

LICENSING DIVISION

Air Conditioning and Refrigeration Contractors Advisory Board

June 22, 2022

Statistics

AIR CONDITIONING CONTRACTOR

	TOTAL FY 21	September 2021 – April 2022
New Licenses Issued	1,109	832
Renewed Licenses Issued	16,227	11,051
Online Renewals	16,127	10,995
% Renewed Online	99%	99%
Total Population	17,399	17,705

REGISTERED TECHNICIANS

	TOTAL FY 21	September 2021 – April 2022
New Registrations Issued	7,976	5,194
New Registrations Issued Online	7,766	5,040
Renewed Registrations Issued	18,914	12,185
Online Renewals	18,805	12,132
% Renewed Online	99%	99%
Total Population	28,454	29,290

CERTIFIED TECHNICIANS

	TOTAL FY 21	September 2021 – April 2022
New Certifications Issued	15	16
New Certifications Issued Online	0	0
Renewed Certifications Issued	4,296	2,497
Online Renewals	4,282	2,490
% Renewed Online	99%	99%
Total Population	4,531	4,334

TOTAL OF ALL TYPES COMBINED

	TOTAL FY 21	September 2021 – April 2022
New Licenses, Registrations, Certifications Issued	9,100	6,042
New Licenses, Registrations, Certifications Issued Online	7,766	5,040
Renewed Licenses, Registrations, Certifications Issued	39,437	25,733
Online Renewals	39,214	25,617
% Renewed Online	99%	99%
*Total Population	50,384	51,329

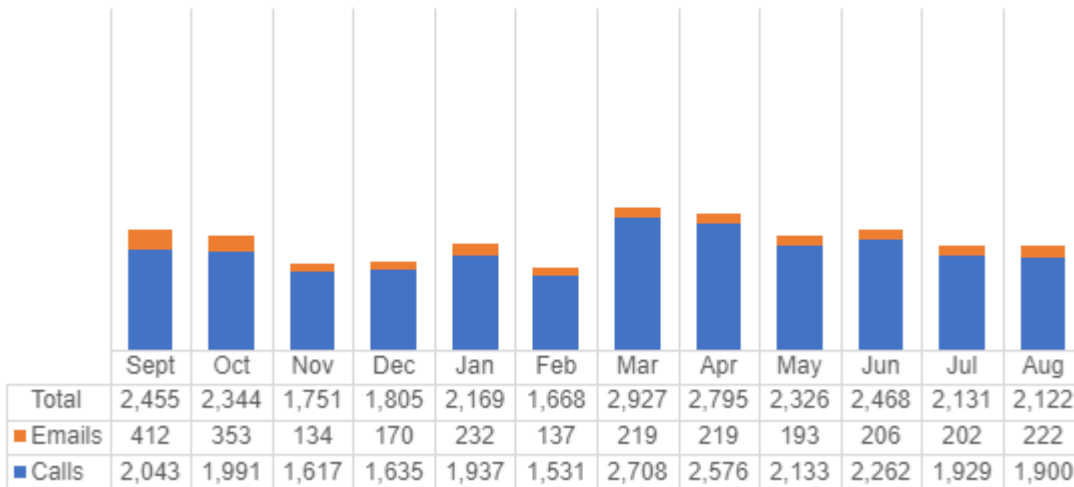
*The population number is a snapshot of the number of active licenses on the first day of and the month. The number of licenses issued and renewed is the total activity performed during the fiscal year.

