



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

Date: November 13, 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
Michael Weglarz, Master Electrician
Winfield “Rocky” Jones, Master Plumber Member
David Politzer, Consumer Member
Dwight Needham, Master HVACR Contractor
Amadou Magadi, Master HVACR Contractor (joined at 11:13am)

Members Absent: **Michael Giangrandi, Chairman**, Master HVACR Contractor

Staff Present: **Todd Blackistone** , Acting Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer, Mechanical Licensing Unit
William Gross, Administrative Officer, Mechanical Licensing Unit

Guests Present: **One unidentified guest**

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 10:39 a.m.

Mr. Jones moved to adopt the November 2024 meeting agenda. Mr. Politzer seconded the motion; by a roll call vote, the Board unanimously approved the November 13, 2024 meeting agenda.

Approval of Minutes

A motion was made by Mr. Jones to approve the business meeting minutes of the October 9, 2024, HVACR Board meeting without amendment or correction. The motion was seconded by Mr. Weglarz and, by a roll call vote, unanimously approved by the Board.

Complaint Committee Report

The Complaint Committee did not meet this month; no report provided from the Complaint Committee.

Application Review Committee

There were no applications submitted; no Application Review Committee report was necessary.

Review of Examination Statistics and License Totals

LaKissha Thorton reported the following PSI exam statistical summaries for the month October 2024:

	Candidates Tested	Passed	Failed	Pass Rate %
October 2024				
Total	47	19	28	40%

Cumulative- YTD				
Total	519	196	323	38%

Testing to date				
Total	12882	5557	7325	43%

There are currently 21,637 active licensees.

Correspondence

Mr. Gross presented an email inquiry from Board member, Mr. Jones, seeking information about a matter relating to Queen Anne’s County concerning the requirements to perform a Manual J. Mr. Jones maintained that local jurisdictions seem to have differing requirements. Mr. Jones stated that Anne Arundel County requires the Manual J to be completed on the job site at the time of inspection, while Talbot County requires it to be completed upon application for a permit. He asked if the local jurisdictions could determine whether and when a Manual J is required.

Counsel advised that the Board has not made that determination about when or at what location the Manual J calculation can occur, just that it must occur, and the findings be made available to the property owner and/or inspector. She opined that a local jurisdiction generally has authority to make determinations that pertain to permitting and code compliance inspections. However, Counsel advised that if the Board feels strongly about a related safety issue regarding when or where the Manual J is conducted, then it could opine on the matter and notify the local jurisdictions if the Board was permitted to do so. However, Counsel stated that the neither the Board nor the Department can make legal decisions for a local jurisdiction, especially one that relates to permitting and inspections, which are invariably under the purview of the local jurisdiction.

Counsel further advised that the State Board has not adopted a policy or been asked to interpret the code requirements specifically in that regard. She states that, to her knowledge, there has been no policy set by the State Board, but even if there had been, a county could elect to require the Manual

J under differing circumstances. The Board does not usually compliance with code inspections because counties are responsible for issuing the permit and following up with inspection.

Counsel suggested that the industry members of the Board provide guidance as to whether they believe there is a legitimate public safety issue as to when and where a Manual J is conducted. Unless there is a significant public safety concern, Counsel suggested that the Board should not intervene on a matter that relates primarily to the authority of a local jurisdiction, such as the issuance of permits and conducting code compliance inspections.

Old Business

Code Update

Counsel reminded the Board members that she had forwarded a draft regulation concerning amendments to COMAR 09.15.05.01-.03. Counsel is not sure if a Code Update Committee was established or has met and whether they have a recommendation(s) for the Board in this regard. Counsel suggested that is the Board is prepared to repeal its modification to prior codes, it could propose that the Board adopts the most recently issued code, as they are routinely amended, modified or updated, to avoid having to update the regulation every Code cycle.

Mr. Jones asked about establishing a Code Update Committee. Counsel suggested that the Committee consist of least two (2) industry members; she also advised that, in the past, a committee has benefitted from the input of a code official or someone with expertise that is interested in providing input. Counsel suggests that two industry members of the State Board should be on the committee.

