issue then swimming should have been dropped.

Winning at all costs is not what college athletics is supposed to be about. Towson is in a mid-major conference, we're not in the SEC, Big Ten, or ACC. Other universities compete at a high level globally. Loyola just won the national tournament in lacrosse, UMBC and Loyola and gone to the basketball tournament. Massive amounts of money have been poured into football and men's basketball at the expense of other teams. The spending in and of itself might be a Title IX violation.

As an alumni and former athlete, I want Towson to be competitive. But the core mission of this and any other university is academics. The football team is not going to be CS game. Too many resources are being wasted pursuing glory in basketball and football.

Both teams could have continued without new scholarships. That alternative wasn't even considered. Mike Gottlieb and Frank Olszewski have coached at Towson for most of their adult lives. Mike went to school here. Either of them could have gone on to bigger, higher profile positions. But both were Towson people and spent their entire careers at Towson. These are guys who should have a plaque in their honor in the Athletic Building and on the field. They should be able to retire when they want to and maintain an office as Coach Emeritus. Instead, both have been or soon will be discarded like stale bread or yesterday's newspaper.

As to self-sufficiency, no other sport or academic program has that burden. For example, if nursing or business get large contributions,

endowments than say English and philosophy, should business and nursing majors pay less tuition than English and philosophy majors? Of course not.

This whole process has been suspect from the start. It just does not pass the smell test. When someone wants the school in theater like University President Ms. Loeschke, there is something rotten in Denmark. And if the College uses Shakespeare, there is something rotten in Towson. Please correct this grievous wrong and restore soccer. Allow them the same chance as baseball. Thank you.

GOVERNOR O'MALLEY: Thank you. If people want to, will provide Board of Public Works Secretary with their written remarks, we will be glad to forward those on to Brit Kirwan at the University of Maryland System, and also to the President of Towson. Okay. Either Greg Flaherty or Tom Bailey, yes?

MR. FLAHERTY: Hello. It's a pleasure to be here today, Governor O'Malley, Treasurer, and Comptroller. I come from Pennsylvania --

GOVERNOR O'MALLEY: And what is your name?

MR. FLAHERTY: -- my name is Greg Flaherty.

GOVERNOR O'MALLEY: Thanks.

MR. FLAHERTY: I graduated from Towson in 2006 with a business management degree. In the essence of time, I have a speech here from Coach just speaking to the program. But for me, as someone who lives out of state, I did meet my wife at Towson. We talked about moving back to the area and now my opinion of the University is definitely slated. I feel left out to dry when I've donated money, I've donated time. I've come back to the area to really be a part of the University and feel good about that. And I'm a big fan of Maryland, and like I said considered living here. So in the future. And I also have a home remodeling business in my home area in Westchester, Pennsylvania and I would like to move back down here as well. Part of my interest in coming back to the State is Towson Soccer. So that changes the way I look at my life moving forward into the future.

But we've heard about how this has been a great program. We have a lot of professional athletes that have come out of Towson Soccer. A lot of

coaches, a lot of people amongst different professions that are giving back to the community, and as you can see here by this dedicated alumni group, we're going to go away. And we're not, our care, and effort, and though process for Towson is just not going to be there anymore with this decision as it's going through. And we already feel that the University has not done us well, and done us justice.

And I don't want to go through and read this whole letter because I know that time is of the essence. But I just did want to read, this is from Coach Frank Olszewski. And he's unfortunately not here today. And I know this is very hard on him. And I think anyone who has been a professional, true professional for as long as he has, helping young men progress their lives, it's an injustice to him for his job to be cut like this. And for him to be, ties cut from the University. And I feel terrible for the man and I know he does as well. And it's greatly had an impact on him when he should be getting close to retirement.

But his last line I think is far reaching. It is through all this that I believe we have represented Towson University with distinction and what college athletics is all about. Of course, I could be wrong about how all this is relevant to modern collegiate athletics, and so be it. However, if all of this is true about what is good and right about sports in an educational setting, then by discontinuing the men's soccer program this arm and measure of opportunities for our community will no longer be available for future generations of young male soccer student athletes at Towson University. I cannot help but feel a sense of loss.

And again, as someone from out of state I'm an advocate and an ambassador to the school. I coach youth soccer as well and I work to push kids about Towson University. And even people know that I went to Towson. And when Pennsylvania residents are asking me about Towson University, I've always been an advocate. Great school. They did well for me. And I don't know if I'll be able to speak of the University that same way moving forward. Because again, I feel

slighted. And I feel disrespected, as well as the rest of my alumni group. And that is why I'm here today. I traveled three hours this morning to get down here. Because I feel passionately about this issue. But again, I thank you for your time. And being an advocate for us as well. We do greatly appreciate it. And that's all I have today.

COMPTROLLER FRANCHOT: If you could give a copy of the coach's letter?

MR. FLAHERTY: yes.