Customer Service Division

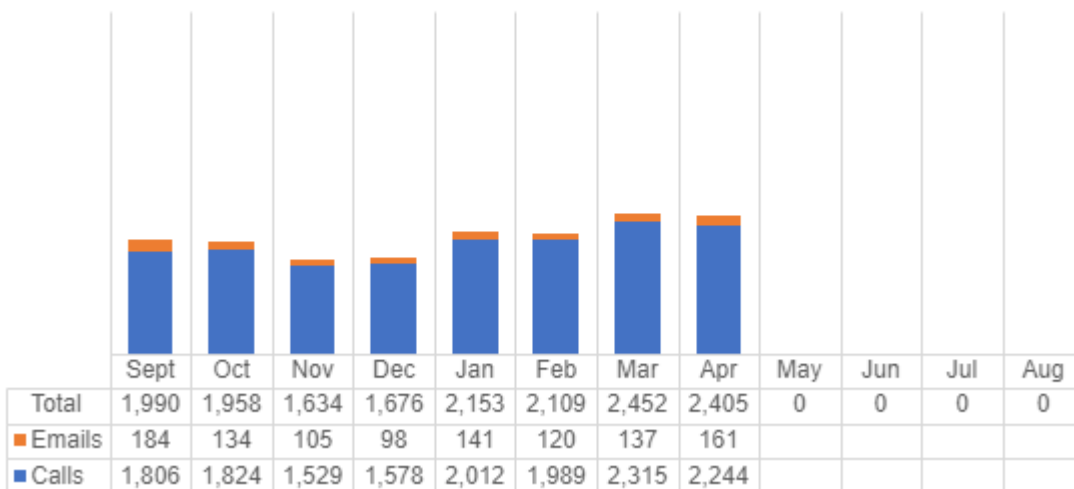
Staff Report for the Air Conditioning and Refrigeration Contractors June 22, 2022

Statistics

**AIR CONDITIONING AND REFRIGERATION
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2021**



**AIR CONDITIONING AND REFRIGERATION
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2022**



Enforcement Division

Staff Report for the Air Conditioning and Refrigeration

Contractors Advisory Board

June 22, 2022

Personnel Updates:

- On September 15, 2021, Kimberly (Kim) Ferreiro Mitchell was promoted to Management Analyst III. Kim has worked for TDLR for 13 ½ years, previously serving as a Legal Assistant III and Legal Assistant II.
- On September 15, 2021, Estella Ramos was promoted to Senior Legal Assistant in our Intake Section. Estella has worked for TDLR for over 6 years, previously serving as an Intake Administrative Assistant and Legal Assistant II.
- Karen Cox retired January 31, 2022, after 17 years with TDLR and over 30 years working in State Government which include stints at the Texas Workforce Commission, Texas Department of Transportation, and the Texas Railroad Commission. She was promoted to Senior Prosecutor in, January 1, 2019, where she helped oversee and mentor attorneys within the Enforcement Division. She also helped develop and facilitate our expert witness training program utilized by the Health Professions Program. She will be greatly missed, but we wish her well in her retirement.
- On February 15, 2022, Robert Nino was promoted to the Investigations Team Lead Supervisor position for the South Region. Robert has worked for TDLR for over 14 years with vast knowledge and experience on case investigations, sting operations and working on very complex cases. Robert also assisted in the training and mentoring on newly hired investigators. Robert has had nearly 38 years of experience as an investigator and auditor with both federal and state government, as well as private industry.
- On May 1, 2022, Jessica Hurtado was promoted to Senior Prosecutor. Jessica has been with TDLR for over 4 years and has experience with a number of our programs including all the Health Related Programs, Transportation Programs, and most recently with our Criminal History Evaluation Team. Prior to joining TDLR, she spent time with the Texas Ethics Commission, Texas Workforce Commission, as well as some time in private practice.

- On May 15, 2022, Jack Phillips was promoted to the Investigations Team Lead Supervisor position for the North Region. Jack has worked for TDLR for over 7 years, previously serving as an Inspector. Jack has served Texans for over 28 years, including working for the Attorney General’s and Texas Department of Criminal Justice. Jack is also a proud United States Veteran, serving 6 years in the United States Army and as a Reserve in the Texas National Guard as both a Combat Engineer and a Legal Specialist.

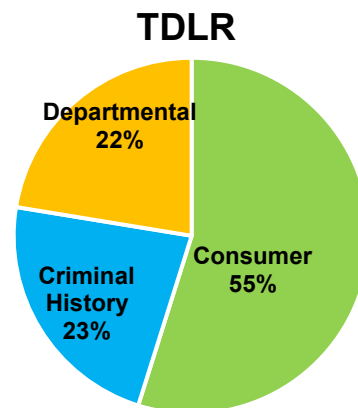
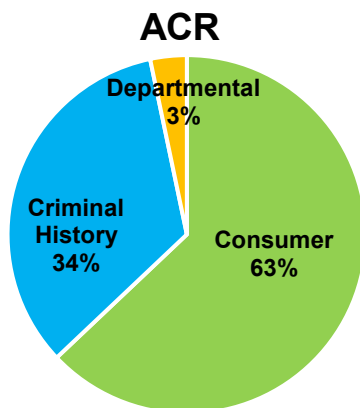
Statistics:

