

LICENSING DIVISION

Air Conditioning and Refrigeration Contractors Advisory Board October 20, 2020

Personnel Updates

New Licensing Analysts

12/1/19 - Crystal Hall has 15 years of experience at Sears Holdings where she provided administrative support, customer service, and technical assistance for the repair of mechanical products.

She was also a Pre-K teacher for two years where she planned curriculum and assessed student progress.

2/18/20 - Kate Nauert brings over 7 years of experience from the Girling Community Care where she maintained client files, managed and scheduled field supervisors and performed background checks. She also hired and placed caregivers in the homes of the elderly.

She has over 6 years of additional office experience being a bookkeeper and administrative assistant.

3/2/20 - Gerald McCloud has been a recruiter where he matched veterans with Fortune 1000 employers; a Site Manager where he audited invoices and employee timekeeping reports, audited monthly alarms and communicated industry laws and rules.

He was a Title Squadron Superintendent in the Air Force where he supervised managers and flight instructors as well as established training requirements for 73 aviators. He has over 13 years in the Air Force.

Statistics

AIR CONDITIONING CONTRACTOR

	TOTAL FY19	TOTAL FY20
New Licenses Issued	1,109	928
Renewed Licenses Issued	15,455	16,268
Online Renewals	15,328	14,975
% Renewed Online	99%	92%
Total Population	16,808	17,119

REGISTERED TECHNICIANS

	TOTAL FY19	TOTAL FY 20
New Licenses Issued	8,324	7,235
New Licenses Issued Online	8,048	7,011
Renewed Licenses Issued	16,144	18,108
Online Renewals	16,057	18,028
% Renewed Online	99%	99%
Total Population	26,190	26,307

CERTIFIED TECHNICIANS

	TOTAL FY19	TOTAL FY 20
New Licenses Issued	87	9
New Licenses Issued Online	65	0
Renewed Licenses Issued	4,847	4,691
Online Renewals	4,823	4,675
% Renewed Online	99%	99%
Total Population	5,393	4,839

TOTAL OF ALL LICENSE TYPES COMBINED

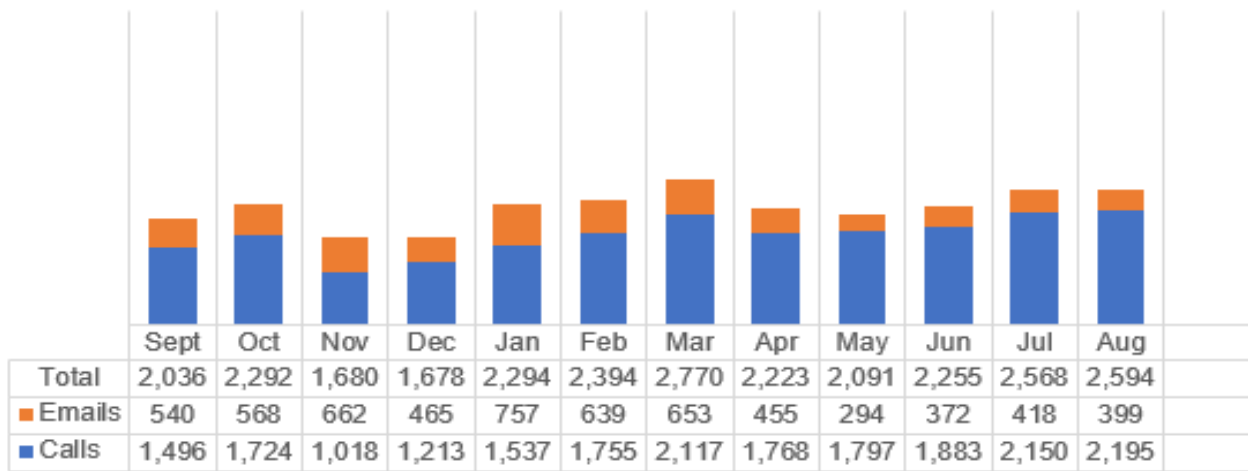
	TOTAL FY 19	TOTAL FY 20
New Licenses Issued	9,520	8,172
New Licenses Issued Online	8,113	7,011
Renewed Licenses Issued	36,446	39,067
Online Renewals	36,208	37,678
% Renewed Online	99%	96%
*Total Population	48,391	48,265