COMPTROLLER FRANCHOT: I don't frankly understand why he isn't here. I hope it wasn't --

MR. FLAHERTY: I think it's just been such an emotional roller coaster for him that he, it's been up and down, and up and down. And he just kind of wanted us to let, do what we could. And I think he feels he's almost away from the program now, and it's in the alumni's hands, is why he wasn't here today.

COMPTROLLER FRANCHOT: Yeah, well, frankly there are some other things going on, too.

MR. FLAHERTY: Right.

COMPTROLLER FRANCHOT: And that's a travesty. I'll just leave it at that. Thank you for your testimony.

MR. FLAHERTY: Thank you.

GOVERNOR O'MALLEY: Thank you, Mr. Flaherty. Tom Bailey is our final speaker. And I appreciate all of your patience, for those of you that are here on the other matters on the Board of Public Works Agenda.

MR. BAILEY: Good morning. I'm Tom Bailey. I'm here to speak on behalf of Frank Olszewski, Towson University Soccer, and the game of soccer. I've been involved in the evolution of soccer in Maryland. And I have donated most of my life to the game.

I represent five generations in my family that have played soccer. I was raised in Dundalk and played soccer and baseball at Loyola College. In 1968 I was asked to organize a soccer program in Overlea. That same year we organized the Baltimore Beltway League. I was elected Vice-President of the State Soccer Association and was asked to organize a State Youth Soccer Association in 1976. This I did, and served as its President for five years.

In 1978 I became a volunteer Director of the Maryland Special Olympics Soccer Program. As such I conducted 11 soccer summer camps at Elks Camp Barrett in Crownsville and directed the statewide tournaments for the handicapped citizens of Maryland. I currently serve as Director of Officials, and still referee the Special Olympics soccer matches in September and October.

Twenty years ago I was elected to the Board of the Old-Timers Soccer Association of Maryland. I currently serve as Corporate Secretary and Chairman of the Maryland Soccer Hall of Fame. I did find some time to work as a manager for the C&P Telephone Company for 32 years, and served my country with the U.S. Army in Korea, and as an officer in the Maryland National Guard for 18 years.

I recall competing against Towson in the 1950's. Their soccer program was very strong under the capable coaching of the legendary Donald Minigan. Three of our children, seven children, graduated from Towson, and a grandson is currently a student at the school. Many of our Special Olympics events are held

at Towson and our Hall of Fame committee has been meeting there for a number of years. Soccer has been a tradition at Towson for many years. And when I learned that it was in jeopardy I became very concerned.

Soccer, contrary to popular belief, is not new to Maryland or to Towson. Its origins are certainly European. However, it has prospered since the 1800's. Its appeal has largely been to the immigrant class of people and largely in the cities until recent years. Unlike sports such as lacrosse and football, it has been available to the lower income families who could not afford the schools or the equipment required of other sports. Towson is uniquely situated to accommodate this class of our citizens because of its location and lower tuition costs. More recently the game has appealed to the minority members of our communities.

Soccer at Towson is legendary, beginning with the coaching of Dr. Minigan. Many of its players have achieved recognition in the game. At least a dozen members of the Maryland Soccer Hall of Fame are

Towson graduates. Several of them have achieved All American status. To terminate the program would be a slap in the face to many of these distinguished athletes who not only played the game but went on in their lives to become leaders in the education and business communities.

I recognize that these are tough economic times. However, I believe that there are sufficient resources to support both the baseball and soccer programs at Towson. To support one at the expense of another appears to me to be very unfair. Soccer of course, as you well know, remains one of the last expensive sports to operate. I am convinced that between the State, the University, and the programs, an accommodation can be worked out if sufficient room is left for reason and compromise. To unilaterally terminate soccer is perceived by me to be both unfair and draconian.

I have known Frank Olszewski since he was playing in the Dundalk American Legion program in the 1970's. I was instrumental in his being inducted in the Maryland Soccer Hall of Fame. Since that time he

has served faithfully as a member of the Maryland Soccer Hall of Fame committee, even to the point of hosting our annual selection meetings. I have seen his teams compete and they do so with great determination and have won several conference championships. Along with Loyola, UMBC, and the Naval Academy, they provide a potential link in a collegiate tournament which the Old Timers currently have under consideration. In addition, Frank has served as a member of the Maryland arm of the U.S. Olympic Development Committee, a position that requires much work and for which there is no compensation. His ability and integrity demand that he be given an opportunity to continue the soccer tradition which has been a big part of Towson for many years.

This concludes my presentation.

GOVERNOR O'MALLEY: Thank you, Mr. Bailey.
Okay.

COMPTROLLER FRANCHOT: That's fine. I have a, if I could, thank you, Mr. Bailey. And I have a short statement, Governor.

GOVERNOR O'MALLEY: Sure.

COMPTROLLER FRANCHOT: Thank you for your testimony.

MR. BAILEY: Thank you.

COMPTROLLER FRANCHOT: And frankly, I want to thank everybody who is here from the Towson family. The parents and friends, student athletes, the supporters of these two long time successful programs. Thank you for coming down. Thank you for attending today's meeting.

