

**AIR CONDITIONING AND REFRIGERATION  
LICENSING STATISTICS  
ADVISORY BOARD MEETING  
OCTOBER 23, 2019**

**CONTRACTORS**

	<b>TOTAL FY 18</b>	<b>TOTAL FY 19</b>
New Licenses Issued	1,648	1,109
Renewed Licenses Issued	15,339	15,455
Online Renewals	15,188	15,328
% Renewed Online	98%	99%
*Total Population	16,490	16,808

**REGISTERED TECHNICIANS**

	<b>TOTAL FY 18</b>	<b>TOTAL FY 19</b>
New Licenses Issued	7,230	8,324
New Licenses Issued Online	6,941	8,048
Renewed Licenses Issued	16,300	16,144
Online Renewals	16,186	16,057
% Renewed Online	99%	99%
*Total Population	24,507	26,190

## **CERTIFIED TECHNICIANS**

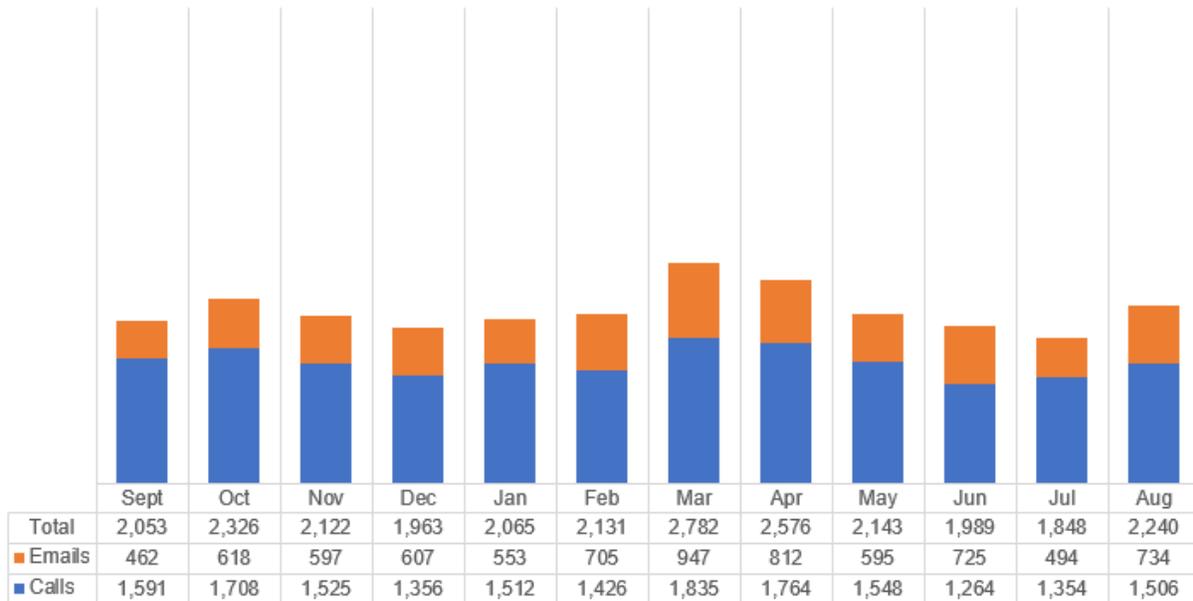
	<b>TOTAL FY 18</b>	<b>TOTAL FY 19</b>
New Licenses Issued	1,697	87
New Licenses Issued Online	1,515	65
Renewed Licenses Issued	4,743	4,847
Online Renewals	4,724	4,823
% Renewed Online	99%	99%
*Total Population	6,592	5,393

