



MARINE CONTRACTORS LICENSING BOARD

c/o Maryland Department of the Environment

1800 WASHINGTON BLVD., SUITE 430, BALTIMORE, MD 21230
(800) 633-6101, EXT. 3249

MARINE CONTRACTORS LICENSING BOARD

Meeting Minutes – September 8, 2025

Location: Virtual via Google Meet

BOARD MEMBERS PRESENT

Tammy Roberson, MDE Rep
Kelly Wright, DNR Rep
Dani Racine, At large Eastern Shore
Daniel Lerian, Eastern Shore Rep.
Donna An, At Large Rep

OTHERS PRESENT

Matthew Standeven, Board Counsel
Mike Eisner, Board Administrator
Brandon Weems, Director/President of the
MD Marine Contractors Ass. (MMCA)
Terry Hill, Potomac Marine Inc.,
TowBoatUS
Tina Cardone, Executive Director of the
Conference of Professional Operators for
Response Towing (CPORT)

CALL TO ORDER

The meeting was called to order by MDE's Board Representative at 10:13 am. Five Board members as well as the Board Counsel, Board Administrator, Brandon Weems of MMCA, Terry Hill of Potomac Marine Inc., TowBoatUS, and Tina Cardone the Executive Director of the Conference of Professional Operators for Response Towing (CPORT)

AGENDA REVIEW

The Board reviewed and approved the agenda for the meeting which included: a review and approval of minutes from the Board's March 10, 2025 meeting, a presentation and discussion of salvage with Terry Hill and Tina Cardone, an update by the Board's Administrator of licensing activities and finances, updates on several Board issues including the training manual, the Board's marine contractor database, compliance protocol, a recent Board audit, on ongoing litigation, and other new business requested by Board members.

REVIEW OF PRIOR MEETING MINUTES

Board Members approved the March 10, 2025 Board meeting minutes.

GUEST PRESENTATION

MDE's Representative gave the following background to the guest's presentation.

The Board has discussed in the past the need for salvage operators to have a marine contractor's license. This issue was also impacted by the grounding in the Chesapeake Bay of the Ever Forward. This summer MDE and the Board had the opportunity, with the help of a summer intern, to create a list of salvage operators. This list included salvage operators in the state of Maryland, some of the neighboring states, and some of the larger nationwide salvage operators. A letter addressing the need for salvage operators in Maryland to be a licensed Marine Contractor was drafted by the MDE Representative and the Board's Administrator and then sent by our summer intern to the list of salvage operators.

In response to receipt of this letter, Terry Hill of Potomac Marine Inc., TowBoatUS contacted the Board's Administrator expressing concerns about this letter. The Board's Administrator invited Mr. Hill to attend the next virtual meeting and speak directly to the Board. The guests, who had joined this virtual Board meeting earlier, were introduced. Terry Hill and Tina Cardone, Executive Director of the Conference of Professional Operators for Response Towing then proceeded with a power point presentation. What follows is information shared in their presentation and the accompanying discussion with the Board.

Terry Hill began the presentation shared at times with Tina Cardone. Mr. Hill is on the board of directors of CPORT for which Tina is the executive director. Terry has been a towing and salvage operator in DC for over 35 years. He owns a marina, has done marine contracting, marine building and construction, and stated he understands both worlds well.

CPORT represents the towing and salvage industry. They are not in the tug and barge world. In assistance towing they are regulated by the Coast Guard. He stated there is nuance to the word salvage. He stated all towing is salvage because there's a peril or an issue with that vessel. A boat out of gas needs to be taken care of. There are different levels of peril - imminent and immediate. Their goal is to preserve the vessel and cargo. The legal basis is general maritime law and international salvage convention. He stated the term salvage has been a term used for 1000s of years. He stated there's precedent in maritime law and it's defined under federal law. Basically, *salvage service* is one rendered voluntarily to a vessel needing assistance and which is designed to relieve her from some distress of danger, either present or reasonably anticipated. They primarily assist recreational vessels, including towing, salvage, wreck removal and do hurricane response.

Mr. Hill stated different terms that fall under salvage. Towing is within the term salvage, and wreck removal is under definition of salvage and is often used synonymously with salvage. There's very little value to the vessel if deemed a total loss by an insurance company. He shared that 10 years ago they recovered and put most boats back in service. You could flush out a boat and the owner could still operate the boat or sell it. Currently it's too costly. He stated the economics makes the boat a total constructive loss as soon as it goes into the water - even to replace the upholstery makes the boat valueless.

