



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

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MARINE CONTRACTORS LICENSING BOARD
Meeting Minutes – December 9, 2019

Location: DNR Wye Island NRMA, Queenstown, MD

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman
 Chris McCabe, Vice Chair
 Tammy Roberson, MDE Rep Designee
 Robert Murtha, SoMD Contractor Rep
 Josh Schleupner, Shore Contractor Rep
 Andy Hanas, DNR Representative

OTHERS PRESENT

Thomas Blair, Board Administrator
 Matthew Standeven, Board Counsel

CALL TO ORDER

The meeting was called to order by Mr. Rehbein at 10:14 AM at the DNR Wye Island Meeting Lodge, Queenstown, MD. Six Board members were present, including the MDE designee, Tammy Roberson as well as the Board's administrator and legal counsel.

AGENDA REVIEW

The Board reviewed the agenda for the meeting which includes: review of licensing activities, current budget, review of pending Title 17 revisions, update of on-line training contract, and review and discussion of pending license applications received and any recent complaints concerning licensed marine contractors.

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and approved by vote the draft December 9, 2019 meeting minutes.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. License renewal applications were mailed on November 1, 2019 to 90 licensees with licenses expiring at the end of 2019. Mr. Blair has received about 30 renewals to date. He noted that the fee requested was \$550 based on the new fee structure agreed on by the Board. Test dates for new applicants are scheduled once a month up to April 2020. Mr. Blair is receiving 1-2 applications per month.

Mr. Blair gave an overview of the present income/expense situation. The Licensing Board is well funded at this point. Based on the assessment, Mr. Blair conducted the reduction from \$600 to \$550 per license will keep an adequate fund balance.

MES is progressing with work on the on-line training course to allow contractors to complete a part of the continuing education requirement. There was some delay in completion of the project by MES, but the projection is to have the training modules ready by early 2020. The course will credit users 6 hours of training.

Revisions of Title 17 and draft Regulations

Mr. Rehbein stated that he had a meeting with MDE Secretary Grumbles and staff recently concerning issues of insurance for the Board members to protect the members against being sued for Board actions against a contractor. Mr. Rehbein stated that Mike Pedone of the MDE Secretary's staff is looking into the matter. According to Mr. Rehbein, Mr. Pedone stated that the modification to add the Board as a unit of MDE may provide some protections for the Board members since they should be considered officers of the state. Mr. Rehbein stated that MDE is checking into the legal issues related to this designation.

Mr. Standeven stated that if there is State oversight of the Board there may be some protections in court suits brought against the Board. But at this point suits brought against Board members, legal fees may possibly be reimbursed by the State. Mr. Standeven stated he will be discussing the matter more with MDE staff and will report back to the Board when he gets more information on the issue.

Mr. Murtha stated that he is concerned about anti-trust situations which may arise from the fact that 3 of the Board members are independent contractors and decisions made by them may be interpreted as attempts to hinder competition by other contractors. Mr. Murtha stated that protections from lawsuits should be in State statute and not guidance documents so there is no ambiguous interpretations. Mr. Standeven noted that the changes to Title 17 do not address this issue. Mr. Rehbein suggested that a legislator could be contacted to add language to the proposed legislation to give the Board members coverage against legal challenges. There was no resolution to the issue in the meeting.

There was a brief discussion of the proposed tiered license system in the Title 17 legislation. The Board agreed that there should be three tiers of licenses which would be based on the "similar experience" guidance document accepted by the Board at a previous meeting. The tiered system details will be elaborated in new regulations, currently in draft form. Mr. Murtha, Mr. Hanas and Mr. Sues will work on a draft of the tiered system that will be presented at a future meeting.

Review of Current Pending License Applications

The Board discussed one recent application. Mr. Blair advised that he has requested the applicant supply additional information concerning time period of projects noted in the application and the representative's work history with the company. Mr. Blair will forward the added information once it is received.

Mr. Blair advised the Board that an applicant that passed the license test in April has not paid the required license fee to date. Mr. Blair sent a certified letter to the applicant advising the fee must be paid within 30 days after letter receipt, and if not paid then the applicant would need to start application process again. The certified letter was not accepted by the applicant. The application is closed at this time due to payment delay.

Recent Contractor Complaints

Mr. Blair advised the Board members that he has received two complaints concerning several different contractors. One complaint is from a homeowner that a contractor had taken a deposit some time ago but hasn't performed the work. Mr. Blair advised the complainant he would advise the board, and also recommended the homeowner contact the MD AG Consumer Protection Division to mediate the complaint. The other complaint concerned a contractor not performing repair work on a boatlift installation requested by the landowner. The landowner advised subsequently that the repair was made to her satisfaction.

Living Shoreline Conference Invite

Ms. Roberson stated that a future conference is in the planning stage to discuss promotion of living shoreline construction around the State. She will have more details as they become available.

ADJOURNMENT

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 12:15 pm. The next meeting is scheduled for January 13, 2020.