



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

Date: April 9, 2025

Time: 10:30 a.m.

Place: The Board of HVACR Contractors meeting was held via teleconference (US ☐ +1 208-907-5480 ☐ PIN:

Members Present: **Lawrence Kitching, Vice Chair**, Master HVACR Contactor
Michael Weglarz, Master Electrician
Winfield “Rocky” Jones, Master Plumber Member
David Politzer, Consumer Member
Dwight Needham, Master HVACR Contractor (left the call at 11:31am)
Ahmed Kabir, Consumer Member

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

Staff Present: **John Dove**, Commissioner, Occupational and Professional Licensing,
Maryland Department of Labor
Sarah McDermott, Deputy Commissioner, Occupational and Professional
Licensing, Maryland Department of Labor
Chuck Marquette, Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
William Gross, Administrative Officer, Mechanical Licensing Unit

Guests Present: **Stephanie Anderson**, Executive Director, Heating & Air Conditioning
Contractors of Maryland
Sean Mallonee, Owner, SM Mechanical & HACC Board President
Doug Presley, AnnDyl Policy Group, Director, Government and Regulatory
Affairs

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 10:34 a.m.

Mr. Jones moved to adopt the March 2025 meeting agenda. Mr. Needham seconded the motion; by a roll call vote, the Board unanimously approved the meeting agenda. The Board also agreed to consider Old Business first as representatives of the Heating and Cooling Contractors of Maryland (“HACC”) wished to address the Board about pending legislation but have another meeting to attend.

Approval of Minutes

A motion was made by Mr. Jones to approve the business meeting minutes of March 12, 2025, HVACR Board meeting without amendment or correction. The motion was seconded by Mr. Needham and, by a roll call vote, unanimously approved by the Board.

Old Business

Status of House Bill 1162

Mr. Presley stated that there have been no changes to the legislation since the last meeting. Since then, the bill received a favorable report in the Senate by the Education, Energy and the Environment Committee and was House Economic Matters Committee, in which it was passed and now awaits the Governor’s consideration.

Counsel asked for confirmation that the exemption for unlicensed people who are permitted to purchase HVACR equipment, pursuant to Md. Ann. Code, Bus. Reg. § 9A-103, which Mr. Presley pointed out in § 9A-501.1(A)(2)(III).

Executive Director Marquette asked whether Board had questions about the legislation or the responsibilities of the Board regarding the bill language, which they did not. Mr. Presley added that the only thing that is specifically required of the Board is the establishment of a notice that would be provided to purchasers by the sellers of the equipment that explains what the license requirements are to purchase HVACR Equipment and any caveats that would apply to those that are exempt from the license requirements.

Mr. Weglarz asked for clarification that a homeowner could purchase materials and install them, which Mr. Presley confirmed. Counsel added that the law, § 9A-103(1) and (2) allows a property owner to purchase and install HVACR equipment in a home in which they own or are building and in which they will reside, which includes an income property.

Complaint Committee Report

Mr. Gross 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>
		24-0065	
	24-0068		
24-0072			
25-0052			

A motion to approve the findings of the Complaint Committee was made by Mr. Jones, seconded by Mr. Needham, and, by a roll call vote, unanimously approved by the Board.

Application Review Committee

Mr. Needham reported that there were no applications submitted; no Application Review Committee report was necessary.

Review of Examination Statistics and License Totals

William Gross reported the following PSI exam statistical summaries for the month of March 2025:

	Candidates Tested	Passed	Failed	Pass Rate %
March 2025				
Total	79	35	44	44%
Cumulative- YTD				
Total	188	71	117	38%
Testing to date				
Total	13,173	5,670	7,503	43%

There are currently 21,852 active licenses.

Code Update Committee

Mr. Jones stated, in reference to the Committee’s discussion on whether to adopt the addendums concerning access paths to air handlers, that in his opinion, there is no need to adopt the changes, and the current code can remain as it is. Counsel added that the Code Update Committee is recommending to the full Board that the International Residential Code and the International Mechanical Code be adopted in their original form, and that the Board repeal its existing modifications under COMAR 09.15.05.01 and.02.

Mr. Jones moved to adopt the Codes as published and repeal the Board’s modifications. Mr. Needham offered a second; the motion the motion was unanimously approved by roll call vote.

Counsel further noted that she has prepared the necessary documents for submission to the AELR Committee and the Maryland Register. Once proposed action concept approval is received from the Office of the Secretary, she will proceed with the submission and provide an update to the Board

Correspondence

Mr. Gross advised the Board that Brian Penn, CCBC HVACR Program coordinator, is seeking a 1-year work experience credit toward statutory qualifications to sit for the State HVACR exam. During the June 1, 2009, Board meeting, the program’s curriculum was reviewed and the program was granted 1-year work experience credit. No timetable for how long this credit would be granted was indicated in the minutes. Counsel confirmed that, in the past, the Board granted certain established educational programs certain credit for toward experience requirements.

Mr. Needham stated that he is impressed by the curriculum and is in favor of granting the program the 1-year work experience credit. Mr. Kitching stated that he is favor of granting the 1-year work experience credit to the program as well.

Mr. Weglarz moved to grant the CCBC HVACR program a 1-year work experience credit. Mr. Needham seconded the motion; by roll call vote, the Board unanimously approved the motion.