Mr. Hill addressed derelict or abandoned vessels. The definition of derelict vessel is a vessel that is abandoned, deserted, or drifted without a master or crew, typically in a deteriorated state, no longer in active service. They need to be recovered and removed but there's no value left to the vessel. An example was given of a boat that was burned and obviously has no value. But it has to be recovered because it could be a hazard. It also could be leaking fuel and leaking other contaminants. There's

a potential hazard risk and a liability to the owner. Wreck removal is a term they use synonymously with salvage - but we don't always mean salvage for value. In a cradle to grave framework, the 'vessel' needs to be disposed of because it can't be put back into service. And there's various state laws passed in the last few years to define timeframes to establish when a vessel is derelict or abandoned.

Mr. Hill then proceeded to discuss the language of Maryland regulations. He's read the regulations, and from that a *licensed Marine Contractor* means an individual or entity that has received a license from the Board. He stated that *marine contractor services* mean construction, demolition, installation, alteration, repair, or salvage activities located in on or under state or private waters. Mr. Hill stated that while the Board may think that seems pretty clear, he doesn't think it is.

Mr. Hill stated Maryland's definition of *marine contractor services* is dredging and filling, the construction, demolition, installation, alteration, repair or salvage of structures. He doesn't see vessels stated in this definition - that only structures are referenced. He continued that the definition also includes revetments, break waters, bulkheads, groins, jetties, stone sills, marsh establishments and beach nourishment or other similar projects.

(Administrator's note: the complete definition of 'marine contractor services' is found in Maryland Statute Title 17 Marine Contractors 17-101 Definitions, and in Maryland Regulations COMAR 26.30.01.01 Definitions)

At this point Mr. Hill shared slides of activities that he stated are clearly marine contractor type services such as building a bulkhead, building a dock, rip rap and building structures, including dredging, and marsh rebuilding.

Mr. Hill then referenced meeting minutes from an April 8, 2024 Board meeting in which 'Boat Salvage' was discussed. He shared that the minutes state at one point the operational definition of boat salvage was if a Title Wetlands license was required - then it was considered salvage. A Title Wetlands license is required if dredging is needed to free a vessel. The term salvage is included in the definition of marine contractor services in Statute and now also the regulations. Mr. Hill referenced the minutes stating that at the meeting Board Council shared that salvage is not defined in either statute or regulation. Mr. Hill stated without a definition of salvage, it's really hard know what it means. He stated in April 8, 2024 meeting minutes the laying of shell was discussed about whether it was a marine contractor service or not. Mr. Hill stated the discussion was that the main focus of the definition of marine contractor services, is about capturing construction activity of structures and erosion and sediment control, and interaction of activities with the water bottom.

(Administrator's note: the April 8, 2024 and all past minutes of Board meetings are on the Marine Contractors Licensing Board's website)

Mr. Hill stated that they are before the Board today asking that salvage be identified in your statute as related to demolition or removal structures, not of vessels, to agree that the Statute doesn't intend to regulate the maritime towing and salvage industry, and to clarify that marine towing and salvage recovery and wreck removal of vessels are activities not contemplated by the Statute to be included in marine contractor services. Mr. Hill stated there's unintended consequences that come with this.

Mr. Hill showed a slide of a boat sinking in the middle of the river and asked: Do I have to get a permit for this, or can I take immediate action? He stated if they wait, it may cause more potential hazards, and the delay could result in a total loss or the boat busted up and harder to recover. Most of their work is fairly immediate - salvages that come in today are done tomorrow.

He asked if they're out in open water to pump a boat, do they have to call to get a permit, or can they do the work if not a marine contractor. He shared what if there is an environmental disaster and oil, gas and diesel fuel are contaminating the water. He stated their companies are set up and designed and act and operate on immediacy - similar to the Coast Guard and the fire department. He stated they are often onsite before either the Coast Guard or fire department

He asked: What about a derelict or abandoned vessels that have been on river bottom for quite some time? There's nobody to take care of them - if it's cumbersome or regulated then we can't get it done when it needs to be done, and they see that as a problem.

He stated their companies are set up and designed to act and operate on immediacy. He shared they don't work specifically with cranes and barges, and that they are typically working with a 25-foot Seahawk in saving a \$500,000 yacht.

