



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

Date: May 8, 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: **Michael Giangrandi, Chairman**, Master HVACR Contractor
Lawrence Kitching, Vice Chair, Master HVACR Contractor
Dwight Needham, Master HVACR Contractor
Amadou Magazi, Master HVACR Contractor
David Politzer, Consumer Member
Winfield “Rocky” Jones, Master Plumber Member

Members Absent: **Michael Weglarz**, Master Electrician

Staff Present: **John Bull**, Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer, Mechanical Licensing Unit
Katrina Hunter, Records Manager, Mechanical Licensing Unit

Guests Present:

Call to Order

Chairman Giangrandi called the Business Meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration (“HVACR”) Contractors (“Board”) to order at 10:37 a.m.

Approval of Minutes

A motion was made by Mr. Magazi to approve the minutes of the April 10, 2024, HVACR Board meeting without amendment or correction, seconded by Mr. Jones, and unanimously approved by the Board.

Complaint Committee Report

Ms. Thornton reported the findings of the Complaint Committee as follows:

<u>Closed Complaint</u>	<u>Under Investigation</u>	<u>Sent for A.G. Pre-Charge</u>	<u>Criminally Charged</u>
23-0013	23-0045	23-0013	23-0016
23-0014	23-0046	23-0040	23-0044
23-0018	23-0056	23-0047	23-0050
23-0022	23-0057	23-0051	24-0012
23-0023	23-0058	23-0057	24-0051
23-0024	23-0060	23-0063	
23-0025	23-0061	24-0004	
23-0027	23-0062	24-0032	
23-0030	24-0001	24-0056	
23-0033	24-0002		
23-0037	24-0003		
23-0038	24-0007		
23-0041	24-0008		
23-0042	24-0014		
23-0048	24-0015		
23-0049	24-0025		
23-0052	24-0035		
23-0053			
23-0055			
23-0059			
23-0065			
23-0065			
23-0066			
24-0001			
24-0003			
24-0011			
24-0028			
24-0048			
24-0056			

Upon a motion by Mr. Magazi, and a second by Mr. Jones, the Board voted unanimously, by a roll call vote, to approve the Complaint Committee’s report.

Application Review Committee

Mr. Magazi reported that no applications had been submitted for review.

Review of Examination Statistics and License Totals

Director Bull reported the following PSI exam statistical summaries for the month April 2024:

	Candidates Tested	Passed	Failed	Pass Rate %
April 2024				
Total	56	25	31	45%

Cumulative- YTD				
Total	219	87	132	40%

Testing to date				
Total	12,582	5448	7134	43%

There are currently 21,262 active licensees.

Correspondence

There was no correspondence submitted.

Old Business

There was no Old Business to be discussed.

New Business

Discussion to propose a regulation to impose a mandatory window of disclosure of convictions occurring between license renewals:

Director Bull began a discussion on imposing a regulation that would require licensees to report any new convictions occurring between license renewals within a certain time period after the conviction. He stated that currently a licensee is only required to report a conviction to the Board when their license is renewed. Mr. Needham expressed his support for the proposal and stated that he felt a 90-day window from conviction seemed appropriate. Mr. Politzer commented that the Maryland Real Estate Commission required licensees to report new convictions within ten (10) days of the decision. Counsel Kinstler clarified to inform the Board, that the Real Estate Commission required that convictions be reported within ten (10) days of the conviction, or, ten (10) days after their release from incarceration, whichever is later. Counsel also advised that sentencing for a conviction can sometimes occur (although not typically) significantly after the conviction has been entered and advised the Board to change the language used by the Real Estate Commission. She expressed that any proposed regulation should require that a conviction be disclosed at a set date after the conviction or after sentencing, but not both. Mr. Politzer stated that he felt that the regulation should require disclosure after conviction as it would allow the Board to review the offense before the sentence was imposed. Counsel then advised the Board that any conviction reported before sentencing would be reviewed by the Board's Complaint Committee who could vote to delay a decision until after sentencing. Mr. Giangrandi and Mr. Jones expressed that they felt that any such regulation should require reporting after conviction as opposed to sentencing, especially since sentencing could occur significantly after a conviction.

Counsel commented, advising the Board that the MD Real Estate Commission was legally endowed to impose a summary judgment as to whether to take disciplinary action against a licensee without

having adjudicated the merits of the case. She advised that no such provision in the law existed for the State Board of HVACR Contractors. As such, should the Board require disclosure after a conviction as opposed to after sentencing, any action taken on a reported conviction would not be legally enforceable by the Board until the matter had been fully adjudicated, which could take up to 24 months. By which time the licensee would likely have had to report the matter to the Board based on their renewal cycle. Counsel recommended that should the Board choose to propose such a regulation, that the reporting period be at least 90 days from the date of sentencing.

A motion was made by Mr. Magazi that the Director Bull prepare a concept paper to propose a regulation that would require that a licensee report a conviction to the Board within 90 days of sentencing. The motion was seconded by Mr. Politzer, and by a roll call vote, unanimously carried by the Board.

Discussion to propose a Statutory change regarding the renewal of an expired license:

Director Bull began the discussion by explaining the current policy regarding the renewal of an expired license. He stated that in the past, it has been the practice of the Board to renew an expired license without proof of qualification or reexamination, without regard to the amount of time the license was expired. Director Bull cited COMAR 09.15.02.04, stating that in addition to requiring the licensee to pay any past due renewal fees, it requires that for any license that has been expired for more than 90 days, that the licensee submit a written letter to the Board explaining why they did not submit a timely application for renewal, the reasons why the licensee allowed the license to expire, a statement of the licensee's employment and job duties since the license's expiration, and any documentation to support their claims. Director Bull proposed that the Board not only begin to enforce COMAR 09.15.02.04 in full, but that it also amends the Board's statute to require that any license that had been expired for more than a fixed period require reexamination to reinstate the license. He cited that several of the other Boards in the Mechanical Licensing Unit had such a provision in their statute. Director Bull also proposed the responsibility of reviewing any letters submitted to the Board for license renewal in accordance with COMAR 09.15.02.04, be reviewed by the Application Review Committee, and that the findings of the Committee be presented before the Board for approval.

