

**Air Conditioning and Refrigeration Contractors Advisory Board**  
**Compliance Division – Staff Report**  
July 25, 2017

- May 15, participated in ACR Work Group Meeting to review and recommend adoption of the Manual J.
- May 17, presented to the International Code Council, Bluebonnet Chapter, Killeen
- June 12, Beaumont, presented to the Texas State Association of Plumbing Inspectors
- June 15, Austin, participated in the Texas Energy Code Compliance Collaborative Quarterly meeting facilitated by SPEER
- June 28, San Antonio, presentation to the South Texas Vocational Technical Institute HVACR students.
- July 10, Austin, first scheduled meeting for HB3029, Certified A/C Technician, Bill implementation Team.
- Numerous onsite inspections across the State as requested by Enforcement Investigators
- Compliance staff continues to provide ongoing support to the Customer Service, Licensing, Education/Examination, and Enforcement Divisions.

**ACR CONTRACTORS ADVISORY BOARD  
JULY 25, 2017**

**CURRENT PROJECTS**

Phase II – Transfer of the Health Services Programs

The following programs will come to TDLR from the Department of State Health Services (DSHS) as authorized by Senate Bill 202, 84th Regular Session, on November 1, 2017:

- Code Enforcement Officers
- Laser Hair Removal
- Massage Therapy
- Mold Assessors and Remediators
- Offender Education Providers
- Sanitarians

Total E-Mail Answered by Staff  
(as of May 31, 2017)

<b>MONTH</b>	<b>FY2017</b>	<b>FY 2016</b>	<b>FY 2015</b>
September	1,158	1,389	
October	1,263	1,060	
November	744	996	
December	653	760	
January	955	1,060	
February	974	1,047	
March	1,463	994	
April	981	966	
May	1,140	1,061	

Subject Matter Experts

We have selected the Subject Matter Experts, pending notification to all that was selected.

## EDUCATION AND EXAMINATION STATISTICS AND TRENDS

### AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS (AS OF MAY 31, 2017)

<b>FY 2017</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>PASS</b>	68	76	78	222	63	62	99	224	112	101	69	282	0	0	0	0	<b>728</b>
<b>FAIL</b>	131	135	108	374	149	129	141	419	191	143	123	457	0	0	0	0	<b>1,250</b>
<b>TOTAL</b>	199	211	186	596	212	191	240	643	303	244	192	739	0	0	0	0	<b>1,978</b>
<b>RATE</b>	32.2%	36.0%	41.9%	37.2%	29.7%	32.5%	41.3%	34.8%	37.0%	41.4%	35.9%	38.0%	0.0%	0.0%	0.0%	0.0%	<b>36.8%</b>
<b>FY 2016</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>PASS</b>	41	51	79	171	60	44	85	189	77	77	53	207	61	66	69	196	<b>763</b>
<b>FAIL</b>	120	118	132	370	129	115	155	399	118	100	136	354	139	117	111	367	<b>1,490</b>
<b>TOTAL</b>	161	169	211	541	189	159	240	588	195	177	189	561	200	183	180	563	<b>2,253</b>
<b>RATE</b>	25.5%	30.2%	37.4%	31.6%	31.7%	27.7%	35.4%	32.1%	39.5%	43.5%	28.0%	36.9%	30.5%	36.1%	38.3%	34.8%	<b>33.9%</b>
<b>FY 2015</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
<b>PASS</b>	62	45	62	169	72	42	65	179	79	82	51	212	58	85	35	178	<b>738</b>
<b>FAIL</b>	121	122	117	360	144	108	149	401	158	135	117	410	128	168	117	413	<b>1,584</b>
<b>TOTAL</b>	183	167	179	529	216	150	214	580	237	217	168	622	186	253	152	591	<b>2,322</b>
<b>RATE</b>	33.9%	36.9%	34.6%	31.9%	33.3%	28.0%	30.4%	30.9%	33.3%	37.8%	30.4%	34.1%	31.2%	33.6%	23.0%	30.1%	<b>31.8%</b>