The conduct of these exceptional young men in these programs today, and frankly for the last year, the timeless, nonstop commitment from folks like Janine who testified, and so many others have shown to these young student athletes throughout this embarrassing, outrageous process that you, the student athletes, embody the very values of loyalty, teamwork, and respect that are what college athletics is supposed to be about. These are the very traits, regrettably, that you had every right to expect from the President, from her leadership team, from the very institution that was supposed to watch out for their

kids, protect them, and safeguard their best interests at every turn.

That didn't happen. You had every right to expect transparency, forthrightness from a group of people who have jobs only as a result of your tuition payments, your tax dollars, your hard earned contributions. Instead you were subjected to a fabricated Title IX crisis that was conceived simply to justify a policy decision that we all know was based upon money and nothing else. And an Athletic Director who was hell bent on manipulating data to ensure his long intended outcome even if it violates the very essence of the Title IX program.

You had every right, parents, to expect that your fine young men would be treated with dignity and understanding at the very moment when their athletic careers were being interrupted, if not ended. Instead they were not allowed to be in the same room with the coaches whom they trust and were instead subjected to a sterile four-minute speech from a President with whom they had no relationship and who felt compelled to bring police officers into the meeting in some

attempt to exert executive muscle. At a moment that demanded true statesmanship, Dr. Loeschke instead adopted the tone and tactics of Dean Pritchard. Remember him? *Old School*? It's an old famous movie. Except in that movie, the victim in this instance isn't Frank the Tank, but a group of boys who brought great honor to Towson through their character and athletic prowess.

You had every right to expect that this President and her leadership team would act first, foremost, and always to protect the reputation of Towson and enhance its stature both in Maryland and throughout the nation. It hasn't happened. The chain of events as they have transpired over the past few weeks has divided the campus, alienated foundational donors who have made their own heart and soul commitment to the school, catapulted this tremendous school into the national press for all the wrong reasons and left some of Towson's most loyal students with a sense of bitterness and disillusionment that will take years to heal.

All of this apparently to send a message to Towson's boys to run with the big dogs in the world of NCAA Division I sports. All due respect, schools that aspire to become real players in college athletics don't take an axe to the national past time and the global sport of soccer.

The only winners as I see it are the President of the University and her Athletic Director whose bad choices have been rewarded with a highly irregular infusion of taxpayer dollars. Everyone else has taken it on the chin. The soccer team apparently is dead, hopefully will come back. The baseball team is essentially on life support. Because even if Coach Gottlieb is allowed to award scholarships, what blue chip prospect is going to go to a program that is constantly have to shake its own collection plate in order to survive? As if it were, as I mentioned earlier, some U-12 travel ball team and not a storied Division I program.

Everyone is leaving this matter behind with a feeling that they have been misled, if not downright lied to. Some of the most decent young men that I

have ever had the privilege to meet have had their college experience, which is supposed to be four of the best years of their lives, tarnished by stress and uncertainty. The President of Towson, in my view, has forfeited her claim to moral leadership. With a heavy heart I believe in the best interest of Towson University she should resign.

(Applause.)

COMPTROLLER FRANCHOT: In closing I would like to thank each and every one of you for having the courage to come down here today. Courage. You did right by these players and by the school for which you still have an abiding love. One Tiger, one fight, one heart. Thank you.

(Applause.)

TREASURER KOPP: Governor, I would just like to say something. As you know, this is not an item before the Board of Public Works. But it obviously is an item of great passion and concern. I tend to be the sort of person who listens. I've been sitting here listening and trying to understand the passion and the different perspectives. And I'm very pleased,

I obviously do not think that this is the place for this item. This is a Board which approves or disapproves contracts and procurements. But I am pleased that the Governor working with the Legislature has moved a proposal that places the item where it should be ideally, which is the before the Board of Regents of the University System of Maryland. And within the context of looking at the broader questions of whether athletics should remain self-supporting? The taxpayers do not pay for them. Whether that should continue, and if so how to fund it? And how to deal with the Title IX issues which have come before a number of institutions. I'm glad we don't wait until we are sued. We try to comply with the law, both its goal and its letter. And look forward to hearing how the Board of Regents deals with the issue. The universities, the various university campuses do. And look forward to it being settled in the interests of all of the students, all of the families, and the community of the State of Maryland.

I am the parent of students who never got as far as college athletics. But they were active in

their younger years in soccer. In our area soccer was very popular, even in the seventies and eighties much less now. Baseball and all of the sports, I believe in a healthy mind and a healthy body. And that I believe I was always raised to think is the purpose in fact of college athletics, not necessarily to make money for any institution.

These are difficult questions to be before the correct body, I believe. And they will be thanks to the proposal of the Governor and the Legislature. And I too thank everybody for coming. I wish the University had been represented because I think some of the concerns and the innuendos would have been answered.

GOVERNOR O'MALLEY: Look, thank you all very much again. And for those of you that have been patient through this, and I just say that I wasn't good enough to play in college. But I did play baseball. And growing up in Montgomery County I also played soccer, because it was big.

