

AIR CONDITIONING and REFRIGERATION CONTRACTOR'S ADVISORY BOARD

Meeting of July 13, 1999
E. O. Thompson Building
920 Colorado, 4th Floor Conference Room
Austin, Texas

Summary of Minutes

CALL TO ORDER

Chairman Lee Rosenberg called the meeting to order at 10:00a.m. on July 13, 1999. All members of the Board were present.

RECORD OF ATTENDANCE

Air Conditioning and Refrigeration Contractors Advisory Board

Lee Jaye Rosenberg, Chairman
Cassie L. Hughes
Guy F. Ellyson
Katherine A. Everett
David D. Munoz
Keldon "Corky" Bosworth

Texas Department of Licensing and Regulation

Jim Muse - Deputy Executive Director
Pat Causey - Director of Business and Professional Licensing
Theda Lambert - General Counsel and Director of Legal Services
Jimmy G. Martin - Director of Enforcement
Pauline Denson - Consumer Protection/Enforcement Investigator
Bob Roda - Consumer Protection/Enforcement Investigator
Lisa Houdek - Business and Professional Licensing
Dede McEachern - Business and Professional Licensing
Caroline Jackson - Legal Services, Recording Secretary

ADOPTION OF AGENDA

Motion to adopt agenda - David D. Munoz
Second to motion - Guy F. Ellyson
Passed Unanimously

APPROVAL OF MINUTES

Motion to accept minutes of the September 25, 1998 meeting - Katherine A. Everett
Second to motion - David D. Munoz
Passed Unanimously

PUBLIC COMMENT

Persons listed below provided public comment to the Board.

Allan Vorda

Mr. Vorda made comments regarding the bidding and installing of commercial refrigeration equipment and the licensing requirements involved.

Sanford Manning

Mr. Manning made comments regarding the licensing requirements involved for the installation of walk-in coolers and freezers.

Harold Gernbacher

Mr. Gernbacher introduced himself and stated that he was appearing today representing FEDA (Food Equipment Distributors Association) and proposed that the requirements placed on commercial refrigeration distributors and dealers remain as they are.

Marvin Hester

Mr. Hester introduced himself as Class A Refrigeration license holder, and made comments regarding commercial refrigeration contracting.

Holly Taylor

Ms. Taylor introduced herself and made comments regarding the installation of commercial refrigeration equipment.

William Barnes

Mr. Barnes introduced himself and made comments regarding the licensing of commercial refrigeration contractors.

Stanley Briers

Mr. Briers introduced himself and greeted the Advisory Board.

Nancy Jones, Texas Air Conditioning Contractors Association

Ms. Jones stated that due to the recent passing of HB1822 and the appropriation of funding for two new field investigators, there was now the capability for more effective enforcement.

STAFF REPORTS

Rules and Enforcement

Pauline Denson updated the Board on recent rule revisions and stated that the adoption will be printed in this week's Texas Register and that the effective date should be around July 21st. The changes to the Law and the rules will be sent to licensed contractors by the end of the summer. Ms. Denson also stated that it is planned for the rule review submissions for October/November to be completed in a timely manner. She addressed the issue of the anonymity of those in the industry that file complaints. She also stated that 6-7% of license holders currently have insurance violations but clarified that few of these violations are due to contractors working without insurance.

Exams Given and Licenses Issued

Dede McEachern presented a report to the Board. She also stated that they were proposing a new application form as well as a new certificate of insurance. Lisa Houdek stated the passing rate on licensing exams was about 47%.

Administration

Jimmy Martin pointed out the addition of new Commission members Leo Vasquez and Patricia Stout. He then discussed the separation of the Enforcement and Legal Services divisions. He also discussed the Legislative Session and the effects that various bills would or could possibly have on the Department. He also estimated that air conditioning fees were going to increase. He also pointed out that starting September 1st travel expenses would be reimbursed.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Discussion of the relationship between the license law and long standing practice in the industry regarding the bidding, designing, and installation of commercial refrigeration equipment, particularly restaurant supply companies, brokers, and others who may or may not be licensed

Pauline Denson asked for the Council's recommendation as to whether commercial refrigeration licensing should be treated the same as air conditioning licensing, and asked for public comments on what the work involved in commercial refrigeration consists of.

After some discussion, the Board agreed that the refrigeration portion of an installation should be done by a licensed contractor.

Motion that commercial refrigeration be defined as the fan coil, air handler devices, condensing units, condensate drain line, all controls necessary to control the system, and all refrigerant and pipe associated with the indoor and outdoor system or package unit. - David Munoz

Second to motion – Keldon “Corky” Bosworth

Five yeas, one opposition; motion passed

Certificate of Insurance

Guy Ellyson and Pauline Denson proposed that the Department prepare an insurance form with an additional block on it showing municipalities as additional certificate holders. Theda Lambert said that she would conduct a research into any possible legal problems of this before the next advisory board meeting.

Minimum requirements for insurance coverage and deductibles

Pauline Denson discussed the possible necessity of raising insurance coverage amounts. The Board agreed that more information was needed before an increase could be initiated.

Proposed rule on monitoring of municipal licensing requirements

Pauline Denson discussed the proposal that state municipalities that licenses air conditioning and/or refrigeration contractors shall supply the Department with their exam content and qualifications for licensure by January 1, 2000.

Motion to accept proposed rule – Lee Rosenberg

Second to Motion – David Munoz

Passed unanimously

Proposed resolution on designating NASCLA as the organization that establishes standards for national contractor licensing examinations

Pauline Denson discussed the proposal to designate NASCLA as the organization that establishes national standards for licensing examinations, that would help facilitate licensing reciprocity between states.

Motion to accept resolution – Cassie Hughes

Second – Katherine Everett

Passed unanimously

Chairman Lee Rosenberg stated for the record that the Board met informally before this meeting and agreed that they would put together a task force of people in the industry to talk about ways that the industry could help the Department in enforcing the licensing law.

SCHEDULE NEXT MEETING

The next meeting date was not scheduled at this time. It was the consensus of the Board to schedule the next meeting as needed.

ADJOURNMENT

Chairman Rosenberg adjourned the meeting at 12:37 pm.

Respectfully Submitted:

Minutes Prepared by Rachel Middleton

Lee Jaye Rosenberg
Chairman

Verbatim proceedings of open meetings available on audiocassette.