

***MARINE CONTRACTORS LICENSING BOARD***

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

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**MARINE CONTRACTORS LICENSING BOARD**

**MEETING NOTES – April 11, 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 |
| Jordan Loran (DNR Representative) | Matthew Standeven, Board Council |
| Milton Rehbein (Chairman) | Denise Keehner, MDE |
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**CALL TO ORDER**

Board Chairman, Milton Rehbein called the meeting to order at 9:05 a.m. at DNR Critical Area Commission Meeting Room in Annapolis, MD. Three Board members, Ms. Denise Keehner, MDE Wetland and Waterways Program Manager, Matthew Standeven, Board Council and the Board’s Administrator were present.

**AGENDA REVIEW**

The Board reviewed the agenda for the meeting which included review of notes from the March 14, 2016 meeting, status of the manual and test, license fees, applications received, status of manual and test, budget and fund balance of Board, review of incomplete license applications.

**REVIEW OF PRIOR MEETING MINUTES/NOTES.**

Board Members reviewed the draft minutes of the February 8, 2016 Board meeting, and the notes of the March 14, 2016 meeting, there was not a sufficient number of members to vote to accept the 2/8/ minutes. Approval was held over to the May meeting.

**OLD BUSINESS**

**Discussion of the license fees relative to the MCLB Budget**

The Board Chairman, Mr. Rehbein stated that the Board needs to track the budget going forward. Mr. Rehbein is concerned that the license fees may be too low in light that less than 150 contractors have applied to become licensed. Mr. Rehbein stated that the Board needs to closely follow the reports on the MCLB fund balance from the MDE WMA staff to better determine whether the license fees are appropriate. Mr. Rehbein also noted that expenses such as legal counsel time and Board members travel will be accounted in the future.

**Update on Status of License Applications Received to Date**

Tom Blair, Board Administrator advised the Board that the license applications were mailed to 292 currently registered contractors on February 16, 2016. He noted that approximately 100 applications have been received; most have been reviewed for completeness. Mr. Blair stated that the majority of applications are complete, with about 15 lacking insurance information or Social Security Number. He will contact the applicants to get this information.

**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 previously provided an electronic copy of the final draft of the manual and test. Mr. Rehbein stated that Board members and MDE staff should review the manual one last time, and complete the review by April 15th.

Mr. Blair discussed the timeline for mail out of the manual and test dates and the tests. He noted that due to delay in getting the manual printed, he is projecting the manual will be mailed sometime mid to late May and testing to begin by mid to late June. The Board suggested the current registrations should be extended for three months to overlap license issuance. Mr. Rehbein stated that if the registration period is extended, he would like the extension notification to be sent close to the original June 30, 2016 registration expiration date to avoid contractors delaying license applications to the last minute.

**NEW BUSINESS**

**Questions Concerning Who Requires a License and Compliance Issues**

The Board discussed the practice of a contractor using subcontractors or “1099” workers and how these situations should be handled. It was agreed that subcontractors and others not in the employ of the licensed contractor must also be licensed to perform work identified in Title 17.

The Board also agreed that contractors that are licensed as an individual should be monitored to make sure that if they subsequently hire workers they would need to convert the license to an Entity license to cover the new workers. It was emphasized that if a “1099” worker is performing all work above the mean high water line then they would not need to secure a marine contractors license to perform that work. Any work below MHW would trigger the need for a license.

The Board discussed how licensing will be handled if a representative member quits or retires. It was agreed that two or more people within an entity could be licensed under the same company license number. One fee would be charged for the entity/company and each person licensed under the entity license would need to take the license test and pay the testing fee.

Mr. Blair will look into the format of the license and how the license certificate and wallet card will be produced.

The Board members noted that the letter to go out to the license applicants notifying of the test locations should ask for any special needs of the applicant to take the test, i.e. blind, deaf, or any handicap that may hinder the person from taking the test or require special arraingements.

The Board agreed that there should be at least two test proctors in the testing room and that there should be rules imposed, such as no cell phone use and all print materials other than the manual should not be allowed in the test room.

The Board agreed to schedule meetings for July though December 2016 on the second Monday of each month at the Critical Are Commission offices. Meeting dates are: July 11th, August 8th, September 12th, October 11th, November 14th, and December 12th.

**ADJOURNMENT**

Mr Rehbien adjourned the meeting at 11:30 without motion by Board members due to lack of quorum.