



THE SHIELD



OFFICIAL NEWSLETTER OF THE BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION

SERVED WITH HONOR

LATE WINTER 2021

PRESIDENT'S MESSAGE *by Daryl Buhrman*

Let me start off by saying... we wish everyone a Happy Chanukah, Merry Christmas, and Happy Kwanzaa. Of course, we can't forget Happy New Year! I don't know about you, but I sure pray 2022 will be a lot better than 2020 and 2021.

Before I go any further, our member and friend, former owner of Heritage Parkville Gardens (where we held our meetings for years), Bob Limmer, is very sick with COPD and in the hospital. After his stint in the hospital, he faces a long rehab. Please keep him in your prayers. Also, BPD Trainee Cody Ruhling, who was injured during police training, had additional surgeries on his brain in September and in October. He also continues to need our prayers.

- About 800 members and widows are in our email system, however, only about 50% open our emails. We are doing a purge of anyone who has not opened an email from us in the last six months. In many instances, we are discovering our emails were marked as Spam, or the member changed his email address and the one we had on file is no longer valid. We do not abuse our email system. You receive only emails pertaining to our members or information vital to our members. After we do our purge, if you no longer receive messages from us, but would like to be included, please let us know. We are only allowed so many free email addresses and then we have to pay, so carrying people who don't want to get our emails is costly.
- With regards to the pension lawsuit with Baltimore City: This entire battle started when Mayor Stephanie Rawlings-Blake and her financial advisor, Mr. Gallagher, changed our pension in

2010 to under 55 years old – 0% increase, 55-65 years old -1 % increase, and 65+ 2% increase. Fire and Police, active and retired, believed this was wrong and unfair, especially for those who were injured and retired early. The lawsuit was begun with the intention to help the Brothers and Sisters who were injured LOD only. This was never intended to be a cash cow for everyone.

Yes the lawsuit cost us money, but it also cost the City a lot more (they used an outside attorney). We stood up in solidarity against them for our injured Brothers and Sisters, despite the City thinking we would just back down. For that reason alone, we should be proud. It cost each of us some money, but we won for those who needed it most. Despite my countless hours of meetings, phone calls, emails and mail, I never received a dime either, but I am happy for those that did.

During this timeframe, we also found out that the City was thinking about stopping healthcare of dependent (spouses and children), and then later, us. We fought that, however they also played their games and we ended up having to change our healthcare coverage. The City saved millions by changing. We are working with all city unions to have legislation passed that all retirees will have healthcare.

- Incidentally, in case you didn't notice, on October 15, 2021 our pension checks were increased by \$10 and change, because the lawsuit is now over.

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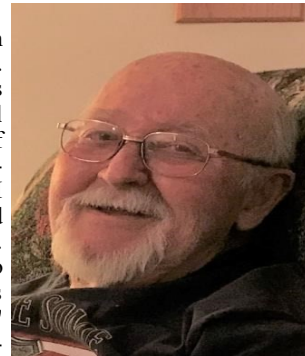


EDWIN J. BOSTON

A Eulogy presented by Mike May at the funeral.

Years ago, in the course of a eulogy for my uncle, Father Mike Roche said, "A real bumper of middle-age is that all your heroes die." That is even more true as we hit our 70s and 80s, and it absolutely resonates today at the funeral of Lieutenant Ed Boston. It seems like everyone he met became a friend and benefitted from merely having rubbed shoulders with him. No matter what he did, he was a true leader. His passing leaves a true void in all our lives while at the same time we remain profoundly grateful for his magnificent legacy.

In 1972, I found that our shift in the Northern District would get a new lieutenant, some guy named Boston. Almost immediately, he impressed all of us with his knowledge and with his ability to deal with people of all kinds and in all situations. He also had a great sense of humor. After I had gotten to know him, he told me that, within the police department, he had once worked at "And." I naturally wanted to know what that was, and he explained that the police department called it Planning and Research. Ed decided, after he had been there a while, that there was no planning and no research. He thus delighted in telling folks exploring his background that he had worked for "And." Never once did he mention that he had received that assignment because of his obvious intelligence and abilities. He also did not mention that he had left the assignment out of principle because he felt that the entity could have done so much more for the Police Department and for Baltimore's citizens. Ed Boston, you see, was a consummate law enforcement professional. He absolutely refused to participate in what he thought had become an unfortunate charade.



Instead, he went back into uniform and ran a number of shifts in different districts, always with distinction. When I met him, he had come from the Northwest District where he had worked with such superb lieutenants as Bunny Nevin and Pete Bailey. It became immediately apparent that workers earned his favor, that there was no question that he would back them up. One time, we encountered an extremely violent mental case. Bob Springer broke his ankle, and somehow, in the course of the affray, I managed to break my hand. Lieut. Boston stayed with us while we were at Mercy Hospital. He stayed with us when we were questioned by the duty officer, and he remained with us when we finally returned to the Northern District, Springer with crutches and a cast, and me with an immobilizing splint on my right hand. The only criticism I got from Lieut. Boston was that I should have utilized my left hand because that was the one holding the nightstick.

We stood in the garage of the Northern District until about 3:00 AM that night and early morning. We talked about police matters. Then, as always, I learned so much simply from talking to him, as well as from watching him.

Ed had a natural ability to deal with people. With police, and Ed was what we call "real police," he instinctively knew when to give people the proverbial kick in the posterior and when to give them the pat on the back. We who worked for him accomplished so much. Of course, the last thing that anyone working for Lieut. Boston wanted to do was to disappoint him.

