

**STATE OF MARYLAND
BOARD OF FORESTERS
BUSINESS MEETING MINUTES
JANUARY 28, 2019**

LOCATION: 500 North Calvert Street
Baltimore, Maryland 21202
Third Floor Conference Room

**MEMBERS
IN ATTENDANCE:** Wade Dorsey-Chair
Michael Huneke
John Markovich
Daniel Rider
Jill Rhyne-Grey

MEMBERS ABSENT: W. Allen Jones
Ann Sherrard

**DLLR OFFICIALS
/STAFF:** Shanai Jordan, Executive Director
Christopher Dorsey, Assistant Executive Director
Sloane Fried Kinstler, Assistant Attorney General
Alicia Coar, Administrative Specialist

The January 28, 2019 meeting of the Maryland Board of Foresters was called to order at 10:34 a.m.

Upon a motion (I) by Mr. Huneke and seconded by Mr. Rider, the minutes from the October 18, 2018 business meeting were approved unanimously, without corrections.

Chairman's Report

No Report of the Chairman.

Executive Director's Report

Ms. Jordan reported to that some of the Board members are interested in coming off the Board.

Upon a motion (II) by Mr. Rider, seconded by Mr. Huneke, the approval of the Executive Director's report was unanimously accepted.

License Applications

Counsel reminded the Board that all license applications must be reviewed by the Board in a closed session to protect the privacy of individual applicants in accordance with Gen. Prov. Art., Md. Ann. Code, § 3-305. Counsel explained that even when no members of the public are present to observe the proceedings of a public body, such as the Board, it must, in compliance with law, convene in a closed meeting when considering confidential material or matters and maintain minutes that set forth the facts of the matters considered, the reasons for the Board's determination(s), and the tally of vote(s) on each matter. Counsel further explained that the business meeting minutes should also reflect that the Board met in a closed session, the reason therefore, along with a description of the business discussed, without revealing confidential or privileged information, along with each vote the Board took during the closed session, and start and end times of the session.

CLOSED SESSION

Upon a motion (III) by Ms. Rhyne-Grey, seconded by Mr. Huneke, and unanimously carried, the State Board of Foresters entered into a closed session at 10:39 a.m. in the Third Floor Conference Room, 500 N. Calvert Street, Baltimore, MD 21202, pursuant to § 3-305 (b)(2) and (7) of the Gen. Prov. Art., Md. Ann. Code, in order to protect the privacy and reputation of license applicants and to obtain the advice provided by Counsel regarding license applications.

The Board reviewed three (3) license applications.

OR-01, upon a motion (IV) by Mr. Huneke, and seconded by Mr. Rider, the Board unanimously voted to approve the license application of an individual who demonstrated the required educational and pre-license work experience in compliance with Bus. Occ. & Prof. Art., Md. Ann. Code, §§ 7-101(c)(3)(ii) and 7-304(b) and provided the requisite professional references in accordance with COMAR 09.29.1.02.

OR-02, upon a motion (V) by Mr. Huneke, and seconded by Mr. Rider, the Board unanimously voted to deny the license application of an individual who, after a lengthy discussion, the Board found had been unable to demonstrate the required educational experience, including completion of a 4-year curriculum in forestry from a college or university that is approved by the Board or accredited by the Society of American Foresters, pursuant to Bus. Occ. & Prof. Art., Md. Ann. Code, § 7-304(b). Additionally, the Board found that the applicant failed to demonstrate the requisite work experience, pursuant to §§ 7-101(c), which the Board found constituted gardening and arboriculture. The applicant also lacked three professional references from foresters required pursuant to COMAR 09.29.01.02. The Board concluded that the applicant's work experience and references demonstrated experience in gardening and arboriculture rather than forestry in accordance with Bus. Occ. & Prof. Art., Md. Ann. Code, § 7-101(c)(3)(ii).

OR-03, upon a motion (VI) by Mr. Rider, and seconded by Mr. Huneke, the Board unanimously voted to approve the license application of an individual who demonstrated the required educational and pre-license work experience in compliance with Bus. Occ. & Prof. Art., Md.

Ann. Code, §§ 7-101(c)(3)(ii) and 7-304(b) and provided the requisite professional references in accordance with COMAR 09.29.1.02.

The Board reconvened its business meeting at 12:13 p.m. Upon a motion (VII) made by Mr. Rider, seconded by Ms. Ryne-Gray, and unanimously carried that the Board accept the decisions rendered in the closed session.

New Business

Ms. Jordan also asked the Board members to consider the calendar for the 2019 year. The Board members decided that its meetings should be scheduled for April 15, 2019, July 15, 2019, and October 21, 2019.

After reviewing license applications, the Board concluded that COMAR 09.29.01.02B(3) required clarification. The Board found that the language of the provision setting forth the required references that must be provided with a license application should be amended. The provision provides:

At least five signed references to indicate endorsement of the applicant, of which three or more shall be foresters having personal or professional knowledge of the applicant's forestry experience.

The Board discussed a proposal to adopt language to more clearly indicate that at least three of the references must be "*from Maryland licensed foresters or substantially equivalently licensed foresters.*"

Upon a motion (VIII) made by Mr. Rider, seconded by Mr. Markovich, the Board voted unanimously to instruct Executive Director Jordan to pursue concept approval for a proposed regulation to amend and clarify the language of COMAR 09.29.01.02B(3) to require that at least three of the five required references must be "from Maryland licensed foresters or substantially equivalently licensed foresters."

Old Business

Counsel reminded the Board of the regulation it had proposed at its October 15, 2018 meeting, that had been requested by the Department of all Occupational and Professional Licensing Boards and Commissions, pertaining to a licensee's or applicant's obligation to respond to a written communication from the Board. Ms. Kinstler reminded the Board of the text for the proposed regulation, COMAR 09.29.01.06 and explained licensing boards and commissions would have the authority to enforce a requirement that an individual respond in writing to a board and the discretion to pursue administrative action if an individual fails to comply. Ms. Kinstler explained that the text of the regulation proposed required an amendment that all boards and commissions promulgating a similar provision had been asked to make. The regulation is intended to assist the licensing boards and commissions in handling complaints. A licensee who fails to respond to a complaint could prevent the Board from making a determination on the merits of a complaint and timely handle the matter. Further boards will be better able to

managing compliance with continuing education requirements that some licensees are required to complete as a condition of license renewal. Ms. Kinstler further explained that the boards and commissions promulgating the regulation were required to also include a provision requiring an applicant or licensee to notify a board or commission in writing of a change of address. Ms. Kinstler distributed revised text to include this provision in the text of the regulation to be proposed, COMAR 09.29.01.06, and requested that the Board consider this amendment.

Upon Motion **(IX)** by Mr. Markovich, and seconded by Mr. Rider, and unanimously carried, the Board voted to propose action to adopt new regulation COMAR 09.29.01.06.

Complaint Committee Report

No Complaint Committee Report.

Counsel's Report

None.

Adjournment

There being no further business, by a motion **(X)** by Ms. Rhyne-Grey and seconded by Mr. Markovich, and unanimously carried, the Board adjourned the meeting at 12:27 p.m.

NEXT MEETING

April 15, 2019 - 500 North Calvert Street, Third Floor Conference Room, 10:00 AM

With corrections Without corrections

Signature on File

APRIL 15, 2019

Chairman

Date