A motion to begin strict enforcement of COMAR 09.15.02.04 was made by Mr. Magazi, seconded by Mr. Needham, and by a roll call vote, unanimously carried by the Board.

There was no other New Business.

Executive Director's Report

Director Bull introduced the new member Mr. Winfield "Rocky" Jones to the Board, stating that he had filled the Master Plumber vacancy on the Board. Mr. Jones introduced himself to the Board and stated that he had been in the trade for 45 years and was the owner of W. Scott Jones Mechanical. He thanked Director Bull for his introduction and expressed that he was glad to join the Board.

Director Bull introduced Katrina Hunter, Records Manager for the Mechanical Licensing Unit. Ms. Hunter thanked the Board for welcoming her and expressed that she was happy to join the team.

Director Bull informed the Board that Mr. Sean Heeter was no longer with the Mechanical Licensing Unit and that his duties would be performed by Ms. LaKissha Thornton until a new administrator could be hired. Director Bull stated that he would provide contact information for Mr. Jones, Ms. Hunter and Ms. Thornton to the Board after the meeting.

Counsel's Report

Counsel did not offer a report.

Chairman's Report

The Chairman did not offer a report.

Closed Session

Counsel Kinstler explained that it was necessary for the Board to convene in closed session for the purpose of considering two applications. via Google Meets, pursuant to § 3-305 (b)(2) and (7) of the Gen. Prov. Art., Md. Ann. Code, to protect the privacy and reputation of license applicants and to obtain advice provided by Counsel regarding license applications.

A motion to convene in a closed session was made by Mr. Politzer, seconded by Mr. Magazi, and by a roll call vote, unanimously carried by the Board. The Board entered into closed session at 11:26 a.m.

Application .01:

Counsel presented for the Board a proposed decision from an Administrative Law Judge from the Office of Administrative Hearings.

Counsel stated that the respondent failed to appear at the hearing, however the proceedings continued in their absence, as proof was provided that they were properly served. The respondent was charged with misrepresenting his license status to perform HVACR services. The respondent held an apprentice HVACR license from 2009 to 2011 and again in 2013 to 2015. On June 6, 2021, the respondent reported to the homeowner's residence in a vehicle displaying company information, stated to the homeowner that he was properly licensed, and contracted to replace a gas furnace and other equipment in the home with new equipment. The respondent was paid \$3000.00 of the \$5000.00 contracted fee that day by the homeowner. The respondent did not return to the home after the payment was received and no work was ever performed. The respondent was charged under Business Occupations Article 9A-504, with misrepresenting their license status. The license was not charged with performing services, as no work was completed. The Administrative Law Judge recommends a fine of \$4000.00 and that the licensee not be allowed to renew/reinstate their license until the penalty is paid in full. Counsel stated that the Board may choose to impose the fine of \$4000.00 or may lower it, as their discretion. She also reminded the Board any monies collected due to the fine would not be paid to the homeowner but would contribute to the Mechanical Licensing Unit General Fund.

After a brief discussion by the Board, a motion to approve the findings of the Administrative Law Judge was made by Mr. Jones, seconded by Mr. Kitching, and unanimously carried by the Board.

Application .02:

Counsel presented an application for an Apprentice HVACR license submitted by an applicant who had been convicted in 2016 of armed robbery and use of a handgun in a violent crime. She stated that at the March 2024 meeting the Board requested that the applicant submit a personal statement regarding his conviction and letters from his parole or probation officer regarding his completion and/or status. Counsel stated that the applicant did not provide a letter from his probation or parole officer but did submit a statement. Board Counsel read the statement for the Board. She continued stating that the conviction did occur more than seven (7) years ago, that the applicant was no longer incarcerated, and did provide some of the additional information requested by the Board.

After a brief discussion, a motion to approve the application was made by Mr. Politzer, seconded by Mr. Magazi and unanimously carried by the Board.

Application .03:

Counsel presented an application for an Apprentice HVACR license submitted by an applicant who had been convicted of attempting to distribute a controlled substance in 2014, for simple possession in 2019, and for possession of an illegal firearm in 2021. She stated that the application was submitted in December 2023, and that the applicant was asked to provide additional information regarding the convictions in January 2024. Counsel stated that the applicant provided a letter explaining the circumstances surrounding each conviction, which she read for the Board. Counsel also stated that the 2021 conviction was thrown out on appeal.

A motion to approve the application was made by Mr. Magazi, seconded by Mr. Jones, and by a roll call vote unanimously carried by the Board.

A motion to leave closed session was made by Mr. Jones, seconded by Mr. Magazi and by a roll call vote, unanimously carried by the Board.

The Board returned to the open session of the meeting at 11:57.

A motion to adopt the findings of the closed session was made by Mr. Jones, seconded by Mr. Needham, and unanimously carried by the Board.

Adjournment

With no further business, upon Mr. Poltizer’s Motion and Mr. Jones’s second, the Board voted to adjourn the May 8, 2024, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:58 a.m.

Signature on File

June 17, 2024

John Bull
Executive Director

Date

Signed on behalf of the Board as voted on and approved on June 17, 2024