



Retirement News Highlights

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Baltimore County changes rule to shield retirement decisions from the public

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Baltimore County adopted a rule last year making employees' retirement appeals cases confidential, shutting the public out from knowing how such conflicts are resolved and how much taxpayer money may be going to fund settlements.

The Baltimore County Board of Appeals issues decisions about complaints ranging from building permits to towing license applications to disputes involving the Baltimore County Employees' Retirement System. According to a list of rules on its website, all hearings and deliberations with the Board of Appeals must be open to the public in accordance with the Maryland Open Meetings Act.

However, the results of county retirement disputes are now exempt, according to board administrator Krysundra Cannington.

"Retirement records are not open to the public," she said via email. "This change was made pursuant to the board's Rules of Practice and Procedure which were updated and went into effect on April 4, 2022."

The County Council passed a resolution overhauling the Board of Appeals' rules, which said "all records and dockets of the board shall be open to the public, subject to the limitation of the Maryland Public Information Act."

Personnel records, which show if an employee was fired, hired or disciplined, are confidential, but decisions that resolve specific disputes between the county and its employees were public until the rule change, which was instituted to comply with the board's new rules, Cannington said.

That means the public will no longer know how much the county is paying out in settlements or what positions the board has taken on retirement disputes. Other county and municipal governments including Montgomery County, Anne Arundel County and Baltimore City make such decisions public.

"Openness, transparency and accountability are top priorities in Baltimore County, and we support all efforts to ensure Baltimore County residents have the government they deserve," county spokesperson Erica Palmisano said.

David Williams, president of the Taxpayers Protection Alliance, a government accountability organization, said the agency's retirement decisions should be public information.

"Without knowing what's happening at the Board of Appeals, how do you know it's working or doing what it should be doing?" he said. "When we don't have information, we fill in those gaps and start

coming up with conspiracies, and that's why the government has the ultimate responsibility to be transparent. It's taxpayer money."

Three issues have drawn scrutiny to oversight of Baltimore County's retirement system in recent years.

The county improperly paid 20 employees \$3.4 million in both salaries and pensions between 2018 and 2020, according to an investigation by Baltimore County Inspector General Kelly Madigan. The error was due to a lack of communication between the county human resources and county retirement offices, according to her report. The employees were mostly retired government workers who had been rehired.

The following year, The Baltimore Sun reported that the Baltimore County Appeals Board hadn't notified the County Council it paid \$86,000 to settle a claim from a Baltimore County firefighter who appealed to the board after he missed a deadline to transfer credits from his service in the city to his county pension. Had he succeeded, he would have received a \$250,000 payout upon retiring.

That case, which the agency settled in April 2020, is no longer on the appeals website. The Baltimore County Council later passed legislation requiring the Office of Law to notify it of any litigation settlements. Contracts over \$25,000 require council approval.

"This administration routinely uses [records law] to hide information from the public," said Fred Homan, a 40-year county official who retired in 2018. "They use it as a weapon."

Homan filed an ongoing lawsuit in 2021 citing the firefighter's case to bolster his claim that the county is violating the Maryland Public Information Act by blocking access to public records.

The county was criticized more recently for allowing a former employee to continue collecting a paycheck for almost a year after he retired in July 2021. The county ended that arrangement after The Sun reported in May 2022 that the county allowed former Deputy Economic Development Director William "Chris" McCollum to go on extended sick leave without providing medical documentation and continue earning his \$137,709 annual salary.

By remaining on the payroll, McCollum was able to access larger pension benefits because he surpassed the 20-year mark as a county employee during that time and because he had served long enough to access the department-head level pension system.

The county agreed to the arrangement so McCollum could keep his health insurance while looking for another job, according to a June 2021 letter confirming his resignation.

State Prosecutor Charlton Howard charged McCollum in February with 21 counts of theft, embezzlement and perjury for allegedly pilfering \$140,000 from a reelection campaign for former Baltimore County Council Member Cathy Bevens and a slate connected to Baltimore County Executive John Olszewski Jr., Baltimore County Council Chair Julian Jones Jr., House Speaker Adrienne Jones and a slew of other Democratic politicians.

A plea hearing is set for May 25, according to court records.

The Board of Appeals has heard six retirement appeals cases since December 2018, according to the Office of Law, which argues on behalf of the county.

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