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Air Conditioning and Refrigeration (ACR) program and for all TDLR programs combined through **April of Fiscal Year 2022:**

Complaints Received by Source	ACR	TDLR
Consumer	560	8,901
Criminal History	1,544	10,919
Departmental	16	1,497
Total Complaints Received	2,120	21,137

Key Statistic	ACR	TDLR
Cases opened	456	7,436
Cases closed	738	7,325
Average time to close (days)	336.18	217.49
% of cases resolved within 6 months	41.33%	56.83%
% of cases resulting in disciplinary action	8.94%	11.17%
Cases pending at end of April	457	6,743

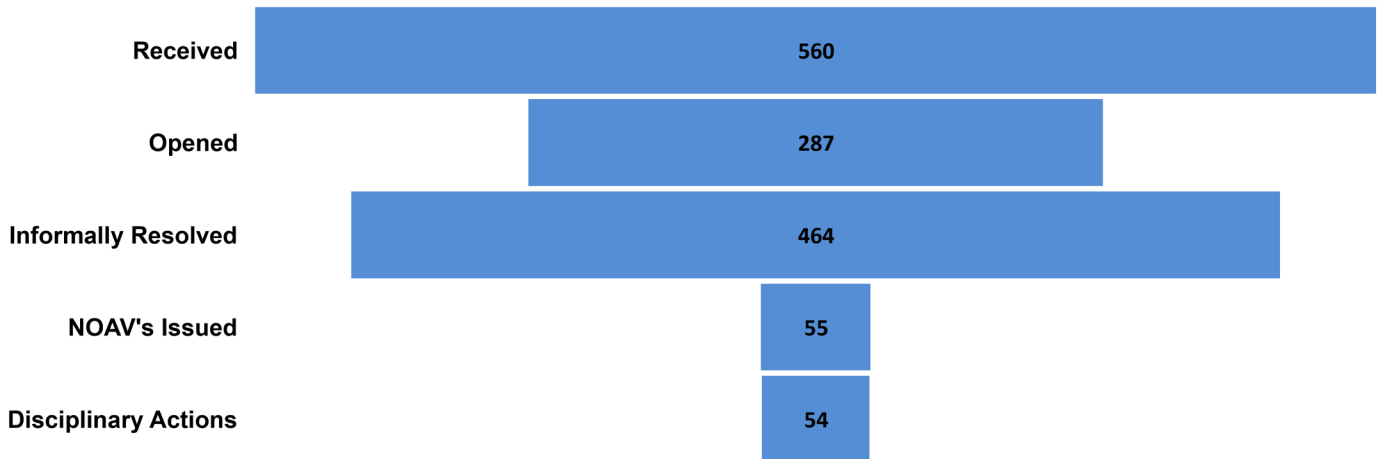
**Source of Cases Opened
for Fiscal Year 2021 through April**



Case Outcomes	ACR	TDLR
Commission Orders	*1	4
Default Orders	*31	202
Agreed Orders	*35	442
Penalties Assessed	\$176,000.00	\$1,578,635.00
Penalties Collected	\$63,250.00	\$904,218.00
Licenses Revoked (Disciplinary)	1*	35
Licenses Suspended	0*	4
Licenses Denied/Revoked (Criminal History)	8	130
Cease & Desist Orders	1	10
Informally Resolved	670*	6,507
Consumer restitution through negotiated settlement	\$49,109.80	\$152,973.89

**Includes complaints received from all sources*

Statistics on ACR Consumer Complaints through April of Fiscal Year 2022



Top 10 ACR Alleged Violations at Opening through April of Fiscal Year 2021

Violation:	Count
Criminal history	155
Mechanical integrity code issue	132
Contracting without a license	97
Misrepresentation of service	55
Fraudulent statement	16
Failed to obtain permit	15
Advertised without a license	9
Required information not on proposal or invoice	7
Used a license not assigned to the company	7
Failed to provide invoice to consumer	5

Top ACR Violations Resulting in Disciplinary Action through April of Fiscal Year 2021

Violation:	Count
Contracting without a license	34
Mechanical integrity code issue	14
Criminal history	9
Failed to obtain permit	6
Misrepresentation of service	3
Performed work outside endorsement	2
Used a license not assigned to the company	2
Failed to comply with an order	2
Cheated on exam	1
Fraudulent statement	1
Required information not on proposal or invoice	1