The Board's MDE representative stated that they agree on the situations they reference. She stated that when dredging is not required to remove a boat - a Tidal Wetlands Authorization from MDE or the Board of Public Works is not required - it's only required when dredging. She shared that the type of work they have described does not require dredging and therefore an authorization from MDE would not be required. She stated though - that the person conducting the work should be a licensed marine contractor, because there is an expertise in doing this work in tidal waters. We don't want anybody to come in and do salvage operations that don't have the training, skills and proper equipment to do.

Mr. Hill stated his understanding the want or need for the state to oversee or regulate this. He shared they are all regulated and licensed by the Coast Guard. This is something that falls more under their purview, and that their operators are all licensed captains. Mr. Hill stated that a person working with a 24 by 40 barge with an excavator on it and a 25-foot push boat is not even regulated by the Coast Guard. They don't have to have a captain's license. They are not regulated in any fashion.

Mr. Hill restated his reading that marine contractor services don't say anything about vessels. He stated it just says salvage of structures, which should be the demolition of structures, or the recovery of structures. He gave examples of salvaging rock, tearing a building down. He stated I don't know what they're salvaging, because salvage, to me, means you're saving something. He stated it says salvage of structures.

Board Counsel stated that he wanted to point out - in the definition of marine contractor services they cited, in the subsection it says 'including' - and this is not meant to be read exclusively. Therefore, these are not the only examples that constitute marine contractor services. The initial broad definition - is the definition. The subsections then provide some additional clarity in specific contexts. Board Counsel stated that they're correct in that salvage in the two subsections is attached to either erosion, sediment control or structures - but stated that this does not mean that for the purposes of the Title 17 Marine Contractors, the term or phrase, marine contractor services, only applies in those contexts. The Board applies it more broadly than that.

Board Counsel continued stating his understanding of the concern about the need to respond quickly to emergency situations. Counsel followed up on a point by the Board's MDE Representative, that this regulatory program requiring marine contractor licensure applies to contractors that are engaged in the industry. With this, a contractor who does this work full-time, doesn't have to wait for an emergency to get a marine contractors license. The license is applied for the entity or the individual that is engaged in the industry. Counsel continued that he doesn't see the timeliness argument in terms of requesting some kind of exception be applied to the industries they are representing.

Ms. Cardone of CPORT stated that they were losing something critical for their industry. She stated the Board commented on the need for expertise. Ms. Cardone stated that they are experts in their field, that salvage is what they do and they've been doing it for decades. Ms. Cardone stated that they are not experts in marine construction, and the difference lies because they're experts in the salvage of vessels. If they found themselves in a situation where they needed marine construction, if they needed to dredge, they would hire somebody to do that. Ms. Cardone stated that saying all of their industry is required to have a marine contractor's license is overreach, and that it's outside the realms of what they do. Ms. Cardone stated to keep in mind that salvage is voluntary. There's no preexisting contract that requires them to do this work. That's what makes it salvage.

Board Counsel said he appreciates Ms. Cardones comments and shared that assuming the Maryland legislature was as informed as you are of your industry - may be problematic here. This is because there are languages, phrases and terms that are used in legislation, that usually are applied more broadly - than someone with expertise such as yours. He shared that the definition, as your industry knows salvage, is not necessarily the same thing as how the General Assembly wanted to use that term in regulating marine contractor services. With this, Maryland's regulatory program isn't necessarily just pegged to dredging or disturbing the bottom or any kind of protected land. It's first and foremost, a consumer protection licensing program revolving around the state's ownership and license and leasing of tidal waters. So, there might be a bit of miscommunication or dissonance in terms of how you perceive your industry, and how Maryland state government perceived it.

Ms. Cardone stated that tidal waters in Maryland are also navigable waters in the United States, which means they're under federal jurisdiction – there might be joint jurisdiction, but there're still federal unless it's solely non navigable waters. She stated that if it's solely within the state of Maryland, Admiralty law applies. That's what they function under. She stated that she doesn't see how this contractor's license has anything to do with what they do on a daily basis.

Mr. Hill stated that the Board applies the broadest reading of the words of the regulation that define who must be a licensed marine contractor. He stated that he thinks the intent is to basically address the salvage of structures and that vessels are not included in any way. He stated that they had people involved in this when the regulation first started and were told that it wasn't intended to regulate their industry - even if you think it is. He stated they would have been more involved if told that it was not going to affect their industry. He asked: What is the fully inclusive definition of salvage and where is this definition?

Board's Counsel stated that there's unfortunately not always exact specification and clarification of the applicable law, whether it be a federal or state. He stated that with navigable waters, tidal waters - there is joint federal and state jurisdiction. He stated that he was not aware of Admiralty law preempting state regulation of its own tidal waters.