His ability to deal with all types of citizens was practically legendary. While he could certainly be tough when the situation required, at the same time he recognized that the badge is no good without a heart underneath, something I heard from my uncle, Retired Sgt. John J. Dohony but did not fully understand until I worked with police like Ed Boston. He was that good.

In fact, he was so good that he became an FOP president. One time, long after I started to practice law, I needed his advice. At the time the FOP office was somewhere near the Fish Market. As he spoke to me, he fielded probably 7 or 8 phone calls, demonstrating an instant recall of the issues to which each call pertained as well as the persons — and personalities — involved. In short, he had the same mastery of that job as she did of every other job he performed.

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Of course, Ed's vast intelligence helped him, but in addition to that he was always extremely conscientious. In addition to being a wonderful police lieutenant, he was an even better husband, father and grandfather. Doing legal work for him and for his family was a distinct privilege. The way he treated his wife, Terry, and his children was magnificent. He naturally gloried in his status as a grandfather. He wanted nothing more than for his family members to be decent, prosperous and happy. To the day he died, he did everything he could make that happen.

Naturally, talking about Ed demands that we acknowledge his immense pride in his service in the United States Marine Corps. He never once bragged about his exploits, but it was patently apparent to anyone around him for any length of time that he was tremendously proud of having served.

I remember going to his house for the first time. I told him there was something missing, and he got a puzzled look and wanted to know what I was talking about. I responded that I would have thought, with his love of John Wayne movies that he would have had a statue of the duke in his front yard. Naturally, he laughed because he always lacked the ability to take himself very seriously.

In addition to his pride in the Marine Corps, he remained tremendously proud of his service with the Baltimore Police Department. Indeed, he spent years upon years after he retired working in the headquarters building, making frames. I will always treasure the ones I got from him. They are special not only because of the impeccable, painstaking workmanship, but also because Ed made them.

In his final years, Ed experienced a lot of physical problems, but he never complained. He continued to attend the meetings of the Baltimore Retired Police Benevolent Association, and indeed, when he ran the elections, everyone knew that it would be done properly. He continued to meet Bunny and Pete regularly for breakfast. After Pete became ill and eventually died, Ed and Bunny talked on the phone constantly. He also attended the Northwest monthly breakfasts Ed Mattson inaugurated and Steve Tabela's crab feast.

On October 24, 2021, Ed Boston's heart finally failed him. It never ever, not once, failed anyone else throughout his entire life. The epitome of a good and decent man, of a consummate police professional, we know that he watches over all of us from the spot in heaven God reserved for him. As we mourn his passing, let us resolve at the same time to do all we can to make him proud.

A Line of Duty (LOD) injury is something every officer knows about, is cautious against, and worries could happen to them. Some injuries are physically obvious; some hidden. Even an officer who retired non-LOD, still carries memories of their years on the job and the things they have seen or have had to do. Sadly, today's society doesn't understand that, but that's another article entirely.

My purpose for this article was to collect stories from LOD officers about how their injuries affected them, their family, and their lives. I've spoken to many retired officers in my years with the BRPBA and I can see how the job has affected them. Whether it be an ingrained alertness to all around them (even after retirement), a certain stance (elbows cocked slightly outward), to off the wall humor developed as a coping mechanism, to personalities of aggressiveness/short temper, or even a sensitive/caring nature.

Included in this newsletter are three stories from officers who retired LOD injury. Their stories of survival are interesting, and I ask if other officers would please send

us their stories also. They can be anonymous, or you can have your name on the article; it's up to you, but I'm sure other retirees would like to know how others coped with life after duty (which is often something not spoken about).

Email us at BRPBAoffice@gmail.com. Just as we protect your private information on our roster, we will also protect your anonymity when you submit an article.

In this day and age where police officers are being vilified, we need to hear each others voices and let everyone know they are not alone.



As of this writing, there have been 428 LOD deaths.

Remember them in your thoughts and prayers.

<https://www.odmp.org/search/year/2021>

Newsletter

October 2021

COVID-19 AND 2022 TAX SEA-

Many of my clients are over 65. My wife and I are both over 65, and both of us (as well as other members of my family) have significant underlying health issues. In order to not risk getting germs from my clients, and in order to not risk giving germs to my clients, **I have decided that I will continue to avoid face-to-face meetings with my clients next year during the 2022 tax filing season.** Just like this past 2021 tax filing season, we can use the mail, e-mail, fax, or front door drop off / pick-up.



I realize that some of my clients do not agree with me and think that I am being overly cautious, unreasonable, or worse. So I'm telling all of you about this now, in case you are not supportive of my policy and would prefer to find another tax preparer that will allow face-to-face meetings. If you do choose to find another tax preparer, I will respect your decision and cooperate in any way I can.



2021 SPECIAL CHARITABLE CONTRIBUTION DEDUCTION



Charitable contributions (including cash, check and credit card donations, as well as items donated to Goodwill, etc.) continue to be allowed as an itemized deduction for this and all future tax years.

For 2021, however, those taxpayers who take the standard deduction instead of itemizing deductions will be allowed to claim a special deduction for cash (or check or credit card) contributions of up to \$300 over and above the standard deduction. That's \$300 per taxpayer, or \$600 for a married couple. For the purposes of this special deduction only, non-cash contributions (such as items donated to Goodwill) are not includible.

