
BOARD OF PUBLIC WORKS

*GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND*

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PRESENT

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CONTENTS

| Subject | Agenda | Witness | Page |
|--|----------------------|--|------|
| Maryland Department of State Police Settlement for Violation of Title VII with the Resolution of Department of Justice, Civil Rights Division Investigation | SEC 25, p. 41 | Governor Moore Colonel Roland Butler Treasurer Davis Phillip Pickus Sarah Marquardt | 4 |
| Maryland Department of Public Safety and Correctional Services Settlement, Robert Hanna v. Wayne Hill, et. al. | Sec 23, p. 39 | Treasurer Davis Joseph Sedtal Sharon Connors Comptroller Lierman | 14 |
| DNR Agenda | DNR | Emily Wilson | 25 |
| Design-Build Construction Services Contract Health and Human Sciences Complex-University of Maryland College Park | USM 2-C, p. 57 | Comptroller Lierman | 26 |
| On-Call Corridor General Engineering Consultant (GEC) Services | MDOT 7-AE, p. 82 | Comptroller Lieman Holly Arnold | 27 |
| FAMLI Human Centered Design and Delivery Services | DGS 16-IT, p. 128 | Governor Moore Portia Wu | 30 |
| Grant - Bnos Yisroel of Baltimore (Baltimore City) | DGS 1-CGL, p. 97 | Ahuvah Heyman | 34 |

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PROCEEDINGS

GOVERNOR MOORE: Good morning, everybody. Good morning, take a seat. Please take a seat. All right, good morning. To those who worship, happy Game Two of the Orioles playoffs. Hopefully, our bats will get going today. And we will begin with the business of the day.

Mr. Secretary, good morning. Good to see you.

MR. GONTRUM: Good morning, Governor. Good to see you. And good to see you, Madam Comptroller and Mr. Treasurer. There are 25 items in one report of emergency procurement contract award on Secretary's Agenda this morning. I'm withdrawing Item 15 from the Maryland Environmental Service. My understanding is the plan is for that item is to come back in the October 16th meeting agenda. That leaves 24 items and the one report of emergency procurement contract award on the agenda this morning.

GOVERNOR MOORE: Great. Thank you so much. I'd like to begin by calling up Item 25 from the agenda. And that's a request from the Department of State Police and the Office of the Attorney General to approve a settlement payment of \$2.75 million to resolve an investigation by the U.S. Department of Justice into the hiring practices of the Maryland State Police. This federal investigation, which was launched in 2002 -- so under the previous Administration -- alleged discriminatory practices that hindered hiring opportunities for African Americans and also female applicants and female troopers.

When we took office in January of 2023, my Administration pledged full cooperation with this investigation. Over the past 19 months, we have worked in complete partnership with the Department of Justice to bring this

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matter to a close and also to establish a plan forward that will ensure that this will not happen again. And I want you to take a moment to thank Colonel Roland Butler for his leadership and to all of our partners within DOJ for working closely with our Administration to get to this point. This does not happen unless you have leadership both at DOJ, but also leaders in the State Police who say that it's important that we that we right these wrongs.

And so today we're joined by Colonel Butler and also Assistant U.S. Attorney Sarah Marquardt, who will offer remarks regarding this settlement agreement. So again, we'll first -- we'll start with Colonel Butler.

Good morning, Colonel.

COLONEL BUTLER: Good morning.

Good morning, everyone. Governor --

GOVERNOR MOORE: Good morning.

COLONEL BUTLER: -- Madam Comptroller and Mr. Treasurer, for the record, my name is Colonel Roland L. Butler. I am the Superintendent of the Maryland Department of State Police. Today we're presenting this settlement agreement before the Board. After a thorough investigation conducted by the United States Department of Justice, we found that the Maryland State Police's hiring practices discriminated against African Americans and female applicants.

While the DOJ's investigation found the discrimination practices were unintentional, the fact remains that 48 men and women were deprived of the opportunity to serve and protect their communities and they were done so unjustly and denied this opportunity unintentionally. However, discrimination in any form has no place within the Maryland State Police and it will not be tolerated. With this settlement agreement and the consent decree we're voluntarily entering into with the United States Department of Justice, we are once again affirming our commitment to fairness and transparency.

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Since the Governor appointed me into this post in February of 2023, I, along with my members of my leadership team, have worked intensely over the past 20 months to evaluate and modernize our practices, to renew commitment to transparency and accountability, and to uplift the culture of policing and the spirit of strength and service. Today, we take yet another meaningful step forward to accomplish this objective. Throughout the course of this investigation, we worked closely with our partners at the U.S. Attorney's Office, the U.S. Department of Justice's Civil Rights Division, and the Maryland Office of the Attorney General to right these wrongs.

I want to assure this Board and DOJ partners that we're committed to making meaningful and lasting change that complies with the consent decree and positions the Maryland State Police as a State leader in public safety and an organization as diverse as the communities it serves. We're working closely with our DOJ partners to adopt new testing procedures in accordance with this consent decree. MSP is working with a DOJ-recommended vendor to develop an MSP-specific entry level testing process that will include a job task analysis that aligns with the duties and requirements of being a Maryland State Trooper.

Among these safeguards within the new testing process, we will include providing a validated test along with regular validation schedules to ensure that test is still current and consistent. A job task analysis, which is a multi-step process, starting with identifying the essential job functions of a Maryland State Trooper. This testing process will also include aptitude testing related to integrity, self-motivation, independence, critical thinking, and judgment skills required of a Maryland State Trooper.

In closing, I would like to thank our partners at the Department of Justice for working closely with the Maryland State Police to develop new policies and procedures that ensure equitable treatment for all applicants who

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choose to serve our communities as a trooper in the Maryland State Police. As someone who has spent three decades in this elite organization and now has the privilege of serving as the Superintendent to over 2,200 women and men across the state, I remain steadfastly committed to cultivating a culture that will ensure inclusiveness. One that allows the fulfillment of our mission of values centered on integrity, fairness, and service.