TREASURER KOPP: Very big.

GOVERNOR O'MALLEY: You know, the pinnacle of my career in baseball was my no hitter in the sixth grade.

(Laughter.)

GOVERNOR O'MALLEY: And I remember the field. It was down there at Glen Echo.

(Laughter.)

GOVERNOR O'MALLEY: One of my more embarrassing soccer games was when I actually trying to clear the ball scored a goal for the other team. That --

(Laughter.)

GOVERNOR O'MALLEY: So that wasn't really my sport. The, but I think, and I believe that the leadership at Towson, the leadership at the University System of Maryland understands that it is our desire to have a clear policy here. And I do appreciate you all taking the time to be here. And I continue to believe that the way to abide by Title IX is not to eliminate opportunities for our sons in the name of providing equal opportunities for our daughters. So I thank you all very much for coming. And now we go on

to the Secretary's Agenda for the Board of Public Works.

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. We have 16 items on the Board of Public Works Secretary's Agenda. There is one report of an emergency procurement.

GOVERNOR O'MALLEY: I'm sorry. I forgot to say my wife went to Towson.

(Laughter.)

(Applause.)

TREASURER KOPP: I forgot to say I actually am an honorary graduate of Towson myself, and am very proud of the fact.

SECRETARY MCDONALD: And we are withdrawing Item 13 from the Agenda today.

GOVERNOR O'MALLEY: Okay. Any questions on the Secretary's Agenda?

SECRETARY MCDONALD: We have one special, very special item. Item 16, I would like to have, Secretary Darrell Mobley introduce the presenter on Item 16.

MR. MOBLEY: Thank you, Madam Secretary.

Good morning, Governor, Madam Treasurer, Mr. Comptroller. I would like to call Executive Secretary Harold Bartlett to present the item on the Secretary's Agenda recommending that the Board of Public Works approve the naming of the MdTA Engineering Building as the Walter E. Woodford, Jr. Building in honor of his 22-year tenure as the Authority Board member. This would be Executive Secretary Bartlett's last BPW meeting.

GOVERNOR O'MALLEY: Ah.

MR. MOBLEY: Because he will be retiring at the end of the month. So I would like to thank --

(Applause.)

GOVERNOR O'MALLEY: Harold, thank you for your service.

MR. BARTLETT: Thank you, Governor.

MR. MOBLEY: And I would like to thank Executive Secretary Bartlett and Authority Board Member Woodford both for their years of service. At this time I would like to turn it over to Executive Secretary Bartlett to present the item.

MR. BARTLETT: Governor O'Malley, Mr. Comptroller, Madam Treasurer, I'll go through this item quickly since we are a little bit late into the Agenda. I'm pleased to be able to present this item. We are seeking Board approval, as Secretary Mobley said, to name the Maryland Transportation Authority Engineering Building as the Walter E. Woodford, Jr. Building in honor of our long tenured Maryland Transportation Authority Board member.

A detailed write up is in your package and I will merely just quickly touch a couple of highlights. Mr. Woodford was appointed to the MdTA Board in July of 1991. He served 22 years in that capacity. In his career he also oversaw six design contracts for what was called the Northeaster Expressway, which was later called the John F. Kennedy Highway. And that highway is about to have its fiftieth anniversary this fall. He was integral in the construction of the parallel Bay Bridge. He had an important leadership role in the construction of the Intercounty Connector, as well as the electronic toll lanes that we are currently constructing north of Baltimore. And he

played a very, very big role in the development of a very comprehensive system preservation for the Authority.

In summary he has 62 years of active service to Maryland's transportation system. And during that time he served ten Governors and 13 Secretaries of Transportation.

On a personal note I want to say that Mr. Woodford's service on the Board made it a pleasure for me to be the Executive Secretary of the Transportation Authority. And Mr. Woodford is here today, along with his son Kevin, and Kevin's wife Michelle. And also joining me today is Arthur Hock, another member of the Maryland Transportation Authority Board, as well as some staff members from the Transportation Authority Board. And with that, I am honored to seek Board approval of this item.

GOVERNOR O'MALLEY: Okay. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. And that motion was moved by the Comptroller, seconded by the Treasurer before we voted on it. That all happened rather silently but enthusiastically.

(Laughter.)

GOVERNOR O'MALLEY: All righty. Did we want to do, did we want to hear from Mr. Woodford? Yeah, and then we'll probably do it, I'll get -- sure. Do you want to say a couple words? You've been waiting all this time.

TREASURER KOPP: You know, actually there's no microphone so --

GOVERNOR O'MALLEY: It will be recorded for posterity.

SECRETARY MCDONALD: Yeah, the court reporter microphone is there.

GOVERNOR O'MALLEY: And then we'll go down in front of the camera there.

MR. WOODFORD: Governor O'Malley, Comptroller, Madam Treasurer, for me this is the ultimate honor. And I am particularly grateful to the Maryland Transportation Authority and to you for it.