Ms. Cardone stated that Admiralty law preempts State authority and that they had attorneys investigate this in Florida, because they were trying to do a salvage bill. She stated that one of the reasons it died is because she doesn't think there's a body of water in the state of Florida that's not joint jurisdiction – so it would have been unenforceable.

Board Counsel stated that Maryland has authority to regulate tidal waters in a number of different areas. He stated marine contractors' law is meant to set standards for professional activities in tidal waters. Counsel stated that they can have an argument about what is actually applicable, but stated it's beside the point to try and divine the intention of the legislature in the conversation today. Counsel stated that would probably be the ultimate answer to this question.

Mr. Hill stated he'd like to know the Board's perspective - Are you trying to encompass something that really doesn't need to be encompassed? He stated it is regulated and it is very structured industry and that you can regulate it at the point where it doesn't make sense.

Board Counsel stated that they don't have any intent or desire to expand the jurisdiction of the Board. The intent is to read the law as passed and apply it in a way that makes sense. Counsel stated they're disagreeing on what salvage constitutes, and types of activity contemplated in the definition and regulation. Without a specific definition included in the law by the legislature, it becomes a little more difficult to specify what is and what is not included. In proceeding by applying these terms more broadly protects the Board in the way it regulates and making sure it's not missing contractors that it's supposed to be regulating. This is making sure it's keeping track of industries that have some effect on tidal waters.

Mr. Hill asked – How are you going to keep track of us?

Counsel answered - with its licensing program. The scope of the regulatory program is setting a floor in terms of expertise. It's identifying and maintaining a list of licensed marine contractors in the state. If a complaint is received, there's an ability to respond to the underlying violation and the license itself. Counsel shared that the Board is composed of one part-time staff person, one Counsel and then the Board members are either fully employed through other state agencies or they're engaged in the industry themselves. With this the Board doesn't have limitless resources to check on projects as they happen. The licensing program sets a standard and then can enforce it after the fact if something goes wrong.

Counsel then asked - aside from the disagreement on what constitutes salvage: Why from your perspective, is complying with the licensing program and requirement as burdensome as you describe it?

Ms. Cardone responded: We're small operators. Even if it costs \$100 that's too much for something that is not valuable to us. It does not regulate what we do on a day-to-day basis. It's a money-making scheme for the Board.

The Board's MDE Representative stated that the value in Maryland is to comply with the law and now regulations, one must be a licensed marine contract do work in tidal waters. A contractor is complying with the law by being a licensed marine contractor. The Board maintains a list of licensed marine contractors that is available for the public – to ensure that any contractor someone may select - has a license and complies with the law. Compliance also includes continuing education for their renewal which helps to ensure the marine contractors maintain their expertise in their field.

Ms. Cardone stated that she bets the contractor licensing exam has absolutely nothing on it that affects or even touches on what they do.

Mr. Hill stated that in Maryland's regulations, the Statute, that it's about the salvage of structures, not the salvage of vessels. He stated vessels is not and doesn't believe they were contemplated. He stated he completely disagrees with Board Counsel. Mr. Hill then stated it's clear that it wasn't contemplated, and Counsel saying where it says marine contractor services - 'includes' - doesn't limit what may be included - wasn't in the law.

Board Counsel responded and shared that when a statute is written in the way the definition of marine contractor services is - in subsection 'a' - this is the broad definition, and then down below in subsection 'b' - when it says 'includes' - those are meant to be specifying examples- but they are not exclusive. There's a separate provision in Maryland law in the general provisions article, that specifically says that when the statute includes the word 'includes' - it is not meant to be read exclusively. So the definition of 'marine contractor services' means construction, demolition, installation, alteration, repair or salvage activities located in, on, or under state or private tidal wetlands. That is the definition.

Ms. Cardone asked: What statute in Maryland law says that 'includes' is not meant to be 'exclusive' because I've never seen that in any other code, federal or state.

Counsel stated he'd look it up in the General Provisions article.

Mr. Hill asked: Does the Board have the ability to address this by filling in the blanks that it doesn't include?

Counsel stated that any state entity is authorized to promulgate regulations. Regulations can't contravene statutory language, but regulations can be passed that clarify ambiguities or fill in the blanks. Counsel shared it's a formally delineated process that's meant to protect the rights of citizens and interested parties - so it wouldn't be an immediate change. But it's certainly something that is potentially an option and something to possibly explore in the future.

