

***MARINE CONTRACTORS LICENSING BOARD***

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

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**MARINE CONTRACTORS LICENSING BOARD**

**MEETING NOTES – March 14, 2016**

**Location:** DNR Critical Area Commission Meeting Room, Annapolis, MD

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| **BOARD MEMBERS PRESENT** | **OTHERS PRESENT** |
| Douglas Suess, (At Large Member) | Thomas Blair, Board Administrator |
| Chris McCabe (Co-Chair) | Brenda Raivel, MDE |
| Milton Rehbein (Chairman) | Denise Keehner, MDE |
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**CALL TO ORDER**

Board Chairman, Milton Rehbein called the meeting to order at 9:20 a.m. at DNR Critical Area Commission Meeting Room in Annapolis, MD. Three Board members, Ms. Denise Keehner, MDE Wetland and Waterways Program Manager, and the Board’s Administrator were present. Ms. Brenda Raivel, MDE, WMA, arrived at 10:00 am.

**AGENDA REVIEW**

The Board reviewed the agenda for the meeting which included reviewing the minutes of the February 8, 2016 meeting, progress update of the manual and test, update on mailing of license applications, process to fill open Board positions, manual printing quote, budget of Board and fund balance presentation, review of state oversight requirements.

**REVIEW OF PRIOR MEETING MINUTES.**

Board Members reviewed the draft minutes of the February 8, 2016 Board meeting, however there was not a sufficient number of members to vote to accept the minutes. Approval was held over to the April meeting.

**OLD BUSINESS**

**Update on Status of License Application Mailing**

Tom Blair, Board Administrator advised the Board that the license applications were mailed to 292 currently registered contractors on February 16, 2016. He updated the Board members on the applications received to date. He noted that approximately 30 applications have been received, but have not been reviewed for completeness. Board members suggested Mr. Blair place the applications in three files; the first would be complete applications that need no Board review; the second would be incomplete applications that need additional information to approve; and the third file would be for applicants that do not meet the requirements to become licensed and need review by the Board to either approve or deny.

**Open Board Positions**

The Board discussed how to fill the current open positions for the Southern Maryland Contractor Board position and the MDE representative position. Ms. Keehner noted that she has tentatively decided to ask the new Division Chief for Tidal Wetlands, Andrew May to be the MDE representative on the Board. She also stated that she will meet with Jeff Fretwell who handles Board appointments to get guidance on the process for filling the other contractor position on the Board. The Board members pointed out that their understanding of the process for appointments would mean that even if selections are made to fill the open positions; the appointments would not be made until spring of 2017 by the legislature. The Board will discuss further once more information is gathered on the appointment process.

**Draft Manual and Test Status**

Mr. Blair updated the Board on the status of the study manual and test. He stated the manual and test are almost finished and MES is making final edits. The Board members were concerned with the length of time it has taken to finalize the manual and test and that so many of the original test questions have been removed or modified. The Board will review the current manual draft and test questions and respond back with any changes by March 21. Mr. Blair noted that MES has recommended sending the test to Salisbury for a final review due to so many new or revised questions. The Board agreed to this process. Mr. Blair stated that MES will be modifying the current contract to account for the increase in the cost of printing.

**NEW BUSINESS**

**Discussion of the MCLB Budget**

Brenda Raivel, MDE WMA discussed the MCLB budget administration process. She presented the Board with the current budget and discussed the various line items in the budget and how the budget is formulated. She also presented a chart showing the Board budget for past years which showed the itemized expenses and income over the course of the years from inception of the Board.

The Board Chairman, Mr. Rehbein stated that the Board is interested in having a quarterly budget update to better determine whether the license fees are appropriate. Mr. Rehbein stated that the Board would like to make sure the income from fees is closely matched to the expenses incurred to avoid a large unnecessary surplus in the fund. This view was shared by others on the Board. Ms. Raivel cautioned the Board to keep the fees at the current level for the time being since the licensing program has not been fully implemented and there may be fees for legal review of possible enforcement investigations, travel expenses, mailing and testing site fees etc. Ms. Raivel also noted that MDE must charge a 15% indirect fee for overhead for all funds and this fee should be kept in mind regarding the license fees charged. Ms. Raivel stated that she would begin giving the Board a monthly budget report for the fund and would include Mr. Blair in drafting the FY18 budget in early August 2016.

**MDE Oversight of MCLB Decisions**

Mr. Blair advised the Board that he had sent a draft memorandum via email to the Board concerning how the MDE Secretary proposes to handle decisions made by the MDE Licensing Boards in light of the N.C. Dental case discussed by the MCLB at the January meeting.

**License Enforcement Issues**

Ms. Keehner advised the Board that the Board should discuss how it will deal with a contractor that has a bad enforcement record with MDE relative to Title 16 requirements. Ms. Keehner also noted that the Board should advise the public what criteria issuance of a marine contractor license is based on, i.e. testing and past performance as a contractor.

**ADJOURNMENT**

Mr Rehbien adjourned the meeting at 12:10 without motion by Board members due to lack of quorum.