

**AIR CONDITIONING AND REFRIGERATION  
LICENSING STATISTICS  
ADVISORY BOARD MEETING  
MARCH 26, 2019**

**CONTRACTORS**

	<b>TOTAL FY 16</b>	<b>TOTAL FY 17</b>	<b>TOTAL FY 18</b>	<b>Sept. – Jan. FY 19</b>
New Licenses Issued	752	957	1,648	369
Renewed Licenses Issued	14,828	14,924	15,339	6,028
Online Renewals	14,643	14,768	15,188	5,979
% Renewed Online	98%	98%	98%	99%
*Total Population	15,692	16,008	16,490	16,569

**REGISTERED TECHNICIANS**

	<b>TOTAL FY 16</b>	<b>TOTAL FY 17</b>	<b>TOTAL FY 18</b>	<b>Sept. – Jan. FY 19</b>
New Licenses Issued	6,460	6,922	7,230	2,958
New Licenses Issued Online	6,067	6,594	6,941	2,883
Renewed Licenses Issued	15,028	15,449	16,300	5,833
Online Renewals	14,887	15,341	16,186	5,804
% Renewed Online	99%	99%	99%	99%
*Total Population	21,977	23,198	24,507	25,482

## CERTIFIED TECHNICIANS

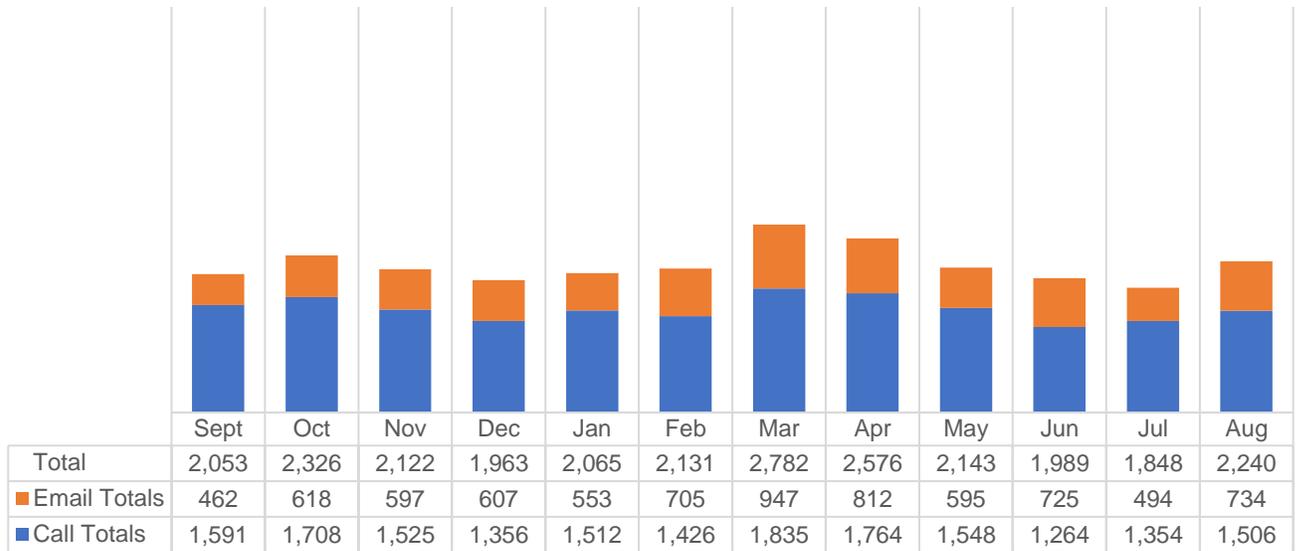
	<b>TOTAL FY 16</b>	<b>TOTAL FY 17</b>	<b>TOTAL FY 18</b>	<b>Sept. – Jan. FY 19</b>
New Licenses Issued	1,530	1,467	1,697	78
New Licenses Issued Online	1,421	1,385	1,515	60
Renewed Licenses Issued	3,619	4,135	4,743	1,761
Online Renewals	3,602	4,102	4,724	1,754
% Renewed Online	99%	99%	99%	99%
*Total Population	5,019	5,746	6,592	6,323