So charitable deductions are still deductible – either as an itemized deduction or as a special deduction, but not both. I will determine which approach is best for your situation, and I will complete your tax return accordingly.

Note: As of right now, this special deduction is for 2021 only.

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SOCIAL SECURITY INCREASE

The Social Security Administration has announced that there will be a 5.9% cost of living adjustment (COLA) increase in Social Security benefits and Supplemental Security Income (SSI) payments in 2022.



The Social Security Administration will mail Cost of Living Adjustment notices to recipients throughout the month of December. If you want to know your new benefit amount sooner, you can securely obtain your Social Security COLA notice online using the Message Center in your “My Social Security” account. You should be able to access this information in early December, prior to receiving the mailed notice.

TAXATION OF GIFTS

Individuals who receive monetary gifts do not pay tax on those gifts, regardless of the amount. However, the person who gives the gift may have to file a gift tax return if the amount of the gift exceeds certain thresholds.

For 2021, an individual can give up to \$15,000 to another person without any gift tax return filing requirements. The \$15,000 threshold applies to each person receiving the gift, not to the total amount of the gifts that you give. That means that you can make gifts to multiple people, and as long as each person does not receive more than \$15,000 from you in 2021, you can make as many gifts as you want and are able.

Suppose you are married, and your son and his wife want to buy a house. Just as an example, let’s say that you decide to give them \$60,000 for their down payment. If you give your son \$60,000, that amount is over the \$15,000 threshold and you should file a gift tax return for the \$45,000 that is in excess of the \$15,000 threshold. But you could give \$15,000 to your son and another \$15,000 to your daughter-in-law, and your wife could do the same. The result is that no gift is more than \$15,000, but the total would still be \$60,000. No gift tax return would be required. Also, you could repeat this each calendar year. (So, you could do this in December and then again in January.)

ANNUAL INVESTMENT AND FINANCIAL PLANNING

Everyone should periodically review their financial situation, including insurance, beneficiaries, plans to pay off debt, and investments. I recommend that you do this in late November or early December each year and not in January of each year. If you do this review near the end of the year, you will be able to make any adjustments that may affect your current year tax situation, as well as plan for the following year. However, if you wait until January to do your review, you will have missed the opportunity for prior year tax planning. For example, it may be an advantage to refill prescriptions, or make charitable donations, or take (additional) IRA distributions in December. If you wait until January to determine this, it will be too late to make the desired changes for the current year



This quarterly newsletter provides business, financial planning, and tax information to clients and friends. None of this general information should be acted upon without first determining its application to your specific situation.

For additional copies of this newsletter or further details on any article, please contact me.

DON'T BE A VICTIM!

Scams. We've been dealing with them for so long that we almost feel tired of reading about them, but every day more and more people are falling victim to increasingly more conniving scammers.

For example: An Upstate NY nurse said she lost \$3,500 after scammers called her, pretending to be from her bank. After a long day of work at the hospital back in August 2021, Meredith Seitzer said she received a text from what appeared to be Bank of America.

"(The text read) along the lines of, 'Did you attempt a Zelle transaction of \$3,500, yes or no?' I'm like, that's kind of weird," she said. She ignored it, but about 15 minutes later, her phone rang and she said it was Bank of America's 1-800 number.

"Maybe that was for real," she said. "They're calling to tell me that something's going on." The caller gave her his employee ID number, she said and seemed friendly at first. "I think, he said, you need to look at everything and go to your Zelle and make sure that your Zelle is unfrozen, I think is the word he used," she said. "So we can send you your money back. So I log on, and I even said 'I don't see anything weird about my accounts.'"

She said the caller insisted she approve a Zelle request from her full name and phone number, which, she did. But during the call, an email came from Bank of America, which she said she didn't see. According to the email, her phone number had been removed from her mobile banking account and logged in with another account.

"Next thing I know, I get a text message from one bank saying my name has sent you \$3,500 to an account number that I don't own and that I don't have at PNC Bank," she said. Seitzer said she reached out to Bank of America but hasn't had any luck getting her money back.

Scammers use the information you provided to transfer funds out of your account, so be suspicious of any requests for access to your personal information or property.

Please note: Your bank will NEVER call you to ask for sensitive information and they would not ask a customer to transfer funds between accounts in order to prevent fraud

Another trick is... scammers try every way possible to get access to your devices, including:

- Offering technical help (virus removal, unlocking an account)
- Promising a refund
- Asking for an unpaid fee
- Requiring a payment on an outstanding balance

Therefore, it's always best to:

Guard your online information. Do not enter financial information into a public computer.

2. Monitor your accounts. It is recommended to log into your account daily through online banking or a mobile banking app that enables you to keep an eye on your balances and account activity.

3. Email Compromise. Be aware of emails that note a change of financial data, or that have attachments, links, unusual content or requests. Validate changes to financial data by phone with a trusted contact every time! Do NOT click on any link in an email unless you trust the source, and even then, make sure the senders email address was not hacked.

4. Shred sensitive documents.

5. Check your credit report. Review your credit reports for any suspicious activity, such as accounts you didn't open. You can review your reports (one from each of the three credit bureaus) for free once a year at www.annualcreditreport.com.

6. Think twice about sharing your information. Be cautious of calls or emails that request sensitive information. Never give out personal information unless you know it's a trusted and verified source.