Thank you, Governor. I'm happy to take any questions at this time.

GOVERNOR MOORE: Colonel, I just want to say thank you so much. Truly.

COLONEL BUTLER: Thank you, sir.

GOVERNOR MOORE: Thank you for the work and the focus and the work that you've done in consult with DOJ to not just making sure that we're resolving this matter through the consent decree, but also just for the leadership in making sure -- continuing to make sure that the Maryland State Police continue to be a place where we believe in bringing in an inclusive force that serves all. Everybody who calls it -- everybody who calls the State home. So we're grateful for you. We're grateful for the work that you've done. And we're grateful for all of our troopers because they're really our Maryland's finest, and the work that you all continue to do to protect every all six-plus million people who call the State home is important and it's notable. So thank you.

COLONEL BUTLER: Thank you, Governor.

GOVERNOR MOORE: Any questions for Colonel Butler?

COMPTROLLER LIERMAN: I just have a quick question.

Thank you, Colonel, for being here. You were talking a little bit about the process to develop new tests that are not discriminatory. What tests are you using right now, and what is the timeline for completion of the new tests?

COLONEL BUTLER: Right now, we're using a test that's referred

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to as the POST Test, Police Officer Selection Test. It's a test that's used across the nation. However, we're looking at moving towards our own test with the DOJ-approved vendor. It will be unique to the Maryland State Police. As I said, there'll be a job task analysis. They'll go out and interview the troopers and find out what the troopers do each and every day to ensure that when we do test an individual for an aptitude to join this profession and become a Maryland State Trooper, we are hitting the right benchmarks and making sure that we test for the right things and find the right results. And I think the most important part of that process is the aptitude testing.

COMPTROLLER LIERMAN: Sorry, the POST Test, that's the one that was found discriminatory? I'm confused. You're still using it?

COLONEL BUTLER: Yes, the DOJ is allowing us to use the POST Test for the next two classes because we won't have the other test in place at this time. Those next two classes could take -- if we're lucky, we might be able to start one in January and another one in July. However, we're relaxing the standards that we had within that.

COMPTROLLER LIERMAN: Okay.

COLONEL BUTLER: We had some things that -- time runs, things like that that the DOJ looked at, and we agree with them. They looked at it and they said, "Okay. These are not essential to the functions of a Maryland State Trooper." However, we will be allowed to use those tests under the condition that we provide strict monitoring to see what the results are, to see who's passing, who's failing, and we do think that we will get a larger pool of applicants when we start to look at how we measure that test and how we evaluate it.

COMPTROLLER LIERMAN: Thanks. So the POST Test, you also mentioned timed running. That's the fitness test, which is a separate test?

COLONEL BUTLER: Right.

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COMPTROLLER LIERMAN: Okay.

COLONEL BUTLER: (Indiscernible). I'm sorry to confuse the two.

COMPTROLLER LIERMAN: Right.

COLONEL BUTLER: POST Test is a four-part test. It deals with math, reading comprehension, grammar, and report writing.

COMPTROLLER LIERMAN: Right. Okay. And then -- so for the fitness test, are you also changing? I anticipate that you'll also be changing that or are you just changing --

COLONEL BUTLER: We're going to change the fitness test. Both of these tests will be changed once we get with the new vendor. In the interim, we will take off the time limits.

COMPTROLLER LIERMAN: Okay.

COLONEL BUTLER: We had time limits for push-ups --

COMPTROLLER LIERMAN: Okay.

COLONEL BUTLER: -- sit-ups, and the one and a half mile run in the FFAT. Sorry for the confusion.

COMPTROLLER LIERMAN: Okay. Great, thank you.

TREASURER DAVIS: Governor, let me sort of start there.

Sir, they said that the fitness test, the time, that they're discriminatory, that they don't really -- they're not really related to the job. Then why are we still doing it? Why do they need to still be a part until you get to the next one? Why aren't they just completely eliminated?

COLONEL BUTLER: Because we have no other testing mechanism in place. We didn't want to get too far away from where we were. And with the Justice Department's agreement, we're just going to eliminate the time portions.

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TREASURER DAVIS: Help me, I'm struggling. That doesn't make sense to me. If it's not related to the job, the answer doesn't seem like to me, "Well, we don't have anything else, so we'll just roll with that." If it's not related to the job, then it doesn't need to be a part of the process.

COLONEL BUTLER: It doesn't need to be a part of the process, if you look at it in that respect. In another respect, we're going to take a person into an intensive 26-week academy that will involve physical exertion. So we want to see where they are. One of the things that's important about the FFAT is that people that fail certain facets of it, we could go back to them and help build a fitness program to ensure that they were prepared for the rigors of the academy.

TREASURER DAVIS: So now, at least, when we're talking discriminatory, like with the time, it's at least a hard number. Now that we're going to relax it, doesn't that make it now subjective when you -- if you're using that as a part of the overall test, but there is no sort of pass/fail. "Hey. If you do it in four minutes, you're good. Or if you do it in five minutes, you fail." Now, it becomes subjective. So doesn't that lend itself potentially to be more discriminatory than -- at least if you say, "Look, if you do four minutes, you're good." Now, we don't know what's good or what's not as it relates to that time.

COLONEL BUTLER: We're not so concerned about whether you do it in four minutes or whether you do it in thirty minutes. We want to know what the baseline is for that individual's fitness before they start the Academy. The Academy is intensive. A lot of people do not make it through the first week.

TREASURER DAVIS: And it's -- they don't make it because of the fitness test?

COLONEL BUTLER: Some people just physically are not prepared. You can look at the mental aspect, there's a lot of stress, there are long days, and you also look at the physical component of that. There is a lot of

intensive exercise. And I think we are much better served to know what the baseline is for an individual starting. If you make that run in seven minutes, great. If I make it in twenty minutes, "Hey, you need to concentrate on your running. That's something you want to work on. So at least you are better prepared for the rigors that you are about to endure."

