



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

1800 WASHINGTON BLVD., SUITE 430, BALTIMORE, MD 21230  
 (800) 633-6101, EXT. 3249

**MARINE CONTRACTORS LICENSING BOARD**  
**Meeting Minutes – September 9, 2019**

**Location:** DNR Critical Area Commission Office, Annapolis, MD

**BOARD MEMBERS PRESENT**

Milton Rehbein, Chairman  
 Douglas Suess, At Large Rep.  
 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 10:03 AM at the Critical Area Commission office, Annapolis, MD. Six Board members were present, including the MDE designee, Tammy Roberson as well as the Board's administrator and legal counsel. Mr. Rehbein introduced Ms. Roberson to the other Board members.

**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 on on-line training contract, and review and discussion of pending 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 April 8, 2019 meeting minutes.

**Board Activities and Financial/Budget Report**

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 250 licenses issued. This accounts for several companies having multiple licensed individuals operating under the same license number and for contractors that did not renew during 2019.

Mr. Blair has scheduled test dates once a month until the end of October 2019 and will continue with once monthly testing. Mr. Blair is receiving 1-2 applications per month.

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. Mr. Blair advised the Board members that he had done an assessment of license fees and found that it would be possible to reduce the 2 year fee to \$550 which would keep an adequate fund balance. Mr. Blair also pointed out that the state Indirect Cost Allocation Rate charged to the Board's account has been reduced to 14.14% monthly which means less money will be withdrawn for MDE fund overhead.

MES is progressing with work on the on-line training course to allow contractors to complete a part of the continuing education requirement. Mr. Blair is projecting the on-line course to be done by the end of October and be available for the license renewal in December. The course will credit users 6 hours of training.

### **Revisions of Title 17 and draft Regulations**

The Board discussed the proposed revisions/modifications of Title 17 to include a tiered licensing system as discussed at previous meetings, inclusion of supervision by MDE concerning Board decisions, as well as clarifying the penalty portion of Title 17. Several of the members asked Mr. Standeven whether the tiered license system should be enumerated in the law. Mr. Standeven stated that minor clarifications and definitions such as what is considered “similar experience” can be handled through the regulations not the law, however the law will state that the Board will develop a tiered system. The Board members agreed that they would like to get MDE more involved in Board decisions concerning penalties and license revocation etc. Mr. Murtha stated he is concerned about liability issues that may arise from Board decisions and the possibility of Board members being sued personally for decisions made. Mr. Standeven will look into the issue and coordinate with Mr. Murtha on the issue.

There was a discussion on the use of guidance documents to support the regulations. Mr. Standeven noted that guidance documents could be used to help clarify the regulatory requirements. Mr. Murtha stated that he would like to make sure that the decisions of the Board with regard to license applications be as clear and consistent as possible to level the playing field for all applicants. Mr. Rehbein questioned whether the law or regulations should stipulate that the insurance requirement should include marine insurance as well as general liability. Mr. Standeven noted that the only requirement in the law was to have general liability and is not sure there could be a modification to the law revisions at this point since it is a long process to get it on the agenda for the 2020 legislative session and the final bill was submitted in August.

Mr. Murtha, Mr. Suess and Mr. Hanas agreed to work on the tiered system of licensing using the similar experience guidance document which the Board voted on in March of 2019. The Board voted and approved a motion to form the sub-group. They will present it to the full Board at a future meeting for insertion in the draft regulations.

### **Review of Current Pending License Applications**

The Board discussed two recent applications. Mr. Rehbein noted that he had contacted one applicant and requested more employment information to allow the Board to make a decision on the application. Mr. Blair advised that the added information has not been submitted. The other applicant is well qualified and the Board advised Mr. Blair to move forward with testing the applicant.

Mr. Blair advised the Board that an applicant that passed the license test in April has not paid the license fee to date. The Board directed Mr. Blair to send a certified letter to the applicant advising that if the fee was not paid 30 days after receipt of the letter then the applicant must start the application process over.

### **Recent Contractor Complaints**

Mr. Blair advised the Board members that he has received several complaints concerning several different contractors. Two concern unlicensed contractors. Mr. Blair stated that MDE Compliance Program has been notified. One complaint concerned a licensed contractor performing unpermitted work. The complaint is being handled by MDE Compliance. One other 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.

**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 15, 2019.