7. Report suspicious activity.

8. Do not respond to phone calls about your computer whereby the caller asks for remote access. Hang up on them.

9. And... choose your passwords carefully. Pick a password that would be almost impossible for a hacker to guess.

10. Be careful of who you "friend" on social media.

Better safe than sorry.

LOD #1

On October 15th, 1970 I was a sergeant in the ED. The commanding officer, Tony Glover detailed me and my sector to a demonstration in front of the city jail. When we got there, the mob was in the thousands. I dispersed my men and the mob turned on us. One of my men went down and I went to assist him. At that moment, a black panther struck me in the left side of my head with a two x four board. I went down and was bleeding from my nose, eyes, mouth, and ears. I could not see, and I backed up against a fence and pulled my gun to protect myself. I was dazed, and then someone grabbed my arm and took my weapon. It was my captain Tony Glover. He had responded to the Signal 13. I was taken to Mercy Hospital where I learned I had a broken nose and damaged bones in the cheek and jaw. And cracked front teeth. I was treated, x-rayed and held overnight.

I was off duty for a while and then returned. I started to have small black outs. Dr. Paul Coffey, the police physician treated me. I had had my nose fixed, my teeth repaired, but the injury persisted in pain and bad vision. My attitude had changed for the worse and I became aggressive and, finally some years later, I retired.

I eventually had spinal column surgery, tongue surgery, and ear surgery, but I still suffered from very bad headaches and small blackouts.

This action by the black panther changed my life in many ways. No longer was I attentive to matters of family and friends. Eventually, I was diagnosed with PTSD. The doctor said both my experiences with the marines, and the police dept contributed to my problems. I was put on drugs that helped, but the side-effects caused other issues.

I have learned to live with it. My black outs are now gone, but I have to watch my aggressive attitude. So I just do my daily affairs, live life as I find it.

LOD #2

On 8/2/82, I came across a doorman at a bar who removed a rude person from the bar. The suspect pulled out a knife and cut the doorman from his waist to his upper chest before bolting away. I called for an ambulance before chasing the suspect on foot for about three blocks. I made the arrest, but the tables turned on me when six of his buddies jumped me (all were high on PCP). Fortunately help soon arrived in the form of three Brothers in Blue and they joined the fight. All six were arrested and taken to the hospital for treatment of their injuries. Two of the officers involved had broken bones and teeth knocked out, and were also taken to the hospital. I was also transported to the hospital. My left knee was injured and I had to have four subsequent surgeries. Dr. Frank Barranco told me to put in for 66 2/3 because I would never be able to return as a cop.

After the last surgery, I developed blood clots and was placed on a blood thinner, which I still take as of this writing. I need knee replacement, but coming off of the blood thinner long enough to have the surgery would most likely result in my death. As anyone with a knee knows, the knees are your stability and my stability is gone. I can fall easily. I can no longer go swimming, take walks, do household chores that require me getting on a ladder, or mowing. And I am ALWAYS careful not to cut myself because even the tiniest cut results in a non stop flow of blood. A bad cut would be the end of me.

LOD #3—SERIOUS INJURIES CHANGE, BUT DO NOT END, LIFE

On October 16, 1975, I had the world by the tail. My wife, who was 8 months pregnant with our second son, and I lived in a house with a mortgage. I had spent almost a year as a detective sergeant running the Northwest District squad while I worked on my Master's Degree after having graduated from Loyola College 2 years earlier. In a little more than five years with the Baltimore Police Department, my career prospects looked really good.

I kissed my wife and my son, then 4 years old, goodbye and went off to work. That day, we planned initially to speak to Wendell Beard, an escape artist who had engaged in myriad crimes since absconding. Wendell, after introductions, said he wanted to talk to the sergeant alone. At that point, I handcuffed him to a desk chair in the roll call room of the old Central District, which previously had housed Police Headquarters. Somehow, Wendell freed himself from the cuff securing him to the chair, shoved me aside and jumped from a second story window, all in about a second and a half, not enough time for me or any of my other three squad members, who were standing close by but out of earshot, to react while he was still in the building. I then chased him, and shortly after he jumped out of the window, I did as well. I did not want to shoot him, and even if I had, I certainly could not have shot at him at 11 :30 AM on a street crowded with people and automobiles.

Wendell hit the ground and ran. As soon as I landed, however, I knew I was hurt badly. At first, I thought all of the damage was to my right leg. There was nothing my squad members or the other police who arrived could do for me other than to comfort me. Eventually an ambulance arrived and the Medic cut my right shoe off. He put an inflatable splint on my right leg and asked me if it felt any better. I replied that it did but that now I was experiencing enough pain in my left leg that I thought it was broken as well. I was right. As it turned out, I had shattered my right ankle and crushed my left heel.

The ambulance took me to Mercy Hospital, and I came under the care of G. Edward Reahl, M.D., the Chief of Orthopedic surgery, a superb doctor and human being. Always candid, he told me that I could have difficulty walking the rest of my life. I awoke from my first surgery at about 11 :00 PM. My wife sobbed inconsolably as I tried to tell her that things would be alright. Naively, I thought they would be because the Police Department, I thought, took care of its own.

