



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

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**MARINE CONTRACTORS LICENSING BOARD**  
**MEETING Minutes – April 9, 2018**

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

**BOARD MEMBERS PRESENT**

Milton Rehbein, Chairman, Northern MD Rep  
 Andrew Hanas, DNR Representative  
 Robert Murtha, SoMD Rep  
 Joshua Schlepner, Eastern Shore Rep  
 Andy May  
 Douglas Suess

**OTHERS PRESENT**

Thomas Blair, Board Administrator

**CALL TO ORDER**

The meeting began at 10:10 AM at MD Critical Area Commission Offices, Annapolis, MD. Five Board members were present, as well as the Board's administrator. Mr. Murtha arrived later and was briefed on discussion items.

**AGENDA REVIEW**

The Board reviewed the agenda for the meeting which included review of February 12, 2018 minutes, review of licensing activities, budget review, and ongoing discussion of definition of similar experience relating to marine contracting, review of draft license or application suspension policy and review of new license applications received.

**REVIEW OF PRIOR MEETING MINUTES**

Board Members reviewed and approved the draft February 12, 2018 meeting minutes.

**Board Activities and Financial/Budget Report**

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 230 licenses issued. This accounts for several companies having multiple licensed individuals operating under the same license number. Mr. Blair has increased the number of test dates to accommodate Board review of applications at regular meetings. The previous schedule of testing one day after the Board meeting until April 2018 is retained due to some applicants being sent that schedule. Going forward, the testing will be scheduled close to the end of each month to allow for application review/approval and then mail out of the manual and testing. Mr. Blair is receiving 1-2 applications per month. The Board agreed that the testing dates should be posted on the MDE website, however to make sure applicants don't randomly show up for testing without notifying the Board; the test site will not be listed on the webpage. There was a motion that testing be done once per month, the Board voted and the motion was approved.

There was a brief discussion of training opportunities to meet the 12 hour requirement. Mr. Blair noted that there may be funds available for training. Mr. Rehbein is still looking into the possibility of a first aid class directed at the unique situation of marine contractors. Mr. Blair mentioned that MDE Tidal Wetland Division staff may be performing training in the fall concerning new tidal

wetland application procedures and Tidal staff will invite marine contractors. The Board approved posting a listing of acceptable training on the Board MDE webpage as information to contractors.

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. There will be increased income due to the license renewal fee of \$600/license. The Licensing Board is well funded until the next rotation of license renewals in December 2018.

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

Discussion was resumed on review of a research paper drafted by Mr. Murtha prior to the January meeting. The Board discussed the document to use as a set of criteria for judging whether an applicant’s similar experience would qualify him or her to be licensed as a marine contractor. The Board discussed whether information on school credits required for a Florida contractor license could be applied to Maryland licensing as well as allowing experience gained in the military to apply to similar experience. The Board determined the document should be modified and refined. The Board members will recommend language for the document and possibly finalize via email prior to the next meeting.

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

Discussion was resumed concerning contractors who perform work without a license and subsequently apply for a license. The policy drafted at a previous meeting was discussed. The policy would impose escalating suspension periods based on the number of violations for a licensee or applicant. There was concern by some on the Board that the initial penalty may be too severe considering that a contractor may not be aware of the law concerning marine contracting. The Board discussed sending a letter to a first offender advising of the application/license requirements.

There was a discussion about the fact that the Board could not penalize an unlicensed contractor since Title 17 only addresses licensed contractors. Should the draft policy document have a mechanism to refer unlicensed contractors to the Secretary of the Environment for action? A suggestion was made that an MOU should be drafted between the Board and MDE Water and Science Admin Compliance Program to address unlicensed contractors. The Board will discuss with the Board legal counsel to determine how to handle unlicensed contractors who are notified and then continue work without licensing. Further discussions via email will be done to work out several concerns prior to finalizing the draft.

There was a short discussion about applicants that pass the test but don’t pay the license fee. The Board decided to allow 90 days for payment to be received; if no payment is received after 90 days, then the applicant will need to reapply, retest and pay the fee prior to licensing.

### **Complaint of unlicensed contractors performing work for the US Army Corps of Engineers (USACE)**

The Board administrator received an inquiry from a licensed contractor that there may be contractors working in Maryland without the proper marine contractor’s license. An investigation found that there may be contractors working for the USACE that have the impression that a marine contractor’s license may not be required when doing work for USACE. The Board legal counsel determined that licenses would be required. Letters will be sent to identified contractors to advise them that they must be licensed by the Board for all work in tidal waters. The Board also decided that a notification letter should be sent to the USACE of the license requirement.

**License Application Review**

The Board reviewed three license applications which have been received since the last Board meeting. The applications were found to require more information from the applicant to be considered complete. Mr. Blair will request added information and will email to the Board for review and approval.

**ADJOURNMENT**

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 1:10 pm. The next meeting is scheduled for May 14, 2018.