Customer Service

Staff Report for Air Conditioning and Refrigeration Contractors – October 20, 2020

Statistics

**AIR CONDITIONING AND REFRIGERATION
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2020**



Enforcement Division Staff Report October 20, 2020

Personnel Updates:

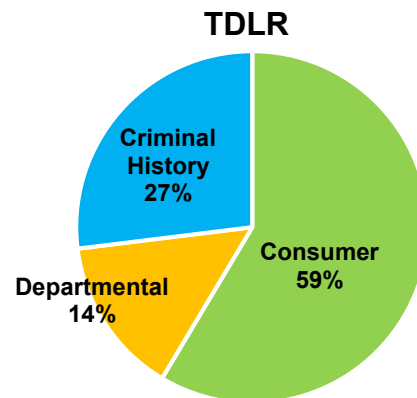
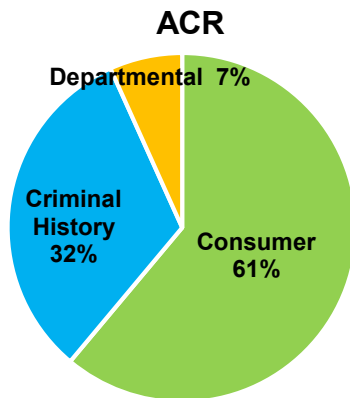
- On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.
- On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.
- On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.
- On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.
- On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.
- On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.
- On October 1, 2020, Jackie Revilla was promoted to Prosecution Legal Assistant Manager. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant Supervisor in the Enforcement Division.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Air Conditioning and Refrigeration (ACR) program and for all TDLR programs combined for **Fiscal Year 2020**:

Performance Measure	ACR	TDLR
Cases opened	771	10,465
Cases closed	713	9,763
Average time to close (days)	242.60	157.58
% of cases resolved within 6 months	53.72%	68.64%
% of cases resulting in disciplinary action	10.24%	13.48%
Cases Pending	740	5,850