I began my career in public service in transportation in 1950 upon graduation from the Johns Hopkins University School of Engineering. Where each member of the civil engineering faculty under the leadership of the renowned Dr. Abel Wolman performed extensive public service in various capacities. And he encouraged all of his students to do so also.

Throughout my career I've had the opportunity and privilege and am proud to have been working with a long distinguished line of very competent, very dedicated professionals. Professionals in administration and management, finance, planning, operations, law enforcement, and certainly in civil engineering.

We have through the cooperation with a number of very fine professional civil engineers and engineer associates have formed a team in the past with what was then the State Roads Commission and later the State Highway Administration, and the Maryland Transportation Authority, to create a highway system for the residents of Maryland which I believe is one of the best in the country. And this was a

very cooperative effort among all of the people involved.

I feel very appreciative of the opportunities that have been provided to me and certainly for the confidence and for the respect and for the trust that has been vested in me.

Now due to age and due to extensive use some of the elements of that system are in need for rehabilitation, for expansion, and for preservation. I'm happy to advise you that the Maryland Transportation Authority has such a program for that as a result of their vigorous inspection program performed annually and as a result of their capital program and a very large preservation program that survives. And this is intended to ensure the users of those facilities, that they can use them with the utmost safety and maximum service, which they tend to expect. They take this for granted after a period of time, as they do when they flip the switch for electricity or the tap for the water supply.

This has, as I say, has been a wonderful recognition for me. But I feel also that it is really

a tribute, a tribute to the entire civil engineering profession, the members of which, because of the nature of their projects, are often referred to as people servers. And I sincerely hope that this honor will be an inspiration and an inducement to the young engineers, both present and future. And so I thank you. I thank you very, very much.

GOVERNOR O'MALLEY: Thank you, Mr. Woodford.

(Applause.)

GOVERNOR O'MALLEY: If I could ask members to join us in the well here, and do the official picture? Thank you so much for all you have done. Congratulations again. Thank you. A big round of applause.

(Applause.)

GOVERNOR O'MALLEY: Right. We return now to our originally scheduled programming.

(Laughter.)

GOVERNOR O'MALLEY: And the balance of the Secretary's Agenda is still before us. Are there any questions on the balance of this --

SECRETARY MCDONALD: We did have a request to speak on Item 15.

GOVERNOR O'MALLEY: Item 15?

SECRETARY MCDONALD: Oh, 14. It's 14, sorry.

GOVERNOR O'MALLEY: Sorry, Item 14. Anybody want to be heard on Item 14?

SECRETARY MCDONALD: Well let's hear from, Kim McCalla is here to explain the project for Morgan State University. And then I believe it is Mr. Adams who has asked to register his objections in front of the Board. So Kim, could you explain the project in Item 14, please? Introduce yourself, first.

MS. MCCALLA: Thank you. My name is Kim McCalla. I'm the Assistant Vice President of Design and Construction Management at Morgan, and thank you for having me. The project before you today is a demolition project which consists of demolishing four buildings. The E wing, and the morgue, and two buildings that are adjacent to the Weinberg Center.

We typically procure our buildings by having competitive field bids, which means that we have technical proposals come in and then once the scores,

they reach a minimum score and then we open the bids for anybody that has passed the minimum scores, and then take the low bid.

What's before you today is we'd like to award the contract to Potts and Callahan. We received two technical proposals, three technical proposals. One, only one passed the requirements. The other two did not provide all of the information that was required in the technical proposals. So therefore they were not entered into. And there is concern about two of the buildings. One of the buildings coming down is the Weinberg Center, because it has a smokestack next to a residential area and it's a little complicated to get this building down. So we were looking for very experienced people to do the work.

I'm happy to answer any questions.

GOVERNOR O'MALLEY: Okay.

SECRETARY MCDONALD: Kim, why don't you sit in the row behind you?

GOVERNOR O'MALLEY: Thank you.

SECRETARY MCDONALD: And Mr. Keith Adams from K & K Adams has asked to speak. And it looks like Mr. Jolivet is with him. So if you could both introduce yourselves for the record?

MR. JOLIVET: Good morning, members of the Board. Arnold M. Jolivet with the Maryland Minority Contractors. And I have with me this morning the person who originally requested to be heard before the Board, Mr. Keith Adams. Mr. Adams is the president and CEO and owner of K & K Adams, one of the bidders for this contract. And Mr. Adams I believe has sent a request in appropriately to be heard.

SECRETARY MCDONALD: Yes, a letter was sent.

MR. JOLIVET: I will be speaking for Mr. Adams this morning. Mr. Adams has been a long member of our Contractors Association. And I'm here this morning because this procurement causes me some great consternation in terms of how it's been conducted. And I'm particularly troubled, and Mr. Adams is particularly troubled, by the fact that the agency utilized the competitive sealed proposals to advance this project. And historically the competitive sealed

proposal is not used for a simple demolition job.

It's typically used for a more complex construction management or construction job.