## **TOTAL OF ALL LICENSE TYPES COMBINED**

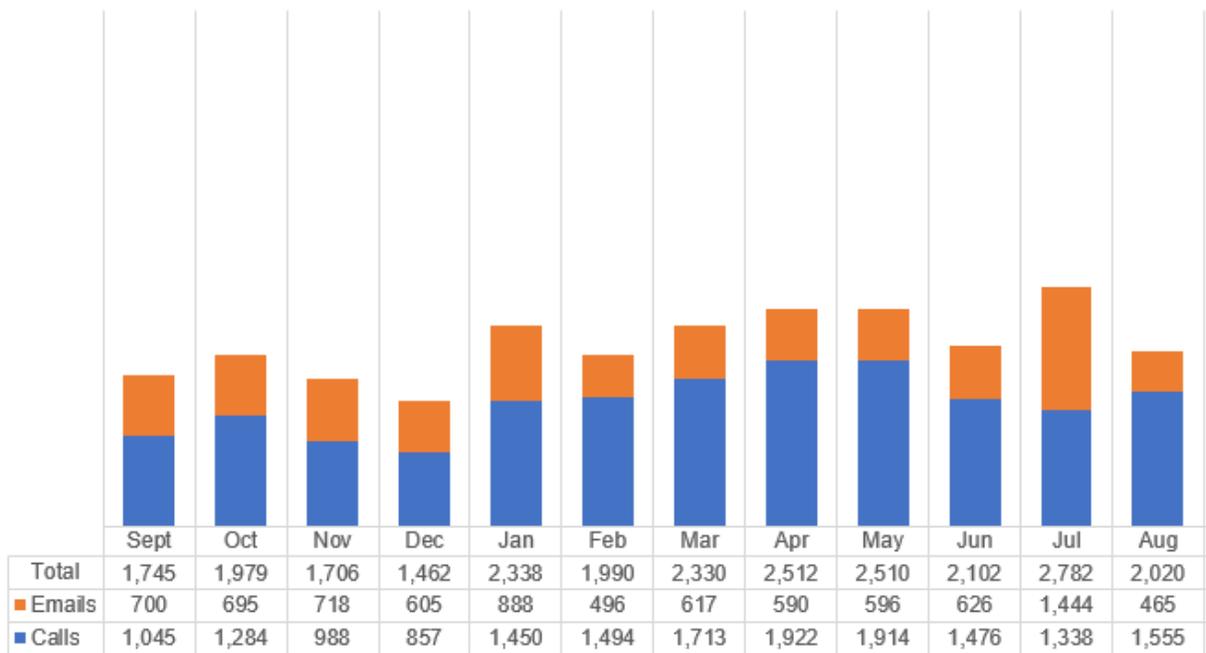
	<b>TOTAL FY 18</b>	<b>TOTAL FY 19</b>
New Licenses Issued	10,575	9,520
New Licenses Issued Online	8,456	8,113
Renewed Licenses Issued	36,382	36,446
Online Renewals	36,098	36,208
% Renewed Online	99%	99%
*Total Population	47,589	48,391

\*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**  
**October 23, 2019**

**Current Projects**

- On July 15, 2019, the Texas Commission of Licensing and Regulation approved the updates to the penalty matrix for the Air Conditioning and Refrigeration program, as it was presented at your March 26, 2019, meeting. The matrix was published with the Texas Register, and posted on the Department's website shortly thereafter.

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

- On September 17, 2019, 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 and encourage them to contact TDRL with any questions or concerns and reminded them of the resources available to them.

**Sting**

- Between June 3 to June 6, 2019, Enforcement Investigators Marina Petkovsek, Robert Nino, Tony Gatica, Robyn Finney, Haregeweyn Demoz and Investigation Manager, Gregg Dodson conducted an undercover sting operation in San Antonio. The sting operation was an attempt to identify, locate and prosecute unlicensed air conditioning, electrical and electrical sign contractors in the San Antonio and surrounding areas. The objective was to contact unlicensed leads and to obtain a written bid/proposal to perform air conditioning, electrical, or electrical sign services from unlicensed contractors. The Sting operation was covered by WOAI News 4 San Antonio and it aired on Thursday, June 27, 2019.

**Case Highlights**

- Chris Alban ACR20180006280  
This case resulted in an Agreed Order being signed on April 4, 2019. Mr. Alban is an Air Conditioning and Refrigeration Contractor who contracted to install a new air conditioner at a residence in Frisco, Texas. Prior to installation, Mr. Alban's performed a Manual J calculation that led to the need for a 4 ton and 2.5-ton system to be installed in the residence. Mr. Alban however installed a 5 ton and 3.5-ton system in the home. Mr. Alban tried to communicate with the complainant after discovering the improper installation, but the

complainant did not allow for the Mr. Alban to make any corrections. Mr. Alban was assessed an administrative penalty of \$1,500. He has paid this entire amount.

