



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

Date: January 10, 2024

Time: 10:30 a.m.

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

Members Present: **Lawrence Kitching, Vice Chair**, Master HVACR Contractor
Amadou Magazi, Master HVACR Contractor
David Politzer, Consumer Member
Michael Weglarz, Master Electrician

Members Absent: **Michael Giangrandi**, Master HVACR Contractor
Brian Hamilton, Master HVACR Contractor

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

Staff Absent: None

Guests Present: None

Call to Order

Vice Chairman Kitching called the Business Meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration (“HVACR”) Contractors (“Board”) to order at 10:50 a.m.

Approval of Minutes

Members of the Board reviewed the minutes of the Business Meeting held on December 13, 2023.

Upon Mr. Weglarz’s motion and Mr. Magazi’s second, the motion was unanimously carried to approve the December 13, 2023, meeting minutes without amendment or correction.

Complaint Committee Report

There was no Complaint Committee meeting and no report offered.

Application Review Committee

No applications to be reviewed and no report offered.

Review of Examination Statistics and License Totals

Mr. Bull reported the following PSI exam statistical summaries for the month December 2023:

	Candidates Tested	Passed	Failed	Pass %
Total	50	13	37	26%

Cumulative

Total	642	252	390	39%
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Testing to date

Total	12,363	5,361	7,002	43%

There are currently 20,914 active licensees.

Correspondence

There was no correspondence submitted or to be discussed.

Old Business

COMAR 09.15.01.03 Fees.

The Board was provided status update of the proposed regulation, COMAR 09.15.01.03, pertaining to fee amendments. Proposed action was published in the Maryland Register on December 15, 2023. The Board may consider final action after the public comment period ends on January 16, 2024. The proposed fee increase will take effect 10 days after the final action has been published in the Maryland Register. The Board will be authorized to consider any public comments and final action at or after its February 2024 meeting.

COMAR 09.15.07.02 Training for HVACR Journeymen

The Board considered final action on the proposed action to amend COMAR 09.15.07.02 to increase hours required for journeyman license eligibility. By legislation that took effect on July 1, 2023, the eligibility requirement increased 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 at the apprentice level.

Upon Mr. Weglarz's motion and Mr. Magazi's second, the Board voted unanimously to approve the final action on COMAR 09.15.07.02 Training for HVACR Journeymen pending the Secretary's approval. Mr. Bull stated that he will submit final action concept approval to the Secretary.

New Business

Mr. Bull stated he sent a rough draft of the reciprocity agreement with District of Columbia Board of Industrial Trades ("D.C.") to members of the Board, and asked if any members are currently licensed in D.C. Mr. Kitching is a licensed D.C. HVACR Contractor. Mr. Bull stated that D.C. licenses cover air-conditioning and refrigeration. He explained that D.C. issues a "full" license and a "restricted" license. The D.C. full license authorizes only air-conditioning and refrigeration services. A D.C. restricted license is based upon compressor size resulting in a different license structure from Maryland. Mr. Bull stated that a D.C. license can be reciprocated to Maryland. However, because D.C. has a five (5)-year work experience requirement, a Maryland licensee holding the appropriate license would be able to reciprocate to D.C. to provide air-conditioning and refrigeration services after holding the appropriate Maryland license for two (2) years, and obtaining the required D.C. CFC certificate.

A Maryland license must be obtained by exam or completion of an approved apprenticeship program to be eligible to reciprocate to D.C. Maryland will accept a D.C. license that was obtained by exam or completion of an approved apprenticeship program. Mr. Weglarz inquired about other states with which Maryland currently engages in reciprocal licensing. Mr. Bull stated that the Board has reciprocal licensing agreements with Virginia and Delaware.

Upon Mr. Weglarz's Motion and Mr. Magazi's second, the Board voted unanimously to approve the proposed reciprocal licensing agreement with the District of Columbia Board of Industrial Trades.

The proposed agreement will be sent to Commissioner Dove for approval before it is returned to D.C. for review and approval.

Executive Director's Report

Mr. Bull stated he has not received correspondence from the Governor's Appointment Office regarding the designation of a new Chair but will notify the Board when a decision is announced. He also stated that bills for the upcoming legislative session are about to drop, so there may be questions for the Board depending on the nature of pertinent bills.