But nonetheless, I want to point out to the Board this morning that there are a lot of flaws in this procurement, a lot of flaws. And I want to just speak to a few of them which causes the procurement to be suspect. And I want to ask the Board after I make my presentation I'm hoping that I can present sufficient facts to justify the Board to send the procurement back to the agency and ask the agency to redo the procurement. And here are the things that fundamentally bother me. And I might disclose very candidly that I graduated from the University. And I have longstanding ties to the University. And I'm pained about how the University handled this procurement. Because the University, of all the institutions in the State, ought to be in the forefront of being fair and promoting fair opportunities of course for all bidders, but especially small minority bidders.

But the thing that I want to point out this morning that I would ask this Board to consider, before the General Assembly in enacting the State Procurement Code had determined that competitive sealed bids is the preferred method of awarding State contracts. That is the preferred method of awarding State contracts. And in order for a procurement agency to not use a competitive sealed bid process the agency in the Procurement Code is required to make certain determinations. And those determinations, first of all, they must make a determination with the head of the agency that competitive sealed bids is not, the process is not practicable or useful. And that determination must be made with the consent and approval of the agency head. I'm pained that that was not done here. That was not done here by the procurement agency.

I'm also very much concerned that the agency had substantial discretion under the Procurement Code and if assuming it had inquiries or it identified ambiguities in the bidders' bids, they had considerable substantial discretion to call the bidder

in and to query the bidder regarding the ambiguities in the bid. I am very much concerned that the agency disqualified the bidder, disqualified two bidders, two of the bidders. And when the agency disqualified two of the three bidders, the procurement then became a sole source, simply a sole source. And the agency notwithstanding the request by Mr. Adams to be allowed to come in and explain the bid.

Ladies and gentlemen the procurement was a simple demolition contract. A simple demolition contract. Mr. Adams' company is licensed 20 years for demolition. Mr. Adams, I submit to you his company was eminently qualified to do this work, eminently qualified. There was no fundamental reason at all, none whatsoever, that the agency can justify disqualifying this bidder.

Now I would like to add, if I can, that the agency was quite comfortable in spending another \$300,000 of taxpayer money on this contract. Because the agency never, by not accepting the bid price, the bid prices of the other two bidders, the agency never learned the true cost of the project. So therefore it

would be really arbitrary and very unreasonable for the agency to make a decision that they were going to go forward with the one bidder when they didn't know the price of the other bidders. Usually the agency determines what the market price of an item like this would be if they looked at the bids of the other bidders. And I submit to you that it was just not reasonable and fair for the agency to reject this bidder. And while I don't represent the other bidder, it was just as unfair to reject and disqualify the other bidder.

So what I'm saying to you this morning, and I hope that you see the unreasonableness of the agency here. And as the agency that is charged with the responsibility of watching over the taxpayers' money, and also to make sure that we are getting a fair deal, all bidders are put on equal footing, I would ask this Board in its wisdom to require the agency to open, there is a provision in the Competitive Bidding Code which allows the bidder, it allows the agency to reopen this procurement, to reopen it. Or they can redo it. Because the way that the procurement comes

before this honorable Board this morning, it is totally and fundamentally unfair and defective and flawed. It really is. And I just feel that based on my knowledge and my investigation, that the agency should not be allowed to go forward if it did not meet the condition precedence that the General Assembly has put on all procurement agencies in order to justify utilizing a method of award other than competitive sealed bids, the preferred method of award. And the agency has not met the threshold justifying why they are not using the competitive sealed bids.

I call to the attention of the Board that just two weeks ago the Board had a demolition contract that it awarded on, for the Department of Corrections. And the Department of Corrections employed a competitive sealed bid method of award. And I might add they were able to get eight bidders, eight bidders. Because the marketplace contractors are very smart. Because it is so well known in the construction industry that the demolition contract can be done by most contractors who are licensed, bonded. There is no reason to use a competitive sealed

proposal. Only if the agency wants to manipulate the contracts, can they, do they actually use that.

But I call your attention to two weeks ago, where the Department of Public Safety and Corrections, Correctional Services, was attempting to demolish, a building at the old Jessup Correctional Institute, Building 15. And on that contract it was very telling, very, extremely telling that because the agency used a competitive sealed bids method of award the contracting community felt that they had a fair opportunity and an open opportunity. And therefore we had eight bidders. On this contract because the agency used a method of award which tends to allow the agency almost unfettered discretion in making the decision as to who was the best bidder, contractors didn't reply, didn't respond. And the competition was negligible.

I submit to you this morning, and I ask you to send a message to this procurement agency at Morgan State. It is your responsibility to send a message that this procurement needs to be conducted openly, fairly, and according to the rules, and save the

taxpayers \$250,000. We need to save taxpayers' money on this job. And we can only do that if this agency, if this honorable Board in its wisdom votes to deny approval and have the agency redo it, redo the contract. And I ask this in the thought, in the belief that we can do better. We can do better. We can save taxpayers' money. We can be fair in terms of how we treat the contractors. And we can comply with the law.

