



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

**BOARD OF MECHANICAL RULES**  
**Ottawa Building, Upper Level Conference Room 3**  
**611 West Ottawa Street**  
**Lansing, MI 48933**

**MINUTES**

November 21, 2024  
10:00 a.m.

**MEMBERS ATTENDING**

Lorenzo Brown  
Jason Zorn  
Jerry Payne  
Dennis Mowbray  
Frank Wimmer  
Ned Hawkins  
Michael Card

**MEMBERS ABSENT**

Jason Finch, Chairperson  
Nicolas Sachjen  
Terry Gilligan  
Vacant – Water/Fire Tube Boiler Manufacturers  
Vacant – Fire Suppression

**DEPARTMENT PERSONNEL ATTENDING**

Keith Lambert, Bureau Deputy Director, Administration, BCC  
Alesha Gensler, Division Director, Licensing, Compliance, & Administration Section, BCC  
Renee Tober, Departmental Specialist, Administration, BCC  
Kate Wagner, Legislative Liaison, Administration, BCC  
Tracie Pack, Manager, Building Trades Section, BCC  
Nikki Sklapsky, Departmental Analyst, Building Trades Section, BCC  
Kelly Bean, Manager, Licensing Section, BCC  
Shannon Maurer, Manager, Operations Section, BCC  
Lakisha Thomas, Departmental Technician, Operations Section, BCC  
Lindsay Schmidt, Assistant Attorney, General, DAG

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

Board Member Card called the meeting to order at 10:01 a.m. A quorum was present at that time.

**2. APPROVAL OF AGENDA**

A **MOTION** was made by Board Member Hawkins and **SECONDED** by Board Member Wimmer to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

**3. APPROVAL OF MINUTES**

A. A **MOTION** was made by Board Member Mowbray and **SECONDED** by Board Member Brown to approve the minutes of the August 17, 2022, Board of Mechanical Rules meeting. **MOTION CARRIED UNANIMOUSLY.**

B. A **MOTION** was made by Board Member Hawkins and **SECONDED** by Board Member Wimmer to approve the minutes of the July 23, 2024, Board of Boiler Rules meeting. **MOTION CARRIED UNANIMOUSLY.**

**4. NOMINATION AND ELECTION OF VICE CHAIRPERSON & SECRETARY**

A. Vice Chairperson

A **MOTION** was made by Board Member Card and **SECONDED** by Board Member Mowbray to postpone the nomination and election of Vice Chairperson until the next regularly scheduled meeting of February 26, 2025. **MOTION CARRIED UNANIMOUSLY.**

B. Secretary

A **MOTION** was made by Board Member Card and **SECONDED** by Board Member Hawkins to postpone the nomination and election of Secretary until the next regularly scheduled meeting of February 26, 2025. **MOTION CARRIED UNANIMOUSLY.**

**5. APPLICANTS APPEALING DENIAL**

i. At 10:05 a.m., a **MOTION** was made by Board Member Payne and **SECONDED** by Board Member Brown to meet in closed session under Section 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute under Section 13(1)(g) of the Freedom of Information Act, which is subject to attorney client privilege. (Aye: Board Members Brown, Mowbray, Zorn, Payne, Wimmer, Hawkins, Card; Nay: None). **MOTION CARRIED UNANIMOUSLY.**

The Board came back into open session at 10:21 a.m.

ii. Open Session Review

A. Issac Rapier – Mechanical Contractor Examination

The Board acknowledged receipt and reviewed Issac Rapier's appeal from the denial of his Application for Mechanical Contractor Examination and Licensure, along with all supplemental materials.

Issac Rapier did appear before and presented to the Board. The Board asked questions of Mr. Rapier.

Following discussion, a **MOTION** was made by Board Member Mowbray and **SECONDED** by Board Member Payne to recommend the Bureau of Construction Codes deny Issac Rapier's appeal due to not working under a licensed contractor with the required classifications to sit for the exam. (Aye: Board Members Brown, Mowbray, Zorn, Payne, Wimmer, Card; Nay: Hawkins). **MOTION CARRIED.**

B. Michael Romzek – Mechanical Contractor Examination

The Board acknowledged receipt and reviewed Michael Romzek's appeal from the denial of his Application for Mechanical Contractor Examination and Licensure, along with all supplemental materials.

Michael Romzek did appear before and presented to the Board. The Board asked questions of Mr. Romek.

Following discussion, a **MOTION** was made by Board Member Card and **SECONDED** by Board Member Hawkins to recommend the Bureau of Construction Codes approve Michael Romzek's appeal to sit for the exam due to his experience in the field for the past twenty-nine (29) years. **MOTION CARRIED UNANIMOUSLY.**

C. Timothy Tummons – Mechanical Contractor Examination

The Board acknowledged receipt and reviewed Timothy Tummons's appeal from the denial of his Application for Mechanical Contractor Examination and Licensure, along with all supplemental materials.

Timothy Tummons did not appear before or present to the Board.