In short order, I found that some, although certainly not all, of the higher ups actually debated what punishment I should receive because Wendell Beard got away. Their rationale was that the Police Department was embarrassed. Fortunately, although I was extremely hurt and angry, and terrified that I would be suspended without pay and lose my health insurance and my house along with my ability to walk or to work for some period of time, I managed to reach my lawyer, Steve Tully, Esq., a long-time friend, who truly took care of me. His first advice to me was to shut my mouth, advice reiterated by my superb captain, later a major, Ted Weintraub, my marvelous lieutenant, later to become a major, John Lewandowski,

and my uncle and the best man I ever knew, Retired Sergeant John J. Dohony. They all told me that for once in my life, I was going to remain quiet, advice that was reiterated by my former boss, whom I had known since grade school, Captain (later Major) Robert L. Larkin, who continually checked on me, as did the pastor of St. Matthew's Church, Msgr. Clare O' Dwyer.

In addition to that, my wife stuck with me throughout the entire ordeal, including over 3 weeks at Mercy Hospital because I had to undergo a subsequent surgery. My mother and my aunts visited me regularly, as did my uncle, Robert E. May, M.D. along, of course, with his wife and my aunt. My brother, Tom, then a professor at Loyola College, slept on a canvas army cot in our living room while I was in the hospital and after I got home because I could not very well drive my wife to the hospital when she went into labor with casts on both legs. My sister, Kathleen, a nurse, stayed with me when I came up from the recovery to my room after my second surgery, which was extremely painful although I refused pain medications after the second dosage.

Meanwhile, the specter of departmental discipline hung over me. There was widespread speculation as to my fate. Eventually, the Chief of Detectives, Col. Joseph F. Carroll, Jr., went to bat for me, and I got a reprimand. The Deputy Commissioner, Frank J. Battaglia, told me of the reprimand. I thanked him although I felt like asking him, although he clearly was not mean-spirited at all, whether what I had been through was not already more than sufficient. Clearly, to some it was not because, after all, the Department had been embarrassed.

Right after I got home from the hospital, we had our second son. Ironically, that worked out fairly well. Normally, when a new baby arrives, the older child, used to receiving all the attention, can feel left out. That did not happen in our case. I could not go up and down the steps because the cast on my right leg went from my toes to my groin, while the cast on my left leg, although a walking cast, went up to my knee, and it was simply too dangerous to try to navigate anything on crutches, so I utilized a walker and could only get up and down the steps on my posterior. My wife had a cesarean, and she was in too much pain to run up and down steps constantly. As a result of that, our then 4-year-old son did all of the running for us. He was absolutely not excluded.

While I was at home, I received constant visits from the detectives who worked for me as well as from the bosses for whom I worked. I received visits from too many family members to mention. I received periodic calls from my lawyer and from my bosses to make sure that I was not running my mouth about the unfairness of any prospective punishment.

Finally, I got back to work in a wheelchair. The first day I arrived home, my wife expressed her displeasure at police humor. Someone had taped a sign to the back of the chair. It said, "Pencils \$.10." I actually thought it was funny.

Of course, I remained on light duty although I resumed running the squad. I actually hoped that I would completely heal. Then, in 1976, Howard Gersh asked that I

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lead the investigation into the crash of a light plane into the upper deck of Memorial Stadium after a playoff game between the Baltimore Colts and the Pittsburgh Steelers. Of course, one of the other detective sergeants expressed the opinion that I had gotten the assignment because of my prior experience with crash landings. I worked on other assignments, but eventually it became clear to me that my leg was not going to get completely better and that attempting to work on the street on a full duty basis would create a danger, not only to myself, but also to both my detectives and citizens. I, therefore, truly broken-heartedly, went to Capt. Weintraub and told him that I had gotten my workers' compensation award and now intended to pursue a line-of duty disability pension. He absolutely agreed and supported me completely, as did all my other superiors, including Lieutenant Pete Bailey, who had taken the place of John Lewandowski, and Col. Bill Rochford, who had taken over for Col. Carroll. I told Capt. Weintraub that it was apparent to me that I was going to get someone hurt and that even though I had gotten the second highest score on the written portion of the most recent lieutenant's examination, I would never, and should never for that matter, be promoted.

I got accepted to Law School on Thursday. On Friday, I dropped off my retirement papers at City Hall. I had some difficulty because, to discourage police from filing for line-of-duty disability pensions back then, there was a policy by which police would retire and would receive 2% of their salary for each year of service, which in my case meant that I would get 14%. The policy also delayed scheduling of the hearing for the disability pension. Fortunately, I knew enough people, as did Steve Tully to get my case moved ahead on the schedule so that I only had to live on the 14% for a couple of months.

I also had difficulty with a Police Department physician who claimed that he could fuse my ankle completely and make it as good as new. For that, I called Dr. Reahl who said that he would speak to the Police Department physician. That ended the problem.

Three days before I started Law School, I officially retired from the Police Department. While I was still bitter and angry with some of the treatment I had received, retirement itself brought me no joy. I gave up the active-duty ID card and the active-duty badge, both designating me as a detective sergeant. I turned in my uniforms. I turned in my revolver. I gave up all the tools of the trade. I did not cry, but I certainly came close.

In just a couple of days, I went to orientation at the University of Baltimore School of Law. It became immediately apparent to me that unlike the cramming I did in college and graduate school (I completed my Master's Degree after I got hurt), I was going to have to study on a regular basis. My wife and I made the decision, although things were very tight financially, that she would stay home and care for the children while I treated law school as a full-time job. I took it seriously and did well,

graduating magna cum laude and second in my class after acting as Managing Editor of the Law Review and Chief Justice of the Honor Court. I got the Law Faculty award, the school's highest, at graduation.

