



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

Date: September 13, 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
Michael Weglarz, Master Electrician
Lawrence Kitching, Master HVACR Contractor
Amadou Magazi, Master HVACR Contractor

Members Absent: None

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

Staff Absent: None

Guests Present: **Dwight Needham**, Honeywell, prospective Board member

New Deputy Commissioner, Sarah McDermott, introduced herself to the Board members prior to the start of the meeting.

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 10:41 a.m.

Approval of Minutes

Members of the Board reviewed the minutes of the Business Meeting held on August 9, 2023.

Upon Mr. Weglarz’s motion and Mr. Kitching’s second, the motion was unanimously carried to approve the August 9, 2023, meeting minutes without amendment or correction.

Complaint Committee Report

Mr. Heeter reported that the Complaint Committee had reviewed four (4) complaints, HVAC 23-0031; HVAC 23-0032; HVAC 23-0039; and HVAC 23-0043, all of which were closed.

Upon Mr. Politzer’s motion and Mr. Magazi’s second, the motion was unanimously carried by the Board to approve the determinations and recommendations of the Complaint Committee.

Application Review Committee

Mr. Magazi reported that there had been 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 August 2023:

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

Cumulative

Total	295	121	174	41%
--------------	-----	-----	-----	-----

Testing to date

Total	12,018	5,231	6,787	44%

There are currently 20,657 active licensees.

Correspondence

There was no correspondence to discuss at this time.

Executive Director’s Report

Mr. Bull introduced welcomed Deputy Commissioner, Sarah McDermott, to the Occupational & Professional Licensing Division (“O&P”) and thanked her for attending the meeting.

Mr. Bull stated that he is in the process of hiring an investigator. As recent submitted applications did not include any qualified candidates; Mr. Bull will be repost the position, upgraded it from an Investigator I to and Investigator II, which is in line with investigators with other O&P boards and commissions. He stated the Real Estate Commission and Home Improvement Commission have potential candidates, so now that the position has been updated, there may be potential candidates to select from the pool.

Counsel's Report

There was no Counsel's report at this time, however Ms. Kinstler stated she will address the Board during the discussions during old business and new business. She asked that, in the future, Board Reports be listed on the agenda after Board Old and New Business.

Chairman's Report

The Chairman did not offer a report at this time; however, he did ask Mr. Bull to address the Board regarding the Joint Chairs meeting of the Chairman of the Mechanical Licensing Boards. Mr. Bull stated that will be discussed in new business.

Old Business

Fee Increase—COMAR 09.15.01.03

Mr. Bull addressed the Board regarding the proposed fee structure increase. He explained the difference between a licensing board or program being generally funded as opposed to specially funded, and explained the existence of the Mechanical Board Special Fund, which includes the Boards, Board of HVACR Contractors; Plumbing; Electricians; and Stationary Engineers. The joint specially-funded boards share funds generated, so if one board has a surplus and another board has a deficit, the monies are shared to meet expenses to balance each budget. Mr. Bull reported that he had been asked by the Secretary's Office to increase the fees charged by the boards, which have not been raised in several years, to ensure fiscal responsibility.

Mr. Bull stated that one of the Mechanical Licensing Boards had a \$70,000 deficit and the HVACR Board had a \$30,000 surplus, so that surplus went to minimize the deficit and expenses. He stated he does not have 2023 fiscal year final OIT figures but is asking the Board to consider raising fees in order for the Board to function and provided the Board with the text of the regulation to raise fees by 12.5% in 2024 and in 2025. Mr. Bull explained that HVACR Board and the Mechanical Licensing Boards had not raised fees in several years; will incur increased costs with the Departmental relocation to its permanent space; the replacement and implementation of technology for a more efficient a licensing and complaint system; and costs associated with adding necessary staff.

Mr. Bull reminded the Board that it had approved proposed action to increase fees during the July 12, 2023 Board meeting but wished to provide the members with the regulation text, so they could see the existing charges and the increased amount for each. The proposal would increase the fees at the beginning of 2024, and then again at the beginning of 2025.

The Board discussed the reasons for and benefit of a specially funded program, which must be implemented by the Legislature. Since the joint Mechanical Board Special Fund is run and paid for by licensing fees collected by the participating boards, the budget is more in line with the Board's needs.

Mr. Bull then addressed the proposed fee structure for each license classification. He stated that currently there is no fee for an inspector license, requested a \$50 fee and outlined the administrative work required to process each inspector application. Similarly, Mr. Bull also stated that for an inactive license renewal, the fee should also be increased. He also proposed a fee to each process request for and issue a letter of good standing, due to the time necessary to confirm a licensee's status, prepare, and issue such documents by board staff to justify the proposed fee. Mr. Bull reminded the board that

he had initially requested a fee for Board staff to prepare and issue a duplicate license. However, he was recommending that such fee was no longer necessary as the process will be automated, thereby not significantly affecting a board administrator's workload.

Mr. Weglarz and Mr. Hamilton observed that fees are routinely charged to obtain documentation or records from a doctor's office or the Department of Motor Vehicles, so a fee for a letter of good standing is justified. The Board discussed the proposed fee of \$50 and concluded it might be too high. Mr. Bull asked the Board to increase the fee for a letter of good standing to \$25. Chairman Hamilton stated that with reciprocal licensing, a letter of good standing is required and that the suggested \$25 fee is necessary and reasonable.

Mr. Weglarz moved to accept the proposed increased fee schedule presented with revision of the fee for the letter of good standing to \$25 from \$50; and to propose action on COMAR 09.15.01.03 to increase the fees accordingly. Upon Mr. Weglarz's motion and Mr. Giangrandi's second, the motion was unanimously carried by the Board to accept the proposed fee schedule and take proposed action on COMAR 09.15.01.03, pending the approval of the Secretary of Labor.

COMAR 09.15.05.07

Counsel addressed the Board regarding a previous matter of old business. She stated that during the July 12, 2023 meeting, the Board took proposed action to change the required work experience for an apprentice to be eligible to sit for the journeyman exam from three (3) years of licensed work experience to four (4) years of licensed work experience, to comply with the legislative change to Md. Ann. Code, Bus. Reg. § 9A-302 by HB 132/SB 23 (2022). Counsel stated Mr. Bull had submitted a concept paper for approval of the Secretary's Office to begin the proposed action process.

Counsel requested that the the Board inquire about approval of the proposed action from the Office of the Secretary. She explained that the Division of State Documents routinely implements a moratorium on proposed actions during the legislative session. Counsel stated that this generally begins during the second week of December and continues into the second or third week of February, during which time no proposed actions can be published during the moratorium. She stated the law goes into effect on October 1, 2023, at which time the regulatory language will become inaccurate. Counsel further explained that if there is a conflict, a statutory provision will take precedent over a regulation. Mr. Bull stated that he will look into the status of the concept proposal for action on 09.15.05.07 today after the conclusion of the Board meeting.

New Business

Mr. Bull stated the Chairs and Vice Chairs of the Mechanical Licensing Boards convened for a Joint Chairs meeting on Friday, September 8, 2023. They discussed various topics, one of which was the Elevator Safety Review Board's "lock out tag out" process. However, the two main topics discussed were how the boards can assist one another in addressing safety issues, and shared local jurisdictional concerns, etc. to address safety issues and enforcement concerns with local jurisdictions in Maryland. While the meeting opened communication and was a good idea, it was determined that it is not necessary to meet frequently, but as a need arises to discuss matter of shared concern.

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 September 13, 2023, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:30 a.m.

Signature on File

October 11, 2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on October 11, 2023