## TOTAL OF ALL LICENSE TYPES COMBINED

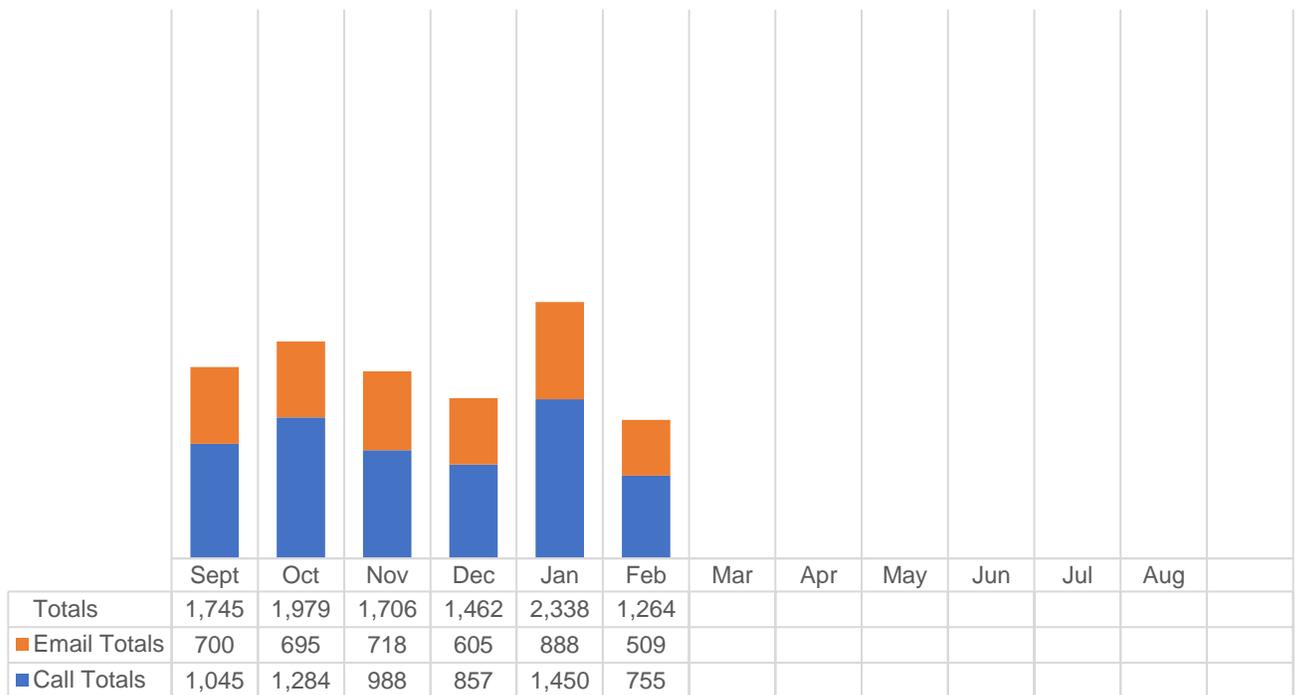
	<b>TOTAL FY 16</b>	<b>TOTAL FY 17</b>	<b>TOTAL FY 18</b>	<b>Sept. – Jan. FY 19</b>
New Licenses Issued	8,742	9,346	10,575	3,405
New Licenses Issued Online	7,488	7,979	8,456	2,943
Renewed Licenses Issued	33,475	34,508	36,382	13,622
Online Renewals	33,132	34,211	36,098	13,537
% Renewed Online	98%	99%	99%	99%
*Total Population	42,688	44,952	47,589	48,374

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

**AIR CONDITIONING AND REFRIGERATION  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2018**



**AIR CONDITIONING AND REFRIGERATION  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2019**



**AIR CONDITIONING AND REFRIGERATION CONTRACTORS**  
**ADVISORY BOARD**

**Enforcement Division Staff Report**  
**March 26, 2019**

**Current Projects**

- On February 27, 2018, we met with the enforcement workgroup from the Air Conditioning and Refrigeration Contractors Advisory Board, to update the penalty matrix for this program. The advisory board members appointed to this workgroup are Dolores Compean, Gary Hulse, Jerry Bitner, and William Weatherly. This matrix is on the agenda today for your consideration.

**Texas Air Conditioning Contractors Association (ACCA)**

- On April 17, 2018, Lead Investigator Haregeweyn Demoz attended the monthly meeting of the Texas Air Conditioning Contractors Association – Greater Houston. Investigator Demoz outlined TDLR’s enforcement process, how the Department conducts undercover stings to catch unlicensed air conditioning and electrical contractors, and entertained questions.
- On September 18, 2018, Investigator Tony Gatica attended the monthly meeting of the Texas Air Conditioning Contractors Association – Greater Houston. Investigator Gatica discussed recent activities by TDLR Enforcement Division, reminded attendees of the requirements and procedures for certified technician that went into effect September 1, 2018.
- On October 18, 2018, Prosecutor John Medlock attended a meeting of the Texas Air Conditioning Contractors Association (TACCA) in McAllen. Medlock provided an overview of the Enforcement Division and discussed the outcomes of a sting that was recently conducted in the Valley. Medlock also introduced the Bill Weatherly as the new ACR Program Chief and answered questions.
- On January 15, 2019, Investigator Haregeweyn Demoz attended the monthly meeting of the Texas Air Conditioning Contractors Association – Greater Houston. Investigator Demoz outlined TDLR’s enforcement process, how the Department conducts undercover stings to catch unlicensed air conditioning and electrical contractors, and entertained questions.