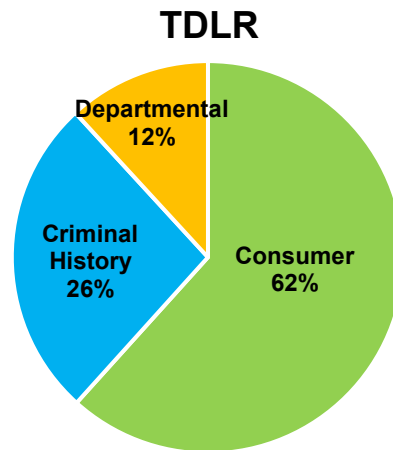
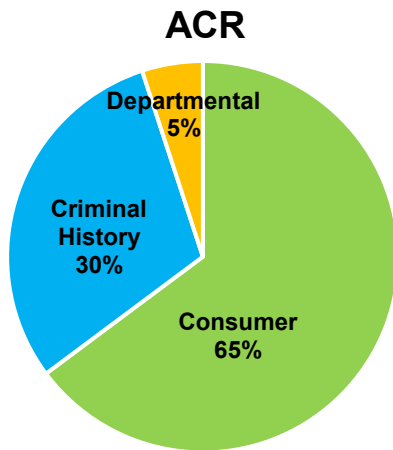
Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Air Conditioning and Refrigeration (ACR) program and for all TDLR programs combined for **Fiscal Year 2021**:

Complaints Received by Source	ACR	TDLR
Consumer	910	12,463
Criminal History	1,912	18,896
Departmental	45	1,296
Total Complaints Received	2,867	32,655

Enforcement Division

Key Statistics	ACR	TDLR
Cases opened	895	10,121
Cases closed	896	9,335
Average time to close (days)	292.04	209.86
% of cases resolved within 6 months	55.58%	60.00%
% of cases resulting in disciplinary action	9.71%	13.41%
Cases Pending at end of Fiscal Year 2021	736	6,627

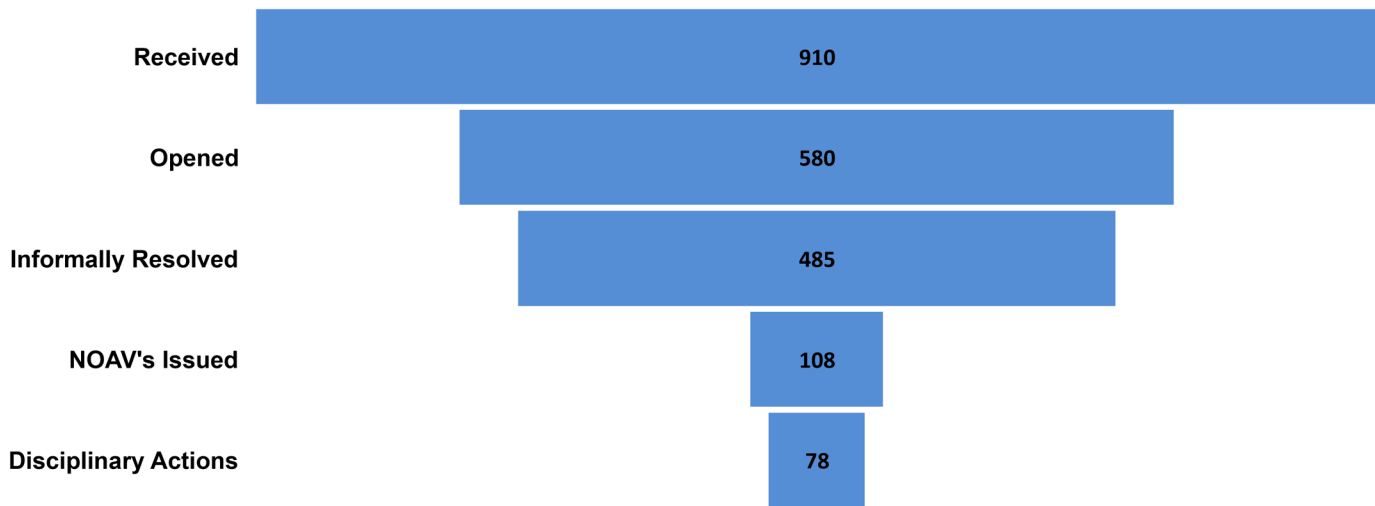
Source of Cases Opened for Fiscal Year 2021



