

**STATE BOARD OF STATIONARY ENGINEERS
BUSINESS MEETING MINUTES**

DATE: May 17, 2022

TIME: 10:00 a.m.

PLACE: Via Google Meet Video and Teleconference +1 513-666- 7335
PIN 552 251 919 #

MEMBERS

PRESENT: Gregory Restivo, Chairman, Industry Member
Brian Wodka, Vice Chair, Industry Member
Steven Noonan, Chief Boiler Inspector
Gary Brown, Consumer Member
Lance Brown, Industry Member
John F. Arizaga, Industry Member

STAFF

PRESENT: John Bull, Executive Director, Mechanical Boards
Sloane Fried Kinstler, Assistant Attorney General
Tracey Baylor-Wilson, Administrative Specialist III

CALL TO ORDER:

Vice-Chairman, Brian Wodka, called the Business Meeting of the Maryland State Board of Stationary Engineers to order at 10:08 a.m.

Chairman Restivo joined the meeting shortly after it began and presided over the remainder of the meeting.

APPROVAL OF MINUTES

The Board reviewed the minutes of the business meeting held on March 22, 2022. Upon Mr. Wodka's **Motion**, and Mr. Lance Brown's second, by a roll call vote, the Board unanimously voted to approve the minutes without amendment or correction.

APPLICATION REVIEW COMMITTEE

Chairman Restivo reported that 14 applications were reviewed with 14 being approved. Upon Mr. Wodka's **Motion** and Mr. Lance Brown's second the Board unanimously voted to approve the Application Review Committee Report.

COMPLAINT COMMITTEE REPORT

None to report.

EXAM CHALLENGE REPORT

Chairman Restivo reported one (1) exam challenge was reviewed with seven (7) questions challenged. However, no additional points could be rewarded. Upon Mr. Wodka's **Motion** and Mr. Lance Brown's second the Board unanimously voted to approve the Application Review Committee Report.

EXECUTIVE DIRECTOR'S REPORT

Director John Bull introduced himself to the Board and announced that he will be taking over the position of former Director Robin Bailey, who has moved on to the Department of Commerce. Director Bull explained that he is currently an interim replacement and expects to be appointed Director for the Mechanical Boards. Director Bull added that he is new to the Department of Labor as he was previously with the Department of Health and prior to accepting this position he was Executive Director with the Boards of Cosmetologists and Barbers since January 2022.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI Exams submitted the following statistical summary for November 2021:

Stationary Engineer	Candidates Tested	Passed	Failed	Pass %
Stationary Engineer Grade 1	17	6	11	35%
Stationary Engineer Grade 2	7	0	7	0%
Stationary Engineer Grade 3	7	2	5	29%
Stationary Engineer Grade 4	4	1	3	25%
Stationary Engineer Grade 5	3	1	2	33%
TOTAL	38	10	28	26%

PSI Exams submitted the following statistical summary for December 2021:

Stationary Engineer	Candidates Tested	Passed	Failed	Pass %
Stationary Engineer Grade 1	16	3	13	19%
Stationary Engineer Grade 2	8	2	6	25%
Stationary Engineer Grade 3	6	2	4	33%
Stationary Engineer Grade 4	4	1	3	25%
Stationary Engineer Grade 5	3	2	1	67%

TOTAL	37	10	27	27%
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PSI Exams submitted the following statistical summary for January 2022:

Stationary Engineer	Candidates Tested	Passed	Failed	Pass %
Stationary Engineer Grade 1	13	6	7	31%
Stationary Engineer Grade 2	5	0	5	0%
Stationary Engineer Grade 3	4	3	1	46%
Stationary Engineer Grade 4	3	1	2	28%
Stationary Engineer Grade 5	4	1	3	33%
TOTAL	29	11	18	38%

PSI Exams submitted the following statistical summary for February 2022:

Stationary Engineer	Candidates Tested	Passed	Failed	Pass %
Stationary Engineer Grade 1	14	4	10	29%
Stationary Engineer Grade 2	7	2	5	29%
Stationary Engineer Grade 3	8	3	5	38%
Stationary Engineer Grade 4	3	1	3	0%
Stationary Engineer Grade 5	2	1	1	50%
TOTAL	34	10	24	29%

OLD BUSINESS

None discussed.