TREASURER DAVIS: How did we -- and this may be a question moreso for the attorneys than you, so that's fine. How do we arrive at the \$2.75 million figure? How did that come about?

COLONEL BUTLER: If I could call Mr. Phil Pickus, my legal counsel?

MR. PICKUS: Good morning, Mr. Treasurer. Phil Pickus, Office of the Attorney General. I am an Assistant Attorney General, principal counsel at the Maryland State Police. So when the Department of Justice contacted us about the violations, they had engaged in a lot of statistical analysis. And they had a equation for figuring out damages, specifically related -- trying to figure out the damages that the people who were rejected would have suffered as a result of being rejected. So they applied that formula to the number of people we have rejected. Then they applied various discounts to that number.

Some of those people found other jobs. Some of those people might have gone to different police agencies. So we then had a discount applied to that. They came to a number -- they came to us with a number that was originally over \$3 million. We were able to demonstrate additional discounts we thought should be in place, and that number was eventually negotiated down to \$2.75 million.

TREASURER DAVIS: So this is all -- this \$2.75 million, is this all based upon I guess we'll call it the fitness test or whatever? Because, and the reason why I ask that question is it sounds like there's an assumption if but for

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they had passed this test, they would have made it into the Academy and had become troopers. What if they had passed that test and still the other factors that go into it with -- isn't there an assumption being made that they would have been in regardless?

MR. PICKUS: So we addressed that very point because this is the very first part of the application process. They may not have gotten past the criminal background test. They may not have gotten through other parts of the test. So that was one of the discounts that was applied to damages. The typical percentage of troopers who would pass after this test, and the typical percentage of troopers who may not make it through the Academy. So those percentages were factored into damages.

TREASURER DAVIS: And so you said the Justice Department came in at a three million or a little over, and we got it down to 2.75?

MR. PICKUS: Yes, sir.

TREASURER DAVIS: And that was based upon the discounts?

MR. PICKUS: To their credit, they came in applying some of the discounts already. We brought up several additional discounts. Most notably, there's a failure rate at the Academy, which they hadn't applied. So that was one of the additional discounts that we applied.

TREASURER DAVIS: Okay. Thank you.

MR. PICKUS: Yes, sir.

GOVERNOR MOORE: Thank you. Thank you very much. Next, we'll go to Ms. Marquardt from the U.S. Attorney's Office.

Ms. Marquardt, it's great to have you here. Thank you.

MS. MARQUARDT: Good morning, distinguished members of the Board of Public Works, Governor Moore, Madam Lierman, and Mr. Davis. I am Assistant United States Attorney Sarah Marquardt. I work for the U.S.

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Department of Justice at the U.S. Attorney's Office for the District of Maryland. I serve as one of the co-chiefs of our Office of Civil Rights and Special Victims Section, and I am one of the attorneys who worked on and supervised the Maryland Department of State Police investigation along with our colleagues at the U.S. Department of Justice, Civil Rights Division, Employment Litigation Section.

On request, I am pleased to inform the Board of Public Works of the proposed settlements between the U.S. Department of Justice and the Maryland Department of State Police, MDSP. Our investigation into MDSP's hiring practices since the outset has been a cooperative one with MDSP and its counsel. The Justice Department found that MDSP used discriminatory hiring practices that wrongfully disqualified Black and female state trooper candidates. DOJ and MDSP have worked cooperatively throughout this process to agree to settle these claims via a consent decree, which must be approved by the Board of Public Works and also by a federal court.

The agreement provides that MDSP will pay \$2.75 million to Black and female officer candidates disqualified by the hiring tests the DOJ found unlawful, and MDSP must use lawful hiring tests subject to our review. These proposed terms reflect months of working together with MDSP and its counsel to ensure that its hiring processes do not discriminate on the basis of race or sex. The U.S. Attorney's Office for the District of Maryland and the Department of Justice Civil Rights Division are fully committed to vigorously enforcing the civil rights of all Marylanders, including those of our own sworn law enforcement officers. We appreciate your consideration of the proposed settlement today. Thank you.

GOVERNOR MOORE: Ms. Marquardt, thank you.

MS. MARQUARDT: Thank you.

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GOVERNOR MOORE: Thank you. Our sincere thanks to you, sincere thanks to U.S. Attorney Erek Barron, and your colleagues at the Department of Justice for both your diligence and also your partnership in addressing this incredibly important matter.

MS. MARQUARDT: Thank you so much, Governor Moore.

GOVERNOR MOORE: Thank you. Any questions for --

COMPTROLLER LIERMAN: No, I was just wondering if the Maryland State Police, or DOJ, or the U.S. Attorney's Office is issuing a release or publishing a copy of the consent decree for the public?

MS. MARQUARDT: Yes, Madam Lierman, that will be filed. What will happen -- next steps is that we will file a motion for a provisional entry of the consent decree. So yes, this will be a public document -- a public-facing document.

COMPTROLLER LIERMAN: Thank you.

MS. MARQUARDT: You're welcome.

GOVERNOR MOORE: Thank you so much.

MS. MARQUARDT: Thank you.

GOVERNOR MOORE: Thank you.

Is there any further discussion on the Secretary's Agenda?

TREASURER DAVIS: Item 23.

MR. GONTRUM: Item 23 is a settlement request from the Department of Public Safety and Correctional Services. [~~Dorson County had numerous claims against the Department.~~]

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| Errata |
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TREASURER DAVIS: Is there anyone representing either the Department or the Attorney General's Office that could explain this?

MR. GONTRUM: Can Mr. Joseph Sedtal make his way to the podium?

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MR. SEDTAL: Good morning, Mr. Treasurer, Madam Comptroller, Mr. Governor. For the record, my name is Joe Sedtal. I'm the Deputy Secretary of the Administration for the Maryland Department of Public Safety and Correctional Services. We also have some of the attorneys that worked on this -- I think they're online right now. Discussing of those aspects, I'm happy to answer any questions.