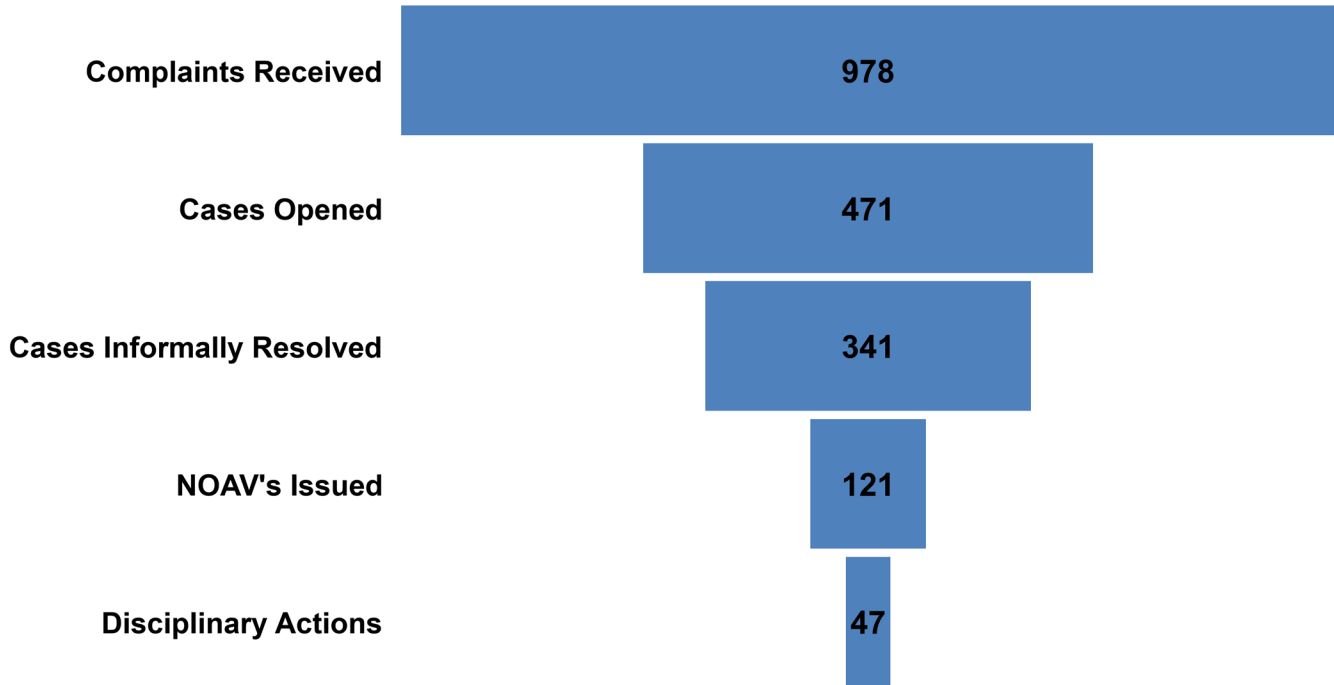
Source of Cases Opened Fiscal Year 2020



Case Outcomes	ACR	TDLR
Commission Orders	1	28
Default Orders	45*	339
Agreed Orders	27*	853
Penalties Assessed	\$254,875.00	\$2,360,451.00
Penalties Collected	\$69,450.00	\$1,296,792.16
Licenses Revoked (Disciplinary)	4*	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	11	240
Cease & Desist Orders	6	46
Informally Resolved	630*	8,365
Consumer restitution through negotiated settlement	\$21,804.19	\$183,910.04

**Includes complaints received from all sources*

Fiscal Year 2020 Statistics on Consumer Complaints



Top 10 ACR Alleged Violations at Opening for Fiscal Year 2020

Violation:	Count
Criminal History	240
Mechanical integrity code issue	197
Contracting without a license	155
Misrepresentation of service	64
Advertising without a license	31
No license number on invoice	26
No license number in ad	25
Required information not on proposal or invoice	20
Failed to obtain permit	17
Fraudulent statement	13

Top 10 ACR Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Contracting without a license	57
Criminal History	12
Mechanical integrity code issue	12
Failed to obtain permit	4
Used a license not assigned to Company	3
Failed to comply with an order	3
Misrepresentation of service	3
Electrician Contracting without license	2
Hired unlicensed technician	1
Performed work outside endorsement	1

Case Highlights

- **Enforcement Case No. ACR20190013645, Respondent Jacob Moya**
 On October 3, 2019, the Executive Director signed an Agreed Order revoking Respondent’s air conditioning contracting license and denying his application for its renewal based on his recent criminal history and for filing a falsified renewal application. Respondent answered “NO” to the question “since your most recent license was issued, have you been convicted of a crime or placed on deferred adjudication for any felony or misdemeanor other than a minor traffic violation?” In fact, Respondent had pleaded guilty in two separate cases to felony theft. The Department considered the thefts to be related to the functions of an air conditioning contractor.
- **Enforcement Case No. ACR20190004106, Respondent Oil Field Technical Services LLC**
 On November 1, 2019, the Executive Director signed an Agreed Order imposing a fine of \$4,000 for two instances of unlicensed air conditioning contracting. The entire fine has been collected.
- **Enforcement Case No. ACR20180012594, Respondent Enrique Hernandez**
 On January 16, 2020, the Executive Director signed an Agreed Order imposing a fine of \$5,000 on the Respondent for failing to obtain a permit or final inspection for 50 different jobs in El Paso, and for 351 instances of performing environmental air conditioning work when Respondent only had an endorsement for commercial refrigeration or process cooling systems. The Department has collected \$3,400 of the total \$5,000.
- **Enforcement Cases Nos. ACR20190006310, ACR20190008583, and ACR20190013241, Respondent Michael Craig Davidson**
 On December 18, 2019, the Executive Director signed a default order imposing a fine of \$13,000 for three instances of performing or offering to perform air conditioning contracting without a license and one instance of using a contractor license number not assigned to him in order to offer contracting work. Respondent had installed air conditioning and refrigeration

