

**IDAHO HEATING, VENTILATION AND  
AIR CONDITIONING BOARD  
VIDEOCONFERENCE MEETING**

**Tuesday – March 12, 2019 – 9:30 a.m. (MDT)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d’Alene  
2055 Garrett Way, Building 1, Suite 4, Pocatello**

**DRAFT MINUTES OF THE MARCH 12, 2019 HVAC BOARD MEETING**

**NOTE:** The following report is not a verbatim transcript of the discussions at the meeting; however, is intended to record the significant features of those discussions.

Chairman Ted Sermon called the meeting to order at 9:30 a.m. (MDT)

**Board Members Present:**

Ted Sermon, Chairman  
Bill Carter, Vice-Chairman  
Judy Van Cleave  
Bill Hatch  
Garret Christoffersen  
Mark Ferm  
Randy Hart

**DBS Staff Members Present:**

Chris L. Jensen, Administrator  
Ron Whitney, Deputy Administrator  
John Nielsen, HVAC Program Manager  
Spencer Holm, Deputy Attorney General  
Patrick J. Grace, Regional Manager, Region 2  
Adam Bowcutt, Regional Manager, Region 3  
Chuck Knapp, Regional Supervisor, Region 1  
Amy Kohler, Compliance Program Specialist  
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Apprenticeship--2,000 Hour Requirement – J.R. Kok, Lewis-Clark State College (LCSC), requested clarification on whether the school’s 18-month HVAC program qualifies for the 2,000 hours of on-the-job training. Chairman Sermon stated Mr. Kok’s question would be addressed under agenda item 04 *Apprenticeship--2,000 Hour Requirement*.

◆ **Approval of the March 12, 2019 Agenda**

**MOTION:** Bill Carter made a motion to approve the agenda as presented. Garret Christoffersen seconded. All in favor, motion carried.

◆ **January 8, 2019 Meeting Minutes**

**MOTION:** Bill Hatch made a motion to approve the minutes as written. Garret Christoffersen seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Quality Stoves--HVC1812-0006 – Quality Stoves had no representation at the time of the hearing. Deputy Attorney General Spencer Holm stated unless there was a good faith reason why no one was in attendance for Quality Stoves, the appeal would be abandoned.

**MOTION:** Bill Carter made a motion to enter default; affirming the civil penalty unless the Board received a good faith reason from the defendant. Garret Christoffersen seconded. All in favor, motion carried.

**ACTION:** The Deputy Attorney General will create a written decision to enter default on NOV HVC1812-0006 for the Chairman's signature, and the Division will provide a signed copy to Quality Stoves.

◆ **Licensing Requirements for the Apprentice/Journeyman Program**

In the packet are draft rule changes on the requirements for out-of-state contractors to become Idaho HVAC contractors. There are also proposed changes to Idaho Code 54-5012 *Fees for application for examination, certificates of competency and registration of apprentices*; replacing the five-year apprentice registration with a one-year registration, and \$50 registration fee to \$10 fee.

A lengthy discussion ensued. Board Member Garret Christoffersen believes apprentices with no schooling should have to take at least eight hours of continuing education to continue as an apprentice. The HVAC Program Manager reiterated, and the Board agreed, changes to the statute would be one-year apprentice registration and \$15 yearly registration fee, as stated earlier by Administrator Chris L. Jensen. The Board also agreed for DBS to bring, as an informational item, to the May 2019 Board meeting a draft of a new rule requiring apprentices to be in school and/or maintain CEUs to reregister. In addition, the out-of-state contractor rule will be an action item on the May 2019 agenda.

**ACTION:** The HVAC Program Manager will provide, at the May 2019 Board meeting, proposed amendments to IDAPA 07.07.01, and Idaho Code 54-5012(4), as well as a new rule for apprentice registration renewals.

**ACTION:** The topics *Out-of-State Contractor Applications, and Idaho Code 54-5012(4) – One-Year Apprentice Registration* will be placed as action items, and the topic *Apprentice Registration Renewals* will be placed as an informational item on the agenda for the May 2019 Board meeting.

◆ **Administrative Appeals Hearing (Cont'd)**

Quality Stoves--HVC1812-0006 – Jeff Barnhart, Quality Stoves Representative, explained the roads were treacherous from Sandpoint to Coeur d'Alene. Accepting the reason for his delay, the Chairman agreed to proceed with the hearing. Jeff Barnhart represented Quality Stoves, Compliance Program Specialist Amy Kohler represented DBS, Inspector Dan LaChapelle and Regional Supervisor Chuck Knapp were witnesses for DBS, and Deputy Attorney General Spencer Holm was the facilitator. With no objection from Mr. Barnhart, the Chairman approved the introduction of Exhibits A through K into the record. All parties were sworn in and provided testimony to HVC1812-0006, violation of IDAPA 07.07.01.070.06 "Fees and Permits". Mr. Barnhart disputed the violation; stating, the \$1,000 penalty fee was excessive.

**MOTION:** Randy Hart made a motion to uphold the fee as it stands. Motion died for lack of a second.

**MOTION:** Judy Van Cleave made a motion to reduce the fine to \$200. Mark Ferm seconded. Vote called: Randy Hart-Aye, Bill Hatch-Aye, Bill Carter-Aye, Judy Van Cleave-Aye, Mark Ferm-Aye, and Garret Christoffersen-Aye. All in favor, motion carried.

