



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

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MARINE CONTRACTORS LICENSING BOARD
Meeting Minutes – April 8, 2019

Location: DNR Critical Area Commission Office, Annapolis, MD

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman
 Douglas Suess, At Large Rep.
 Chris McCabe, At Large Rep.
 Robert Murtha, SoMD Rep

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. Four Board members were present, as well as the Board's administrator and legal counsel.

AGENDA REVIEW

The Board reviewed the agenda for the meeting which included review of March 11, 2019 minutes, review of licensing activities, current budget, and final version of the Board interpretation of definition of similar experience relating to marine contracting, continue review of draft license or application suspension policy 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 March 11, 2019 meeting minutes with one revision to show that Mr. Schleupner abstained from the final decision concerning one contractor's license application. The minutes will be modified per instruction.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 244 licenses issued. This accounts for several companies having multiple licensed individuals operating under the same license number and for contractors that did not renew in December 2018.

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 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 and AG's fees for any legal concerns that may come up in the future as well as funding for any new testing related material updates.

Potential Revisions of Title 17

The Board briefly discussed the possibility of revising and modifying Title 17 to include a tiered licensing system as discussed at previous meetings as well as clarifying the penalty portion of Title 17. Mr. McCabe asked Mr. Standeven whether the modifications could be inserted in the draft regulations to avoid the legislative process. Mr. Standeven thinks the law change would be the best way to handle substantive changes. The Board members agreed that they would like to find a mechanism to get MDE more involved in Board decisions concerning penalties.

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

The Board has finalized a version of the “similar experience” working paper and asked Mr. Standeven to review it. The Board agreed that it would be used in the future to determine if an applicant met experience requirements for licensing.

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

The Board tabled discussion on the document pending more discussion with MDE concerning agency oversight of the Board’s decisions on penalties levied against contractors.

Review of Current Pending License Applications

A contractor recently inquired whether an MC license would be required for renovation of a barge which is registered by the Coast Guard as a vessel not an in-water structure. The Board agreed that the contractor would not need a license since the barge was considered a “boat.”

The Board reviewed an application that was discussed at the March meeting where more information was requested of the applicant to be considered complete due to conflicting or unclear information submitted. There is a concern that the applicant was performing marine work without being licensed for a two year period. The applicant has stated that he was doing permit/design work and not marine construction during the time period. It appears to the Board that there is conflicting evidence showing that the contractor may have been performing unlicensed marine work. The Board agreed that the applicant has the required experience and should be allowed to test; however the applicant should pay a penalty of \$600 to cover the two years of suspected unlicensed marine work and be required to show evidence of completing 12 hours of continuing education. A motion was made to allow the applicant to test and to recommend to the Secretary of the Environment that 2 penalties should be assessed prior to licensing the applicant (12 hours of continuing education and \$600). The vote was unanimous in favor of the motion.

Recent Contractor Complaints

Mr. Blair advised the Board members that he received a complaint from a homeowner that a boatlift installed at his property was unusable and the licensed contractor would not make modifications to address the problem. 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.

Maryland Environmental Service On-line Training Application Proposal

Mr. Blair advised the Board that the proposal from Maryland Environmental Service (MES) to produce an on-line training application was moving forward. Several Board members asked if a clause could be added to the contract document to assure that the costs would be within the current projection and the Board would be consulted prior to any proposed cost increases.

ADJOURNMENT

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 12:00 pm. The next meeting is scheduled for May 13, 2019.