It is very important that the procurement agency, when making a procurement, in order to make sure that the procurement has integrity, if an agency doesn't follow the Procurement Code to the letter bidders don't feel like they are getting a fair deal. They don't feel that their rights are being honored and respected.

So I ask this Board this morning to send a message to Morgan State and ask them to redo this contract in the name of justice and the name of the taxpayers. Thank you, Governor, Madam Treasurer, and Mr. Comptroller. I appreciate the opportunity, however painful it is for me to come and argue against

my University, I felt a duty to do it because justice is blind. It knows no boundaries. Whenever it is needed, you have to ask for it.

GOVERNOR O'MALLEY: Mr. Jolivet, thank you. Mr. Adams, anything you want to say?

MR. ADAMS: Is the mike on?

GOVERNOR O'MALLEY: No, but none of them is.

MR. ADAMS: Oh, okay. Yes, I did have something I wanted to say.

GOVERNOR O'MALLEY: And all of it is being recorded by the stenographer.

MR. ADAMS: Okay. Just that you know, Kim, the young lady who was just here from Morgan who made a statement, you know, about the job being very technical, it was a big smokestack by a building. But the statement I wanted to make was, my references were never checked. And if my references were checked, I've had prior projects that were much more difficult than this one. And so yes, I did make some mistakes in my technical, I will admit that. But my price was correct. And even Mr. Franchot has been on one of my projects and taken a picture of a project that was

much more difficult than the one at Morgan. I just didn't bring a picture this morning, you know, just to remind him that, hey, I have done, you know, a lot more difficult projects.

GOVERNOR O'MALLEY: And the point of your, and the gist of the mistake in your submission of the bid was what?

MR. ADAMS: They said I did not include a work plan of how to work around the students. But yes, I didn't have that. But I communicate better, you know, when I can talk to you in dialogue and bring my team in. And the plan, the spec had details, you know, how to put up fencing to protect some of it. But there's also other technical stuff that you can convey better in a presentation that was available that, you know, Morgan decided not to use.

And I mean, I have a tendency to put myself in Morgan's shoes. They did have problems. There was another contractor. But that should not have precluded them from investigating and checking my references. Because they never got to the point before I was disqualified of checking to see that I've

worked with DGS, the State, the Army Corps, the Navy, and other agencies before conveying their decision to make it a sole source project. And they disqualified me and the other bidder. And because of the climate, in the economic climate that we are all they are in right now, we know and you know, too, the sole source project is not needed in this climate right now.

Because the jobs, the contractors are, we are hungry right now. And the pricing is good for agencies if you procure your procurements in a way to take advantage of the fact that we need the work.

MR. JOLIVET: Governor, I know I've had an opportunity to address the Board. But one last matter that I would like to finally emphasize is the Procurement Code regulating and governing competitive sealed proposals specifically encourages and allows procurement agencies when they have questions as to the bidders' understanding of the particular procurement, of the statement, the word of the requirements, it not only encourages but it allows the procurement agency, particular in a bid of this kind, to bring the bidder in. To bring all bidders in and

query the bidders as to their full understanding of the scope of work. So what I submit to you, in view of this requirement and in view of this Procurement Code which allows that, I merely submit to the Board that the procurement agency did not take full advantage of the Procurement Code in order to make sure that the bidding process was fair and full. And that they could go to the bidder, and I might add that this bidder specifically asked the procurement agency to allow him to come in to explain his bid. And of course we never got that opportunity. And the agency rushed to judgment and disqualified the bidder for not good and solid reasoning.

The last thing that I would like to make a point, when this procurement was submitted, this is the third time this procurement has appeared before this honorable Board. And the first two times I was pained and Mr. Adams was pained that the agency neglected to inform the Board that there was an outstanding bid protest on the contract. And I thought, I've been with this Board for 30 years and I've always known agencies when there is a pending bid

protest to give this Board notice as to the pending protest. And I just don't know why the agency did not inform this Board. And even though I have to concede the agency withdrew the item, but I felt and there are a lot of people who felt there was obligation on the part of the agency to so inform the Board that Mr. Adams had a pending protest.

And that's all I'd like to say this morning. And I want you to know how much I appreciate the opportunity to be here before you and present my case. And I'm here largely because I've known Mr. Adams for 40 or 45 years. He is one of, his company is one of the best most reliable fundamentally stable minority firms in the State. And my concern is if an agency can disqualify a firm like Mr. Adams' firm, then Mr. Comptroller no minority firm is immune from disqualification. Not one. Because here you have our best, our very best firm. And they are being disqualified for no reason. Thank you for allowing me to be here.

GOVERNOR O'MALLEY: Thank you. Ms. Childs, any thoughts on the, on this procurement? Any problems with it? As you are our advisor.

MS. CHILDS: Yes, sir. Thank you. Just two points of clarification for the Board of Public Works. This procurement method was a multistep sealed bid. So it is a version of competitive sealed bidding. It is not competitive sealed proposals, as was perhaps suggested before. And I also want to reiterate that Morgan State University is exempt from the COMAR requirements that were being cited by Mr. Jolivet.