Deputy Attorney General Holm explained the rights of Quality Stoves and DBS will refund a portion of the penalty fee.

**ACTION:** The Deputy Attorney General will generate a Final Order on Appeal for the Chairman's signature and provide a signed copy to Quality Stoves.

◆ **Apprenticeship--2,000 Hour Requirement**

In 2018, the Board approved for an apprentice to receive 2,000 hours of on-the-job training by successfully completing a one-year, full-time, board approved program. A temporary and proposed rule is being considered at the 2019 legislative session. For clarification, HVAC Program Manager John Nielsen asked for input from the Board on what constitutes "full-time". The schools that currently qualify for the one-year program are: College of Southern Idaho, North Idaho College, LCSC and Northwest HVAC/R Association & Training Center.

Until the rule passes, no action can be taken. Therefore, Chairman Sermon requested the topic *Apprenticeship--2,000 Hour Requirement* be an action item at the May 2019 meeting, allowing the Board to officially approve the above-mentioned schools to receive the 2,000 hours of on-the-job training.

**ACTION:** The topic *Apprenticeship--2,000 Hour Requirement* will be placed as an action item on the agenda for the May 2019 Board meeting.

◆ **Governor's Executive Orders**

In January 2019, Governor Brad Little issued the following executive orders:

*Executive Order 2019-01 Licensing Freedom Act 2019* – Provides additional information on the Licensing Freedom Act, which was introduced in Executive Order (EO) 2017-06. The top two recommendations are a "sunrise" review process for new proposed licenses and a "sunset" review process on existing licenses.

*Executive Order 2019-02 Red Tape Reduction Act* – Requires agencies to designate an existing employee as its Rules Review Officer, which Regional Manager Patrick J. Grace is for DBS. Prior to proposing a new rule, each agency shall submit to the Division of Financial Management an impact statement; identifying the impact the proposed rule will have on individuals and small businesses. In addition, at least two existing rules will need to be repealed or significantly simplified, or a statement clearly and thoroughly stating why existing rules cannot be simplified or eliminated.

◆ **Code Updates**

Proposed rule changes, updating to the 2018 edition of the International Mechanical Code, International Fuel Gas Code, and Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2) Family Dwellings, were provided in the packet.

When questioned, several individuals indicated the best way to communicate, regarding negotiated rulemaking and/or proposed statute and rule changes going before the legislature, is to send a mass email. There are pending statutes and rules; however, DBS does not have specific dates and/or what committee will review them. Another option is for individuals to go to the Idaho Legislative website and get on the House Business and Senate Committee's email list for daily agendas. In addition, once a bill is printed, there is a link to the rules in the Administrative Bulletin. Chairman Sermon requested the Division place a link to the legislative page on its website. In the future, Regional Manager Grace offered to send an email to the Board and interested parties on legislative hearing dates/times/locations of statutes and rules that affect the industry.

◆ **Permit Fees**

There seems to be two issues with the structure of permit fees; square footage and fireplaces. The HVAC Program Manager briefly mentioned changing the square footage fee to a base fee to include a per fixture fee. However, recommended this issue be addressed at a future meeting. A quick fix for fireplaces would be to move them and gas lines from the square footage fee; having a stand-alone fee of \$65 per inspection.

In the packet was a breakdown on the cost per inspection, which is \$143. The Division no longer provides mechanical services for the city of Meridian, and Kootenai County has taken back its inspection program. The Division has totally separated the HVAC and plumbing inspectors with the HVAC program having money for nine inspectors statewide.

◆ **Program Manager Report**

Senate Bill 1013 – The bill, to amend the current law to revise requirements regarding a specified board seat on the Idaho Heating, Ventilation and Air Conditioning Board, passed and is effective July 1, 2019.

Rules – Three rules, changing the on-the-job requirement for full-time schooling, testing, and hours required to receive a journeyman license, passed and is effective Sine Die of the legislature.

Manual J Program – In the last two and a half months, 65% of HVAC permits include fee for Manual J inspections.

Licensing Requirement for the Apprentice and Journeyman Program (Cont'd) – As a point of clarification, Step 2 in the packet under agenda item 03 would require creating a new rule. It will be a two-year process as the statute needs changed first, then the new rule.

◆ **Compliance Program Report**

Compliance Program – Compliance Program Specialist Amy Kohler had nothing to report.

◆ **Administrator Report**

HVAC Program – HVAC Program Supervisor Mike Hyde and HVAC Program Manager Nielsen were recognized for their roles in making the HVAC program an independent entity.

Plan Review – The Building Plan Review team is inundated with state projects and jobs coming up.

◆ **Adjournment**

**MOTION:** Bill Hatch made a motion to adjourn the meeting. Judy Van Cleave seconded. All in favor, motion carried.

The meeting adjourned at 12:34 p.m. (MDT).

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TED SERMON, CHAIRMAN  
HEATING, VENTILATION AND  
AIR CONDITIONING BOARD

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CHRIS L. JENSEN, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

05/20/2019rb

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DATE