## **Refrigeration Service Engineers Society Meetings**

- On March 2, 2018, Investigator Robert Nino represented TDLR at the 68th Annual Southwestern Regional Conference of the Refrigeration Service Engineers Society (RSES) held in San Antonio. In addition to Investigator Nino occupying a booth during the day, Investigator Nino made a presentation to 60 HVAC students of the South Texas Vocational Technical Institute (STVT) on technician registration and the upcoming changes for certified technician registration commencing on September 1, 2018.
- On January 17, 2019, Investigator Robert Nino gave a presentation at a meeting of the San Antonio Chapter of the Refrigeration and Engineering Society. Investigator Nino explained TDLR's enforcement process, discussed technician registration requirements, and answered questions.

## **Education and Continuing Education**

- On March 23, 2018, Investigator Tony Gatica attended a continuing education class held at Johnson A/C Supply in Houston. Investigator Gatica spoke to the eighteen class attendees and was able to effectively communicate with them the goals of the Agency as well as illustrate some of the ways the Agency supports the A/C industry. Data for fiscal year 2015-2017 was also provided to the attendees as it relates to the quantity of licensees in their field and number of complaints opened in this field. Attendees were also shown a video documenting an undercover sting conducted by the Department in the City of Alamo.
- On October 3, 2018, Investigator Robert Nino gave a presentation to a continuing education class at Johnstone Supply in San Antonio. Investigator Nino presented on the requirements for obtaining a mechanical permit for a gas furnace installation, and the requirements for a Manual J, S, and D.
- On October 26, Investigator Sammy Lynch attended a continuing education class at Coastal HVAC in Houston. Investigator Lynch discussed mechanical integrity issues and how each contactor is responsible for ensuring work is performed to the applicable codes. Investigator Lynch also provided an overview of recent stings and answered questions.

## **Case Highlights**

### **Alfredo Camacho, Jr. ACR20170022632**

This case resulted in an Agreed Order being signed on August 14, 2018. Mr. Camacho is a Air Conditioning and Refrigeration Contractor who contracted to install a new air conditioner at a residence in El Paso. Mr. Camacho failed to install the duct work in accordance with ACCA Manual D and installing a return air vent that was too small for the system. Mr. Camacho agreed to a penalty of \$3,000 and to take an additional 8 hours of CE. The total fine amount has been collected.

**Russell C. Yates – ACR20170004440**

This case resulted in a Default Order being signed on March 8, 2018. Mr. Yates was licensed as an Air Conditioning Contractor by the Department. Mr. Yates installed a new furnace, condenser and evaporator coil in College Station. Mr. Yates failed to pull permit prior to beginning the job. Also, the installation was found to have 8 violations of the 2012 International Residential Code as adopted by the City of College Station. The violations ranged from not including sediment traps as required, failing to seal refrigerate lines properly, and not sealing duct work properly. Mr. Yates was assessed a \$9,000 fine and a 1-year probated suspension for these violations. Mr. Yates did not response to the Notice of Alleged Violations and therefore Default Order was issued by the Department. It seems after the order was issued, Mr. Yates contacted the Department and paid the \$9,000 penalty.

**Maria F. Villatoro – ACR20160024952, ACR20160021411, ACR2016002455, and ACR20160024158**

This case resulted in a Default Order being signed on June 26, 2018 stemming from 4 cases Ms. Villatoro had with the Department. Ms. Villatoro was issued a \$32,000 administrative penalty and her license was revoked as a result of this Default Order. Ms. Villatoro continued and consistently failed to install air conditioning systems according to both the manufacturers installation instructions and the relevant code for the municipality. Ms. Villatoro did not respond to the Notice letters sent to her and therefore this Default Order was issued against her. To this date none of the administrative penalty has been collected, but the license was revoked.

**Gregory R. Thomas, Jr. – ACR20180000787**

This case resulted in a Default Order being signed on April 25, 2018. Mr. Thomas was originally issued an air conditioning technician license on March 30, 2012. He applied to renew that license on September 5, 2017. Prior to that renewal date, Mr. Thomas was placed on deferred adjudication in two separate instances, one for violation of a protective order and another for the crime of aggravated assault causing serious bodily injury, both occurring in 2017. The assault crime is a crime that is directly related to the occupation per the criminal conviction guidelines. As a result, a notice letter denying the renewal application and revoking the license was issued. Mr. Thomas did not respond to the letter, and therefore a Default Order was issued which denied the license renewal and revoked the license.