I did have the opportunity to speak on many occasions with Morgan. They have been very forthcoming about the project. And I compared their methodology with their policies and procedures, which are similar to the University System's, and I am very convinced that what they did complied with their own policies and procedures. And I think this procurement method in general is a very effective method when you need to take technical expertise into account in addition to bid price of a project.

GOVERNOR O'MALLEY: Okay. All righty. Any other questions, thoughts, concerns? All right. Thank you both. And this matter was what matter?

SECRETARY MCDONALD: This is Item 14.

GOVERNOR O'MALLEY: Item 14? What is the minority participation in this?

SECRETARY MCDONALD: It's 40 percent.

GOVERNOR O'MALLEY: Okay. Move approval? The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed, "Nay."

(No response.)

GOVERNOR O'MALLEY: The ayes have it. Thank you, gentlemen. And better luck next time. Thank you, Mr. Adams. Okay, the balance of the Secretary's Agenda. Any questions? Hearing none, the Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye." All opposed?

(No response.)

GOVERNOR O'MALLEY: And the ayes have it. We move on now to the Real Property?

SECRETARY MCDONALD: Yes.

GOVERNOR O'MALLEY: Real Property.

MS. WILSON: Good morning, Governor, Madam Treasurer, Mr. Comptroller. Emily Wilson with the Department of Natural Resources. We have just two items on our Agenda today. I'll be happy to try to answer any questions.

GOVERNOR O'MALLEY: Okay, I don't believe we have any. The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: And the ayes have it. We move on now to the Department of Budget and Management.

MS. FOSTER: Governor, Madam Treasurer, Mr. Comptroller, good morning. There are five items on the department's Agenda for today. I'll be happy to answer any questions you may have.

GOVERNOR O'MALLEY: The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the University System of Maryland. Mr. Evans?

MR. EVANS: Good morning. Joe Evans, representing the University System of Maryland. We have four items on the Agenda today. We're here to answer any questions.

GOVERNOR O'MALLEY: I don't believe we have any. The Comptroller moves approval, the Treasurer seconds. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: And the ayes have it. We move on now to the --

TREASURER KOPP: Governor?

GOVERNOR O'MALLEY: I'm sorry?

TREASURER KOPP: Can I go back to DBM for just a minute, on Item 4? It's the Public Safety and Corrections contract for enhanced telemedicine services. And it just reminds me the Comptroller has raised several times, as have we all, the use of technology to reduce medical care costs. I don't want to prolong this meeting. But I think it would be very interesting to hear more about it and how telecommunications based medicine can be both effective and cost effective.

MS. FOSTER: The original contract had a provision which allowed the department to be able to go back and get these enhanced telemedicine services. They are exercising that option. Tom Sullivan is here but we can arrange for him to come back on a later date and talk about the use of telemedicine.

TREASURER KOPP: And also possible to, the ways, if it can be used as a model for other uses of telemedicine.

MR. SULLIVAN: Yeah, we believe it had great potential and we'd be happy to --

TREASURER KOPP: Yeah, thank you.

GOVERNOR O'MALLEY: No problem. So we will do that, what? Come back next time?

SECRETARY MCDONALD: Sure.

MR. SULLIVAN: Certainly.

GOVERNOR O'MALLEY: Okay. Just if you could prepare a short sort of five-minute thing on the next time you all have a matter here. All right. We move on now to the Department of Information Technology, Secretary Schlanger?

MR. SCHLANGER: Good afternoon, Governor, Madam Treasurer, Mr. Comptroller. For the record, Elliot Schlanger, Department of IT. We have only one item on the Agenda. I'll be happy to answer any questions at this time.

GOVERNOR O'MALLEY: Okay. The Treasurer moves approval, seconded by the Comptroller. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the Department of Transportation.

MR. MOBLEY: Good afternoon, Governor, Madam Treasurer, Mr. Comptroller. For the record, Darrell Mobley, Acting Secretary for the Department of Transportation. MDOT is presenting 14 items. Item 3 has been revised. I'll be happy to answer any questions that you may have.

GOVERNOR O'MALLEY: Any questions? The Comptroller moves approval, the Treasurer seconds. All in favor signal by saying, "Aye."

THE BOARD: Aye.

GOVERNOR O'MALLEY: All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. We move on now to the Department of General Services.

MS. WALKER: Good afternoon, Governor, Madam Treasurer, Mr. Comptroller. I'm D'Andrea Walker, Deputy Secretary for DGS. The department has 32 items on our Agenda. We are withdrawing Items 13 and 22. And I will be happy to answer any questions that you may have.

GOVERNOR O'MALLEY: Okay. The Comptroller moves approval, seconded by the Treasurer. All in favor signal by saying, "Aye." All opposed?

(No response.)

GOVERNOR O'MALLEY: The ayes have it. Thank you all. That concludes our meeting.

(Whereupon, at 12:23 a.m., the meeting was concluded.)