



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

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MARINE CONTRACTORS LICENSING BOARD
MEETING Minutes – January 15, 2019

Location: DNR Critical Area Commission Office, Annapolis, MD

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman

Andrew Hanas, DNR Representative

Josh Schleupner, Shore Contractor Rep.

Elder Ghigiarelli, Temporary MDE Rep.

Robert Murtha, SoMD Rep

OTHERS PRESENT

Thomas Blair, Board Administrator

Matthew Standeven

CALL TO ORDER

The meeting was called to order by Mr. Rehbein at 10:16 AM at the Critical Area Commission office, Annapolis, MD. Four Board members were present, as well as the temporary MDE representative Mr. Elder Ghigiarelli, and the Board's administrator and legal counsel.

AGENDA REVIEW

The Board reviewed the agenda for the meeting which included review of December 10, 2018 minutes, review of licensing activities, budget review, and ongoing discussion of definition of similar experience relating to marine contracting, continue review of draft license or application suspension policy and review and discussion of new license applications received as well as recent complaints concerning licensed marine contractors.

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and approved by vote the draft December 10, 2018 meeting minutes.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 241 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 April 2019 and will continue with once monthly testing. Mr. Blair is receiving 2-3 applications per month. Mr. Blair advised the Board that MDE had responded to a contractor that inquired to MDE about why their application was returned for insufficient information. He will get a copy of the response once it is available.

Mr. Blair advised the Board on the renewal process for 110 current licensees for renewal of 2 year licenses expiring December 2018. Mr. Blair has received 100 renewal applications to date. An email reminder has been sent to any licensee that haven't submitted a renewal application in case there were missed mail/email deliveries to assure proper notification of license expiration. As with the renewal process in 2017, a grace period for renewal submittal will extend to January 31st if the contractor had issues with renewal delivery/notification.

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. The Licensing Board is well funded at this point due to the receipt of license renewal fees for licenses expiring December 2018. There was a brief discussion among the Board members concerning the amount needed to be maintained in the fund to support future Board administrative needs. Mr. Blair will try to determine what the minimum amount which would need to be maintained.

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

Mr. Murtha passed out an updated version of the “similar experience” working paper drafted by three Board members who met in November to discuss the issue. The Board agreed that several pieces of information could be used to document a contractor’s experience, such as a recommendation from another Maryland licensed marine contractor. Members brought up a concern of how to handle out-of-state contractors which was not resolved. As in past discussions, the Board agreed that a good way to handle the experience issue is to have a tiered license system where certain similar types of work would have a specific and unique license category with restrictions on what work the contractor could perform. The concern is that issuance of a MC license allows a contractor that may only do underground utilities or revetments could do all types of marine work based on the license. More discussion will be needed to finalize. The Board members agreed that a law or regulatory modification would be necessary to implement the system. The Board members questioned Mr. Standeven to determine how the Board would request law changes. Mr. Standeven will research how a law revision would be handled.

A short discussion of the status of the draft regulations followed. Apparently there has been no action by MDE to date on the draft regulations. The Board members agreed that the draft needs to move forward and should be modified prior to finalizing. The Board and counsel discussed the process involved in codifying a regulation.

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

The Board reviewed the current draft of this policy and approved it with minor changes in the language to address the suspension time to allow for more flexibility in handling possible unique circumstances presented with each case due to violations of Title 17. The policy will be modified and circulated for final approval.

Review of Current Pending License Applications

The Board reviewed five license applications which have been received since the last Board meeting. Two applications were found to require more information from the applicant to be considered complete due to lack of documentation of work experience or the time period the work experience stipulated in the application was unclear. Mr. Blair will request further information from the applicants and submit to the Board at a later date for their approval. The Board concluded that the other three applications were complete and recommended the applicants sit for testing.

Recent Contractor Complaints

Mr. Blair advised the Board members on a recent complaint that he has received regarding a contractor. The complaint concerned a contractor operating without proper license signage on equipment and questions concerning insurance coverage. The contractor was contacted and the contractor subsequently supplied photos showing equipment marked with the license number. The contractor advised that the insurance documentation supplied to the board is accurate for the business at the present time.

Mr. Rehbein stated that he received correspondence from a contractor concerned with time of year restrictions on work to be done in tidal waters imposed by the Maryland DNR. He responded back to the contractor that since the Board's legal responsibilities did not include time of year restrictions that may be imposed in a tidal wetlands license and he suggested the contractor contact other state officials to address his concern.

ADJOURNMENT

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 1:45 pm. The next meeting is scheduled for February 11, 2019.