## AIR CONDITIONING & REFRIGERATION CONTRACTORS EXAMINATION STATISTICS BY LICENSE TYPE

SEPTEMBER - - OCTOBER - NOVEMBER				1 <sup>ST</sup> QUARTER
LICENSE TYPE	PASS	FAIL	TOTAL	RATE
ENVIRONMENTAL A	89	139	228	39.04%
ENVIRONMENTAL B	75	183	258	29.07%
COMMERCIAL REFRIGERATION A	44	32	76	57.89%
COMMERCIAL REFRIGERATION B	14	20	34	41.18%
<b>TOTAL</b>	<b>222</b>	<b>374</b>	<b>596</b>	<b>37.25%</b>
DECEMBER - - JANUARY - - FEBRUARY				2 <sup>ND</sup> QUARTER
LICENSE TYPE	PASS	FAIL	TOTAL	RATE
ENVIRONMENTAL A	77	139	216	35.65%
ENVIRONMENTAL B	89	211	300	29.67%
COMMERCIAL REFRIGERATION A	38	40	78	48.72%
COMMERCIAL REFRIGERATION B	20	29	49	40.82%
<b>TOTAL</b>	<b>224</b>	<b>419</b>	<b>643</b>	<b>34.84%</b>
MARCH - - APRIL - - MAY				3 <sup>RD</sup> QUARTER
LICENSE TYPE	PASS	FAIL	TOTAL	RATE
ENVIRONMENTAL A	100	164	264	37.88%
ENVIRONMENTAL B	99	210	309	32.04%
COMMERCIAL REFRIGERATION A	54	43	97	55.67%
COMMERCIAL REFRIGERATION B	29	40	69	42.03%
<b>TOTAL</b>	<b>282</b>	<b>457</b>	<b>739</b>	<b>38.16%</b>
JUNE - - JULY - - AUGUST				4 <sup>TH</sup> QUARTER
LICENSE TYPE	PASS	FAIL	TOTAL	RATE
ENVIRONMENTAL A	0	0	0	0.0%
ENVIRONMENTAL B	0	0	0	0.0%
COMMERCIAL REFRIGERATION A	0	0	0	0.0%
COMMERCIAL REFRIGERATION B	0	0	0	0.0%
<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 MAY 31, 2017)**

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
<b>COURSE APPROVAL ISSUED</b>	24	3	4	31	1	5	21	27	10	3	10	23	0	0	0	0	81
<b>TOTAL COURSES</b>	110	114	115	115	112	109	123	123	114	102	107	107	0	0	0	0	107
<b>***NOTE: Currently, there are 55 ACR Contractor Continuing Education Providers.</b>																	
FY 2016	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
<b>COURSE APPROVAL ISSUED</b>	13	2	3	18	6	10	6	22	24	8	5	37	5	6	16	27	104
<b>TOTAL COURSES</b>	111	101	102	102	105	108	99	99	102	103	100	100	104	110	107	107	107
FY 2015	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
<b>COURSE APPROVAL ISSUED</b>	7	11	2	20	3	7	25	35	15	7	3	25	1	8	16	25	105
<b>TOTAL COURSES</b>	97	108	105	105	90	91	104	104	99	98	96	96	95	100	108	108	108

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

**Enforcement Division Staff Report**  
**July 25, 2017**

**Texas Air Conditioning Contractors of America**

- On March 21, Investigator Tony Gatica attended a meeting of the Texas Air Conditioning Contractors Association, Houston chapter. Tony advised the attendees of recent TDLR activity, and answered questions.
- On May 17, Investigator Sam Lynch attended a meeting of the Texas Air Conditioning Contractors Association, Houston chapter. Sam answered questions regarding advertising and the requirement to include a license number.

**Refrigeration Service Engineers Society Meetings**

- On March 16, Investigator Robert Nino attended a monthly meeting of the Refrigeration Service Engineers Society, San Antonio chapter. Robert addressed technician registration, load calculations, and answered questions.
- On June 15, Investigator Robert Nino attended a monthly meeting of the Refrigeration Service Engineers Society, San Antonio chapter. Robert discussed recent legislation and its effect on certified technicians.

**Sting**

- From June 5 thru 8, Enforcement investigators conducted an undercover sting operation in Alamo, Texas; which is located in the Rio Grande Valley area. The purpose of the sting was to catch unlicensed electrical and air conditioning contractors offering to perform services without a license. Local news media CBS affiliate Channel 5 News was on hand to place hidden cameras throughout the vacant commercial lease space where the sting was conducted. The Department has opened 44 cases against persons for offering to perform without a license. Of the 44 cases, 15 were for offering to perform air conditioning services.