systems and placed advertisements without first obtaining a license as a air conditioning contractor and also used a license number not assigned to his company on documents used to obtain contracts for HVAC work. No money has been collected.

- **Enforcement Cases Nos. ACR20180016401, ACR20190002031, § ACR20190010315, ACR20190012222, and ACR20190013604, Respondent Darryn J Butler**

On August 28, 2020, The Executive Director signed a Default order imposing a fine of \$26,500 for six instances of performing air conditioning installation and service without a license and one instance of advertising as an air conditioning and refrigeration contractor without a license. Respondent had contracted to install or repair air conditioning systems and placed advertisements seeking work as an HVAC contractor. No money has been collected.

Stakeholder Outreach

- On October 15, 2019, Investigator Haregeweyn Demoz attended the Texas Air Conditioning Contractors Association (TACCA) Houston area monthly meeting. Haregeweyn spoke with members and informed the audience of TDLR's mission and activities on behalf of licensees. Some members expressed interest in the department conducting an undercover sting operation in the Houston area.
- On January 21, 2020, Investigator Tony Gatica and ACR Program Specialist William Weatherly attended the Houston chapter of the Texas Air Conditioning Contractors Association (TACCA) meeting.

Program Specialist William Weatherly and Investigator Gatica engaged with Merle Aaron, President of the Houston Chapter and many contractors in attendance to educate and inform the audience of TDLR's mission and activities on behalf of licensees. Stephanie Marquard, Treasurer, spoke to the group briefly and publicly thanked TDLR for their attendance and reminded those in attendance of the responsiveness of TDLR to their membership's concerns.

Mr. Weatherly proceeded to make a presentation detailing ACR specific regulations with emphasis on how these affected the target audience. Mr. Weatherly concluded the presentation with a showing of the June 2017 KHOU news presentation of the undercover sting targeting unlicensed air conditioning and electrical contractors.

Attendees were also reminded of the requirements and procedures for the certified technician that went into effect September 1, 2018.

The approximately 40 attendees were encouraged to contact TDLR or any of the local investigators with any questions or concerns and reminded of the resources available to them.

Education and Examination Division

Staff Report for Air Conditioning & Refrigeration – October 20th, 2020

Statistics

**AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS
(AS OF AUGUST 31ST, 2020)**

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	86	100	68	254	105	106	112	323	80	0	6	86	105	99	81	285	948
FAIL	126	132	133	391	143	119	185	447	76	0	12	88	109	119	129	357	1,283
TOTAL	212	232	201	645	248	225	297	770	156	0	18	174	214	218	210	642	2,231
RATE	40.6%	43.1%	33.8%	39.4%	42.3%	47.1%	37.7%	41.9%	51.3%	0.0%	33.3%	49.4%	49.1%	45.4%	38.6%	44.4%	42.5%

FY 2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	68	85	82	235	79	87	87	253	122	139	117	378	95	89	80	264	1,130
FAIL	142	176	123	441	132	146	170	448	190	171	168	529	143	146	125	414	1,832
TOTAL	210	261	205	676	211	233	257	701	312	310	285	907	238	235	205	678	2,962
RATE	32.4%	32.6%	40.0%	34.8%	37.4%	37.3%	33.9%	36.1%	39.1%	44.8%	41.1%	41.7%	39.9%	37.9%	39.0%	38.9%	38.1%

AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS
BY LICENSE TYPE
(AS OF AUGUST 31ST, 2020)

SEPT – OCT – NOV 1 ST QUARTER FY2019					SEPT – OCT – NOV 1 ST QUARTER FY2020				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	102	154	256	39.84%	ENVIRONMENTAL A	117	126	243	48.15%
ENVIRONMENTAL B	70	194	264	26.52%	ENVIRONMENTAL B	57	157	214	26.64%
COMMERCIAL REFRIGERATION A	52	66	118	44.07%	COMMERCIAL REFRIGERATION A	62	76	138	44.93%
COMMERCIAL REFRIGERATION B	8	27	35	22.86%	COMMERCIAL REFRIGERATION B	15	26	41	36.59%
CERTIFIED ACR TECHNICIAN	3	0	3	100%	CERTIFIED ACR TECHNICIAN	3	6	9	33.33%
TOTAL	235	441	676	34.76%	TOTAL	254	391	645	39.38%
DEC – JAN – FEB 2 ND QUARTER FY2019					DEC – JAN – FEB 2 ND QUARTER FY2020				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	100	142	242	41.32%	ENVIRONMENTAL A	119	137	256	46.48%
ENVIRONMENTAL B	83	209	292	28.42%	ENVIRONMENTAL B	99	203	302	32.78%
COMMERCIAL REFRIGERATION A	55	53	108	50.93%	COMMERCIAL REFRIGERATION A	88	67	155	56.77%
COMMERCIAL REFRIGERATION B	15	43	58	25.86%	COMMERCIAL REFRIGERATION B	15	33	48	31.25%
CERTIFIED ACR TECHNICIAN	0	1	1	0.00%	CERTIFIED ACR TECHNICIAN	2	7	9	22.22%
TOTAL	253	448	701	36.09%	TOTAL	323	447	770	41.95%
MAR – APR – MAY 3 RD QUARTER FY2019					MAR – APR – MAY 3 RD QUARTER FY2020				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	153	188	341	44.87%	ENVIRONMENTAL A	37	32	69	53.62%
ENVIRONMENTAL B	120	226	346	34.68%	ENVIRONMENTAL B	26	32	58	44.83%
COMMERCIAL REFRIGERATION A	76	66	142	53.52%	COMMERCIAL REFRIGERATION A	18	9	27	66.67%
COMMERCIAL REFRIGERATION B	25	42	67	37.31%	COMMERCIAL REFRIGERATION B	3	10	13	23.08%
CERTIFIED ACR TECHNICIAN	4	7	11	36.36%	CERTIFIED ACR TECHNICIAN	2	5	7	28.57%
TOTAL	378	529	907	41.68%	TOTAL	86	88	174	49.43%
JUN – JUL – AUG 4 TH QUARTER FY2019					JUN – JUL – AUG 4 TH QUARTER FY2020				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
ENVIRONMENTAL A	106	156	262	40.46%	ENVIRONMENTAL A	102	148	250	40.80%
ENVIRONMENTAL B	77	155	232	33.19%	ENVIRONMENTAL B	91	121	212	42.92%
COMMERCIAL REFRIGERATION A	65	52	117	55.56%	COMMERCIAL REFRIGERATION A	70	66	136	51.47%
COMMERCIAL REFRIGERATION B	15	43	58	25.86%	COMMERCIAL REFRIGERATION B	20	19	39	51.28%
CERTIFIED ACR TECHNICIAN	1	8	9	11.11%	CERTIFIED ACR TECHNICIAN	2	3	5	40.00%
TOTAL	264	414	678	38.94%	TOTAL	285	357	642	44.39%

AIR CONDITIONING & REFRIGERATION CONTRACTORS - CONTINUING EDUCATION STATISTICS
(AS OF AUGUST 31ST, 2020)

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	17	3	0	20	4	17	5	26	26	8	12	46	1	7	7	15	107
TOTAL COURSES	127	120	117	117	113	117	116	116	125	116	109	109	102	106	105	105	105

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	8	26	7	18	23	48	8	4	2	14	113
TOTAL COURSES	102	105	95	95	101	109	110	110	119	126	136	136	122	121	116	116	116

Examination Review Committee Update

- TDLR and PSI held the first virtual ACR Exam Review Committee meeting on September 29-30. The purpose of this meeting was to review poorly performing items and to update the reference for the International Fuel Gas Code, and International Mechanical Code to the most updated 2018 Code.

