



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

Date: July 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
Amadou Magazi, Master HVACR Contractor
Michael Weglarz, Master Electrician
Lawrence Kitching, Master HVACR Contractor

Members Absent: None

Staff Present: **John Dove**, Commissioner, Occupational and Professional Licensing
John Bull, Executive Director, Mechanic Licensing Boards
Sloane Fried Kinstler, Assistant Attorney General
Sean Heeter, Administrative Officer

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 10:34 a.m.

Approval of Minutes

Members of the Board reviewed the minutes of the Business Meeting held on May 10, 2023.

Upon Mr. Magazi’s Motion and Mr. Giangrandi’s second, the motion was unanimously carried to approve the May 10, 2023 meeting minutes without amendment or correction.

Complaint Committee Report

Mr. Heeter addressed the Board and stated the Complaint Committee convened prior to the Board meeting. Mr. Heeter stated he will need to consult with the Complaint Specialist for the report and will provide it to the Board at the following Board meeting.

Mr. Bull explained some changes to the complaint process, including the Complaint Committee's recommendation that Mr. Bull be authorized to negotiate the settlement of certain cases or close matters outside the Board's jurisdiction, to expedite the process.

By Mr. Giangrandi's Motion and Mr. Politzer's second, to approve the Complaint Committee's recommendation that Mr. Bull be granted certain authority upon the evaluation of complaints, the motion was unanimously carried to approve the minutes without amendment or correction.

Application Review Committee

There were no applications to be reviewed.

Review of Examination Statistics and License Totals

Mr. Bull reported the following PSI exam statistical summaries for the month of May, 2023 and June, 2023 respectively:

| | Candidates Tested | Passed | Failed | Pass % |
|--------------|--------------------------|---------------|---------------|---------------|
| Total | 52 | 26 | 26 | 50% |

Cumulative

| | | | | |
|--------------|-----|-----|-----|-----|
| Total | 295 | 121 | 147 | 41% |
|--------------|-----|-----|-----|-----|

Testing to date

| | | | | |
|--------------|-------|------|------|-----|
| Total | 12018 | 5231 | 6787 | 44% |
| | | | | |

| | Candidates Tested | Passed | Failed | Pass % |
|--------------|--------------------------|---------------|---------------|---------------|
| Total | 41 | 14 | 27 | 34% |

Cumulative

| | | | | |
|--------------|-----|-----|-----|-----|
| Total | 341 | 138 | 203 | 40% |
|--------------|-----|-----|-----|-----|

Testing to date

| | | | | |
|--------------|-------|------|------|-----|
| Total | 12064 | 5248 | 6816 | 44% |
| | | | | |

There are currently 20,601 active licensees.

Correspondence

The Board considered a follow up question pertaining to prior correspondence related to the authority of an individual who possesses EPA certification. Chairman Hamilton stated that the correspondence pertained to what a technician can do regarding a refrigerant leak at a plant of facilities with boilers and HVACR

systems. He asked whether a written policy exists pertaining to licensure and the specific scope of work that a stationary engineer can perform. Mr. Magazi suggested that an HVACR licensed contractor who holds an EPA-issued CFC license can provide HVACR services and handle and refrigerant disposal. Chairman Hamilton stated that when an alarm goes off notifying a stationary engineer of a refrigerant leak, they can diagnose the leak and isolate it, but they are not authorized to provide HVACR maintenance or repair on the equipment without a current and active HVACR license. Mr. Kitching stated a licensed stationary engineer can maintain a high- or low-pressure system and the EPA CFC license allows them to handle and dispose of refrigerant.

Ms. Kinstler offered clarification, stating that Mr. Bull also serves as the Executive Director of the Board of Stationary Engineers and that she serves as counsel for that Board. Counsel Kinstler advised that an appropriately licensed stationary engineer is responsible for the oversight and monitoring of boilers and high-pressure systems and, when alerted of a leak, they can isolate and diagnose the issue, but they cannot provide a repair or maintenance service without a current and active HVACR license. Mr. Bull stated that a licensed stationary engineer can isolate the leak with a stationary engineer license or a CFC license, but to fix the leak or the boiler equipment, an HVACR license is required. Mr. Weglarz agreed with Mr. Bull and stated that they can take the systems offline and can manage the system, but without an HVACR license, they are unable to repair or maintain the equipment.

Chairman Hamilton asked if the inquiry would require a letter outlining the Board's discussion, and Ms. Kinstler stated it should be signed by Mr. Bull on behalf of the Board and that Board members should not respond directly to public inquires. Counsel further advised that the Board should vote on the matter if they were directing Mr. Bull to draft and issue a letter in response to the inquiry. Mr. Bull asked Chairman Hamilton to draft the letter and send it to him and that he will sign and send the letter.

Upon Mr. Magazi's Motion and Mr. Giangrandi's second, the motion was unanimously carried to approve the motion to send a letter regarding the Board's discussion pertaining to the correspondence.

Executive Director's Report

Mr. Bull welcomed Mr. Kitching to the Board.

