



**STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND
REFRIGERATION CONTRACTORS
BUSINESS MEETING MINUTES**

Date: April 12, 2023

Time: 10:30 a.m.

Place: The Board of HVACR meeting was held via teleconference (US +1 208-907-5480
PIN: 871 402 772#).

Members Present: **Brian Hamilton, Chair**, Master HVACR Contractor
Michael Giangrandi, Master HVACR Contractor
David Politzer, Consumer Member
Grant G. Gotlinger, Master Electrician

Members Absent: **Amadou Magazi**, Master HVACR Contractor

Staff Present: **John Bull**, Executive Director, Mechanic Licensing Boards
Sloane Fried Kinstler, Assistant Attorney General
Sean Heeter, Administrative Officer
Matt McKinney, Director of Strategic Initiatives

Staff Absent: None

Guests Present: None

Call to Order

Chairman Hamilton called the Business Meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration (“HVACR”) Contractors (“Board”) to order at 10:33 a.m.

Approval of Minutes

Members of the Board reviewed the minutes of the Business Meeting held on January 11, 2023. Upon Mr. Giangrandi’s Motion and Mr. Gotlinger’s second, the motion was unanimously carried to approve the minutes without amendment or correction.

Complaint Committee Report

Mr. Heeter read the report including the results of the Complaint Committee meeting. Two (2) complaints, HVAC-230026 and HVAC 230029, were closed. Two (2) complaints, HVAC-220027 and HVAC-220029, were sent to pre-charge.

Upon Mr. Gotlinger’s motion and Mr. Politzer’s second, the motion to approve the Complaint Committee’s report was unanimously carried.

Application Review Committee

There were no applications to be reviewed.

Mr. Bull stated that, with Mr. Rebechi’s departure from the Board, a new Application Review Committee member is needed. Mr. Bull outlined the application review process at Chairman Hamilton’s request. He stated the Committee member(s) will review applications submitted to the Board to determine eligibility for an exam and/or licensure and report to the Board Administrator the outcome of the review. The Committee will report those findings and recommendations to the Board during a business meeting, on which the Board will vote based upon the Committee’s recommendations.

Chairman Hamilton suggested Mr. Giangrandi sit on the Committee as he is a master HVACR license holder with knowledge of the industry; he expressed reluctance to appoint Mr. Magazi when he could not attend the meeting and express his willingness to serve in this capacity. Chairman Hamilton asked Mr. Giangrandi if he is willing to sit on the Committee; Mr. Giangrandi accepted the Committee appointment. Chairman Hamilton thanked Mr. Giangrandi and asked the Board to approve this appointment.

Upon Mr. Politzer’s motion and Mr. Gotlinger’s second, the motion to approve Mr. Giangrandi to sit on the Application Review Committee was unanimously carried.

Review of Examination Statistics and License Totals

Mr. Bull reported the following PSI exam statistical summaries for the months of January and February 2023 respectively:

	Candidates Tested	Passed	Failed	Pass %
Total	46	19	27	41%

Cumulative

Total	46	19	27	41%
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Testing to date

	Candidates Tested	Passed	Failed	Pass %
Total	65	21	44	32%

Cumulative

Total	110	40	71	36%
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Testing to date

Total	11834	5150	6684	44%
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Mr. Bull stated that the PSI report for March 2023 was not received, so the March 2023 exam data will be reported during the May 2023 Board meeting.

There are currently 20,560 active licensees.

Executive Director's Report

Mr. Bull discussed SB23/HB132, which increases the number of years (from three to four) an applicant must be licensed as an apprentice before applying for a journeyman license and passed the Senate and House. Mr. Bull and Mr. McKinney explained that the House had offered an amendment to delay its effect until October 2025, but as of Monday, the last day of the legislative session, the amendment had not been agreed upon and, unless mutually agreed to, the legislation is expected to go to the Governor without the amendment and an effective date of October 1, 2023. Mr. Bull stated he was unsure of the reason for the amendment. Chairman Hamilton stated he was hoping for an experience or examination waiver, similar to that in the electrician law, as the industry in Maryland doesn't have enough qualified journeyman, so the addition of one extra year of licensed work experience to be eligible for the journeyman exam could cause an additional delay in an apprentice's eligibility to become a licensed journeyman.

Mr. Bull stated there are additional vacancies on the Board as Mr. Rebechi has resigned and Mr. Ludlow was removed from the Board for non-attendance. He stated there are three new appointments, but he is not sure of their effective start dates at this time. Mr. McKinney stated there is a member whose term will begin January 2024 and that Mr. Politzer's reappointment was approved. Chairman Hamilton asked who will take his position as the Chairman of the Board since his term will expire at the end of 2023 and he has not been reappointed. Counsel stated the Governor appoints the Chairman of the Board. Mr. Bull stated they are still filling vacancies, so there may be a member who starts sooner, and that Chairman Hamilton will remain on the Board and as Chairman until December 31, 2023. He stated that no one is shorted time on the Board.

Old Business

Chairman Hamilton asked Mr. Bull about an update on reciprocal licensing with surrounding states, reminding the Board that during previous meetings, the stated goal to have a reciprocal agreement in place was March 2023. Mr. Bull stated that he has worked on reciprocal licensing for the Electrician Board, and that an agreement with Virginia has taken longer than anticipated. Mr. Bull stated he has not been able to work on reciprocal agreements for other boards, including the HVACR Board, but once things are finalized with Virginia for the electricians, he will begin working on reciprocal agreements for other mechanical boards. Chairman Hamilton stated the former Executive Director, Robin Bailey, had been working on a reciprocal agreement with Washington, D.C. before her

departure, which had been close to being finalized and suggested that the District of Columbia may be a somewhat faster and easier process, since the negotiation had previously been initiated.