Case Outcomes	ACR	TDLR
Commission Orders	2*	44
Default Orders	62*	455
Agreed Orders	33*	711
Penalties Assessed	\$376,125.00	\$2,570,716.00
Penalties Collected	\$68,100.00	\$1,140,068.95
Licenses Revoked (Disciplinary)	9*	103
Licenses Suspended	2	8
Licenses Denied/Revoked (Criminal History)	17	240
Cease & Desist Orders	1	19
Informally Resolved	791*	7,976
Consumer restitution through negotiated settlement	\$51,316.79	\$192,825.53

*Includes complaints received from all sources

Statistics on ACR Consumer Complaints through for Fiscal Year 2021



Top 10 ACR Alleged Violations at Opening for Fiscal Year 2021

Violation:	Count
Criminal History	196
Mechanical integrity code issue	158
Contracting without a license	145
Misrepresentation of service	45
Advertising without a license	38
Required information not on proposal or invoice	23
Fraudulent statement	22
No license number in ad	19
No license number on invoice	12
Failed to provide invoice to consumer	8

Top 10 ACR Violations Resulting in Disciplinary Action for Fiscal Year 2021

Violation:	Count
Contracting without a license	39
Criminal History	15
Mechanical integrity code issue	8
Performed work outside endorsement	6
Failed to obtain permit	5
Allowed another to use license	5
Used a license not assigned to company	3
Failed to comply with an order	3
Misrepresentation of service	2
No license number on invoice	1
Fraudulent statement	1
Contracted outside scope of license	1
Obtained license by fraud	1
Advertising without a license	1

Case Highlights

- **Case No. ACR20210001239 Linares, Javier C**

On February 17, 2022, a Default Order against Respondent Javier C. Linares, was signed and issued by Deputy Executive Director David Gonzales for the Executive Director. The Order found Mr. Linares intentionally or knowingly misrepresented a necessary service, service to be provided, or service that had been provided, when he entered into a contract to install a 4-ton HVAC unit but instead installed a 3.5-ton HVAC unit. Additionally, Respondent did not have the proper endorsement to install the unit at the Complainant's residence. Mr. Linares failed to timely sign and return the settlement agreement sent to him as part of the Notice of Alleged Violation and as a result, a Default Order in the amount of \$6,000 was entered against him.

- **Case No. ACR20190014229 Darrow, Anthony C.**

On November 4, 2021, a Default Order against Respondent Anthony C. Darrow, was signed and issued by the Executive Director. The Order found Mr. Darrow engaged in air conditioning and refrigeration contracting without holding the appropriate contractor license when he installed a 4-ton air handler in an HVAC system. Mr. Brannan failed to timely sign and return the settlement agreement sent to him as part of the Notice of Alleged Violation and as a result, a Default Order in the amount of \$4,000 was entered against him. On December 23, 2021, Mr. Brannan contacted the Department and paid the \$4,000 penalty in full.

- **Case No. ACR20220002443 Lugo, Marino Jr.**

On December 20, 2021, Mr. Lugo's registration was revoked by operation of law. Mr. Lugo was issued a Registered Air Conditioning and Refrigeration Technician registration on December 15, 2017. On October 12, 2021, Mr. Lugo renewed that registration. However, during his criminal history review of his renewal application, it was discovered that Mr. Lugo was imprisoned on March 25, 2020. Because Mr. Lugo was imprisoned, his registration was revoked by operation of law, pursuant to Tex. Occ. Code § 53.021(b) which provides that a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision. Due to Mr. Lugo's imprisonment, his registration was automatically revoked on March 25, 2020, and the Department's renewal on October 12, 2021, was invalid.

- **Case No. ACR20200016236 Brannan, Claudie F Jr.**

On March 3, 2022, a Default Order against Respondent Claudie F. Brannan, Jr., was signed and issued by Deputy Executive Director David Gonzales for the Executive Director. The Order found Mr. Brannan engaged in air conditioning and refrigeration contracting without holding the appropriate contractor license when he entered into a contract to replace the condenser, evaporator coil, refrigerant and reconnected the drain lines at Complainant's residence. Mr. Brannan was paid \$5,500 for the agreed upon work. Mr. Brannan failed to timely sign and return the settlement agreement sent to him as part of the Notice of Alleged Violation and as a result, a Default Order in the amount of \$4,000 was entered against him and his Registered Air Conditioning and Refrigeration Technician registration was revoked.