NEW BUSINESS

Chairman Restivo asked Mr. Wodka to give an update on the April 20, 2022 meeting with Total Engineering Resources. Mr. Wodka informed the Board that on March 30, 2022 an invitation was sent to several elected officials Director Robin Bailey, Chairman Greg Restivo, and representatives of other DOL units, Baltimore City and County government, and union officials. Mr. Wodka stated that he attended along with Mr. Arizaga and Chief Boiler Inspector, Steve Noonan. Mr. Wodka explained that this meeting was called to discuss concerns Total Engineering Resources had regarding interpretation of certain statutory and regulatory provisions

regarding license classification authority and whether refrigeration tonnage rates were considered for compliance at certain locations. Mr. Wodka stated that Total Engineering Resources asked that the Board issue a notification to owners of certain requirements. Mr. Wodka discussed some frequently asked questions including the lack of reciprocal licensing in Maryland. Mr. Wodka stated that he explained to the meeting attendees that this discussion has been a topic of conversation with the Board previously and when other States were contacted to engage in reciprocal licensing, there did not seem to be any interest. Mr. Wodka explained that, at the meeting, he clarified a licensed 1st grade stationary engineer or holder of an equivalent license in another state should be eligible to apply for the Maryland license examination. He asked that clarification of this be posted on the Board website. After Mr. Wodka gave the Board more discussion points of the meeting, he concluded that the meeting was informative for Total Engineering Resources about industry regulation, apprenticeship training, reciprocity, and licensure.

Mr. Noonan brought up to the Board regarding the calculations for determining the horsepower of a chiller and he added that he was looking at a lot of chillers and explained a formula for calculating chiller power. Mr. Wodka stated that he explained to the meeting attendees that if this was a question of concern, the Board might consider creating a subcommittee to discuss pursuing inclusion of a refrigeration equivalency in applicable laws or regulations. Mr. Wodka concluded that career paths, union participation, and available funding to work with high schools, community colleges, and unions are excellent resources to increase the numbers of qualified stationary engineers.

Chairman Restivo stated that the Board will return to the discussion of a subcommittee at a future meeting.

CORRESPONDENCE

None to report.

COUNSEL'S REPORT

Counsel explained to the Board the laws applicable to most occupational and professional licensing programs that “sunset” the operation of the boards on a staggered schedule, unless it is legislatively extended. Counsel stated that the Stationary Engineers provisions in Business Occupations and Professions Article, Annotated Code of Maryland, Title 6.5 are scheduled to sunset July 1, 2024, pursuant to § 6.5-502. Counsel explained that the general practice is, unless there is some reason to abolish a particular program, the respective board or commission must pursue legislation to extend the sunset provision, generally for 10 years. Counsel added that the legislature recommends the bill be presented at least two years prior to the scheduled termination.

Counsel advised the Board to pursue legislation for the 2023 session to extend the sunset termination and, because the Board does not meet again until July, delaying such a vote could be beyond the deadline that the Department of Labor establishes for proposed legislation for the 2023 session. Counsel suggested that the Board ask Director John Bull to pursue a legislative concept proposal to extend the sunset provision of the Board, § 6.5-502, to July 1, 2034.

Upon Mr. Wodka's **Motion**, and Mr. Arizaga's second, by a roll call vote, the Board unanimously voted to have Director Bull draft a legislative concept proposal to amend § 6.5-502 to extend the establishment of the Stationary Engineers Board.

Counsel further suggested to the Board that the Chief Boiler Inspector, Steve Noonan, be added to the agenda to allow him to offer periodic updates or information to the Board. Mr. Noonan stated that, in the interest of the Board, he would provide a report and, at the joint meeting taking place next week, he will offer such a report. The Board agreed that future Board meeting agendas should contain an item for a report from the Chief Boiler Inspector or the Chief Boiler Inspector's designee.

CHAIR REPORT

Chairman Restivo thanked former Director, Robin Bailey, for her service to the Board and the Department of Labor and welcomed Mr. John Bull to the Board.

CLOSED SESSION

The Board did not convene in closed session.

ADJOURNMENT

Motion was made by Mr. Wodka, seconded by Mr. Lance Brown, and by roll call vote unanimously carried to adjourn the meeting at 11:08 a.m.

Signature On File

Greg Restivo, Chairman

Date

_____ Without Corrections

_____ With Corrections