COVID Update

Examination Impact

- Exam sites were closed in March and re-opened in May with limited capacity. We worked with PSI to open additional written availability at their 3rd party sites. That gave us additional 14 sites bringing a total of 37 exam sites where the written exam is administered.
- We are currently working with PSI to provide additional capacity while still following State guidelines.

Continuing Education

- Several classroom continuing education courses changed to online continuing education courses due to COVID.
- We allowed CE providers to provide the online course information and changed the course approval to add the internet delivery method at no charge. (We asked CE Providers to not make any changes to the course material; We only added the internet delivery method)

REGULATORY PROGRAM MANAGEMENT

Staff Report: Air Conditioning & Refrigeration Advisory Board (10/20/20)

Personnel Updates

William (Bill) Weatherly, ACR Program Chief

- Multi-Program Specialist Jeff Nielsen left the agency in February to take a position in the private sector. We have missed Jeff's good work reviewing enforcement cases and with on-site inspections.

Current Projects

- Average 4-6 Public Inquiries (from Customer Service) answered per week.
- Average 2-3 ACR Licensing Reviews performed per week.
- Ongoing Enforcement Case Reviews and assistance provided to Enforcement Investigators.
- Technical assistance for all programs and divisions, as needed.

ACR Exam Reviews 2020

- January 14th – 16th, held at Embassy Suites downtown Austin
 - Alignment of Exam Questions with the new version of "Modern Refrigeration & Air Conditioning, 21st Edition"
 - Welcomed a new Subject Matter Expert (SME); George Stuckey (Lic# TACLA00002586C). Brings the total to Seven from the ACR Industry, Municipal Government, and Education.
- First Virtual Exam Review completed Sept. 29th & 30th
 - In Attendance: TDLR/ACR Chief, Seven Industry Subject Matter Experts (SMEs), PSI Test Development Specialist, and TDLR/ Education & Examination Liaison Rebecca Armas
 - Purpose: Review of Under Performing Exam Questions & Realignment of Test Questions with 2018 ICC & IAPMO Codes

Current Projects, continued

Meeting with SECO (State Energy Conservation Office) 10/12/2020

- Discussed alignment of IECC code adoption (International Energy Conservation Code)

NASCLA (National Association of State Contractors Licensing Agencies)

- Submitted article for NASCLA Newsletter that highlighted the new ACR Restricted License and State Prison Outreach

Outreach – Recap of 2020

January 21 – Texas Air Conditioning Contractor’s Association/Houston (TACCA)

- Guest Speaker at Annual Membership Meeting – TDLR/ACR Power Point

January 22 – Attended HVAC EXPO, sponsored by San Antonio TACCA

- Set up TDLR Booth, distributed handouts, answered questions and discussed ACR program

February 17th & 18th – New Home Construction Seminar in McAllen, Texas

- Guest Speaker along with representative from SPEER (South Texas Partnership for Energy Efficiency as a Resource). Presented TDLR/ACR Power Point and group discussion.

February 28th – Visited TDCJ (Texas Department of Criminal Justice) Crane Unit in Gatesville, TX

- Presented TDLR/ACR outreach program for “Female Felon Placement Project”. I was accompanied by Senior Prosecutor Trevor Theilen who spoke about TDLR’s criminal background review procedures for licensing and the new “Restricted License” program.

March 17th – COVID19 work from home starts. Outreach and in person technical inspections suspended.

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