- **Case No. ACR20190007110 Boyce, David**

On April 6, 2022, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Respondent David Boyce. As part of this negotiated settlement, Mr. Boyce accepted liability for failing to provide proper installation, service or mechanical integrity when he failed to perform the Manual J heat load calculation at the jobsite prior to installing the new system. Mr. Boyce was assessed an administrative penalty of \$3,000 for this violation and agreed to complete an additional eight hours of continuing education. Mr. Boyce has paid the penalty in full and completed the additional required education hours.

Education and Examination Division

Staff Report for Air Conditioning & Refrigeration Contractors Advisory Board– June 22nd, 2022

Statistics

Air Conditioning & Refrigeration Contractors Examination Statistics (As of April 30th, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	Total
Pass	91	146	119	356	95	107	105	307	98	108	0	206	0	0	0	0	869
Fail	163	197	139	499	150	171	114	435	166	163	0	329	0	0	0	0	1,263
Total	254	343	258	855	245	278	219	742	264	271	0	535	0	0	0	0	2,132
Rate	35.8%	42.6%	46.1%	41.6%	38.8%	38.5%	47.9%	41.4%	37.1%	39.9%	0.0%	38.5%	0.0%	0.0%	0.0%	0.0%	40.8%

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	Total
Pass	98	92	103	293	124	69	53	246	79	82	88	249	98	78	77	253	1,041
Fail	137	135	139	411	140	126	83	349	139	143	135	417	143	101	135	379	1,556
Total	235	227	242	704	264	195	136	595	218	225	223	666	241	179	212	632	2,597
Rate	41.7%	40.5%	42.6%	41.6%	47.0%	35.4%	39.0%	41.3%	36.2%	36.4%	39.5%	37.4%	40.7%	43.6%	36.3%	40.0%	40.1%

Air Conditioning & Refrigeration Contractors Examination Statistics
By License Type
(As of April 30th, 2022)

SEPT – OCT – NOV 1 ST QUARTER FY2021					SEPT – OCT – NOV 1 ST QUARTER FY2022				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
Environmental A	112	175	287	39.02%	Environmental A	149	235	384	38.80%
Environmental B	90	126	216	41.67%	Environmental B	107	177	284	37.68%
Commercial Refrigeration A	68	69	137	49.64%	Commercial Refrigeration A	79	58	137	57.66%
Commercial Refrigeration B	19	37	56	33.93%	Commercial Refrigeration B	17	25	42	40.48%
Certified ACR Technician	4	4	8	50.00%	Certified ACR Technician	4	4	8	50.00%
TOTAL	293	411	704	41.62%	TOTAL	356	499	855	41.64%
DEC – JAN – FEB 2 ND QUARTER FY2021					DEC – JAN – FEB 2 ND QUARTER FY2022				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
Environmental A	102	141	243	41.98%	Environmental A	131	169	300	43.67%
Environmental B	65	136	201	32.34%	Environmental B	72	185	257	28.02%
Commercial Refrigeration A	56	47	103	54.37%	Commercial Refrigeration A	84	53	137	61.31%
Commercial Refrigeration B	21	15	36	58.33%	Commercial Refrigeration B	17	20	37	45.95%
Certified ACR Technician	2	10	12	16.67%	Certified ACR Technician	3	8	11	27.27%
TOTAL	246	349	595	41.34%	TOTAL	307	435	742	41.37%
MAR – APR – MAY 3 RD QUARTER FY2021					MAR – APR – MAY 3 RD QUARTER FY2022				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
Environmental A	104	170	274	37.96%	Environmental A	76	130	206	36.89%
Environmental B	63	163	226	27.88%	Environmental B	59	135	194	30.41%
Commercial Refrigeration A	63	53	116	54.31%	Commercial Refrigeration A	55	41	96	57.29%
Commercial Refrigeration B	14	24	38	36.84%	Commercial Refrigeration B	8	15	23	34.78%
Certified ACR Technician	5	7	12	41.67%	Certified ACR Technician	8	8	16	50.00%
TOTAL	249	417	666	37.39%	TOTAL	206	329	535	38.50%
JUN – JUL – AUG 4 TH QUARTER FY2021					JUN – JUL – AUG 4 TH QUARTER FY2022				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
Environmental A	104	165	269	38.66%	Environmental A	-	-	-	-
Environmental B	67	154	221	30.32%	Environmental B	-	-	-	-
Commercial Refrigeration A	67	38	105	63.81%	Commercial Refrigeration A	-	-	-	-
Commercial Refrigeration B	10	15	25	40.00%	Commercial Refrigeration B	-	-	-	-
Certified ACR Technician	5	7	12	41.67%	Certified ACR Technician	-	-	-	-
TOTAL	253	379	632	40.03%	TOTAL	-	-	-	-

