

**Maryland Home Improvement Commission
Public Business Meeting Minutes**

DATE: February 2, 2017
TIME: 10:00 a.m.
PLACE: 500 N. Calvert Street, Baltimore, Maryland 21202
MEMBERS PRESENT: Robert A. Altieri
Sachchida Gupta
Lawrence Helminiak
William B. Quackenbush, Jr.
Michael Shilling
Andrew Snyder
Joseph Tunney, Chairman
I. Jean White
MEMBERS ABSENT: Jeffrey Ross
DLLR OFFICIALS AND
STAFF PRESENT: Deborah Irvin-Cromwell, Assistant Executive Director
David R. Finneran, Executive Director
Joel Jacobson, Assistant Attorney General
Kimberly Rosenthal, Administrative Officer

Call to Order

Chair Joseph Tunney called the meeting to order at 10:14 a.m.

Approval of the December 1, 2016 Minutes

The Minutes of the December 1, 2016, Commission meeting were approved.

Guaranty Fund Activity Report

The MHIC Guaranty Fund Activity Report dated January 26, 2017 is as follows:

Balance as of July 1, 2016	\$ 1,581,595.80
Receipts	\$ 615,948.66
Interest	-0-

Disbursements	
Claims	(\$293,058.44)
Refunds	
Balance as of December 31, 2016	<u>\$1,904,486.02</u>
FMIS Balance	\$1,826,036.02
Difference	\$78,450.00

Review of Exam Results

Below is the examination statistics summary for the month of December 2016 and January 2017.

December 2016

Home Improvement	Candidates Tested	Passed	Failed	Pass %
Contractor	119	79	40	66%
Contractor Spanish	49	27	22	55%
Salesperson	110	67	43	61%
Salesperson Spanish	0	0	0	
TOTAL	278	173	105	62%

January 2017

Contractor	102	76	26	75%
Contractor Spanish	28	14	14	50%
Salesperson	77	56	21	73%
Salesperson Spanish	1	0	1	0%
TOTAL	208	146	62	70%

Senate Bill 183/House Bill 115

Under Senate Bill 183 and House Bill 115, the expiration date for the Mold Remediation Services subtitle of the Home Improvement Law will remain at July 1, 2019. Under the bills, if funding is not provided for implementation of the program, the program will terminate as scheduled on July 1, 2019, without further evaluation under the Maryland Program Evaluation Act or further action by the General Assembly. If funding is provided prior to the scheduled termination, the Department may submit legislation to reauthorize the program.

House Bill 248/MHIC –Special Fund and Fees

The purpose of establishing the Maryland Home Improvement Commission Special Fund as a special, nonlapsing fund in the Department of Labor, Licensing, and Regulation; specifying the contents of the Special Fund; requiring that the Special Fund be used for a certain purpose; requiring the Secretary of Labor, Licensing, and Regulation, or a designee of the Secretary, to administer the Special Fund; providing for an audit of the Special Fund; requiring any unspent and unencumbered portion of the Special Fund in excess of a certain amount to revert to the General Fund at the end of each fiscal year; crediting certain earnings to the General Fund; requiring the Secretary, in consultation with the Maryland Home Improvement Commission, annually to calculate certain costs; authorizing the Commission to set by regulation certain fees based on certain calculations; requiring the Commission to publish a certain fee schedule; repealing a provision of law requiring the Commission to pay certain money into the General Fund of the State; requiring the Commission to pay certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Special Fund; prohibiting certain fees from being increased by more than a certain amount each year; altering certain fees; requiring the Commission to pay certain penalties into the General Fund of the State; defining certain terms; requiring that certain fees in effect on a certain date remain in full force and effect until certain other fees are adopted and become effective; and generally relating to the Maryland Home Improvement Commission Special Fund.

Digital Documents

The Maryland Home Improvement Commission (MHIC) has specific requirements for the form and content of every home improvement contract. The contract must be in writing and be legible. Also, the contract must describe each document that it incorporates, and it must be signed by each party to the agreement. The contract also must contain a description of the home improvement to be performed and the materials to be used. Remember, a contract is a legally binding document so it is important to understand what you are signing. The homeowner must receive a signed copy of the contract prior to the work starting. Chairman Tunney asked the Commission if a contractor can electronically present a contract or a rescission without violating the law. Mr. Jacobson stated that he would look into this through case law to find out if this would be legal to do without violations of the law. Commissioner Altieri stated that the key is that if the consumer consents to having an electronic copy then it would most likely be legal. However, if they do not consent, a hard copy would have to be given to the consumer.

Comments from Chair

Commissioner Tunney stated that he feels that it was a great meeting and it's great to deal with Commissioners with various backgrounds because you can get a lot of input and can make a difference with a great team.

Comments from the Executive Director

Mr. Finneran informed the Commissioners that Alvin White, Licensing Supervisor retired on January 31, 2017 after 10 years of service to the State of Maryland. Mr. Finneran said that Mr. White has changed the Commission in a lot of positive ways and he will be deeply missed and that the Commission wished Mr. White well with all his endeavours.

Adjournment

The meeting was adjourned at 11:12 a.m.



Joseph Tunney, Chair



David Finneran, Executive Director