TREASURER DAVIS: Sure. In reading the -- I guess the incidents, the background -- the facts of the case, if you will, were the correctional officers -- did they follow protocol?

MR. SEDTAL: We have our (indiscernible) on.

MR. GONTRUM: Thank you. Assistant Attorney Connors' audio is connecting.

MR. SEDTAL: While she's connecting at the moment, I believe that -- we do believe that the officers involved did largely follow protocol. I think this is ultimately one of those issues, and I'll let her hop in.

Hi, Sharon. You want to jump in?

MR. GONTRUM: Ms. Connors, it could be your headphones. You can also switch it to phone call audio under the audio drop down. We cannot hear you.

(Pause.)

MR. GONTRUM: No.

MR. SEDTAL: We're working on our IT infrastructure right now.

(Laughter.)

(Pause.)

MR. GONTRUM: Two options, Ms. Connors. Under the audio drop down, phone call , computer audio selected. Under that output, you can select your headphones. Alternatively, you can select that phone call bubble,

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which will give you a dial in number and an audio pin to enter. And I'll also send that to you.

MR. SEDTAL: Mr. Treasurer, this is related to the strip search?

TREASURER DAVIS: Yes.

MR. SEDTAL: Yes, we do believe that they did follow proper protocol. It's like a 15-step process related to strip search.

TREASURER DAVIS: Why are we settling?

MR. SEDTAL: I think ultimately one of the issues that we have, and it's largely a privacy concern, is where the strip searches are conducted there are not cameras, right? It's a privacy issue. We can't videotape that. And one of the things that I think we've seen, and we've had these discussions before when we're going before a jury when these litigation kind of moves to this space, what ultimately happens is there's a risk when there isn't video.

One of the things that we've done in an effort as a Department since the time when a lot of these issues have come up, is rather than just recording the video and maintaining the video where an event happens is actually maintaining video kind of with the ingress and the egress, before and after, right? One of the things that allows us to build a constructive case that says something to the effect of, "Well, an individual was fine walking in. And walking out, they were fine." While we don't have any video in the actual facility -- or in the location where an event supposedly transpired, we're able to say based on this evidence provided and documentation shown, that the video evidence shows that an incident did not occur. Otherwise, you know, it's our word against theirs.

TREASURER DAVIS: And their word is more credible than yours?

MR. SEDTAL: I --

TREASURER DAVIS: That's essentially what we're saying.

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Despite the obvious circumstances, we believe a jury is more inclined to not believe the correctional officers, which then lends the question as to why is that the case?

MR. SEDTAL: I can't speak for juries or their reasoning. I'd like to put my faith in juries. I think it's a great system. But I do think that based on precedent, based on what's happened recently over the past few years and what we found and what the Attorney Generals are ultimately determining, in engaging in these settlement discussions, there's a level of risk analysis. Do we think that we have a strong enough case to ultimately prevail at trial or is it more worthwhile to settle?

TREASURER DAVIS: And I guess that's where I'm going with all of this. It sounds like the only thing that I've been told or that I've read that's -- that I can't even say was done wrong. Because I understand the logic and that there's no video to evidence, and you probably shouldn't have video evidence of a strip search.

MR. SEDTAL: Right.

TREASURER DAVIS: But if that's a -- if that is a problem, then it sounds like -- I mean, are we reviewing all of our policies and procedures with the Attorney General's Office? Because on the one hand, and we see this sort of time and again, that we hear that the officers are following or largely following procedure, but yet the outcome that the Attorney General's Office is going, "Oh, jury may, you know, jury could" -- and of course, they could. If we all knew what the outcome of a trial is before it happened, if we had that crystal ball, then this thing whole thing would be easy. You never know.

But I think to desperate -- and I being an attorney, I guess I have a different perspective on it. But look, if we did something wrong, then let the jury hear it and whatever they feel is appropriate. I mean, they understand that those

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are their tax dollars. I don't think they'll be frivolous with it. And if they think that's the case, then so be it. But if we say our officers are following procedure and if we can explain why there's no video evidence in this particular case, sounds like to me that that's pretty logical. That it's pretty logical why that wouldn't be the case. But there's sort of a glass half full/half empty. We seem to look at how much more we could be paying, and I'm looking at it as how much more we could be saving.

I'm just taking a guess. But last year, I think we probably spent in the neighborhood of \$10 million in settlements. This year we've got to be at least around five million. So we can continue to say, "Well, how much more we could have spent," but I'm looking at how much more we could be saving. And it just appears that there's this reluctance to take -- you know, to take a case to trial and explain, "Look, this is the procedure. This is why we did this. We think we're right." And let's see what happens.

And I'm going to say it. Are we afraid of Black jurors and Black juries, especially when the defendants are Black? Because in a few of these cases -- matter of fact, maybe all of them -- they involve a Black defendants or complainant. And I guess my question is, my concern is are we afraid of Black jurors? That they can't be impartial as it relates -- or if it involves a Black participant? Because then that would be a problem for me.

COMPTROLLER LIERMAN: Ms. Connors? I'm so sorry.

TREASURER DAVIS: Nope, go ahead.

MR. GONTRUM: Ms. Connors, are you connected to audio? We can --

MS. CONNERS: I believe I'm connected. Yep. To address your most recent point about fear of juries, across the board, we are seeing an increase in jury verdicts. So I don't think that anyone is fearful for any specific jury or

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juror, more the overall increase in jury verdicts. I think that's just a consideration that we take for each case.

MR. SEDTAL: And if I -- if I can hop in here, if I may?

The Board of Public Works sees the settlements that ultimately come before you all for award, right? I've recently spoke to our Correctional Litigation Department and around 90/91 percent, and I'll try to, after the board meeting, provide you some of these numbers. 90/91 percent of these cases are ultimately getting kicked out via motions practice, right? We're able to -- during the actual proceedings, we're able to avoid even getting to a jury, right? So it's a very litigious situation, right?