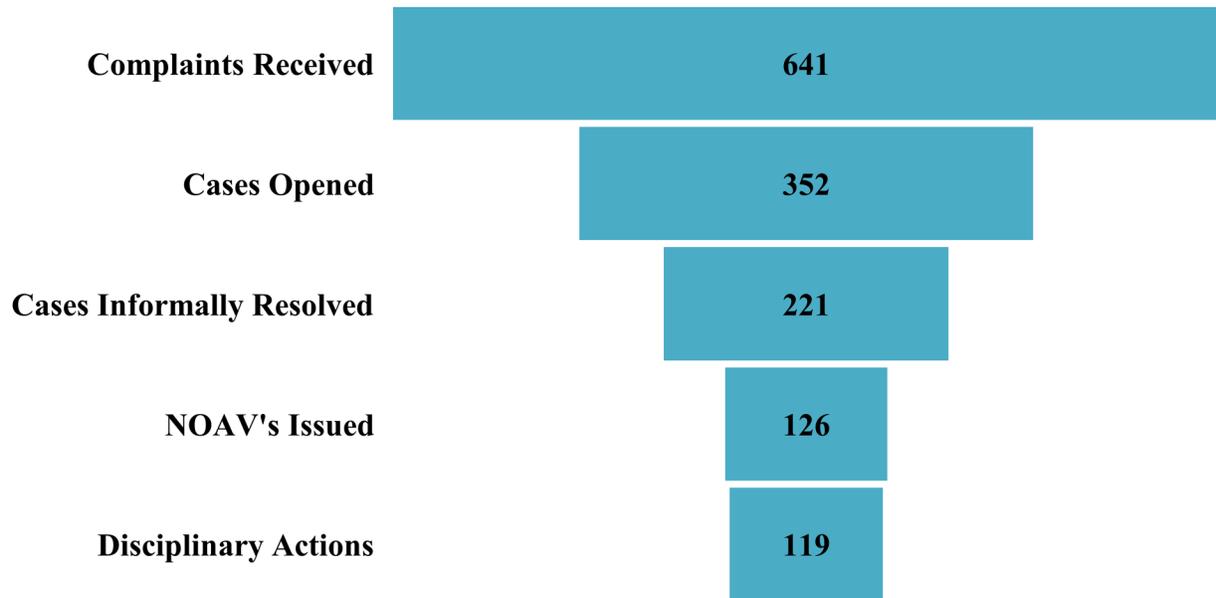
- Chase Carroll ACR2018006947  
This case resulted in an Agreed Order being signed on April 24, 2019. Mr. Carroll performed unlicensed air conditioning and refrigeration work at a restaurant in Pflugerville, Texas. The invoice the department received indicated that Mr. Carroll performed work on the restaurant's walk-in food cooler. Mr. Carroll was only held an Air Conditioning and Refrigeration Technician Registration from the Department. Mr. Carroll was assessed a \$3,000 administrative penalty from the Department. That total amount has been paid.
- Robert Fierro ACR20180011765  
This case resulted in a Default Order being signed on July 3, 2019. Mr. Fierro performed unlicensed air conditioning work in Houston, Texas. Mr. Fierro replaced an electronic drain pump and a compressor starter for a wine cellar. Mr. Fierro was assessed an administrative penalty of \$4,000. He did not respond to the Notice of Alleged Violations, resulting in the Default Order being entered against him. After the Default Order was issued, Mr. Fierro contacted our General Counsel's office and has since entered into a payment arrangement with the department. He has paid \$1,250 of the \$4,000 penalty to date.
- Daniel Jimenez ACR20180012645  
This case resulted in a Default Order being signed on August 14, 2019. Mr. Jimenez was found to be offering to perform air conditioning work without the proper license. Mr. Jimenez submitted a proposal for the installation of a 3.5-ton 16 Seer single stage condenser, 3.5-ton Carrier horizontal evaporator coil and Carrier furnace. The total amount of the proposal was over \$6,500. A Notice of Alleged Violation was sent to Mr. Jimenez, but no response was ever received by the department. As a result, a Default Order in the amount of \$3,500 was entered against Mr. Jimenez.
- Kelly Honey ACR20190014939  
This case resulted in the Mr. Honey's license being revoked by operation of law. Mr. Honey was issued a registered technician license on September 23, 2016. On July 15, 2019, Mr. Honey sought to renew that license. However, during his criminal history review of his renewal application, it was discovered that Mr. Honey was imprisoned on March 5, 2019. Because Mr. Honey 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. Honey's imprisonment, his license was automatically revoked on March 5, 2019 and not subject to renewal.

