



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

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MARINE CONTRACTORS LICENSING BOARD
MEETING Minutes – August 13, 2018

Location: MD Critical Area Commission Office, Annapolis, MD

BOARD MEMBERS PRESENT

Andrew May, MDE Representative
 Andrew Hanas, DNR Representative
 Robert Murtha, SoMD Rep
 Douglas Suess, At Large Representative

OTHERS PRESENT

Thomas Blair, Board administrator
 Matthew Standeven, Board Counsel

CALL TO ORDER

The meeting began at 10:12 AM at MD Critical Area Commission Offices, Annapolis, MD. Four Board members were present, as well as the Board's administrator and Board Counsel.

AGENDA REVIEW

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

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and voted for approval of the draft April 9, 2018 meeting minutes. The April minutes were approved.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 234 licenses issued. This accounts for several companies having more than one licensed individual operating under the same license number. Mr. Blair noted that there will be one test date each month. The testing is scheduled at the end of each month to allow for application review/approval and then mail out of the manual and testing. Mr. Blair currently has 7 pending applications, 3 are approved for testing and 4 are awaiting approval. Mr. Blair returned 2 applications that were incomplete after several requests for added information. Letters were sent to several contractors who may be performing work for the Corps of Engineers advising the contractors that they would need to be licensed to do marine work in Maryland. No response was received from the contractors. It was suggested by one of the Board members that Mr. Standeven send letters to the MDOT, MdTA and the USACOE of the licensing requirements for marine contractors when performing contract work for the state or federal government. The Board members agreed that the letter should have the same basic content as a letter sent last year to all county and local governments on license requirements.

MDE Tidal Wetlands Division is setting up training for contractors and others who submit permit applications. The training will most likely qualify for 6 hours of the continuing education requirement for license renewal.

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 until the next rotation of license renewals in December 18.

Mr. Blair advised the Board that he had received a Public Information Act request for license records for a currently licensed contractor. Mr. Standeven advised Mr. Blair that he should forward all the information to the MDE PIA coordinator and work with them on getting the records to the requestor. A brief discussion followed on whether the Board should have a records retention policy and whether all the records for licensees should be digitized. The Board agreed that the records should be digitized in the future and Mr. Blair will discuss whether an outside person could be temporarily hired to scan all the records or could a copy company be used for the task.

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

The Board continued the discussion on the research paper that was drafted by Mr. Murtha prior to the January 2018 meeting. The Board discussed how to refine the language as criteria for judging whether an applicant’s similar experience would qualify him or her to be licensed as a marine contractor. The Board considered one suggestion that in the future there should be a tiered system based on the skills each contractor has and the type of work performed. There was also agreement that the criteria should include a contractor’s unique equipment skills (barge work, pile driving, dredging, and excavator operation) and awareness of environmental requirements when working in tidal waters and that there should most likely be two levels of criteria to judge whether an applicant has the proper experience. 1. Location of the work the applicant did, was it done in tidal waters or stream work and 2. The type of work, use of barges, pile drivers etc. The Board agreed that to get the required 2 years of contractor experience that people may need to apprentice with or work for, established marine contractors prior to applying for licensure.

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

Discussion was resumed concerning a recent Board draft a policy document concerning contractors who perform work without a license and subsequently apply for a license. The policy would impose escalating suspension periods based on the number of violations for a licensee or applicant. At a previous meeting there was concern that the suspension period may be too harsh and would cause some businesses to close. Several Board members suggested that the imposition of the suspension periods could be discretionary for the Board and also suggested the draft document could be modified to state “up to 45 days”. Other Board members felt the policy should be rigid and not have flexible penalty suspensions. The Board will continue the discussion at the next meeting. Two questions related to the denial/suspension policy should also be discussed relating to the process of revocation of licenses for substandard work and how court cases would be managed. These issues will be discussed at a later date.

License Application Review

The Board reviewed 4 license applications which have been received since the last Board meeting. Three of the applications were approved and one was not approved and will be sent back to the applicant.

Draft Regulations Discussion

Mr. Standeven advised that the draft regulation is still on hold in the MDE Secretary’s office. He suggested if the Board would like to make additions/changes to the draft regulations that they review them and make recommendations on modification of the draft. Some changes were suggested but the Board agreed that each member should individually review the draft and make recommendations on changes at the next meeting. Mr. Murtha suggested a working session with

several of the members outside of the regular meeting to and then make suggestions to the entire Board.

Mr. May stated that this would be his last Board meeting as he was leaving MDE to take a job with another organization. Mr. May stated that most likely Elder Ghigiarelli will be the temporary MDE representative.

ADJOURNMENT

The Board voted for adjournment. The Board voted and approved adjournment at 12:48 pm. The next meeting is scheduled for September 10, 2018.