## Case Highlights

- In mid-2015, Michael R. Dillingham applied to renew his ACR Contractor license. Despite having been convicted of Theft by a Public Servant, a felony, four months earlier, Dillingham falsely stated on his application that he had not been convicted of any crime since his most recent license was issued. Prosecutor Robert Rennich sought revocation of Dillingham's license because Theft by a Public Servant relates directly to the duties and responsibilities of ACR contractors and because Dillingham falsified his renewal application. Dillingham asked for a hearing at SOAH, and the SOAH ALJ recommended that the license only be placed on a probation for 3 years. The Commission rejected that recommendation and revoked Dillingham's ACR Contractor license on March 27, 2017. Dillingham will be eligible to re-apply for a license in March of 2018.
- In mid-2016, Roy Roman advertised ACR work on business card he posted to a community bulletin board and then installed a condenser and a thermostat, all without an ACR Contractor license. Prosecutor Virginia Fields sought a \$5,000 penalty, which was approved Default Order on April 7, 2017. Roman has paid \$250 towards the penalty. TDLR will attempt to obtain the rest of the penalty amount ourselves before sending it to the Attorney General for collection procedures.
- In mid-2015, Charles Russell Bell misdiagnosed a leaking copper line as a lack of sufficient refrigerant; his mistake was not caught until Bell had been paid for adding refrigerant and a second contract identified the leak. Then, in mid-2016 at another residence, Bell accepted money for services he only partially rendered, failed to pull a permit, and failed to provide the customer an invoice. Prosecutor John Medlock sought \$11,000 in these two cases, and that penalty was approved by Default Order on March 6, 2017. TDLR will attempt to obtain the penalty amount ourselves before sending it to the Attorney General for collection procedures. Bell has not yet paid on the penalty, so a hold has been placed on his license that will prevent him from renewing it once it expires in August.
- In mid-2015, David R. Rodriguez failed to ensure mechanical integrity of his ACR work by violating the National Electrical Code and failing to install a sediment trap into fuel gas piping. Prosecutor Dawn Burton sought a \$2,400 penalty and revocation of Rodriguez's ACR contractor license. Rodriguez admitted to the violations and settled the case for \$1,200 and a 12-month suspension of his license; the settlement was approved in an Agreed Order on April 17, 2017. Rodriguez has made 2 of the payments and will continue to make payments for the 12 months of the suspension.
- In mid-2016, Bob Hunter installed new duct work and refrigerant for a dehumidifier system installed in a hotel for its indoor pool area without an ACR Contractor license. Prosecutor John Medlock sought a \$4,000 penalty. Hunter admitted to the violation and settled the case for \$3,000; the settlement was approved in an Agreed Order on May 9, 2017. Hunter has paid the penalty in full.

## **Key Statistics – Fiscal Year 2017**

Shown below are key statistics for the Air Conditioning program and for all TDLR programs combined through May of Fiscal Year 2017.

<b><u>Statistic</u></b>	<b><u>ACR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	807	9,549
• Number of cases resolved:	744	9,197
• Number of Agreed Orders:	106	1,803
• Total amount of penalties assessed:	\$729,504	\$4,150,354
• Total amount of penalties collected:	\$146,980	\$1,947,552



**AIR CONDITIONING AND REFRIGERATION  
LICENSING STATISTICS  
ADVISORY BOARD MEETING  
JULY 25, 2017**

**CONTRACTORS**

	<b>TOTAL FY 15</b>	<b>TOTAL FY 16</b>	<b>3<sup>rd</sup> Quarter FY 17</b>
New Licenses Issued	728	752	713
Renewed Licenses Issued	14,495	14,828	11,169
Online Renewals	14,259	14,643	11,047
% Renewed Online	98%	98%	98%
*Total Population	15,434	15,692	15,928

**REGISTERED TECHNICIANS**

	<b>TOTAL FY 15</b>	<b>TOTAL FY 16</b>	<b>3<sup>rd</sup> Quarter FY 17</b>
New Licenses Issued	5,655	6,460	4,884
New Licenses Issued Online	5,264	6,067	4,942
Renewed Licenses Issued	13,946	15,028	11,092
Online Renewals	13,748	14,887	11,022
% Renewed Online	98%	99%	99%
*Total Population	19,986	21,977	23,058

## CERTIFIED TECHNICIANS

	<b>TOTAL FY 15</b>	<b>TOTAL FY 16</b>	<b>3<sup>rd</sup> Quarter FY 17</b>
New Licenses Issued	1,132	1,530	1,042
New Licenses Issued Online	1,027	1,421	979
Renewed Licenses Issued	3,078	3,619	2,992
Online Renewals	3,052	3,602	2,972
% Renewed Online	99%	99%	99%
*Total Population	4,265	5,019	5,539

## TOTAL OF ALL LICENSE TYPES COMBINED

	<b>TOTAL FY 15</b>	<b>TOTAL FY 16</b>	<b>FY 17</b>
New Licenses Issued	7,515	8,742	6,639
New Licenses Issued Online	6,291	7,488	5,921
Renewed Licenses Issued	31,519	33,475	25,253
Online Renewals	31,059	33,132	25,041
% Renewed Online	98%	98%	99%
*Total Population	39,685	42,688	44,525

\*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.