We get a lot of these lawsuits. But if we nine out of ten get an out, to follow along with the postseason baseball analogy that we talked about earlier, right, I think that's pretty good and I applaud the Attorney General's Office for the work that they're doing associated with that. But again, ultimately with any of these settlements, it's a cost-benefit analysis. And we hear you loud and clear, right? Obviously, there is always a risk. There's a rolling of the dice whenever you put a jury in front of us. I think what we're making decisions on is, ultimately, do we think that a jury is going to come back with something in the six, seven figure range or does a \$50,000 verdict make it make sense? One of the other issues we deal with is attorney's fees. Oftentimes, just the mere trying of the case can lead to a substantial increase in dollars for the State.

TREASURER DAVIS: But as we've just seen here, even in settlements, there are jury fees. The one we just did before this -- or one of them that's in here, it's like a \$300,000 case. That's pretty much all attorney's fees. So we're paying attorney's fees even on settlements.

MR. SEDTAL: I can't speak to that case. I'm just -- and Sharon, I mean, jump in here related to the settlements that Public Safety comes across.

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But again, ultimately, we're trying to -- we hear you. And I think one of the things that we mentioned earlier, right, our job and one of the things that we as a Department try to do in working in connection with the Department of -- with the Attorney General's Office is try to build and be able to provide as much evidence to a point where we can either get it out on motions practice or be at a position where we do feel confident, supremely confident, in going to trial.

Talking about this issue, right, with the strip search, you're right. We understand why you can't have a camera in there. But if we can ensure that we're recording and keeping the video of before and after, then that's the kind of constructive evidence that we can provide. And sorry, I hope I'm using the term "constructive" appropriately. You're an attorney. To be able to provide that and give us the confidence to put it before a jury.

The other thing that we're doing is ultimately just trying to improve our entire camera infrastructure, right? We're hopeful in the next 12 to 18 months, we'll have completely refitted our cameras -- been able to provide the storage necessary. One of the things that we often encounter is being able to store footage. As you can imagine, in our 17 facilities, the mass amount of footage that is required to be recorded and to be saved, but actually have and store that footage for three and a half, four years.

When you're looking at a three-year statute of limitations, if I store something for three years, it doesn't do a lot of good if somebody files the day before, right? We need to give the attorneys a time. So it's just building that evidence and building that process to give the attorneys the confidence that they have the evidence on their side and are able to push forward, whether it's --if we do go before a jury.

TREASURER DAVIS: And I'll just close -- and Governor, we can move on. I thank you for your patience.

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One of the things that sort of riles me up is when I read and we say that, "Oh, it's going to come out of departmental funds" or something along those lines, as if those aren't real dollars, that those aren't taxpayer dollars. See, when taxpayers are, and I don't mean to sound condescending in any way, but when they're giving us their money, they expect something in return. They're looking for it to somehow better their lives or those of their fellow Marylanders. It's not to pay settlements and so forth. I think if they had an idea of just how much we're paying out, I think they'd have a problem with it. The push back would be greater that something needs to be done. If there's really all of this wrongdoing, then it needs to be corrected.

But also at this point, I'm wondering if the word is out. You mentioned earlier that, or moments ago, that there are just lots of lawsuits that are filed. I'm wondering if people are just taking a shot. If there's almost anything or maybe we can goad a correctional officer into something, and let's file a suit and see what happens. It doesn't really cost them anything, if it doesn't work out. But if it does, then you've gotten a payday. And if we're showing this willingness to settle, file a suit for \$300,000, get \$50,000, \$25,000 -- because we get a lot of those as well. Not a bad thing. From their perspective, it's not a bad outcome. But that's not to say that they aren't right. If they are right, then we need corrective behavior as well. Not just sort of, "Well, let's settle and let this thing quietly go away" and somebody retires or they move on to another job.

Because I've asked that question and I've done that research, and it seems that sometimes when the complainants are right, people quietly retire, quietly move on to another position, and that's not serving the public well either. So I guess all of this for me, folks, is -- I'm trying to get to the root cause. Why we keep -- I would like to think settlements are more of a rarity as opposed to a regularity. And it appears more of a regularity than a rarity.

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So, you don't have to say anything else. I've gotten it off my chest. But just like I said, it just bothers me because this is money, public dollars, that I know could be put to a good use and instead, it's going to someplace I don't think it was intended for.

GOVERNOR MOORE: Thank you.

COMPTROLLER LIERMAN: Can I ask a question? Thanks.
Thanks, Mr. Treasurer.

Joe and Sharon, thanks for being here. I'd just like to follow up on some of the items that the Treasurer brought up. I mean, clearly, if somebody -- if somebody has been wronged, we should be paying that person and the employees should be retrained or released. But we can't have strip searches that were done properly cost the State \$50,000 each. Because there is a question of fact, which is what is happening here.

The Court dismissed all the claims, except for the allegations, right, of excessive force in the strip search. And so if that's where we're going to be for the next 18 months because we don't have the camera and footage available, that's concerning. So it would be, I think, worthwhile to have an update from the Agency. You mentioned in the next 12 to 18 months our surveillance footage will be expanded and we'll start to be able to be more available system-wide. That's a long time. So could you elaborate on that?

MR. SEDTAL: Yeah. If -- and I can clarify again.

COMPTROLLER LIERMAN: Yeah.

MR. SEDTAL: That's a system-wide issue, right?

COMPTROLLER LIERMAN: Okay.

MR. SEDTAL: It's not, to be clear, it's not that we don't have cameras, right? And that's, I think, what I was speaking towards earlier, right? In the past, these cases I believe four or five years old, right? We were only keeping

and retaining footage, which again, looking at that three-year statute of limitation and what ultimately the attorneys are able to pull and present to a jury where an event occurred. When you look at a strip search room where we do have those privacy concerns, we can't retain any of that footage because there isn't that footage. What we're doing is making sure, and I think this case is a prime example of that, right, is making sure that we're able to see when they enter the room, when they exit the room.

