

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

**Friday – June 18, 2021 – 9:30 a.m. (MST)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d’Alene  
155 North Maple Street, Blackfoot**

**MINUTES OF THE JUNE 18, 2021 SPECIAL 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 special meeting to order at 9:34 a.m. (MDT)

**Board Members Present:**

Ted Sermon, Chairman  
Bill Carter, Vice-Chairman  
Judy Van Cleave  
Mark Ferm  
Randy Hart  
Garret Christoffersen-Telecon.  
Mike LaPray-Telecon.

**DBS Staff Members Present:**

Ron Whitney, Administration  
Spencer Holm, Deputy Attorney General-Telecon.  
Michael Hyde, HVAC Program Manager  
Adam Bowcutt, Regional Manager, Region 3  
Mike Paschall, HVAC Inspector Supervisor  
Renee Bryant, Administrative Assistant 2

◆ **Omnibus Temporary Rule Chapter Proposal--IDAPA 24.39.70**

In order for Idaho administrative rules to become final, both the Senate and House of Representatives must pass a concurrent resolution to approve administrative rules that impose a fee or charge, with exceptions, and reject certain agency rule dockets that are not approved. The Senate introduced and pass SCR 108, but the House of Representatives did not take up or address the resolution. Similar to the two previous years, the only pathway for agencies to reauthorize administrative rules is through the Governor’s temporary rulemaking authority pursuant to Section 67-5226, Idaho Code. A copy of the modified rules was included in the board packet. HVAC Program Manager Michael Hyde stated at any time stakeholders and board members were welcome to ask questions or make comments.

The following sections were removed from the HVAC rules to eliminate redundancy:

- Administrative Appeals – IDAPA 04.11.01
- Filing of Documents – Idaho Rules of Administrative Procedure
- Public Records Act Compliance – Title 67 Chapter 52
- Meeting: Idaho Open Meeting Laws – Title 67 Chapter 23
- Definition of License Expiration
- Permit Application Requirements
- Fee Schedule for License Applications, Renewals and Registrations

The subsequent sections were removed due to unnecessary rule language that did not assist the enforcement of statute:

- Agency’s address and office hours
- Consolidation of the “Change of Address” requirements for licensees from three separate sections to a single section
- Removed Administrator, Board and Division from the Definitions section
- Application Submission section: It has been defined through policy
- Requested Inspections section: It has been defined by the already adopted codes

The following were removed to increase the ability for the agency to become more efficient and innovative:

- Application form requirements or “hard copy” stipulations
- Permit serial numbers
- Refunds of permits

In addition, two fee rules were removed:

- Additional Fees, also known as Re-Inspection Fees. Originally, re-inspection fees were assessed to contractors that did not provide access information or directions to a job location when making their inspection request. Currently, our inspectors have been directed to reach out to the contractor prior to routing their day if the GPS indicates a project is off the beaten path and directions are necessary. If the inspector arrives to do the inspection and access is not provided, the Division’s inspectors are directed to call or text the contractor prior to leaving the job in order to gain access. Essentially, technology has alleviated the need of this fee rule.
- No Permit Fee or Double Permit Fees. By statute and rule, when a contractor fails to pull a permit the contractor receives a Notice of Violation accompanied with a civil penalty. The current rule would then fine the contractor a double fee assessment on their permit, once a permit had been issued. This financially punishes the contractor twice for the same act or violation. These fees have been removed; however, the civil penalty remains.

HVAC Program Manager Hyde offered to stand for any questions, and Chairman Sermon asked if there were any concerns. No stakeholders or board members responded.

- ◆ **Vote to Rescind Existing Temporary Rule Chapter--IDAPA 24.39.70**  
The motion to rescind the existing temporary rule chapter IDAPA 24.39.70, was combined with the motion to adopt the temporary Omnibus Rule chapter IDAPA 24.39.70.
- ◆ **Vote to Adopt Temporary Omnibus Rule Chapter--IDAPA 24.39.70**  
The Chairman asked for a motion.

**MOTION:** Judy Van Cleave made a motion that pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare, of the citizens of Idaho and deprive them of the benefit intended by these rules. Therefore, we are adopting this temporary rule to be effective upon July 1, 2021. We are also rescinding our existing temporary rule with an effective date of July 1, 2021. Bill Carter seconded. All in favor, motion carried.

◆ **Adjournment**

With no further discussion, Chairman Sermon adjourned the meeting at 9:44 a.m. (MDT).

\_\_\_\_\_  
TED SERMON, CHAIRMAN  
IDAHO HVAC BOARD

\_\_\_\_\_  
RON WHITNEY, ADMINISTRATION  
DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSES

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

11/02/2021rb