I did not, however, get a job with a large, silk stocking, firm. Most of them were not in the market for Irish Catholic Vietnam veterans who had been police and had a wife and 2 children. That offended me at first, but it was the best thing that ever happened to me. I went to work for O'Doherty, Gallagher & Nead and tried my first jury case all by myself with less than a year at the bar. I found some of the best training I had gotten for the real practice of law occurred with the Police Department because I had to learn how to read people and to deal with them. That does not come from books.

Something else happened along the way. As I was finishing up in law school, one day I was telling another law student, who was also a little older, about my experience with the Police Department's proposed punishment of me if I got hurt. I concluded by saying that I was over the anger at that point. The student to whom I was talking told me that for 10 minutes, my face had been red, my neck veins had been bulging, my fists had been clenched, my voice had been raised, and, to top things off, I had been using the F-bomb practically as a punctuation mark. I realized he was right, and I resolved, right then and there, to let go of the anger. It was absolutely destroying me. Moreover, it was adversely affecting those whom I love. It took time, and a lot of prayer, but I managed to do it. I forgave those who would have hurt me, and I eventually reached out to Wendell Beard as well. After all, he was trying to get away, not to hurt me.

I also, after a long hiatus, joined the long blue line again, albeit in a different capacity. I became a member of the Baltimore Retired Police Benevolent Association. As I interacted with old friends, and new ones, I realized I was back home again. At the same time, I recognized that when I turned in everything back in August of 1977, I did not give up my identity. Although my tenure was extremely short, I remain immensely proud. There is, indeed, life after the Police Department, regardless of how the active sojourn ends, and each of us can make that life a good one. In fact, we owe that to ourselves.

Michael P. May



“Insomnia sharpens your math skills because you spend all night calculating how much sleep you’ll get if you’re able to ‘fall asleep right now.’”

—Anonymous

PENSION SUIT - AGAIN

On October 20, 2021, Charles O. Monk, Esq., lead counsel in the pension litigation that has gone on for a decade, appeared at our monthly meeting by invitation.

On Sunday, October 3, 2021, the author was one of the recipients of an email from Geoffrey

M. Gamble, Esq., of Saul Ewing attaching a lengthy fee petition that had been filed the previous Friday. The petition requested over \$8 million in attorney's fees and expenses. The author read the petition rapidly, sent out an email indicating the total amount requested and stated, "That raises the question of whether Mr. Monk knew, when he met with us earlier last week [at an FOP meeting attended by Pres. Buhman and the author], how much he and his firm intended to request, his reason for not volunteering that to those assembled and how much went to Mr. Weiner's firm. By way of disclosure, I made nothing and am not seeking anything." Although the email did not go to Mr. Weiner, at 10:37 PM on Sunday, Mr. Monk sent an email stating "Herb Wiener forwarded to me an e-mail that Mike May sent this afternoon that I thought was so disappointing and unfair that I felt obligated to set the record straight right away...." It went on to state that "the allegation there we are kicking anything back to Herb Wiener firm is patently false. [There was never any such allegation or accusation, merely a question.] Herb has never asked for a thing from us. and we have never offered to pay anything (as a referral fee or otherwise) to him or his firm." At this point, we still do not know if that firm received anything, but it makes no difference because on September 30, 2021, the day prior to the fee petition's being filed, Mike Mancuso signed an affidavit, apparently prepared by Saul Ewing, in support of the petition. There was another affidavit signed by Richard Langford on the same date on behalf of the Firefighters Union. No one asked Pres. Buhman to sign an affidavit in support of the petition.

From a practical standpoint, opposing the petition would have been foolhardy because the unions have been paying Saul Ewing's hourly rate all along so that a good portion of the money collected if the Court approves the fee petition, will go back to the unions.

The author returned a call from Mr. Monk but did not respond in kind to the criticisms because it would have served absolutely no useful purpose. Instead, Pres. Buhman invited him to show up at our meeting, and he did.

Mr. Monk gave a lengthy narrative of the history of the case, also set forth in the first 10 pages of the fee petition. He related that in mid-June 2009, the police and fire employees engaged Saul Ewing to investigate the status of the Fire and Police Employees Retirement System of the City of Baltimore. That investigation disclosed that the Plan was woefully underfunded with significant market losses in 2001-02 and in 2008-09 which were not addressed by increased plan funding. Before the suit, Mr. Monk and Paul M. Heylman, Esq. of the firm attempted to negotiate with the City. Those negotiations went nowhere, and during them, the City passed Ordinance 10-306 which dramatically diminished cost-of-living-adjustments

(COLAs) for retirees, eliminating the Variable Benefit which was predicated upon stock market performance, and substantially changed the benefits earned by current employees. Thereafter, Saul Ewing filed suit in federal court under the Contracts Clause and Takings Clause of the United States Constitution. The suit also set forth state law claims, but the court stayed those matters to deal with the federal issues. The federal court held that elimination of the variable benefit violated the Contracts Clause but that it was necessary to determine if the impairment was substantial and, if so, whether it was reasonable and necessary to serve an important public purpose. The Federal judge also assigned the case to a magistrate judge for settlement discussions, but they went nowhere. On September 6, 2011, the Federal judge held the contractual impairment was substantial and that it was thus necessary to decide whether it was nevertheless reasonable and necessary. On September 30, 2012, the judge decided that elimination of the variable benefit was not reasonable and necessary and again referred the matter to a magistrate for settlement discussions, which again went nowhere.