Mr. Bull explained the circumstance that necessitated the cancellation of the June 2023 Board meeting, which concerned a conflict with Board member appointments. Mr. Bull explained that several newly-appointed members were from the same jurisdiction, resulting in a conflict with the law governing Board member appointments. He stated the Governor's Appointment's Office, in the process of vetting Board members, made a mistake and had appointed more than one member from the same jurisdiction. Counsel Kinstler clarified that Maryland law sets forth statutory regional requirements for industry members, set forth in Md. Ann. Code, Bus. Reg. § 9A-202(b).

Mr. Bull also welcomed Commissioner John Dove to the meeting. Commissioner Dove addressed the Board, thanking the members of the Board for their service and expressing an interest in supporting them.

Mr. Bull stated the Board of HVACR Contractors does not currently have a vice chair, and while Chairman Hamilton will remain in his chairmanship until his term ends the end of the year and/or he is replaced, the Board should consider electing a vice chair if Chairman Hamilton is absent from a meeting until his appointment ends. Mr. Bull asked the Board to conduct an election for a vice chair during its next meeting.

Old Business

Reciprocal Licensing

Mr. Bull stated that he has not yet begun the process of negotiating or updating reciprocal licensing agreements with surrounding states. He stated that he had been working on reciprocal licensing agreements for the Board of Electricians. He stated some states do not accept approved apprenticeship programs for reciprocal licensing, but when he finalizes reciprocal agreements for the Electricians Board, he will begin work on reciprocal license agreements for the HVACR Board. Chairman Hamilton notified Mr. Bull that Robin Bailey had been close to finalizing an agreement with Washington, D.C. prior to her resignation as the Executive Director of the Mechanical Licensing Boards and that an agreement might be a quicker process there than with other jurisdictions.

Code Update

Chairman Hamilton addressed the Board regarding the previously discussed code updates. He suggested updating the codes at the State level to ensure the mechanical codes from county-to-county jurisdictions are uniform. Ms. Kinstler stated that any member can assist with a code update, but that any updates would need to be discussed and voted on during a public meeting. Chairman Hamilton asked if a committee could review the codes and determine what update(s) are needed and then bring that report before the Board for a vote. Counsel stated that a committee could be established to do so if voted on during a public meeting and, once established, she will provide the applicable COMAR language, which will include section and references so that a committee could recommend to the Board what, if any, modification is necessary.

New Business

Mr. Bull explained that certain regulations will require updating or amendment. Counsel Kinstler provided an explanation of the regulatory process for the benefit of the Board, particularly the new members.

COMAR 09.15.01.03

Mr. Bull explained that he was seeking authority from each of the Mechanical Boards to make fees non-refundable and asked Ms. Kinstler to explain the amendment. Counsel Kinstler reminded the Board members that they had been provided a copy of the regulation with the proposed amendment and explained how language to be changed, stricken, or added is indicated. Chairman Hamilton stated many other licensing Boards and licensing Boards in other states already have non-refundable fees.

Upon Mr. Politzer's Motion and Mr. Weglarz's second, the motion to approve proposed action on COMAR 09.15.01.03 to make Board fees non-refundable, pending the approval of the Secretary, was unanimously carried.

COMAR 09.15.05.07

Mr. Bull reminded the Board that, during the 2023 legislative session, a bill to change the required apprenticeship hours to be eligible for the journeyman license examination passed, changing the work experience requirement from 1,875 hours to 6,000 hours and from three (3) years of licensed work experience at the apprentice level to four (4) years of licensed work experience to be eligible for the journeyman exam. HB 132/SB23 (2023); Md. Ann. Code, Bus. Reg. § 9A-302(e)(1).

Mr. Bull stated the change is only for the license examination eligibility and that an approved apprenticeship program through the Maryland Apprenticeship and Training Council are not affected. Mr. Bull asked that the Board consider proposed action to update the regulation referencing this statutory requirement based on the regulation text prepared by Counsel Kinstler and provided to the Board.

Upon Mr. Magazi's Motion and Mr. Politzer's second, the motion to approve proposed action to amend COMAR 09.15.05.07 pertaining to journeyman work experience hours required to qualify for the journeyman license examination, pending approval by the Secretary, was unanimously carried.

Mr. Bull stated Commissioner Dove approved the regulation and it will be presented to the Secretary's Office. Ms. Kinstler explained the regulatory process to the Board, including the Board's consideration of any public comments submitted during the requisite period prior to final action. She further explained that the Secretary's Office must approve final action before it can be submitted for publication.

Counsel's Report

Counsel did not offer a report. However, Counsel Kinstler advised the new members of the Board that she is an Assistant Attorney General, assigned to serve as legal advisor for each of the Mechanical Boards.

Chairman's Report

The Chairman did not offer a report; however, Chairman Hamilton welcomed Mr. Kitching to the Board and thanked the Board members and staff for their attendance.

Closed Session

The Board did not convene in closed session.

Adjournment

With no further business, upon Mr. Weglarz's Motion and Mr. Magazi'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 11:27 a.m. Mr. Giangrandi abstained from the vote.

Signature On File

August 9, 2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on August 9, 2023