



MARINE CONTRACTORS LICENSING BOARD
c/o Maryland Department of the Environment

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MARINE CONTRACTORS LICENSING BOARD
MEETING Minutes – September 10, 2018

Location: MD Critical Area Commission Office, Annapolis, MD

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman
 Chris McCabe, At Large Representative
 Andrew Hanas, DNR Representative
 Josh Schleupner, Shore Contractor Rep.
 Elder Ghigiarelli, Temporary MDE Rep.
 Robert Murtha, SoMD Rep

OTHERS PRESENT

Thomas Blair, Board administrator

CALL TO ORDER

The meeting was called to order by Mr. Rehbein at 10:02 AM at MD Critical Area Commission Offices, Annapolis, MD. Five Board members were present, as well as the temporary MDE representative Mr. Elder Ghigiarelli, and the Board's administrator.

AGENDA REVIEW

The Board reviewed the agenda for the meeting which included review of August 13, 2018 minutes, review of licensing activities, budget review, and ongoing discussion of definition of similar experience relating to marine contracting, review of draft license or application suspension policy and review of new license applications received.

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and approved by vote, the draft August 13, 2018 meeting minutes.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 232 licenses issued. This accounts for several companies having multiple licensed individuals operating under the same license number. Mr. Blair has scheduled test dates once a month until the end of October and will continue with once monthly testing. Testing will be scheduled close to the end of each month to allow for application review/approval during the regular Board meetings and then mail out of the manual and testing. Mr. Blair is receiving 2-3 applications per month.

The Board discussed a recent application where the applicant did not show the required 2 years of marine contracting or similar experience. The discussion centered on how an applicant could gain experience. Several on the Board would consider a person who receives an IRS-1099 from a licensed marine contractor to use that as experience. Others felt a "1099" worker would be considered a sub-contractor and would be required to have a separate license. The Board discussed wording of Title 17 with regard to contractor experience and agreed that an applicant would need to work out-of-state or for a currently licensed contractor for at least two years. There was also general agreement that working for a marine contractor may not confer any skills on the applicant since the person may have not had hands on experience with actual marine construction. The Board members agreed that a law change would possibly be needed to further define what constitutes

“marine contractor experience” Mr. Ghigiarelli will research whether the phrase in the law “in, on, over and under State or private tidal wetlands” could be further defined to help zero in on which contractors would need a marine contractor’s license.

Mr. Murtha stated that the Board should get the draft regulations modified in the near future to add more clarity to several of the definitions. Mr. Murtha suggested that a sub-committee should be formed to review the draft regulations so that it could be presented to the full Board for approval. Several Board members agreed with this proposal and will set a meeting prior to the next regular Board meeting.

There was a brief discussion of training opportunities to meet the 12 hour requirement. Mr. Blair noted that there may be funds available for training and will research organizations that could perform training and in what form such as classroom or on-line courses. Mr. Blair stated that MDE Tidal Wetland Division staff will be performing training in November concerning new tidal wetland application procedures and will invite marine contractors.

Mr. Blair gave an overview of the present income/expense situation. There are few expenses at this point, mostly copying and mailing costs as well as administrator salary. Income will remain constant due to the license renewal fee of \$600/license. The Licensing Board is well funded until the next rotation of license renewals in December 18.

Continuing discussion on “Similar Experience” as stated in Title 17

Discussion of what is defined as “similar experience was held over to the next Board meeting to allow the sub-committee to discuss and pinpoint what the Board considers experience closely related to marine work that could be allowed for the 2 year experience requirement.

Draft Denial, Refusal to Renew, Suspension, or Revocation of a License Policy Document

Discussion was resumed concerning contractors who perform work without a license and subsequently apply for a license. The policy drafted at a previous meeting was discussed. The policy would impose escalating suspension periods based on the number of violations for a licensee or applicant. There was concern by some on the Board that the initial penalty may be too severe considering that a contractor may not be aware of the law concerning marine contracting. Several Board members felt strongly that there should be some written policy for penalty for violations of Title 17. There was a discussion about the fact that the Board could not penalize an unlicensed contractor since Title 17 only addresses licensed contractors. The Board agreed to come back to this issue in the future. The Board will discuss with the Board legal counsel to determine how to handle unlicensed contractors who are notified and then continue work without licensing. Further discussions via email will be done to work out several concerns prior to finalizing the draft.

Review of Current Pending License Applications

Prior to the review of the pending license applications, Mr. Rehbein suggested that in the future the Board should review pending applications and give comments, and request added information to complete the application via email. The Board would then discuss and make a decision on approval of the applications at a regular meeting. The Board agreed to Mr. Rehbein’s suggestion.

The Board reviewed two license applications which have been received since the last Board meeting. One application was found to require more information from the applicant to be considered complete due to lack of documentation of work experience. This application will be returned to the applicant. The Board concluded that the other application was complete and recommended the applicant sit for testing.

ADJOURNMENT

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 12:25 pm. The next meeting is scheduled for October 9, 2018.