New Business

Discuss the Exam Waiver

Executive Director Marquette raised a matter of whether to grant a license exam waiver to an individual who either failed to apply for a license within two years of completing their approved HVACR apprenticeship, or did not hold an apprentice license during the full term or at all during their apprenticeship. Both requirements are established the COMAR09.15.02.08B. Under the current rules, an applicant must apply for a license within two years of completing their apprenticeship to qualify for an exam waiver, and they must have held an apprentice license for four (4) years prior to being eligible to take the license exam.

Mr. Marquette advised that the Department has been working with apprenticeship sponsors across Maryland to ensure that all registered apprentices are properly licensed by the Board throughout the course of their programs. Programs are now polling individuals to verify license status. However, there are still individuals who are not properly licensed, and the Department is working to determine the best way to move these unlicensed individuals through the process. While we have not seen a significant influx yet, we anticipate that more cases may arise in the coming months, and we want to determine how to handle these applications when they do come in.

Counsel notes that approximately 15 years ago, when the exam waiver was implemented, the Board worked closely with apprenticeship sponsors, programs, and unions to ensure that enrolled students obtained and maintained their apprentice licenses. This was crucial because only those who held an apprenticeship for four years would be eligible for the license exam waiver. Recently, staff discovered that this practice is no longer consistently being followed by some apprenticeship sponsors. Such representatives have since assured Executive Director Marquette that they are actively reminding enrolled students of the license requirement.

Executive Director Marquette stated that a letter was sent about a month ago to all approved sponsors within the state, reminding them of the apprentice license requirement. He stated that sponsors have been responsive and are actively working to ensure their current apprentices are licensed. Some have even revised their procedures so that, moving forward, apprentices will not be allowed to register for the program unless they first obtain an apprentice license.

Mr. Gross confirmed that applications for individuals who have never held a state license are currently being handled in a case-by-case approach and he is relying on proof of work history.

Mr. Jones asked whether individuals who experience extenuating circumstances, such as medical issues or military service, that prevent them from applying within the required timeframe, can bring their case before the Board. Counsel confirmed that the Board may request to review such cases and has the discretion to determine whether to grant the waiver based on the applicant's explanation.

The Board directs Will Gross, the Board's Administrative Officer, to bring these cases forward for Board review as they arise.

Executive Director's Report

Executive Director Marquette stated that a draft agreement for reciprocal licensing with Washington D.C. ("DC") exists, but there has been no progress from DC on next steps. Reciprocal licensing

discussions with Delaware are in the early stages. Maryland currently accepts reciprocity for the master license with Delaware, but not for the license. He expressed interest in exploring that option and welcomed any additional recommendations from the Board on potential reciprocity agreements with other states.

Mr. Kitching noted that a possible obstacle in working with DC is the difference in licensing structures. Maryland offers a master, master restricted, and master limited licenses, whereas DC does not offer restricted licensing. Additionally, DC licenses refrigeration and air-conditioning rather than HVACR, so those differences will need to be addressed.

Executive Director Marquette stated that he would include interested Board members in future discussions with DC.

He concluded his report by announcing that PSI has made the HVACR license exams available in Spanish.

Counsel's Report

Counsel stated that House Bill 92, which addresses the Board's efforts to amend the statutory provision regarding license restoration, has passed. Previously, individuals had only 90 days after license expiration to restore it without retesting. The amended law now allows a license to be restored up to 4 years after expiration. If more than 4 years have passed, the individual must explain the lapse to the Board, which will then determine whether retesting is required for reinstatement.

Chairman's Report

There was no report offered by the Chairman.

Closed Session

Upon Mr. Jones' Motion, and Mr. Weglarz's second, the Board unanimously voted to convene in a closed session at 11:36 a.m., pursuant to General Provisions Article, to § 3-305(b)(2), (7), and (8), Annotated Code of Maryland, to protect the privacy of and consider a license application for an applicant who disclosed a criminal conviction and to seek the advice of Counsel.

Application .01

Counsel presented a license renewal/reinstatement application from an individual who disclosed a 2023 conviction for felony theft. The applicant was sentenced to incarceration for five (5) years, all of which were suspended, and five (5) years of probation.

In a letter to the Board, the applicant explained that in December 2020, while employed, they were approached by a homebuilder in Maryland to perform duct work and related services on several homes. The builder did not contract with the applicant's employer but offered to pay the applicant directly. The applicant accepted a limited number of jobs and used company employees who had no assigned tasks during work hours. The applicant paid them with the money received from clients. The applicant acknowledged that some company property, such as registers, was used on the projects. After the applicant retired, the owner of the company discovered this, felt betrayed, and reported it to the police.

No employment verification was submitted, as the applicant is currently retired but is considering returning to work due to economic circumstances.

After discussion, Mr. Weglarz moved to approve the applicant’s license renewal. Mr. Jones seconded, and the Board unanimously approved the motion.

Upon a motion to return to the business meeting by Mr. Jones, seconded by Mr. Politzer, and unanimously approved, the Board reconvened its Business meeting at 11:45 a.m.

A motion to adopt the findings of the closed session of April 9, 2025, was made by Mr. Jones, seconded by Mr. Weglarz and unanimously approved by the Board.

Adjournment

With no further business, upon Mr. Jones’ motion and Mr. Weglarz second, the Board voted to adjourn the April 9, 2025, meeting of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors at 11:47 a.m.

Chuck Marquette
Executive Director

Date

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