



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

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MARINE CONTRACTORS LICENSING BOARD
MEETING Minutes – January 8, 2018

Location: MD Critical Area Commission Office, Annapolis, MD

BOARD MEMBERS PRESENT

Milton Rehbein, Chairman, Northern MD Rep
 Andrew Hanas, DNR Representative
 Chris McCabe, Vice Chair, At Large Rep
 Robert Murtha, SoMD Rep
 Andy May, MDE Representative

OTHERS PRESENT

Thomas Blair, Board administrator
 Matthew Standeven, Board legal counsel

CALL TO ORDER

The meeting began at 9:35 AM at MD Critical Area Commission Offices, Annapolis, MD. Five 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 December 11, 2017 minutes, review of licensing activities, Board budget review, ongoing discussion of definition of similar experience relating to marine contracting, and review of new license applications received.

REVIEW OF PRIOR MEETING MINUTES

Board Members reviewed and approved the draft December 11, 2017 meeting minutes.

Board Activities and Financial/Budget Report

Mr. Blair gave an overview of licensing activities since the last meeting. There are currently 223 licenses issued. This accounts for several companies having several licensed individuals operating under the same license number. Testing is still scheduled for once a month to April 2018. Licensing has slowed with 1-2 applications and tests per month. Renewal applications were sent to all (90) one year licensees in early November. Renewals have been received for 80 licensees to date. A letter will be sent to licensees that did not renew to advise that they will be stricken from the licensed list as of 1/31/18.

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 each license. The Licensing Board is well funded until the next rotation of license renewals in December 18.

License Application Review

The Board reviewed several license applications which have been received since the last Board meeting. One application was reviewed and found to be complete and approved for testing. One other application needed more information, a request for more information will be sent to the applicant requesting more detail of experience.

Two other applications were reviewed. There were concerns with these applications due to one contractor being cited for tidal wetland violations by MDE and it appears that marine contractor work was done by the applicant during 2017 when the contractor was notified about license requirements. The other contractor was also advised about licensing and may have done work in 2017 also. A lengthy discussion ensued on how to sanction or penalize contractors who may have knowingly violated marine contractor licensing requirements. Mr. McCabe proposed a graduated suspension period based on the egregiousness of the violation; such as a 30 day suspension for a first offence, 240 days for a second offence and permanent license suspension for a third offence. The matter was tabled for more discussion via email prior to the next meeting. In the interim notification will be sent to the applicants stating the Board is reviewing the application and investigating compliance issues and will get back to the applicant with a decision on the application.

Discussion of Alternatives for the Liability Insurance Requirement

Mr. Murtha has drafted a letter to a Mennonite contractor concerning the use of an alternative to general liability insurance as required by Title 17. The letter will request that the alternative insurance be comparable to Title 17 requirements. The Board approved the letter draft and will finalize it with legal counsel approval and send it out.

What is considered “Similar Experience” as stated in Title 17

The Board reviewed a research paper that was drafted by Mr. Murtha 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 determined more discussion was needed and will discuss at the next meeting.

Training Requirements for Continuing Education Credits

Prior to the meeting Mr. Murtha developed a guidance document for acceptable continuing education training that the Board would approve. The Board reviewed it and found it to be satisfactory and recommended it be placed on the Board Webpage.

Recent MDE Compliance Report of Possible Wetland Violation by a Contractor

The Board Administrator advised the Board that he had received a violation report from MDE Compliance Program that a licensed marine contractor had build a structure without securing a variance from the county for pier work. The Board requested the Administrator keep informed as to the final outcome of the investigation.

Draft Regulations Status

Board members asked Mr. Standeven the status of the draft regulations that were submitted to the MDE Secretary’s office in 2016. Mr. Standeven stated there has been no action yet. Board members asked Mr. Standeven to request the draft regulations be returned to the Board to make revisions and clarifications based on recent actions by the Board.

ADJOURNMENT

Mr. Rehbein asked for a vote for adjournment. The Board voted and approved adjournment at 12:10 pm. The next meeting is scheduled for February 12, 2018.