COMPTROLLER LIERMAN: Right.

MR. SEDTAL: That way now we can say in an instance where somebody makes a claim and normally, "Well, there's no footage of the event that occurred," if you'll walk in fine and dandy and you walk out --

COMPTROLLER LIERMAN: Fine, yeah.

MR. SEDTAL: -- fine or alternative, right, then we have that evidence right there. So I think that's just a policy change and a --

COMPTROLLER LIERMAN: Okay.

MR. SEDTAL: -- a shift. And that's also one of the things -- we work hand-in-hand with the attorney generals, right? They're the ones that see these cases and identify these issues. When they do, they bring it to us so we can try to make some changes to ensure that -- we don't want to see these either, right?

COMPTROLLER LIERMAN: Right.

MR. SEDTAL: We'd much rather buy something else. Buy a new rotisserie chicken oven for like my dietary section or something, than pay a settlement.

COMPTROLLER LIERMAN: Right.

MR. SEDTAL: But ultimately when they come to us and say, "Hey, we're seeing this pervasively coming up, what can we do from a policy perspective, from a practice perspective, to try to mitigate those instances?"

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COMPTROLLER LIERMAN: Okay. So you're making -- you made a policy change, and then you're expanding the use of surveillance systems system-wide over the next 12 to 18 (indiscernible)?

MR. SEDTAL: Yeah, it's a lot.

COMPTROLLER LIERMAN: Okay.

MR. SEDTAL: Refitting the cameras --

COMPTROLLER LIERMAN: Right.

MR. SEDTAL: -- getting more cameras in, increasing the -- and the retention. Really, I want to emphasize. The retention is a big deal, right? Being able to hold it for that three and a half/four-year period.

COMPTROLLER LIERMAN: And then also, you sort of touched on that on this issue. But I think it goes to the regularity versus rarity question that the Treasurer was raising, which is to help us better understand, maybe not today because you don't have the numbers with you, but we'd love some follow up at least on how often the State is actually fully litigating these, how many cases are filed, how many resulting complete dismissals, how many move forward? How many have claims that move forward because there's a question of facts, so it would go to a jury or be subject to summary judgment?

And so I'm curious about that issue because even when you have the video footage, your attorneys have to be willing to use it then and take it to litigation if the footage supports the State's side. And so we don't often -- we don't see those because it's not a settlement, but it would be helpful to know are you actually litigating any of these cases to jury and what is the outcome of those. Because if you have the -- you have these cameras up, you then have to use them.

And so we don't want to get into a situation two years from now where we have this exact same thing. You have the footage, but you're still saying to us, "Well, we have these cameras up and it shows -- we have pretty

good video, but we still think that there's a risk. And so we're not taking it." Well then, why did we go to all the trouble of putting up the cameras in the first place? So we want to be able to understand are you actually litigating these. If so, what's your success rate versus how many are being filed? So that would be helpful as well.

MR. SEDTAL: We'll work on compiling that information --

COMPTROLLER LIERMAN: Thanks.

MR. SEDTAL: -- to present it to you.

COMPTROLLER LIERMAN: Thanks.

TREASURER DAVIS: Thank you.

GOVERNOR MOORE: Any other questions on the Secretary's Agenda?

COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: Okay. May I have a motion to approve Secretary's Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding, thank you so much.

We'll proceed with the Department of Natural Resources Agenda.
Ms. Wilson, good morning.

MS. WILSON: Good morning, Governor, Mr. Treasurer, Madam Comptroller. Emily Wilson with the Maryland Department of Natural Resources. We have eight items on our DNR Real Property today for your consideration. Happy to try to answer any questions.

GOVERNOR MOORE: Great, thank you.

Is there any discussion on the DNR Agenda?

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COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: May I have a motion to approve the DNR Agenda?

COMPTROLLER LIERMAN: Motion to approve.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding, thank you so much.

MS. WILSON: Thank you.

GOVERNOR MOORE: Thank you.

Next up, the University System of Maryland. Mr. Hickey, good morning.

MR. HICKEY: Good morning, Governor. Good morning, Mr. Treasurer and Madam Comptroller. Tom Hickey representing the University System of Maryland.

MR. GONTRUM: Mr. Hickey, I'm so sorry to interrupt. Assistant Attorney General Conners? Assistant Attorney General Conners, I believe your microphone might still be unmuted. Mute your audio, please?

Sorry again, Mr. Hickey.

MR. HICKEY: I'm sorry. Good morning. We're presenting four items, and I'm withdrawing Item 4-S from the agenda. That will return at a later date. And I'm happy to answer any questions you may have.

GOVERNOR MOORE: Thank you so much. Is there a discussion on the USM Agenda?

COMPTROLLER LIERMAN: Mr. Hickey, thanks for being here. Thanks for the note about 4-S. Just wanted to also say kudos on 2-C, the Health and Human Sciences complex, which is -- I just appreciate the University outlining how the project will address sustainability and support our State's

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climate goals by complying with both the High-Performance Green Building Program and Climate Solutions Now. So thank you -- and appreciate the MBE goal, as well. Thank you.

MR. HICKEY: Thank you.

GOVERNOR MOORE: Okay. May I have a motion to approve the agenda?

COMPTROLLER LIERMAN: Motion to approve the USM Agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Great, thank you so much.

We'll proceed with the MDOT Agenda. Ms. Radomsky, good morning.

MS. RADOMSKY: Good morning, Governor, Madam Comptroller, and Mr. Treasurer. For the record, my name is Valerie Radomsky, Chief Procurement Officer, Maryland Department of Transportation. Today we are presenting 13 items for your consideration. We are seeking approval of one award to a minority business enterprise by approximately \$2.3 million, and two awards to duly certified small disadvantaged businesses valued at \$5 million. We have representatives available to answer any questions you may have.

GOVERNOR MOORE: Wonderful, thank you so much.

Any discussion?