Mr. Bull stated he has received notice from the State Ethics Committee of the upcoming ethics filing period, so he will be sending a link to each Board member for them to file individually.

Counsel's Report

Counsel Kinstler discussed reasons that a regulatory board can enter into a closed session as set forth in General Provisions Article, § 3-305(b)(2), (7), and (8), Annotated Code of Maryland. She explained that the Board will be asked to enter a closed session to review a proposed decision from the Office of Administrative Hearings. She further explained that the Board will have to consider and make a determination on a proposed order in the pending litigation.

She also stated explained that, under parliamentary procedure, under which most boards and commissions operate, the officer presiding over a meeting, usually the Chair or Vice Chair, does not make a motion, offer a second, or cast a vote on a matter, except in the event of a tie vote.

Finally, Counsel Kinstler advised that she has not seen a written statement issued for the 2024 legislative session, but in the past, board members are not permitted to contact a legislator; attend a hearing or other proceeding; or offer testimony at a hearing, as a member of a board or in an official capacity without the express approval of the Office of the Secretary. Board members can participate in such matters only as a private citizen.

Chairman's Report

There was no report offered by the Vice Chairman.

Closed Session

Upon Mr. Magazi's Motion, and Mr. Weglarz's second, the Board unanimously voted to convene in a closed session, remotely, at 11:15 a.m., pursuant to General Provisions Article, to § 3-305(b)(2), (7), and (8), Annotated Code of Maryland, to discuss a pending litigation matter involving a Proposed Decision of an Administrative Law Judge ("ALJ") of the Office of Administrative Hearings ("OAH") and to seek the advice of Counsel.

OAH Proposed Decision – Case No: HVACR 22-0017

Counsel presented the proposed decision of the ALJ who conducted a hearing concerning charges brought against the Respondent in Case No: HVACR 22-0017. The Respondent failed to appear but was deemed to have been properly served so the hearing proceeded in his absence. The charges against the Respondent pertained to the unlicensed offer and provision of HVACR services, in accordance with Business Regulation Article, §§ 9A-301 and 9A-501, and 9A-504 for having misrepresented to the public that the Respondent was authorized provide HVACR services by advertising and representing himself and his company, Mike's HVAC & Home Repair as authorized and licensed to provide HVACR services, without the lawfully required license issued by the Board by advertising on social media.

The Respondent had never been licensed by the Board but was found to have contracted with the Complainant to install a new air handler in the Complainant's attic at his Lutherville, MD home and remove the existing equipment. The Complainant paid the Respondent an advance of \$1,400 but the Respondent never performed any work at the Complainant's home.

The ALJ's analysis established that the Board had proven that the Respondent violated § 9A-501(a) by offering to provide heating services at the Lutherville, Maryland residence of Daniel McShain, without the lawfully required license issued by the Board, and Md. Ann. Code, Bus. Reg. Art., and § 9A-504 by misrepresenting his license status by advertising and representing himself and his company, Mike's HVAC & Home Repair, on social media as authorized and licensed to provide HVACR services, without the lawfully required license issued by the Board. The ALJ further concluded that the Respondent did not violate Md. Ann. Code, Bus. Reg. Art., § 9A-301 for HVACR services without the appropriate license issued by the Board because the Respondent performed no work under the contract.

Upon Mr. Weglarz motion and Mr. Magazi's second, the Board unanimously approved the ALJ's factual findings, legal conclusions and recommended sanction that a civil monetary penalty in the amount of \$4,500 be imposed against the Respondent, which is to be paid to the Board before the Respondent may be considered eligible for licensure.

Upon completion of the closed session, Mr. Weglarz moved to return to the business meeting at 11:37 a.m. The motion was seconded by Mr. Magazi and unanimously passed by the Board.

Approval of Findings of Closed Session

The members reviewed the findings of the Closed Session held on January 10, 2024.

Upon Mr. Magazi's Motion and Mr. Weglarz's second, the Board voted unanimously to approve the findings of the January 10, 2024 closed session.

Adjournment

With no further business, upon Mr. Weglarz's Motion and Mr. Politzer's second, the Board voted to adjourn the January 10, 2024, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:39 a.m.

Signature on File

02/14/2024

John Bull
Executive Director

Date

Signed on behalf of the Board on 02/14/2024