The case then went to the United States Court of Appeals for the 4th Circuit which held that because there were potential state-law remedies for breach of contract, there was no need to reach the question of a constitutional impairment of contract. The Supreme Court declined to hear the case on December 8, 2014.

On February 5, 2015, the Plaintiffs asked the federal trial court for permission to file a second amended complaint to reassert the Takings Clause theory under the Fifth Amendment to the United States Constitution. On July 22, 2016, the Federal judge denied permission to move forward with the Takings Clause claim, determining that the state-law claim should first be resolved in state court.

On August 19, 2016, the Plaintiffs filed the class action initiated in the current case in the Circuit Court for Baltimore City. It asserted claims for breach of contract arising from the enactment of Ordinance 10-306 and the underfunding of the Plan. The parties filed an initial motion, called a Motion for Summary Judgment, based on the record in the federal court, and on January 2, 2018, the Circuit Court held that the City breached its contract with retirees and those eligible to retire by eliminating the variable benefit, that the amount of damages must be determined in trial and that the question of whether the City breached its contract with Plan members employed but not yet eligible to retire would have to await a determination of whether the benefits after Ordinance 10-306 were substantially equivalent to those provided before.

The Circuit Court case came on for trial on October 29, 2018 and lasted through November 7, 2018. On May 13, 2019, the court rendered a 144 page Memorandum Opinion holding that the retired and retirement-eligible Plan members were entitled to an award of damages equal to the difference between the expected lifetime value of the Variable Benefit and the expected lifetime value of the age

Cont. Page 11

tiered COLA (under age 55-0%, ages 55-65 to 1 % and over age 65 to a 2% COLA). The Court accepted the City's expert testimony as to the manner in which damages should be calculated, rejecting the contentions of the Plaintiffs' actuaries. Then, on June 11, 2020, the Court entered a Corrected Final Judgment awarding damages to the Plaintiff class in the total amount of \$30,778,110.55 plus post-judgment interest at the statutory rate of simple interest per annum. On August 16, 2021, the Court of Appeals, Maryland's highest court from which there is effectively no recourse, affirmed the trial court's judgment entirely.

The fee petition relied in large measure on *Singleton v. Domino's Pizza LLC*, 976 F. Supp. 2d 665 (D. Md. 2013). That case notes that there is no absolute manner of calculating attorney's fees in class action matters. In its analysis, it remarks, but certainly does not hold, that most awards run between 15% and 40% with what are known as lodestar calculations, roughly predicated upon an hourly rate and the difficulty of the case, as a check and balance on the contingency, or percentage, method of calculation. In a *nisi prius* (trial court) decision in Prince George's County, Judge Platt quoted the concern articulated by the courts and commentators alike that "class actions will prove less beneficial to class members than to their attorneys," in *Dotson v. Bell Atlantic Maryland Inc.*, Circuit Court Prince George's County, Maryland, Case No. CAL 99-20 1004, quoting *Weinberger v. Great Northern Nekoosa Corp.*, 925 F.2d 519, 520, (1st Cir. 1991), citing *Plumbino v. Bailey* (Plumbino 11), 757 F.2d 1112, 1143-44, (1st Cir. 1985, cert. denied, 476 U.S. 1169 (1986)). In fact, Judge Platt writes, "In support of their Petition for \$ 13 million in Attorneys' Fees, Counsel for Class Plaintiffs make extensive arguments citing their long hard hours and deriding-do in the hallowed committee rooms and corridors of the General Assembly of Maryland as well as the busy courtrooms of the Circuit Court for Baltimore County and the more solemn and imposing courtroom of the Court of Appeals while waging a 'hard-fought battle' against the forces of evil 'arrayed against them' in the battle over House Bill 251, Chapter 59 of the Acts of 2000. Indeed, the level of heroics in this litigation, described by Class Counsel as, i.e. 'hard-fought,' 'hotly'

and 'bitterly' contested, 'full court press,' and 'surmounted myriad novel questions of law and fact,' rivals those contained in Homer's great classics the *Iliad* and the *Odyssey*." *Id.* At the end of the day, Judge Platt had significant reservations as to whether he should award attorney's fees for some of the lobbying activities. In the instant matter, there is necessarily a question as to whether a City Circuit Court Judge can award attorney's fees for the efforts which Mr. Monk and Saul Ewing engaged in conjunction with the federal litigation. On the other hand, the police, especially, have been paying the law firm fees all along and stand to recoup some of those funds if Saul Ewing can retrieve them from the money that has been paid thus far. In fact, Paragraphs 24 through 29 of Mr. Monk's October 1, 2021 affidavit in support of the Petition, although they do not set out the entire fee agreement, touch upon that issue.

Mr. Monk's presentation was cogent and respectful. He mentioned that no one ever anticipated that the case would go on for 10 years. He also mentioned that the City's principal lawyer told him unequivocally that the City always wanted to try the case and never wanted to negotiate anything. Mr. Monk also indicated that he initially determined that it was wiser tactically to go to federal court as opposed to Baltimore City Court because the City was being sued for millions of dollars. At the end of the day, the City recognizes that the retirees will not accept a diminution of their benefits without fighting. In the final analysis, Mr. Monk and the lawyers that Saul Ewing did their very best under extremely difficult circumstances and achieved, under those circumstances a decent result. Clearly, Mr. Monk wanted an even better result, and that probably accounts for some of the unfortunate verbiage in his email.

