

MARYLAND STATE BOARD OF WELL DRILLERS

**Minutes of Open Meeting
Aqua Room
Maryland Department of the Environment
1800 Washington Boulevard, Baltimore, MD 21230
January 24, 2018**

Board Members Present

Hahns Hairston – Board Chair
Brad Hartman
Robert Peoples – MDE
Heather Quinn – DNR

Staff Present

Elaine Nolen – Executive Director
Neil Winner – MDE, Water Supply
John Boris – MDE, On-site Systems Division
Ellen Cohill, Esq. – Board Counsel

Guests Present

Brian W. Smith

Board Members Absent

John Shannahan
Larry Brenneman
Wayne Caswell

Call to Order

With a quorum present, Chairman Hairston called the meeting to order in the Aeris Conference Room at 9:20 AM.

Review and Adoption of Proposed Meeting Agenda

Chairman Hairston presented the agenda for review and approval and asked for any modifications. A motion to approve the proposed meeting agenda with modifications was made by Robert Peoples and seconded by Brad Hartman. Motion was approved unanimously with no abstentions.

Review of Meeting Minutes

Chairman Hairston presented the minutes of the November 15, 2017 meeting for review and approval and asked for any corrections. A motion to approve the draft meeting minutes with corrections was made by Robert Peoples and seconded by Heather Quinn. The motion was approved unanimously with no abstentions.

Board Chair Comments

Chairman Hairston wished everyone at the meeting a happy New Year. Chairman Hairston also welcomed guest, Brian Smith, to today's meeting.

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Director's Report

a. Revenues and Expenditures – As of December 31, 2017

Appropriation FY 2018	\$112,240.00
Expenses	\$ 47,295.35
Revenue	\$ 13,475.00

Ongoing Business

- a. An update on the status of the John Bischoff Suspension Order was provided by Ellen Cohill. On January 4, 2018, she presented oral argument in court and the stay was lifted effective immediately. On January 8, 2018 John Bischoff voluntarily filed with the Court a Notice of Withdrawal of his Petition for Judicial Review of the Board's Decision and Order with prejudice. Therefore, the case is closed.
- b. Elaine Nolen provided an update on last month's violations and complaints:
 - a. TA-16-0085: Ben Wood is now in compliance.
 - b. TA-13-0300: Joseph Fairbank is now in compliance.
 - c. The Karen Miller complaint is in process, no additional information available at this time.

New Business

a. December 6, 2017 exam results:

# pass	7
# fail	4
% pass	64%
% fail	36%
Average Grade	71%

A motion to approve everyone who passed with a grade of 70 and above was made by Heather Quinn and seconded by Robert Peoples. The motion was approved unanimously with no abstentions.

- b. The February 7, 2018 exam roster was distributed for review. Elaine Nolen provided a brief description of the qualifications of each applicant and recommended 12 persons for examination to the Board. A motion to approve each applicant for examination was made by Brad Hartman and seconded by Heather Quinn. The motion was approved unanimously with no abstentions.

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Name	Exam Type	Employer
Eric Lindberg	JGD	A-Zone
James Janis	AWD	Earth Data
Garrison Eaves	JWD	Chesapeake Geo
David Whetstone	JWD	Chesapeake Geo
James Hamilton	MSD	Carroll Water
Jeffrey Boyer	API	Negley's
Matthew Cornman	AWD	Negley's
Callum Robinson	AWD	Allied
Ernesto Menjivar	AWD	Allied
Brendan Westover	AWD	Allied
Jason Friedline	AWD	Eichelbergers/Somerset
Evan Long	API	Negley's

c. Review and discussion of Continuing Education requests:

	Organization	Name of Course	Location	Dates	Approved Hours
1	Franklin Electric	Water Systems Seminar	Millersville, MD	2/3/18	3.0
2	Milby Company	Water Treatment 101	Elkridge, MD	4/10/18	4.0
3	Milby Company	Variable Speed Pump Training	Elkridge, MD	5/22/18	6.0
4	Milby Company	Variable Speed Pump School	Westover, MD	3/8/18	4.0
5	Hellenbrand	Training – Days 1 & 2	Grasonville, MD	6/20-21/17	11.5
6	Delaware Water Well Licensing Board	13th Annual Fall Seminar	Dover, DE	12/1/17	4.0

A motion to approve with modifications was made by Heather Quinn and seconded by Brad Hartman. The motion was approved unanimously with no abstentions.

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d. Violations/Complaints:

	Name	License #	Company	Date	Originator	Location/ Well Tag ID	Description	Status
V-1	Marshall Arnette	MSD106	Allied	1/8/2018	Calvert Co	CA-17-0253	No well tag in place Well location not 30' from foundation	Need more information

e. A summary of proposed House Bill 167 was provided by Ellen Cohill. House Bill 167 would allow all units of State government to send electronically certain notices or communication to the public and receive same from the public. If passed, this bill would take effect October 1, 2018. Discussion about the proposed bill focused on the need to include electronic payment with electronic acceptance of license renewal forms to allow staff to accurately track payments.

Industry Correspondence/State of the Industry

Brian Smith discussed his desire to build a relationship between this Board and the Board of the Maryland – Delaware Water Well Association (“MDWWA”). Mr. Smith provided an update on the scan in/scale out process, which will be in place for next year’s convention. This year, there will be sign in/sign out sheets for each class. Mr. Smith stated that the MDWWA wants additional educational opportunities to develop career opportunities for young people. In addition, Mr. Smith indicated that there is a lack of communication between the two boards, specifically regarding licensing requirements and disciplinary actions.

BOARD VOTE TO MOVE INTO CLOSED SESSION

CLOSED SESSION: Pursuant to General Provisions Article (“GP”), § 3-305(b), on motion by Heather Quinn, seconded by Robert Peoples, the board members unanimously voted to move into a closed session on January 28, 2018 at 11:05 a.m., in the Aqua Room, for the purpose of complying with certain provisions of the Open Meetings Act.

Specifically, pursuant to GP § 3-305(b)(11) and (13) to discuss Apprentice Well Driller examination questions, which GP § 4-345 also prevents public disclosure of licensing examination questions. The Board made recommended changes to the Apprentice Well Driller examination. In a motion made by Brad Hartman, seconded by Heather Quinn, the board

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members voted unanimously to make the recommended changes to the Apprentice Well Driller examination questions.

Also, pursuant to GP §§ 3-305(b)(7) and (13), for the purpose of consulting with counsel to obtain advice on Board appointment/reappointment process, thereby preserving attorney-client privilege under GP § 4-301(1). The Board unanimously accepted counsel's advice on Board appointment/reappointment process.

Pursuant to GP §§ 3-305(b)(2) and (8), for the purpose of consultation on complaint/potential litigation about a licensed person who is involved in a pending circuit court case, which GP § 4-333 also prevents public disclosure. The Board unanimously requested more information.

A motion to conclude the closed session was made by Brad Hartman, seconded by Robert Peoples. All were in favor. Motion carried. The closed session was concluded at 11:57 a.m.

Return to Open Session

Review of new complaint

	Company	Person	Date	Originator	Location/ Well Tag ID	Description	Status
C-1	Husky Home Services	Patrick Snell	10/24/2017	Joshua Ambush	Drilling prior to BC- 14-0199	Unlicensed drilling	Need more information

Adjournment

The motion to adjourn the open meeting was made by Brad Hartman and seconded by Robert Peoples. The motion passed at 12:14 p.m. The motion was approved unanimously with no abstentions.