Mr. Hill stated that the Board was able to delineate and differentiate the laying of oyster shells on the bottom, which, in Virginia, they don't. Virginia is not excited about putting anything back on the river bottom. Mr. Hill stated that he was sure they have exclusions for that in Virginia. He stated the concept of somebody putting them back down - that's building a structure to me. He stated that he could interpret it that way

Board Counsel stated that this is the real crux of the issue that - any one person interpreting - is potentially problematic.

Mr. Hill stated that this is what 'you' did with the laying of oyster shells and that they were already regulated because they had an oystering permit. Mr. Hill stated that we are already regulated. Board Counsel stated that you don't check a box if you're regulated once, and a lot of these areas have joint jurisdiction, and it may be the case that you have to comply with both the Coast Guard and Maryland state law.

At this point the Board's Administrator stated that it's time to bring this conversation to a close and stated there are some clear disagreements. He stated that while they expressed concerns about the timeliness issue with the work they do, and strong concerns it would slow down a rescue - the MDE Board's Representative shared that a Tidal Wetlands authorization is typically not required for the type of salvage work you do. But what I've heard today is that a Marine Contractors license is required.

The Administrator stated that he is the point person for applying for a Marine Contractors License. He shared that he does his best to work with applicants, and the Board does its best to review applications fairly. The Board's Administrator stated that in his opinion – he doesn't see this process as burdensome. He continued stating that if you want to do business in Maryland in what you do, having a marine contractor license is a requirement. He stated that he is not Counsel, but that he doesn't see this changing in the short term and said again it's time to bring this conversation to a close.

Board Counsel followed up on Ms. Cardones request for a legal citation, and shared that it is specific citation is State General Provision Title 1, Section 110.

The Board's Administrator stated if they want to share their power point with the Board, it would be welcome and thanked both guests for their time. He also stated that if they want to follow up with any written, formal comments, a response to what we've discussed, that it would be shared with the Board.

Ms. Cardone and Mr. Hill also acknowledged thanks and stated they would do that. At this point they both left this virtual meeting.

A Board member asked if when DNR puts out a solicitation for removal of a derelict boat, do they require a license to award the bid.

The Board's DNR Representative responded that DNR has a unit that does this work and doesn't believe they contract it out. He shared that marinas may do that - but if DNR hears about it and can't get in touch with the vessel owner, then DNR gets it. The DNR crew is exempt from the license requirement. He shared that it doesn't put out bid solicitation unless DNR can't do the job. And that having a marine contractors license would be a requirement to award as project. He shared that when they contract out shoreline projects, they also require the contractor to have a marine contractors license. They have many projects on tidal waters, in marinas, doing marina renovations at state parks - and every one of them must have a Marine Contractors License.

A Board member responded to the statement by one of the guests that she imagined the marine contractor's test didn't have anything related to salvage. The Board member stated after review of one of the tests – it touches on a little bit of everything including questions that would be applicable to salvage operators. She stated there's an environmental protection part and a question related to collisions, questions on vessel operation, and OSHA questions. She stated there is section on contract administration which would be applicable to, all marine contractors.

One Board member stated that it seemed their primary objection was just the application fee, even though it wasn't clear if they knew what this fee is

The Board then moved to Old Business.

OLD BUSINESS

Board Activities and Financial/Budget Report

Licensing Activities:

The Board's Administrator gave an update. In 2025 there's a total of 43 total marine contractors that have licenses expiring throughout 2025 – what we call 'periodic.' To date 21 have been issued and applications for 14 more are in process. Several will likely not renew.

The Administrator then shared some statistics on the issuing of categories for current licensees when their license is up for renewal. He stated they have about 250 licensed marine contractors license categories have been issued for 127. The Administrator shared how these break down by categories. Of those 127 that have categories, 32 are Category 1, 66 are Category 2, 20 are Category 3, and 4 are Category 4. The Administrator shared that this is breaking out the way the Board thought it would when they created the categories - that Category 2 would be the majority of existing contractors. He further shared that about 90 licenses will expire December 31, 2025 and will therefore go through the Category selection process.