Counsel advised Vice Chairman Kitching that he could call for the establishment of a Code Update Committee if he so wishes. Vice Chairman Kitching suggested that, since not all Board members were present, he would prefer to await the next Board Meeting. Ms. Thornton stated that she and Mr. Gross will make sure that the establishment of a Code Committee is included under New Business for the December Board Meeting. Counsel advised that the Board is not required to designate a committee for this purpose, but that the review of multiple codes can take a significant amount of time, to go through each section of the code, and is not generally a task conducted during a Board meeting, but she will leave it up to the Board to decide how it wishes to proceed.

New Business

None.

Executive Director's Report

Acting Executive Director Blackstone states that since John Bull recently retired, he's been appointed to serve the Mechanical Unit until a new Executive Director is in place. He adds that he is the current Executive Director for the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors for the Department of Labor. He stated that is happy to assist the Board in any way he can, and that Board members and staff can call or email him with questions or concerns.

Counsel's Report

Counsel states that the Board's bill to amend the statutory provision regarding the restoration of a license is going to be submitted by the Department to the Governor's Office. Counsel adds that she does not know if the Governor will approve it to be included in proposed legislation for the 2025 session.

Chairman's Report

Vice Chairman Mr. Kitching states that he had nothing to report.

Closed Session

Upon Mr. Jones' Motion, and Mr. Politzer's second, the Board unanimously voted to convene in a closed session at 11:07 a.m., pursuant to General Provisions Article, to § 3-305(b)(2), (7), and (8), Annotated Code of Maryland, to consider a license application for an applicant who disclosed a criminal conviction and to seek the advice of Counsel.

Application .01

Counsel presented an original apprentice application from an individual who disclosed that the applicant was convicted in 2013 of first-degree assault, a felony. The incident occurred in 2011, and arose from a traffic stop that was not criminal until the applicant punched the officer. Counsel states that the applicant was sentenced to incarceration for 20 years, with all time suspended except five (5) years and probation for three (3) years. Counsel adds that the applicant has likely completed his court-ordered supervision. The applicant stated, in his letter to the Board, that it was a stupid decision and out of character. The applicant also indicated that they have had some HVACR training and wants to continue that training. No employment or training information was provided. The applicant also stated that they have since become a parent and wants to set a good example for their children.

After a brief discussion, Mr. Jones moved to approve the application. Mr. Needham seconded the motion, and a majority of the Board members voted to approve the license application except for Mr. Magazi, who joined the meeting at 11:13 a.m., and abstained.

Application .02

Counsel presented an original apprentice application from an individual who has a 2022 conviction for second degree assault, a misdemeanor. The applicant was given probation before judgment ("PBJ"), which does not constitute a conviction. However, in 2024 they violated their probation. Counsel does not know what the violation was but because of the violation, the original sentence, three (3) years' incarceration, suspended, and two (2) years' probation, was imposed. The applicant indicated that in April 2024, their probation was completed. Counsel adds that the applicant indicated that the original incident was the result of a domestic dispute. No employment information was provided. Mr. Jones asked if the applicant was asked to provide information on the probation violation. Mr. Gross indicated that the applicant was asked to provide his criminal history but has not been asked to supplement the application with that information yet.

After a brief discussion, Mr. Weglarz moved to approve the application. Mr. Needham seconded the motion, which was unanimously approved by the Board.

A motion to return to the business meeting was made by Mr. Jones, seconded by Mr. Weglarz, and unanimously approved by the Board at 11:20 a.m.

A motion to adopt the findings of the Closed Session was made by Mr. Magazi, seconded by Mr. Needham and unanimously approved by the Board

Adjournment

With no further business, upon Mr. Jones’s motion and Mr. Needham’s second, the Board voted to adjourn the November 13, 2024, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:23 a.m.

Todd Blackistone
Acting Executive Director
Mechanical Licensing Unit

Date

Signed on behalf of the Board as voted on and approved on _____