**Joe J. Garcia – ACR20180014237**

This case resulted in the Mr. Garcia's license being revoked by operation of law. Mr. Garcia was issued a registered technician license on June 26, 2013. On July 9, 2018, Mr. Garcia sought to renew that license. However, during his criminal history review of his renewal application, it was discovered that Mr. Garcia was imprisoned on February 13, 2018. Because Mr. Garcia was imprisoned, his license 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. Garcia's imprisonment, his license was automatically revoked on February 13, 2018 and not subject to renewal.

## **Key Statistics – Fiscal Year 2019**

Shown below are key statistics for the Air Conditioning program and for all TDLR programs combined through January 31, 2019.

<b><u>Statistic</u></b>	<b><u>ACR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	384	4,407
• Number of cases resolved:	321	4,031
• Number of Agreed Orders:	34	435
• Total amount of penalties assessed:	\$155,250	\$1,117,875
• Total amount of penalties collected:	\$58,910	\$539,514

**AIR CONDITIONING & REFRIGERATION CONTRACTORS ADVISORY BOARD  
MARCH 26<sup>TH</sup>, 2018**

**EDUCATION, EXAMINATION, AND SCHOOL SERVICES**

**UPCOMING MEETING**

The ACR Examination Review Committee will be held on April 4<sup>th</sup> and 5<sup>th</sup>, 2019. The purpose of this meeting is to review poorly performing items and to augment the item bank.

## EDUCATION AND EXAMINATION STATISTICS AND TRENDS

### AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS

(AS OF JANUARY 31, 2019)

2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2	8	2	12	7	3	-	10	-	-	-	0	-	-	-	0	22
FAIL	0	2	1	3	5	1	-	6	-	-	-	0	-	-	-	0	9
TOTAL	2	10	3	15	12	4	-	16	-	-	-	0	-	-	-	0	31
RATE	100%	80.0%	66.7%	80.0%	58.3%	75.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	71.0%

2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	65	101	120	286	125	66	82	273	109	96	94	299	77	81	70	228	1,086
FAIL	97	146	151	394	169	127	134	430	144	176	139	459	146	142	153	441	1,724
TOTAL	162	247	271	680	294	193	216	703	253	272	233	758	223	223	223	669	2810
RATE	40.1%	40.9%	44.3%	42.1%	42.5%	34.2%	38.0%	38.8%	43.1%	35.3%	40.3%	39.4%	34.5%	36.3%	31.4%	34.1%	38.6%

2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	68	76	78	222	63	62	99	224	112	101	69	282	78	64	67	209	937
FAIL	131	135	108	374	149	129	141	419	191	143	123	457	119	135	105	359	1,609
TOTAL	199	211	186	596	212	191	240	643	303	244	192	739	197	199	172	568	2,546
RATE	32.2%	36.0%	41.9%	37.2%	29.7%	32.5%	41.3%	34.8%	37.0%	41.4%	35.9%	38.0%	39.6%	32.2%	39.0%	36.8%	36.8%

# AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS

## BY LICENSE TYPE

(AS OF JANUARY 31, 2019)