Following discussion, a **MOTION** was made by Board Member Card and **SECONDED** by Board Member Brown to recommend the Bureau of Construction Codes deny Timothy Tummons's appeal due to the applicant's absence from meeting. **MOTION CARRIED UNANIMOUSLY.**

**6. PETITION FOR APPROVAL/CERTIFICATE OF ACCEPTABILITY**

A. Air-Conditioning, Heating and Refrigeration Institution – Industry-Wide HVAC Equipment UL 60335-2-40

The Board acknowledged receipt and reviewed Air-Conditioning, Heating and Refrigeration Institution's Petition Application for Certificate of Acceptability for Industry-Wide HVAC Equipment UL 60335-2-40 and all supplemental materials provided.

Matt Miner appeared before the Board and presented on behalf of Air-Conditioning, Heating and Refrigeration Institution.

Assistant Attorney General Lindsay Schmidt provided the Board with the legal authority to consider the Petition.

Following discussion, a **MOTION** was made by Board Member Hawkins and **SECONDED** by Board Member Mowbray to recommend that the Construction Code Commission approve Air-Conditioning, Heating and Refrigeration Institution's Petition Application for Certificate of Acceptability. **MOTION CARRIED UNANIMOUSLY.**

B. Air-Conditioning, Heating and Refrigeration Institution – Industry-Wide HVAC Equipment UL 60335-2-89

The Board acknowledged receipt and reviewed Air-Conditioning, Heating and Refrigeration Institution's Petition Application for Certificate of Acceptability for Industry-Wide HVAC Equipment UL 60335-2-89 and all supplemental materials provided.

Matt Miner appeared before the Board and presented on behalf of Air-Conditioning, Heating and Refrigeration Institution.

Following discussion, a **MOTION** was made by Board Member Brown and **SECONDED** by Board Member Payne to recommend that the Construction Code Commission approve Air-Conditioning, Heating and Refrigeration Institution's Petition Application for Certificate of Acceptability. **MOTION CARRIED UNANIMOUSLY.**

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. Phil Forner vs. Michigan Township Services Muskegon

i. At 10:50 a.m., a **MOTION** was made by Board Member Payne and **SECONDED** by Board Member Hawkins to meet in closed session under Section 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute under Section 13(1)(g) of the Freedom of Information Act, which is subject to attorney client privilege. (Aye: Board Members Brown, Mowbray, Zorn, Payne, Wimmer, Hawkins, Card; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

The Board came back into open session at 11:09 a.m.

ii. Open Session Review

The Board acknowledged receipt and reviewed an Application for Construction Code Appeal submitted by Phil Forner, the holder of the mechanical license for Allendale Heating Company and contractor of record, and all supplemental materials regarding his appeal from a decision by the Spring Lake Township (“Township”) Construction Board of Appeals relating to the requirement of certain gas leak testing following the approval of a rough-in inspection and the costs associated with such testing.

Phil Forner appeared before and presented to the Board on behalf of his appeal. Trent Cunningham, Attorney for the Township, and Greg Mason, Muskegon Building & Plumbing Official for Michigan Township Services Muskegon, appeared before and presented to the Board in opposition to the appeal. The Board asked questions of all three presenters.

Following discussion, a **MOTION** was made by Board Member Mowbray and **SECONDED** by Board Member Brown to affirm the Township Construction Board of Appeals’ decision based on the affidavit that was signed during the application process and two (2) separate permits being issued for inspections.

Following discussion, Board Member Mowbray withdrew his motion.

Following further discussion, a **MOTION** was made by Board Member Brown and **SECONDED** by Board Member Mowbray to affirm the Township’s Construction Board of Appeals’ decision based on the affidavit that was signed during the permit application process, the fact that two separate permits were issued for inspections, and the timeframe in between correspondence between Mr. Forner and the building official and requesting the initial inspection. **MOTION CARRIED UNANIMOUSLY.**

**9. BUREAU QUARTERLY REPORT**

Deputy Director Lambert reported on the following:

Lambert introduced Shannon Maurer as the new manager for the Bureau’s Operations Section.

Lakisha Thomas is one the Bureau’s new technicians that will be handling the Boards and Commissions for the Operations Section.

Renee Tober is the Bureau’s Department Specialist.

Kate Wagner is the Bureau’s new Legislative Liaison.

The 2021 Michigan Mechanical Code, 2021 Michigan Plumbing Code, and 2023 Michigan Electrical Code went into effect March 12, 2024.

The 2021 Michigan Building Code, 2021 Michigan Rehabilitation Code and 2021 Commercial Energy Code have been filed with the Joint Committee of Administrative Rules (JCAR).

The Bureau is still working on the 2021 Residential Code and 2021 Energy Code for Residential.

The Skilled Trade Rules went into effect in 2023.

The Construction Code Commission approved the Bureau's permit and plan review forms earlier this year.

The Governor signed the Executive Order 2024-5 which abolished the Board of Boiler Rules and combined the Boiler Board with the Mechanical Board.

#### **10. PUBLIC COMMENT**

Phil Forner thanked the Board for convening and informed the Board that their expertise is welcomed.

#### **11. NEXT MEETING DATE – FEBRUARY 26, 2025**

The Board is scheduled to meet next at 10:00 a.m. at 611 West Ottawa Street, Lansing, MI 48933 in the Upper Level Conference Room 3 on February 26, 2025.

#### **12. ADJOURNMENT**

A **MOTION** was made by Board Member Payne and **SECONDED** by Board Member Wimmer to adjourn the meeting at 11:50 a.m. **MOTION CARRIED UNANIMOUSLY.**