COMPTROLLER LIERMAN: I just have a question about 7-AE.

MS. RADOMSKY: Sure.

COMPTROLLER LIERMAN: Okay.

MS. RADOMSKY: I have Administrator Arnold --

COMPTROLLER LIERMAN: Okay.

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MS. RADOMSKY: -- participating virtually --

COMPTROLLER LIERMAN: Okay. (Indiscernible), okay.

MS. RADOMSKY: -- for any questions.

(Pause.)

MS. ARNOLD: Hi, good morning.

COMPTROLLER LIERMAN: Good morning. Thanks for being here with us, Administrator Arnold. On 7-AE, this is an architecture and engineering contract to support major projects like the Baltimore North/South Corridor Project Design, the MARC-Penn Camden Connector, and the Southern Maryland Rapid Transit Project. All very important projects, but my understanding is they're part of the \$670 million of proposed deferrals or cuts in the Department's draft CTP. And so I'm wondering how approving this squares with the funding cuts proposed in the CTP.

MS. ARNOLD: Yeah, absolutely. So good morning, all. For the record, my name is Holly and I'm the Administrator of the Maryland Transit Administration. I appreciate the opportunity to address that.

So we advertised for a series of program management consultants and general engineering consultant contracts last summer. It was June of last year. We're now to the point of being able to award. To be clear, it is contract authority. If we determine not to move forward with projects, we don't have to, but I think it is still important that we move forward and plan for the future. We have \$150 million in the budget for the Baltimore Red Line. The engineering consulting services that will be used here will help us to identify what the specific alignment is going to be for the project and it's really important that we have these services so that we can answer all the questions that the residents have as we look to advance that critical project.

COMPTROLLER LIERMAN: Okay. So this is saying that you

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can -- you can use up to it, but it's not actually awarding it to them.

MS. ARNOLD: Correct.

COMPTROLLER LIERMAN: So deferral would end up cutting what it, can actually be spent?

MS. ARNOLD: Yes.

COMPTROLLER LIERMAN: Okay.

MS. ARNOLD: So we would do -- we do task orders on an annual basis. We have enough to move forward for the next couple of years into the planning process. And we have the Governor's commitment. This is a top priority for the State. And so we know that it's a tough budget situation right now, but we have to keep these steps moving so that the project will be ready for federal funding.

COMPTROLLER LIERMAN: Okay. Thanks for clarifying.

MS. ARNOLD: Thank you.

GOVERNOR MOORE: Thanks, Ms. Arnold.

MS. ARNOLD: Thank you.

GOVERNOR MOORE: Do I have a motion to approve the MDOT Agenda?

COMPTROLLER LIERMAN: Motion to approve the MDOT Agenda?

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Awesome. Thank you so much, Ms. Radomsky.

We'll conclude with the DGS Agenda. Secretary Chaudhry, good morning.

MR. CHAUDHRY: Morning, sir. Mr. Governor, Madam

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comptroller, Mr. Treasurer. For the record, I am Atif Chaudhry, Secretary of the Maryland Department of General Services. Today, the Department is presenting 28 items in our agenda including one report of an expedited procurement and one hand-carry item. We are withdrawing two items today; It is Item 5-AE and Item 19-M. Our agenda does include \$2.4 million in capital grants and loans.

I did want to highlight one in particular, and that's Item 5-CGL (4-CGL), which provides \$1 million in State support to Sinai Hospital in Baltimore City for the construction of a community primary and specialty care complex. This complex will focus on vulnerable populations by addressing community health needs through coordinated care. This patient-centered complex will be a one-stop shop for primary care, chronic care, cancer care, and behavioral health, and surgical services. All of which will enhance access to care for the hospital's high-risk surrounding community.

As we continue to keep an eye on our minority business participation throughout the State, our agenda does include three contract awards to certified minority businesses totaling more than \$31 million. And we have agency representatives here to answer any questions you may have.

GOVERNOR MOORE: It's outstanding. Thank you very much, Mr. Secretary.

I would like to call up Item 16, which is a request of the Department of Labor to award two contracts to provide design and agile delivery services to launch Maryland's Paid Family Medical Leave Insurance Program. I'm very excited about this. And I know when I took office, I said that we do not have to choose between having a competitive economy and having an equitable one, that we actually can have both. And today, we have before us a key contract to support the launch of a paid family and medical leave program so that 2.7 million workers in Maryland do not have to choose between their career or their

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family. That we now have a platform where Maryland's 180,000 employers do not have to choose between supporting their employers and actually making payroll.

This is a big deal. The FAML I System will ensure the workers have paid family medical leave to take time away from work, to receive job protection, and earn up to \$1,000 a week for up to 12 weeks. And our Administration is committed to being able to build a strong paid leave program and learning from best practices from other states. And our State agencies are working closely to make sure that we are delivering this to all the people of our State. Because paid leave is good for Maryland's economy because it keeps our economy more equitable, and it keeps our economy more competitive.

That several nearby jurisdictions to include Washington D.C. and Delaware and New Jersey already have state programs, and the pay leave has shown an ability to retain workers inside the workforce, specifically retaining women inside of the workforce, which is critical to Maryland's businesses and also all of our State's economic goals and all of our State's economic aspirations. That paid leave benefits employers with reduced turnover, with boost to morale, and also a greater cost predictability. That paid leave is especially important for our small businesses because Maryland's program will help to level the playing field so that small businesses can compete for top talent with this valuable and also just affordable employee benefit.

And finally, paid leave is good for workers. It's good for Marylanders because providing stable income while workers take time to take care of themselves or take care of family members results in increased labor force participation and it stops this practice of disincentivizing work. And so again, we're grateful for this work. It's a big deal that the State of Maryland is joining the ranks of others.

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At this time, I want to turn it over to our Secretary of Labor to talk about the importance of the contract that the Maryland Department of Labor is presenting today and the role that it plays in building a more competitive economy. Secretary Wu, congratulations and thank you so much.