Meanwhile, it continues to be a personal honor to help all those who have worn the badge.

Michael P. May



**PLEASE JOIN US AT OUR HOLIDAY MEETING ON
DECEMBER 15TH AT 6 P.M.**



WELCOME TO OUR NEW MEMBERS!

Donald Bauer
Charles McCauley
Joseph M. Petryszak
Melvin Pumphrey, Jr.
James Rippetoe
Kimberly Smith
Melissa Williams

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INCLEMENT WEATHER

Please remember, monthly meetings may be canceled due to inclement weather when:

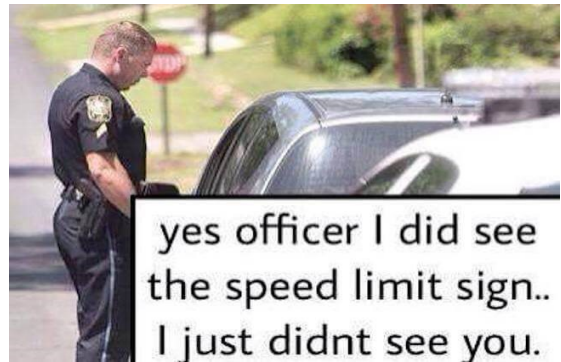
- Baltimore County Schools are closed because of snow or inclement weather; or,
- There is a snowfall after schools are dismissed and the Baltimore County snow emergency plan is placed in operation.

Newsletter Chairman:

Patrick Youells
(cody7762@hotmail.com).

Distress Fund Chairman:

Daryl J. Buhrman
410-803-2293



ATTENTION!!!!!!!

During our December 15th Holiday Party, we will be collecting clothing for our annual Clothing Drive to benefit the Maryland Center for Veterans in Baltimore City. Please bring any unwanted clothing folded in boxes to the party (no bags please).

Brother Tom Tumminello volunteered to deliver the clothing to the Center. We would appreciate someone volunteering a brief period of time to help him make the delivery. We will be taking the clothing to them on Dec. 16th, 17th or 19th, 2021.

DISTRESS FUND NEWS

Each year for the holidays, we help a few of our widows who have had need of our Fund in the past. They are each sent grocery store gift cards at Thanksgiving and Christmas, paid for by the BRPBA Distress Fund. Additionally, we take a needy Baltimore City family shopping at their local grocery store for the two holidays. This is why we do the raffle and thanks to you, it works.

Please join us for the drawings at our Holiday Party on December 15th, 6:00 p.m. at the Knights of Columbus Gardens, 4301 Klosterman Avenue, Perry Hall, MD.

Memorial Gifts

In Honor Of:

Marvin Senft

Douglas M. Cook

Robert Batzer

Michael Cichowicz

Kenneth Mellott

Anthony Bickauskas

Sam Walters

From:

Richard Clabaugh
Dr. & Mrs. William Roth (friend)

Jane Cook (wife)

Paul and Melanie Patrinicola
Diane M. Janney Schall
William and Brooke Johnson
Leanne Saylor
Paul and Christine Zurkowski
Mona Stephens
Marlene and Anthony Bayer

Ashley Cichowicz (wife)

Debbie Mellott (wife)

Sharon Bickauskas (wife)

Richard Bloom

BALTIMORE RETIRED POLICE BENEVOLENT ASSOCIATION TAG PROGRAM

As of August, 2021, we have 720 sets of professional looking tags in Maryland. Many members continue to display their pride of being a police officer, even in this current climate. Our tags are a one time fee of \$25.00 to the MVA and a small donation of \$20.00. Don't forget to contact Daryl if you want motorcycle tags.

Contact Daryl Buhrman at 410-803-2293 if you would also like to tell the world how proud you are to be a retired Baltimore City Police Officer.

Visit our website for more information at:
www.brpba.com under Member Information or call
Daryl Buhrman at 410-803-2293.



Memories of our lives, of our works and our deeds will continue in others. Rosa Parks



BRPBA FINAL ROLL CALL

- Robert Batzer (08/12/2021)
- Edward Coleman (09/13/21)
- Milton E. Coleman 9/13/2021
- Shirley Eben, (10/10/21)
- Guy Gerstel 10/17/2021
- William D. Harting, (10/29/21)
- Donald Ray Smith (10/21/21)
- James Welsh (09/11/2021)

- Charles Adams (07/25/2021)
- Robert Ackerman 08/07/2021)
- Ira Berry (08/03/2021)
- Edwin Boston, Sr. (10/24/21)
- Robert Brown (10/11/21)
- Jack Brownawell (08/15/2021)
- James L. Davis, Sr. (08/30/2021)
- Jules Denitto (09/18/2021)
- Joan McEntyre (09/28/2021)
- Americus John Rambeau (09/10/2021)
- Robert Scott, Sr. (09/04/2021)
- Daniel Steen (10/17/21)
- Ronald C. White (08/10/2021)

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Remembrance never dies.



Peggy Muller

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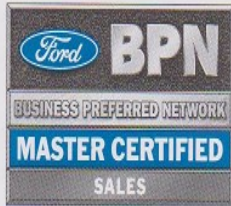


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***Executive Board Meetings held the second Wednesday of the month and
General Meetings on the third Wednesday at Knights of Columbus
Gardens, 4301 Klosterman Avenue, Perry Hall, MD. Please join us!***