

***MARINE CONTRACTORS LICENSING BOARD***

***c/o Maryland Department of the Environment***

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**MARINE CONTRACTORS LICENSING BOARD**

**DRAFT Meeting Minutes – January 9, 2023**

**Location:** Virtual Meeting via Google Meet

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| **BOARD MEMBERS PRESENT**  Milton Rehbein, Chairman, Northern MD Rep  Chris McCabe, Vice Chairman  Tammy Roberson, MDE Representative  Josh Schleupner, Eastern Shore Rep | **OTHERS PRESENT**  Mike Eisner, Board Administrator  Matt Standeven, Board Counsel  Brandon Weems, Director/President of the Marine Contractors Association  , |

**CALL TO ORDER**

The meeting was called to order by the Board’s Chairman at 10:09 am using the virtual platform Google Meet. Four Board members were present, as well as the Board’s administrator, Board Counsel and Brandon Weems, Director of the Maryland Marine Contractors Association.

**AGENDA REVIEW**

The Board reviewed and approved the agenda for the meeting which included: required Disclosures regarding the Closed Session at the December 12, 2022 Board meeting, an update of licensing activities, update on finances, update on training Module 1, update on proposed training Module 2 and potential topics for this training, funding for proposed training Module 2 and module maintenance, update on Board (re)appointments, and discussion of Gene Benton’s appeal to the Board at the December 12, 2022 meeting.

**REVIEW OF PRIOR MEETING MINUTES**

Board Members reviewed and approved the draft meeting minutes from December 12, 2022.

**OLD BUSINESS**

*Required Disclosures regarding the Closed Session at the December 12, 2022 Board Meeting*.

* The persons attending this closed session were: T. Roberson, M. Rehbein, B. Murtha, J. Schleupner, L.K. Wright, M. Standeven, and M. Eisner.
* The Topics actually discussed were: the term similar contractor experience from Title 17 and relationship to new application (Benton).
* The Action(s) taken (if any) and recorded votes were: a decision to address the term similar contractor experience in the regulations being drafted.

**Board Activities and Financial/Budget Report**

Licensing Activities: The Board Administrator gave an overview of licensing activities. There are 99 licenses that were up for renewal that expired December 31, 2022. Renewal packages were sent via email on October 13, 2022 and hard copies were mailed October 25, 2022. MCLB renewal notice requirements are in Title 17-308(c) which states that a renewal notice can be sent to the licensee by ‘mail *or* electronically.’ To date, 62 renewal certificates have been issued. Eleven renewals are in process (some of the required documents have been submitted), nothing has been received from nineteen licensees, and two are not renewing. It was found that five licenses had the wrong expiration date and don’t expire until December 31, 2023. In addition to the initial email and renewal packages mailed, follow up emails and phone calls were made in late December to licensees with incomplete or no information submitted for their renewal. Board policy on application renewals is that licenses that are 45 days past the expiration date must submit a new application to reinstate their license. To be clear, this is not in Statute 17, but has been the Boards policy.

In 2022, there were seventeen licenses, termed ‘periodic,’ that expired throughout the calendar year. Of these, twelve renewal certificates were issued, three are in process, and two did not respond to their renewal notices.

We continue to receive about 1-2 new license applications per month. Testing for new license applicants continues to be virtual. The test is emailed to the applicant on the day and at the time requested. They then have 24 hours to email their exam back to the Board’s Administrator.

Board Finances: The Board’s Administrator gave an update of the Board’s present income/expense status. The Administrator had not received a financial update since September 30, 2022. To summarize, the fund balance at the beginning of Fiscal year 2023 was $187,824. The total adjusted fund balance through September 30, 2022, was $174,138. It can be stated that revenue accrued to date from the 62 licenses that were renewed, at $550/license, equates to an additional $34,100 since the September 30, 2022 financial statement. In summary, the Board’s financial status is sound.

Module 1 Update: The big news is that Training Module 1 titled, ‘Maryland Tidal Wetlands Authorization,’ – is LIVE. This power point video is approximately 40 minutes long, and with successful completion a marine contractor can earn 3 continuing education hours. There is a 20 question quiz at the end of the video. The voice over for this training video was eventually redone by a skilled videographer on MDE staff.

Module 2 Update: It is the intension to create in essence, Part 2 of training Module 1. This is envisioned as a more in-depth-dive into specifics of Tidal Wetlands authorizations. For example, different activities such as living shoreline creation, dredging and pier work will each have a detailed look at what is needed on their plans, and is involved in their review. Funding in the amount of $5000 has been allocated for this training and maintenance of the existing MCLB ‘Safety Training’ video produced by MES. This money is allocated for the second half of FY2023 (January -June 2023). It should be noted that money not used will be rolled over into the next fiscal year.

The Board Administrator and MDE Representative shared that creation of Module 1 training required significant more of their time than anticipated. They found that MES doesn’t have the technical knowledge to create such a training. With this, it is anticipated that more of the work creating the power point for the Module 2 training will be done by MDE’s Wetlands Program in cooperation with the Board’s Administrator, and projected help again from MDE’s professional videographer. MES will then put the pieces of the training together and post it online. One enhancement with this funding will be to introduce a ‘password reset’ to these two MCLB training modules.

There was a brief discussion of other potential training topics that would be useful for licensees. The Board’s Administrator reached out to his predecessor who suggested the topics of 1) barge safety and 2) an exploration of materials used in marine construction.

Board Member (re)appointments: With the change of the Administration, Board (re)appointments will be required for all current Board members. However at this time there is no action that can be taken by the Board to proceed with the process. Gabrielle Leach, MDEs Deputy Director of the Legislative and Intergovernmental Relations Office, stated typically for reappointments we are told if they need new applications, but usually they are good with the previous information (resume, etc.). Information that the Appointments office has for the Board’s DNR representative will be shared with the new administration. Even though the current Board member’s term technically ended September 30, 2022, they are still considered ‘full’ members and can meet, vote and participate in Board activities. The relevant Statute states that: “At the end of a term, a member continues to serve until a successor is appointed and qualifies.”

**NEW BUSINESS**

**Review of Current Pending License Applications**

The Board discussed Mr. Benton’s (Encompass Enterprises, LLC) appeal at its December 12, 2022 meeting to be allowed to take the Marine Contracting Licensing exam. At that meeting, Mr. Benton presented to the Board an updated portfolio for review by Board members. Board members concluded that Mr. Benton has still not documented through his application, including this updated portfolio, that he meets the minimum marine contracting licensing requirements of having at least 2 years of experience as a full-time marine contractor or having similar contractor experience.  With this, a motion was made, seconded and passed (with no dissenting votes) to:

“Uphold the Boards previous determination of August 8, 2022, that Mr. Benton does not meet the minimum marine contracting work experience requirements for Marine Contracting licensure, and further, to submit this determination along with the supplemental information supplied by Mr. Benton at the Board’s December 12, 2022 meeting, for review by MDEs Director of the Water and Science Administration.”

**Other New Business**

No new business was brought up.

**ADJOURNMENT**

The Board voted and approved adjournment at 10:47 am. The next monthly Board meeting is scheduled for February 13, 2022, at 10 AM. This meeting will be via Virtual via Google Meet.