## **Key Statistics**

Shown below are key statistics for the Air Conditioning program and for all TDLR programs combined for Fiscal Year 2019.

<b><u>Statistic</u></b>	<b><u>Stings</u></b>	<b><u>ACR</u></b>	<b><u>% of all Programs</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	32	939	8.6%	10,902
• Number of cases resolved:	34	889	8.7%	10,113
• Percent not resulting in disciplinary action	41%	75.4%		78.9%
• Percent resulting in disciplinary action	59%	24.5%		21.1%
• Number of Final orders:	20	220	11.6%	1,887
• Total amount of penalties assessed:	\$33,250	\$586,875	17.3%	\$3,394,345
• Total amount of penalties collected:	\$4,375	\$191,283	11.0%	\$1,731,554
• Consumer restitution achieved through negotiated settlement	\$0	\$74,480	24.3%	\$306,735

## Fiscal Year 2019 Statistics on Consumer Complaints



**AIR CONDITIONING & REFRIGERATION CONTRACTORS ADVISORY BOARD  
OCTOBER 23<sup>RD</sup>, 2019**

**EDUCATION, EXAMINATION, AND SCHOOL SERVICES**

Examination Review Committee (ERC) Updates

The Air Conditioning and Refrigeration Examination Review Committee met on April 4<sup>th</sup> and 5<sup>th</sup>, 2019 with the Education and Examination Staff in attendance. The Committee reviewed poorly performing items and augment the item pool.

## EDUCATION AND EXAMINATION STATISTICS AND TRENDS

### AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS

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%

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	2,810
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**

**FY 2017-2018**

**FY 2018-2019**

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>235</b>	<b>441</b>	<b>676</b>	<b>34.76%</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	100	142	242	41.32%
ENVIRONMENTAL B	55	158	213	25.82%	ENVIRONMENTAL B	83	209	292	28.42%
COMMERCIAL REFRIGERATION A	47	33	80	58.75%	COMMERCIAL REFRIGERATION A	55	53	108	50.93%
COMMERCIAL REFRIGERATION B	15	18	33	45.45%	COMMERCIAL REFRIGERATION B	15	43	58	25.86%
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>253</b>	<b>448</b>	<b>701</b>	<b>36.09%</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	153	188	341	44.87%
ENVIRONMENTAL B	85	232	317	26.81%	ENVIRONMENTAL B	120	226	346	34.68%
COMMERCIAL REFRIGERATION A	73	40	113	64.60%	COMMERCIAL REFRIGERATION A	76	66	142	53.52%
COMMERCIAL REFRIGERATION B	24	43	67	35.82%	COMMERCIAL REFRIGERATION B	25	42	67	37.31%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	4	7	11	36.36%
<b>TOTAL</b>	<b>299</b>	<b>459</b>	<b>758</b>	<b>39.45%</b>	<b>TOTAL</b>	<b>378</b>	<b>529</b>	<b>907</b>	<b>41.68%</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	106	156	262	40.46%
ENVIRONMENTAL B	75	189	264	28.41%	ENVIRONMENTAL B	77	155	232	33.19%
COMMERCIAL REFRIGERATION A	50	57	107	46.73%	COMMERCIAL REFRIGERATION A	65	52	117	55.56%
COMMERCIAL REFRIGERATION B	12	25	37	32.43%	COMMERCIAL REFRIGERATION B	15	43	58	25.86%
CERTIFIED ACR TECHNICIAN	0	0	0	0.0%	CERTIFIED ACR TECHNICIAN	1	8	9	11.11%
<b>TOTAL</b>	<b>228</b>	<b>441</b>	<b>669</b>	<b>34.08%</b>	<b>TOTAL</b>	<b>264</b>	<b>414</b>	<b>678</b>	<b>38.94%</b>

