

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

**Wednesday – February 11, 2015 – 9:30 a.m. (MT)**

**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  
1118 F Street, Lewiston (Vocational Rehabilitation - VR)  
650 Addison Avenue West, Suite 102, Twin Falls (VR)  
1825 Hoopes Avenue, Idaho Falls (VR)**

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

**Board Members Present:**

Dan Brizee, Chairman  
Ted Sermon, Vice-Chairman  
Tim LaMott  
Arlyn Tietz  
Bill Vandegrift  
Bruce Graham

**Board Members Absent:**

Bill Carter

**DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator-Operations  
Ron Whitney, Deputy Administrator-Administration  
Patrick Grace, Deputy Attorney General  
Jerry Peterson, HVAC Program Manager  
Bill Hatch, Public Information Officer  
Terry Blessing, Regional Manager, Region 1  
Gary Sonnen, Regional Supervisor, Region 1  
Adam Bowcutt, Regional Supervisor, Region 3  
Jason Black, IT Resource Manager  
Renee Bryant, Administrative Assistant 2/Board Secretary

**DBS Staff Members Absent:**

Chris Jensen, Regional Manager, Region 3  
Kevin Gellings, Regional Supervisor, Region 2

◆ **Open Forum**

No issues or concerns were brought forth.

◆ **Approval of the February 11, 2015 Agenda**

**MOTION:** Ted Sermon made a motion to approve the agenda as presented. Tim LaMott seconded. All in favor, motion carried.

◆ **Approval of the November 12, 2014 Board Meeting Minutes**

**MOTION:** Ted Sermon made a motion to approve the minutes as written. Tim LaMott seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearings**

The appeal hearings for Joshua Jordan, NOV HVC1410-0028; Gabriel Knickerbocker, NOV HVC1410-0029; Kenneth L. Justesen, NOV HVC1410-0030 and Dave’s Appl. Inc. dba Double D Heating Inc., NOV HVC1410-0032 are all directly related and the outcome of one

may determine the others. Therefore, the HVAC Program Manager requested the appeals be addressed out of order starting with Dave's Appl. Inc. dba Double D Heating Inc., NOV HVC1410-0032.

Dave's Appl. Inc. dba Double D Heating Inc. – NOV HVC1410-0032 – David DeMayola represented Dave's Appl. Inc. dba Double D Heating Inc., HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator. Joshua Jordan and Gabriel Knickerbocker were witnesses for Dave's Appl. Inc. dba Double D Heating Inc.

Mr. DeMayola objected to the Division's Exhibits I and J; stating the invoices had confidential customer information, is the property of Dave's Appl. Inc. dba Double D Heating Inc. and irrelevant to the case. The Exhibits remained as evidence; however, the customer's information and pricing were redacted.

**MOTION:** Ted Sermon made a motion for the documents to remain as part of the Division's case. Bill Vandegrift seconded.

**AMENDED MOTION:** Tim LaMott made a motion to redact the customer information and pricing on Exhibits I and J. Bill Vandegrift seconded. A vote was called. Ted Sermon, nay; Tim LaMott, aye; Bruce Graham, aye; Bill Vandegrift, aye; Arlyn Tietz, aye and Dan Brizee, aye. 5 ayes and 1 nay, motion carried.

**MOTION (CONT):** A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. All in favor, motion carried.

Exhibits 1 through 5, provided by Mr. DeMayola, were entered into the record.

**MOTION:** Ted Sermon made a motion to accept the five documents as presented. Tim LaMott seconded. 5 ayes and 1 nay, motion carried.

All parties provided testimony and argument on NOV HVC1410-0032, violation of IDAPA 07.07.01.070.04 "Supervision". The Board upheld the NOV and Mr. DeMayola was advised of his rights.

**MOTION:** Ted Sermon made a motion to uphold the NOV issued to Dave's Appl. Inc. dba Double D Heating Inc. Bill Vandegrift seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, nay; Ted Sermon, aye and Dan Brizee, nay. 4 ayes and 2 nays, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman's signature and provide a signed copy to David DeMayola.

Gabriel Knickerbocker – NOV HVC1410-0029 and Kenneth L. Justesen – NOV HVC1410-0030 – The HVAC Program Manager stated there was a reasonable assumption Gabriel Knickerbocker and Kenneth L. Justesen were not aware they were not being properly supervised. Both cases were amended to warnings and the civil penalty fees, \$200 each, will be refunded to Messrs. Knickerbocker and Justesen.

**ACTION:** DBS will refund the civil penalty fees, \$200 each, to Gabriel Knickerbocker and Kenneth L. Justesen.

Joshua Jordan – NOV HVC1410-0028 – Joshua Jordan represented himself, HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator.