Air Conditioning & Refrigeration Contractors - Continuing Education Statistics
 (As of April 30th, 2022)

FY 2022	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Total New Course Approvals Issued	6	3	0	9	0	16	13	29	16	4	-	20	-	-	-	0	58
Total Course Count (end of month)	107	108	106	106	106	104	107	107	96	91	-	91	-	-	-	0	91

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Total New Course Approvals Issued	6	3	1	10	0	18	13	31	27	7	2	36	2	6	22	30	107
Total Course Count (end of month)	98	98	70	70	69	96	103	103	104	96	83	83	84	86	97	97	97

Exam Update

- We held an Exam Review Committee meeting on May 10-12, 2022. The purpose of this exam review meeting was to review poorly performing items and write and approve new items to augment the item pools.

Regulatory Program Management

Staff Report for the (ACR) Air Conditioning & Refrigeration Section (June 22, 2022)

Personnel Updates

ACR Program Specialist IV – Troy Smart

- Troy came onboard with TDLR in January of this year. Troy was formerly the lead Field Service Technician for (MPS) Mechanical & Process Systems, LLC in Austin. MPS is a commercial mechanical contracting and plumbing business serving Central Texas. Troy has over 30 years experience in the HVAC industry including residential, commercial, and industrial systems. He has already been a tremendous asset in helping eliminate our enforcement review backlog and we are more than pleased to have him as a major part of the team.

Current Highlights / Activity

- Public Outreach
 - ACR Chief Bill Weatherly was a guest speaker at the TACCA 2021 Annual Conference held October 29th 2021.
 - Bill conducted a session entitled, [Texas ACR Laws and Rules](#).
 - During the 3-day conference attendees holding a Texas ACR license could satisfy their 8hrs of continuing education by attending the required break out sessions including the Law & Rules presentation on the last day.
- ACR Exam Review
 - RPM, our contractor PSI, and our Industry SMEs conducted an Exam Review on May 10, 11th, and 12th.
 - During the review sessions exam questions were reviewed that score outside

of the set parameters where the computer would pick them up for test questions.

- A newer version of Manual J has been listed as reference for the Class A & B Environmental Exam reference (Version 2.5 2016). Existing exam questions were vetted for reference in this version.
- New exam questions were developed, the references checked, and identified for addition to their relevant exams.

Industry Updates

- 2020 National Electrical Code (NEC), Section 210.8(F)
 - Open for any questions that were not answered previously.
- Phase out of refrigerant R410a per the 2016 United Nations Kigali Amendment to the Montreal Protocol due to its high GWP (global warming potential)
 - January 2023 is the beginning of the transition and phase out of R410A as a refrigerant in new residential and commercial heating and air conditioning systems.
 - There are two contenders to replace R410A; **R32** and **R454B**. Each of these refrigerants has a much lower Global Warming coefficient that meets the requirements of the Kigali Amendment.
 - This problem is that both refrigerants are classified as “mildly flammable.” Currently the building codes do not allow for flammable refrigerants in residential applications and will have to be adjusted for the new refrigerants. It appears that the building code updates will not be available before the 2024 update release. Due to this lag in the code updates, the actual date of the phase out varies by state and implementation time allowing for the building codes to catch up with rapidly changing requirements.
 - At the time of this writing, the major HVAC brands in the United States differ on which refrigerant they will be offering. Presently the direction is

that Daikin, Goodman, and Lennox are leaning towards R32, while JCI, Carrier, Rheem, and Trane are leaning towards R454B. This means that your service and repair technician will need to handle at least three refrigerants on their vans for the next few years; R410A, R32, R454B. Training and new tools will also need to be acquired to be able to handle the new refrigerants.

End