**AIR CONDITIONING & REFRIGERATION CONTRACTORS - CONTINUING EDUCATION STATISTICS**

<b>FY 2019</b>	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
<b>***NOTE: CURRENTLY, THERE ARE 67 ACR CONTRACTOR CONTINUING EDUCATION PROVIDERS.</b>																	

<b>FY 2018</b>	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

<b>FY 2017</b>	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

TEXAS DEPARTMENT OF LICENSING AND REGULATION  
REGULATORY PROGRAM MANAGEMENT DIVISION

STAFF REPORT

OCTOBER 23, 2019

- April 4<sup>th</sup> & 5<sup>th</sup>, 2019: ACR Program Chief Bill Weatherly and Program Specialist Jeff Nielsen assisted with an **Air Conditioning and Refrigeration Exam Review**. Gina Hoffman with PSI lead the Exam Review Committee with Rebecca Armas representing TDLR E&E. Subject Matter Experts (SMEs), in addition to Bill & Jeff were; Chris Lemmings, Darrell Grissom, James Popplewell and Robert Standley. We anticipate the publication/release of a new edition of *Modern Refrigeration and Air Conditioning* this fall which is one of the technical references for the ACR Exam. The next Exam Review is tentatively scheduled for January 2020.
- April 23<sup>rd</sup>, 2019: ACR Chief Bill Weatherly was the guest speaker at the **City of Austin/Austin Energy Spring Residential Contractor's Meeting**. The topic was an overview of TDLR and its mission as an agency; the ACR program and regulatory responsibilities as they relate to enforcement and public outreach; an overview of ACR law and rules, and some tech tips based on Bill's industry experience. The presentation was followed by a robust Q&A session and an invite for TDLR to participate next year.
- May 9<sup>th</sup> & 10<sup>th</sup>, 2019: Building & Mechanical Section Manager Yvonne Feinleib, RPM Executive Assistant Yvonne Campos, Program Specialist Crisi Cooper and Chief Bill Weatherly attended the ICC disaster response course "**When Disaster Strikes**" at Hardberger Park in San Antonio.
- June 10<sup>th</sup>, 2019: ACR Chief Bill Weatherly and Electrical Chief Jerry Daniel presented at the **Texas State Association of Plumbing Inspectors (TSAPI)** annual meeting. The topic was "Updates on TDLR ACR & Electrical Programs & Legislative Session Impacts for TDLR and Local Government".
- July 9<sup>th</sup>, 2019: RPM/Enforcement Cross Training. Bill Weatherly with the assistance of the Twin Towers Building Engineering Staff conducted a Walking Tour and **Overview of the North Campus Building Air Conditioning and Heating Systems**. The systems included Centrifugal Chillers, Cooling Towers, Chilled Water and Condenser Water Pumps, a Heating Water Boiler, Multi-Zone Air Handlers, Digital Controls, and an Automated Facility Management System.
-

## AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD

- July 30<sup>th</sup>, 2019: Program Specialist Jeff Nielsen testified as an expert witness at the **State Office of Administrative Hearings** for a case alleging the performance of air conditioning and refrigeration work without holding an appropriate license.
- August 13<sup>th</sup>, 2019: Program Specialist Jeff Nielsen attended the **Plumbing-Heating-Cooling Contractors Association (PHCC) Annual Conference**. Jeff represented TDLR and reported back to TDLR's Office of Strategic Communication on PHCC's goals and issues concerning the state's Plumbing and HVAC industry.
- August 16<sup>th</sup>, 2019: Program Specialist Jeff Nielsen, Program Chief Bill Weatherly and Boiler Inspector William Vanhook presented at the **(STFIA) South Texas Fire Investigators Annual Meeting** in Weslaco, Texas. The TDLR presentations were monitored by *TEEX* (Texas A&M Engineering Extension Service), and CEUs were awarded to the attendees.
- September 19<sup>th</sup>, 2019: Bill Weatherly was guest speaker at the **Greater San Antonio TACCA (Texas Air Conditioning Contractor's Association)** monthly meeting. Bill spoke on the TDLR structure and mission, ACR Law and Rules, and Legislative updates affecting the ACR Program.
- ACR Program Staff continue to provide ongoing support to the Customer Service, Enforcement, Licensing, and Education & Examination Divisions on a daily basis.