All parties provided testimony and argument on NOV HVC1410-0028, violation of IDAPA 07.07.01.070.04 “Supervision”. The Board rejected the NOV and Mr. Jordan was advised of his rights.

**MOTION:** Tim LaMott made a motion to reject the NOV to Joshua Jordan. Ted Sermon seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, nay; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. 5 ayes and 1 nay, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman’s signature and provide a signed copy to Joshua Jordan.

**ACTION:** DBS will refund the \$200 civil penalty fee to Joshua Jordan.

Dave’s Appl. Inc. dba Double D Heating Inc. – NOV HVC1410-0033 – David DeMayola represented Dave’s Appl. Inc. dba Double D Heating Inc., HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator. Joshua Jordan and Kenneth Justesen were witnesses for Dave’s Appl. Inc. dba Double D Heating Inc.

All parties provided testimony and argument on NOV HVC1410-0033, violation of IDAPA 07.07.01.070.02 “Employees”. Prior to the meeting, the Division reduced the fine from \$1,000 to \$500. The Board rejected the NOV and Mr. DeMayola was advised of his rights.

**MOTION:** Tim LaMott made a motion to reject the NOV based on the testimony provided at the hearing. Bill Vandegrift seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. All in favor, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman’s signature and provide a signed copy to David DeMayola.

**ACTION:** DBS will refund the \$500 civil penalty fee to Dave’s Appl. Inc. dba Double D Heating Inc.

◆ **Election of Officers**

Idaho Code § 54-5004 (4) “Idaho heating, ventilation and air conditioning board” states in part, “...At the board's first meeting, and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to be vice-chairman.”

Chairman

**MOTION:** Ted Sermon nominated Dan Brizee for chairman. Tim LaMott seconded. All in favor, motion carried.

Vice-Chairman

**MOTION:** Tim LaMott nominated Ted Sermon for vice-chairman. Bill Vandegrift seconded. All in favor, motion carried.

◆ **Negotiated Rulemaking**

This item was briefly addressed under the topic *Proposed Legislation --Title 54 Chapter 50*.

◆ **Proposed Legislation--Title 54 Chapter 50**

At the Board's request, the Deputy Administrator-Operations brought forth draft legislation. The primary change would be the term "residential" journeyman to "limited" journeyman. By rule, the Board can define specific occupancies and types of work an individual would be able to perform.

Also, the proposal would clarify that a person can work in the capacity of an apprentice on work that falls outside his scope on what he is permitted to do as a journeyman. However, when working as an apprentice, the individual would have to meet the requirement applicable to mechanical relative to supervision and so forth.

Negotiated rulemaking is for proposed rules. This is a statute change; therefore, the Board does not have to go through that process.

The Chairman directed DBS to place this topic on the May 2015 agenda as an informational item.

◆ **ACTION:** The topic *Proposed Legislation--Title 54 Chapter 50* will be placed on the May 2015 agenda as an informational item.

◆ **Program Manager Report**

Due to a medical procedure, the HVAC Program Manager left the meeting immediately after the appeal hearings.

◆ **Operational Report**

HVAC Inspections/Permits – Effective February 17, 2015, Twin Falls County will have its own HVAC program for permits and inspections.

◆ **CEU Hours and Renewable/Website**

The Deputy Administrator-Administration addressed proposed changes to the Division's software program, e-TRAKiT, as it pertains to CEUs and online renewals. A demonstration of the changes to the program was provided by the IT Resource Manager.

◆ **Administrator Report**

Financial Manager – Kathleen Watkins, DBS Financial Manager, has taken a position with Idaho Professional-Technical Education. Her replacement is Fred Sisneros.

Financial Report – The Idaho HVAC Board fund, FY 2015 financial statement as of December 31, 2014, was reviewed.

Compliance – Over the next several months, DBS will concentrate on a compliance program. The vision is for compliance to be the responsibility of one compliance manager, not the program managers. The program would be a stand-alone across the board.

Vehicles – DBS has asked for 14 new vehicles. The Governor has approved the agency for eight. The Division currently awaits the findings of the legislature. Currently, there are 90 vehicles in the Division’s fleet.

Personnel – In its budget, the Division has asked for five additional inspectors. DBS is currently authorized 121 employees; however, as of today, there are only 112.

Construction – Following are new construction projects throughout the state of Idaho: 1) 5-star/5-story hotel, Hailey; 2) Magnida Fertilizer Plant, American Falls; 3) Fort Hall Casino, Fort Hall; and 4) Simplot Packing Plant, Kuna.

◆ **Adjournment**

Chairman Brizee adjourned the meeting at 12:50 p.m. (MT).

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DAN BRIZEE, CHAIRMAN  
HEATING, VENTILATION AND  
AIR CONDITIONING BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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DATE