SEPT – OCT – NOV					SEPT – OCT – NOV				
1 <sup>ST</sup> QUARTER					1 <sup>ST</sup> QUARTER				
FY2018					FY2019				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	118	140	258	45.74%	ENVIRONMENTAL A	102	154	256	39.84%
ENVIRONMENTAL B	83	172	255	32.55%	ENVIRONMENTAL B	70	194	264	26.52%
COMMERCIAL REFRIGERATION A	62	47	109	56.88%	COMMERCIAL REFRIGERATION A	52	66	118	44.07%
COMMERCIAL REFRIGERATION B	23	35	58	39.66%	COMMERCIAL REFRIGERATION B	8	27	35	22.86%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	3	0	3	100%
<b>TOTAL</b>	<b>286</b>	<b>394</b>	<b>680</b>	<b>42.06%</b>	<b>TOTAL</b>	<b>71</b>	<b>142</b>	<b>213</b>	<b>33.33%</b>
DEC – JAN – FEB					DEC – JAN – FEB				
2 <sup>ND</sup> QUARTER					2 <sup>ND</sup> QUARTER				
FY2018					FY2019				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	74	87	161	45.96%	ENVIRONMENTAL A	71	91	162	43.83%
ENVIRONMENTAL B	55	158	213	25.82%	ENVIRONMENTAL B	48	132	180	26.67%
COMMERCIAL REFRIGERATION A	47	33	80	58.75%	COMMERCIAL REFRIGERATION A	38	34	72	52.78%
COMMERCIAL REFRIGERATION B	15	18	33	45.45%	COMMERCIAL REFRIGERATION B	9	20	29	31.03%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	0	1	1	0.00%
<b>TOTAL</b>	<b>191</b>	<b>296</b>	<b>487</b>	<b>39.22%</b>	<b>TOTAL</b>	<b>166</b>	<b>278</b>	<b>444</b>	<b>37.39%</b>
MAR – APR – MAY					MAR – APR – MAY				
3 <sup>RD</sup> QUARTER					3 <sup>RD</sup> QUARTER				
FY2018					FY2019				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	117	144	261	44.83%	ENVIRONMENTAL A	-	-	-	0.0%
ENVIRONMENTAL B	85	232	317	26.81%	ENVIRONMENTAL B	-	-	-	0.0%
COMMERCIAL REFRIGERATION A	73	40	113	64.60%	COMMERCIAL REFRIGERATION A	-	-	-	0.0%
COMMERCIAL REFRIGERATION B	24	43	67	35.82%	COMMERCIAL REFRIGERATION B	-	-	-	0.0%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	-	-	-	0.0%
<b>TOTAL</b>	<b>299</b>	<b>459</b>	<b>758</b>	<b>39.45%</b>	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>
JUN – JUL – AUG					JUN – JUL – AUG				
4 <sup>TH</sup> QUARTER					4 <sup>TH</sup> QUARTER				
FY2018					FY2019				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	91	170	261	34.87%	ENVIRONMENTAL A	-	-	-	0.0%
ENVIRONMENTAL B	75	189	264	28.41%	ENVIRONMENTAL B	-	-	-	0.0%
COMMERCIAL REFRIGERATION A	50	57	107	46.73%	COMMERCIAL REFRIGERATION A	-	-	-	0.0%
COMMERCIAL REFRIGERATION B	12	25	37	32.43%	COMMERCIAL REFRIGERATION B	-	-	-	0.0%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	-	-	-	0.0%
<b>TOTAL</b>	<b>228</b>	<b>441</b>	<b>669</b>	<b>34.08%</b>	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>

## AIR CONDITIONING & REFRIGERATION CONTRACTORS - CONTINUING EDUCATION STATISTICS

(AS OF JANUARY 31, 2019)

FY 2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	2	11	12	25	7	11	-	18	-	-	-	0	-	-	-	0	43
TOTAL COURSES	102	105	95	95	101	109	-	109	-	-	-	0	-	-	-	0	109

\*\*\*NOTE: Currently, there are 65 ACR Contractor Continuing Education Providers.

FY 2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	14	8	8	30	3	3	7	13	12	9	13	34	22	6	10	38	115
TOTAL COURSES	99	98	102	102	104	104	91	91	91	97	101	101	120	110	113	113	113

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	24	3	4	31	1	5	21	27	10	3	10	23	3	15	4	22	103
TOTAL COURSES	110	114	115	115	112	109	123	123	114	102	107	107	107	121	108	108	108

## Air Conditioning and Refrigeration Contractors Advisory Board

### TDLR Regulatory Program Management Division - Staff Report

March 26, 2019

- Introductions - ACR Chief Bill Weatherly, Program Specialist Jeff Nielsen, and Building and Mechanical Section Manager Yvonne Feinleib
- ACR staff have conducted field complaint investigations in El Paso, Houston, and Uvalde.
- ACR Chief Bill Weatherly participated in an undercover “Sting” for unlicensed Air Conditioning & Electrical work in Alamo, Texas and surrounding towns in the Valley area. Channel 5 News (KRGV) in McAllen participated with TDLR and produced an investigative report that can be viewed on their website by entering the search terms **“Unlicensed Contractors could be costly”**.
- ACR staff have been speaking at professional meetings throughout the state, including Houston, Austin, Amarillo, McAllen, and Uvalde. Continued public outreach is being planned including some “Facebook Live” sessions aimed at ACR stakeholders and the general public.
- ACR Bill Implementation team continues to meet on forms and processes related to certified technicians.
- Exam Development is scheduled for early April. If any Subject Matter Experts (SME) are interested in participating, forms are available through our Education & Examination Division
- ACR staff plan to develop a publication schedule for the program newsletter – the “TDLR Blast” – suggestions on articles would be appreciated
- RPM/ACR staff provides ongoing support to the Customer Service, Licensing, Enforcement, and Education/Examination Divisions on a daily basis.