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 Administrator gave an update on finances. He reminder that we're in Fiscal Year 26 – FY26 is from July 1, 2025 to June 30, 2026. He then shared information from a recently received Fund Balance Reconciliation Report - and shared the good news that our fund balance has gone up. We started FY25 with a fund balance of \$114,000 – and ended up with a fund balance of about \$124,000. We received \$81,000 in revenue. The cost of running the board is mostly my salary and other miscellaneous expenses and totaled about \$51,000. He stated what has changed significantly is legal services. This was reported as about \$8,800. Previous legal expenses were significant these past few years because of the extensive legal support from Board Counsel needed for issuing regulations, and during this period we've had the Benton litigation. For the first time in several years our fund balance increased slightly instead of decreasing.

In the next part of this meeting The Board Administrator and MDE Representative shared updates on a number of items.

The Board's Administrator shared that at the last meeting in March there was discussion on getting the Marine Contractors training manual online. He stated that they are running down on copies of this manual. He shared the good news that steps have been taken to both update the manual using funds we have allocated and get it online. He shared that the Board has \$5,000 allocated for updating the manual. We're going to use MES for that. Also with the help of the summer intern, both new and renewal application forms are being made fillable and will be online

The Administrator shared last September of 2024 the Administrator and MDE Administrator held virtual training sessions on category selection for contractors who had licenses expiring December 31, 2024. Dates have been set aside to do the same for contractors who have licenses expiring December 31, 2025. October 15 at noon and October 16 at 6:30pm have been set aside to hold

these virtual sessions. They worked out well last year and contractors received three hours of continuing education credit for participating. Feedback from contractors indicated these sessions were found useful, and given they lasted less than an hour, were a good deal as far as education credits.

The MDE Representative then shared that they are working through a bit of a database dilemma because our current marine contractors licensing database is on Microsoft Access which is no longer being supported by MDE's IT program. For now the Board can maintain the list of licensed marine contractors on its current database, but a new database is being actively pursued.

The Board's Administrator reminded that at the March 8 meeting, a lot of time was devoted to compliance issues. Brandon Weems of the Maryland Marine Contractors Association stated that he has been disappointed at certain MDE compliance follow up and enforcement on marine contractor issues. From this, an action item from the March meeting was to create a compliance protocol. Since that time the Board Administrator and MDE Representative have created and are finalizing a this protocol. The Administrator stated that he would be sharing this for review with the full Board, likely next week. He stated they feel good about this draft protocol. It will be two-way communication between the Board Administrator and MDEs Compliance Program. An Excel database will be created to log compliance issues related to both licensed marine contractors and unlicensed marine contractors doing marine contractor activities.

The Board's Administrator then shared that the Board has been in the process of being audited. He stated that he has been through four rounds of providing information to the auditors. The Administrator last met on Friday September 5th for about 45 minutes. He stated that he believed the meeting went well and indications are that the audit is over and no major issues were identified by the auditors.

Board Counsel then gave an update on the Gene Benton litigation. He stated the deadline for Gene Benton to appeal the Board's favorable decision it got in the judicial review action was August 7th, and that he didn't receive any requests to take the case further to the Maryland Supreme Court. Counsel shared that at this point - we're officially done. The Board's Administrator then thanked Counsel for his good work on this significant case.

At this point a motion was made to Close the meeting to discuss legal matters related to license categories. The Statutory authority to hold this closed session was : 'To consult with counsel to obtain legal advice on a legal matter.' A vote was taken and all five Board members who were present voted 'yes' to close the meeting.

The open meeting then closed at 11:30 am, and the closed meeting started at 11:34 am. The closed meeting ended at Noon.

NEW BUSINESS

There was no new business on the agenda and none introduced after the closed session.

ADJOURNMENT

The Board voted and approved adjournment at 12:05 pm. The next monthly Board meeting is scheduled for November 10 at 10 AM and will be Virtual. There is no meeting scheduled Monday October 13 as that is Columbus & Indigenous People' Day.

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 9/8/25 Time: _____ Location: Virtual Motion to close meeting made by: Dani Racine
Seconded by Daniel Lorian Members voting in favor: Tammy Roberson, Kelly Wright, Donna Ah
Opposed: 0 Abstaining 0 Absent 2

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- ☐ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- ☐ (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- ☐ (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☐ (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ (5) To consider the investment of public funds;
- ☐ (6) To consider the marketing of public securities;
- ☒ (7) To consult with counsel to obtain legal advice on a legal matter;
- ☐ (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- ☐ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- ☐ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- ☐ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- ☐ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) ☒ Consult with counsel on legal advice pertaining
§3-305(b) () to issuing category via newly
§3-305(b) () issue Regulations in COMAR 26.30

This statement is made by Michael Eisner, Presiding Officer: Michael Roberson
Administrator for MCLR Board Chairman SIGNATURE