MS. WU: Thank you, Governor. Good morning, Madam Comptroller, Mr. Treasurer.

As the Governor has laid out, this is an incredibly important moment for the Family and Medical Leave Insurance Program or FAMILI. I want to note that I'm joined here by the leadership of our organization including Assistant Secretary Elliot Schreur, as well as a number of members of the team who worked very hard to get us to this moment.

Under this insurance program, employers and workers will make contributions into a fund administered by the State or they'll obtain their own private or self-insured plans to provide the same benefits. When a worker needs to take leave, either the State or the private plan will pay the worker a portion of their salary. Although the law was passed in 2022, we were not able to commence work until Fiscal '24. So that's 15 months ago. And in that time, we've hired a new division, brought on our senior leadership, had nearly 70 engagement sessions across the State with more than 7,000 stakeholders.

After which, I'm proud to announce we are publishing our proposed regulations in the Register this month. Those regulations flesh out the details of what employers will be required to do and how workers can apply for benefits. So the timeline under the law as it stands is extremely aggressive, requiring employers to decide whether to opt in by May 2025. That's just eight months from now. They also need to be able to select their plan and start payroll deductions by July 1 with their first quarterly payment and wage and hour reports due in October 2025.

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On the worker side, benefits will start to be paid in July 2026. So a digital system is really at the heart of fulfilling this mandate. We need to design, build, and test the system for the 180,000 Maryland employers to pay up to \$2 billion per year in contributions and file wage and hour reports every quarter. We also need to make sure that the 2.7 million Maryland workers understand how to file claims when they have a qualifying event. We estimate there will be about 160,000 or more claims per year, and we need to be able to process those and pay them accurately.

Which brings us to why we're here today. We have proposed contracts with two strong partners before the Board to help us build the digital system we need to fulfill that mission. These vendor teams will work side by side with Maryland Labor's Digital Team to build FAMLII System using the modern, user-centered software development methodology championed by this Administration. And I want to particularly thank Maryland CIO, Katie Savage, and her whole team at DoIT. They have been a tremendous partner with us step by step every bit of the way here in this journey.

These vendors were selected through a rigorous competitive procurement process that used an intergovernmental cooperative purchasing agreement, also known as an ICPA. Through this ICPA, the State was able to leverage vendors that were already vetted for price and qualifications by the Federal General Services Administration. In short, an ICPA can save the State time and money while ensuring the best vendors for the job receive the award. Our Evaluation Committee was made up of staff with decades of experience implementing large scale technical projects, who are able to evaluate vendors and their proposals based on the technical implementation details.

With our tight timelines and multifaceted program, we knew it was also essential to have two vendors working in tandem, and also that having two

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vendors helps to mitigate the State's risk. We're pleased that the two selected vendors bring significant experience in building similar sized systems. One of them has already cut their teeth building a paid leave system in another state, and one of the vendors is a Maryland based MBE. Both vendors have committed to meeting their 20 percent MBE and 5 percent VSBE participation goals.

We appreciate the Board's consideration. Happy to answer any questions.

GOVERNOR MOORE: Thank you so much, Madam Secretary. And again, our sincere thanks to you, to the entire team, and just the true collaboration that took place to make this happen. Also, I'll say thanks to Comptroller Lierman and also to Treasurer Davis for the close collaboration and partnership with your agencies as well. I also want to give a thank you to the members of the Maryland General Assembly and specifically give a shout out to Delegate Qi and Delegate Valderrama and also the extraordinary work of Senator Antonio Hayes and the many advocates and champions for paid family leave. This is a really big deal. And it just took years of advocacy and leadership to make it happen. So congratulations and well done.

With that, is there any other items for discussion on the DGS Agenda?

MR. GONTRUM: Mr. Governor, we do have a speaker request on 1-CGL. I understand the grantee wishes to provide a quick thank you to the Board, if you'd be interested in hearing from --

GOVERNOR MOORE: Absolutely.

MR. GONTRUM: Ms. Heyman.

GOVERNOR MOORE: Absolutely.

MR. GONTRUM: You've been connected.

(Pause.)

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MR. GONTRUM: Ms. Heyman, are you with us?

MS. HEYMAN: Can you hear me?

MR. GONTRUM: Yes.

MS. HEYMAN: Okay. Can you see me?

MR. GONTRUM: Not yet.

COMPTROLLER LIERMAN: No.

MS. HEYMAN: Okay. Can you see me now?

MR. GONTRUM: Yes.

TREASURER DAVIS: We should say no.

(Laughter.)

MS. HEYMAN: Okay. Thank you so much. I just wanted to say a quick word of thanks. Working from home tonight, we start the holiday of Rosh Hashanah. It's been a very challenging year, as I know you are all aware. But Bnos Yisroel of Baltimore is a school in Park Heights, on Park Heights Avenue in the city with 600 students. And thanks to you and all your leadership, we are now able to build a gym, which we have never had before. It's been 12 years of dreams, and thank you so much for the grant. Every single one of our students will enjoy and appreciate the opportunity to play in someplace other than their classrooms. And I just wanted to say thanks. Even though it's been a very difficult year, we're looking forward to a great year ahead. Thank you so much.

GOVERNOR MOORE: Thank you so much for calling. Yeah, thank you and a blessed Rosh Hashanah.

MS. HEYMAN: Thank you so much. Thank you.

GOVERNOR MOORE: Thank you.

MS. HEYMAN: Okay. Have a great day.

COMPTROLLER LIERMAN: Thanks.

GOVERNOR MOORE: Any further discussion on the remainder

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of the agenda?

COMPTROLLER LIERMAN: No.

GOVERNOR MOORE: May I have a motion to approve the DGS

Agenda?

COMPTROLLER LIERMAN: Motion to approve the DGS

Agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. This concludes today's meeting of the Board of Public Works. We will see you all on October 16th. Thank you so much. We're adjourned.

(Whereupon, at 11:05 a.m., the meeting was concluded.)