New Business

Code Adoption

Chairman Hamilton stated that as new HVACR codes are being implemented in the industry the Board should discuss code updates and adoption to provide improvement for the industry within Maryland. Counsel, Sloane Fried Kinstler, Assistant Attorney General, stated that, historically, the Board had created a committee to review and compare the existing and updated codes and make recommendations to the Board regarding amending or changing applicable regulations in COMAR 09.15.05.01—.02. Counsel advised that the Board could appoint members to a Code Review or Update Committee to review the currently adopted codes, new code editions based upon the International Mechanical Code (“IMC”) and the International Residential Code for One-and-Two-Family Dwellings (“IRC”) or alternative codes, to determine whether modifications to COMAR were necessary. Counsel stated that she believed the Division of Labor and Industry (“DLI”) had adopted some of the corresponding codes and some, but not all applicable may be incorporated by reference. She stated that the Board can adopt provisions within the code and modify them by referencing a certain section(s) and consult with inspection and code officials to determine what, if any, sections to add or omit from the existing codes. The committee could look at specific code provisions to see if they are appropriate and applicable within various jurisdictions.

Counsel Kinstler stated that, in the past, the Code Update Committee has made recommendations to the Board regarding its adoption of a new edition of the applicable code. Counsel suggested that the Board consider adopting language, similar to some other O&P boards and commissions, that indicate that “the most recent version edition of each applicable code is in effect, *as it may be amended, modified, or updated from time to time.*” Such language alleviates the Board from having to update the code each cycle, lag between the time in which a new edition is published and then the Board can adopt action to implement an updated code with can often take several months. As it is, the Board has not updated its codes since the 2018 editions of the IMC and IRC.

She suggested that the Board create a committee of industry members to review the codes and then make recommendations to the Board and consider whether to simply adopt language to avoid having to propose regulatory action at each new code cycle. Chairman Hamilton stated that in his experience, county and city jurisdictions are on board for updates to the code, and that some municipalities have already done away with certain practices and codes contained in previously published codes.

Chairman Hamilton asked about establishing a code update committee. Counsel advised that any committee of a board has to be established during a public meeting. Mr. Bull stated that with five (5) members currently serving on the Board, only two members can be present without constituting a quorum. Counsel Kinstler stated that code officials or other non-Board members of the public would not count toward establishing a quorum.

License Examinations

Chairman Hamilton raised a concern about the low pass rate for exam candidates. He stated a lot of the mechanical licensing has changed in the past several years, and that when he discussed the issue with the Chairman of another mechanical licensing board, there was an agreement that there are a lot of poorly worded questions on license exams, and some are difficult if not impossible to answer

correctly. Mr. Bull stated that to the review examination questions, the Board will have to work in conjunction with PSI, Inc., the Board's examination contractor and, to protect the integrity of the exam, Board members or an established committee would be required to meet in person in the Department of Labor office for this purpose. This will ensure the safety and integrity of the exam. Mr. Bull also stated that the exam results for HVACR and other mechanical licensing Boards are similar to each other and are in parity with other states as well.

Chairman Hamilton asked whether certain or specific questions are most often answered incorrectly. Mr. Bull stated that such statistics and question examples could be requested prior to a meeting with PSI. Mr. Bull also stated that he will make a request to PSI to see how many questions are frequently answered correctly/incorrectly, and for a list of the most frequently incorrectly answered questions. Counsel cautioned that when looking at questions, the Board should consider not only whether a question is fairly worded, but also whether the multiple-choice responses are clear or could conceivably offer one or more correct responses. Counsel stated that the Board's original examinations were based on local exams when statewide licensing was established. Mr. Bull stated that PSI updates questions based on new codes that are published.

Chairman Hamilton stated that previously Maryland exam candidates could challenge the exam and petition the Board regarding answers they believe were answered correctly, but that were scored incorrectly. Mr. Bull stated that that O&P Licensing Division has a contract with PSI, and the contract mandates a candidate's ability to conduct an exam review, and that they can immediately challenge questions they believe were answered correctly. He stated the exam challenge form is submitted to the Board directly from PSI.

Joint Mechanical Board Meeting

Chairman Hamilton stated that he believes the HVACR Board, as well as other mechanical licensing boards, could benefit from a joint meeting to encourage an opportunity to work cooperatively regarding common interests and as it relates to certain jurisdictions within Maryland. Mr. Gotlinger agreed with the Chairman and stated that different jurisdictions have differing authorities and, at times, lack code compliance inspection of work performed. Chairman Hamilton added that by working cooperatively with other mechanical boards, there is an ability for parity within the various trades. Ms. Kinstler advised that the design boards of Maryland have a standing meeting of the Chairs of each board for such discussions. Counsel suggested that the Board should determine whether it wished to recommend or pursue a joint meeting of the board chairs, or a joint meeting of a quorum of each board for which advance public notice and an agenda would have to be posted. She asked Mr. Bull to raise the question with other Mechanical Board Chairs to gauge interest.

Correspondence

There was no correspondence to consider.

Counsel's Report

There was no Counsel's report offered.

Chairman's Report

There was no Chairman's report necessary. However, Chairman Hamilton thanked the Board and staff for their attendance.

Closed Session

The Board did not convene in closed session.

Adjournment

With no further business, upon Mr. Gotlinger's Motion and Mr. Giangrandi's second, the Board voted to adjourn the May 10, 2023, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:38 a.m.

Signature On File

May 10, 2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on May 10, 2023